

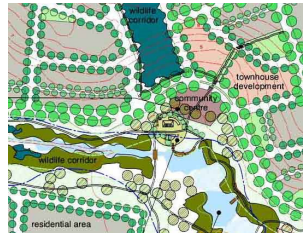
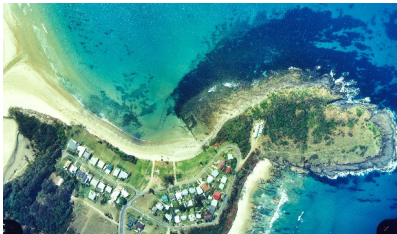
Proposed Subdivision

NSW Planning and Environment

Rothwell Boys Pty Ltd

Lot 1 DP 725785

The Glades, Moonee Beach NSW



November 2017

Modification under Section 75W



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Contents

<u>Executive Summary</u>	<u>4</u>
<u>1. Introduction</u>	<u>7</u>
1.1 Background	7
1.2 Subject Land Details	7
1.3 Applicant Details	8
1.4 Report Structure	8
1.5 Consent Authority	9
<u>2. Site Context</u>	<u>10</u>
2.1 Site Description	10
2.2 Local Context	12
2.3 Site Analysis	13
2.4 Planning Controls	21
<u>3. Development Proposal</u>	<u>22</u>
3.1 Description of Proposal	22
<u>4. Specialist Assessments</u>	<u>27</u>
4.1 Supporting Investigations	27
<u>5. Consultation</u>	<u>40</u>
5.1 State Government Departments and Agencies	40
5.2 Local Government	41
5.3 Community / Stakeholders / Neighbours	41
<u>6. Statutory Assessment</u>	<u>43</u>
6.1 Development Assessment	43
6.2 State Environmental Planning Instruments	43
6.3 Regional Planning Policies	50
6.4 Local Planning Instruments & Policies	51
6.5 Development Control Plans	58
<u>7. Environmental Effects</u>	<u>64</u>
7.1 Section 79c(1) – Matters for Consideration	64
<u>8. Conclusion</u>	<u>71</u>

Figures

1. The Subject Land
2. Location Plan
3. The Proposal
4. The Approved Collector Road
5. Zoning Plan under LEP 2000
6. Site Elevation
7. Acid Sulfate Soils
8. Secondary Koala Habitat
9. 100 Year ARI Flood Extent
10. Bushfire Prone Land
11. Proposed 31 Allotment Layout

Contents ~ Volume 2

Appendices

- A. Plan of Proposed Subdivision
- B. Fauna and Flora Report
- C. Engineering Assessment Report and Plans
- D. Landscape Concept Plans
- E. Noise Assessment
- F. Acid Sulfate Soils Assessment
- G. Traffic Assessment
- H. Bushfire Risk Assessment
- I. SEPP 71 Assessment
- J. Geotechnical Report
- K. Aboriginal Cultural Heritage
- L. Owner's Consent
- M. Project Approval Plan

Executive Summary

This report supports an Application for the subdivision of land described as Lot 1 in DP 725785 Parish of Moonee, County of Fitzroy.

This application is made under the provisions of Part 3A Major Projects (Transition Provisions) Section 75W of the *Environmental Planning and Assessment Act 1979*.

The proposed development involves the subdivision of the land into 31 residential allotments ranging in area, between 516m² and 742m².

The proposal comprises earthworks modification, vegetation removal and the extension to Council's water, sewer and reuse mains as well as the provision of roads, walkways and open space.

Under the Part 3A Transitional Provisions further approvals are not required under the *Water Management Act 2000*, the *Fisheries Management Act 1994*, and the *NSW Rural Fires Act 1997* – however the requirements of that legislation is addressed in this report.

The application is made with due consideration to the commencement of the *Biodiversity Conservation Act 2016*. An assessment using the Bio Banking Assessment Methodology has been carried out to analyse the impact of vegetation removal and to determine what offsets will be likely to be required.

The subject site is located at Pacific Highway, Moonee Beach NSW and is currently vacant land used for grazing.

The subject site is located within the Coastal Zone and therefore the provisions of State Environmental Planning Policy (SEPP) 71 apply.

The proposed development is supported by environmental assessments and information has also been obtained from the environmental assessments prepared:

- for the subject site under the approval for Major Project 06_0143;
- the Moonee Collector Road DA;
- a Major Application made in respect to Lot 5 in DP252223; and;
- the Sapphire to Woolgoolga - Pacific Highway upgrade.

Information in this regard includes an acid sulfate soils assessment, and consideration of flood impact, climate change and sea level rise.

The subject site is identified on Council's Bushfire Hazard Map. Accordingly the proposed development is deemed to be Integrated Development under Section 100B of the *NSW Rural Fires Act 1997*.

The subject site is located with the existing urban footprint of the North Coast Regional Plan 2036, Coffs Harbour Council's Growth Management Strategy and is currently zoned Residential 2A Low Density Residential under the *Coffs Harbour Local Environmental Plan 2000* (LEP 2000).

The proposed development has been designed cognisant of the site's characteristics and identified development constraints including Acid Sulfate Soils, Aboriginal Cultural Heritage, flood Impact, flora and fauna, noise and vibration, bushfire risk, climate change and sea level rise. The proposed development will require vegetation removal. This vegetation was originally proposed – in the Project Approval - to remain in situ and the land used as passive open space. Recent research on the land indicates that it is suitable for use for residential purposes. The Deferred Matters component of Draft LEP 2013 (ie PP_2015_COFFS_004_00 which is currently with the Department of Planning and Environment and is anticipated to be gazette in the near future) maintains the residential zoning in accordance with the findings of the additional research undertaken by Coffs Harbour City Council.

This proposal represents an "infill" within the land the subject of the Project Approval issued by the Minister for Planning on 15 March 2009. The proposal is considered to be an appropriate response having regard to the constraints that are applicable to this site.



Figure 1: The Subject Site

1. Introduction

Resource Design and Management Pty Ltd (RDM) on behalf of Rothwell Boys Pty Ltd (Rothwell), submit this Environmental Assessment Report and accompanying application for modification under Section 75W of the EPA Act 1979 for the subdivision of land described as Lot 1 in DP725785, Parish of Moonee, and County of Fitzroy.

1.1 Background

This proposal follows the granting of a Project Approval 06_0143 for the Glades Estate (Lots 1 & 2 in DP725785) under Section 75J of the *Environmental Planning and Assessment Act 1979* (EP& A Act). Project Approval 06_0143 was granted by the NSW Minister for Planning on the 15 March 2009. This Project Approval has been subject to several modifications.

The land is subject to the Deferred Matters to *Coffs Harbour Local Environmental Plan 2013 (LEP 2013)* and thus, this report addresses the provisions of LEP 2013 and the provisions of *Coffs Harbour Local Environmental Plan 2000 (LEP 2000)*.

The *Moonee Development Control Plan (DCP) of LEP 2000* (which will become G6 of DCP 2015 under LEP 2013) provides a detailed planning strategy for the development of the Moonee Release Area including guidelines for development and measures to protect the natural environment. The DCP requires that the subdivision and development of land in the Moonee release area be designed to incorporate the Moonee Collector Road.

The DCP includes a number of strategies to guide development of this area including a traffic and transport strategy.

1.2 Subject Land Details

Street Address:	Pacific Highway, Moonee Beach
Suburb:	Moonee Beach NSW
Subject Land Real Property Description:	Lot 1 in DP 725785

Land Zoning (under LEP 2000):	Residential 2A Low Density, Environmental Protection 7A Habitat and Catchment & Environmental Protection 7B Scenic Buffer. The land is subject to the deferred matters to <i>Coffs Harbour Local Environmental Plan 2013 (LEP 2013)</i> and thus, this report addresses the provisions of LEP 2013 and the provisions of <i>Coffs Harbour Local Environmental Plan 2000 (LEP 2000)</i> .
Name of Land Owner:	Rothwell Boys Pty Ltd
Local Government Area:	Coffs Harbour City Council, New South Wales.

1.3 Applicant Details

Contact: Mr James Punch
Company: Rothwell Boys Pty Ltd
Postal Address: C/O Resource Design and Management
PO 4430
Coffs Harbour Jetty, NSW 2450
Phone: 6651 2688

Authority for the lodgement of this application under Section 75W of the EPA Act is given by the land owners Rothwell Boys Pty Ltd, a copy of the authority document is included in **Appendix M**.

1.4 Report Structure

This report is divided into eight sections.

Section 2 examines the context of the subject site by describing its location, existing character and uses and the local context in which it is situated.

Section 3 describes the proposed development.

Section 4 provides a summary of the specialist assessments which have been prepared in relation to the proposed development.

Section 5 describes the consultation undertaken during the preparation of this proposal and that which occurred under MP 06_0143.

Section 6 reviews the proposed development having regard to the relevant statutory and non-statutory provisions arising from relevant environmental planning instruments and development controls.

Section 7 completes an assessment of the proposed development in accordance with Section 75W of the *Environmental Planning and Assessment Act, 1979*.

Section 8 concludes this environmental assessment.

1.5 Consent Authority

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; under the Transitional and Savings Provisions applicable to Part 3A and under Section 75W; the Minister for Planning is the consent authority for this application.

2. Site Context

2.1 Site Description

Subject Land

The land parcel occupies 92.55 hectares. The subject site is identified in Figure 2.



Figure 2 – Location Plan

Source: CHCC

This modification relates to a part of the over site as shown on Figure 3 following.

Location

The subject site is located approximately 1.4 kilometres north of the Moonee Beach Shopping Centre and is positioned on the eastern side of the highway between Moonee Beach Road and Skinners Creek.

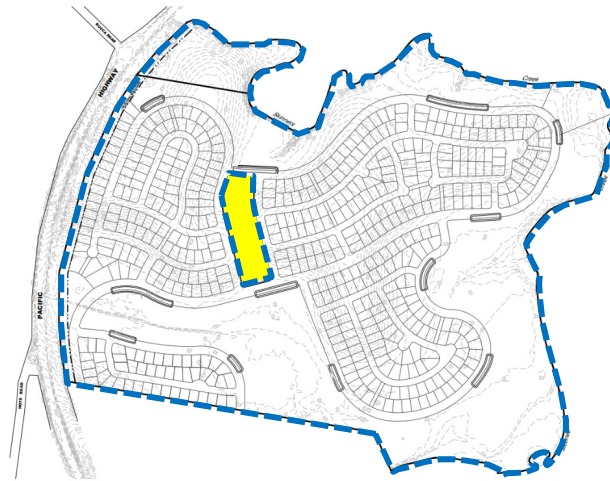


Figure 3: The Subject Site

Source: RDM

Access to its southern limit is to be achieved via the construction of part of the collector road which currently extends from Moonee Beach Road to the southern boundary of Lot 5 in DP252223. An alternative access to its northern limit may also be achieved via Lot 1 in DP725785. Refer Figure 4 which shows the location of the collector road through the adjoining lands.

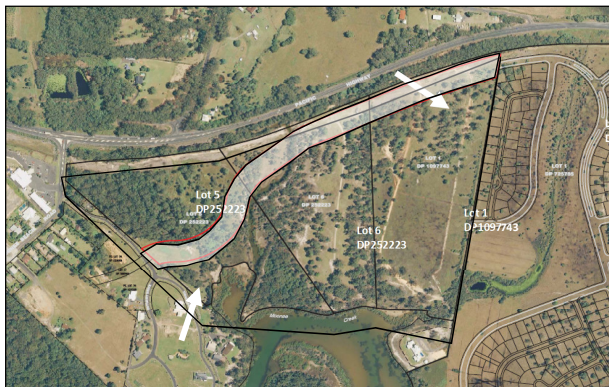


Figure 4. The Approved Collector Road

Source: CHCC

Land Use - Zoning

The proposal is within a Zone No. 2(A) Residential under the *Coffs Harbour Local Environmental Plan 2000* (LEP). An extract of the LEP is provided in **Figure 5**. The proposed alignment is also identified in the *Moonee Beach Development Control Plan 2004* and the *Moonee Beach Developer Contributions Plan 2008*.

The subject site is currently zoned under the LEP 2000. An extract of Council's LEP is provided in Figure 5.

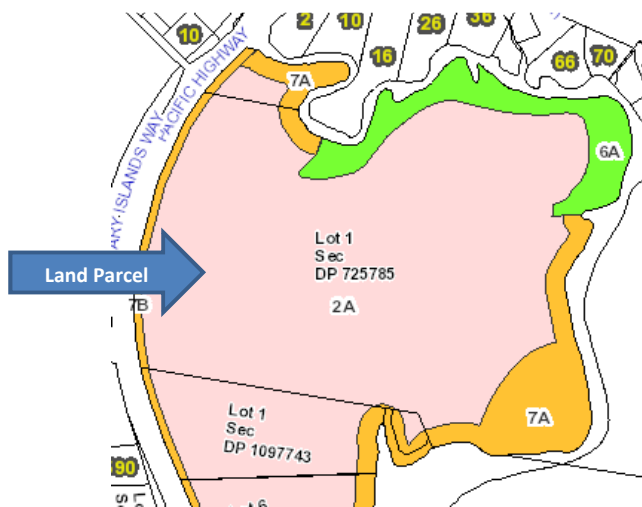


Figure 5: Zoning Plan under LEP 2000

Source: CHCC

2.2 Local Context

The land parcel is positioned approximately fourteen (14) kilometres north of Coffs Harbour's central business district and has direct frontage to the Pacific Highway. The land is described as Lot 1 in DP 725785, Parish of Moonee, County of Fitzroy.

The total land parcel is approximately ninety six (96) hectares in area, it is mostly cleared and is currently used for cattle grazing. The modification applies to a part of the site that has an area of about 1.7 hectares.

Significant areas of grassland and scattered trees dominate the land with denser vegetation aligning the northern, eastern and southern property boundaries.

The northern and eastern boundaries are formed by Skinners and Moonee Creek alignments, farmland adjoins the southern boundary and the Pacific Highway fronts the western property boundary.

2.3 Site Analysis

The proposed 31 allotment subdivision is sited on land with the physical attributes described below.

Existing Development

The land parcel remains undeveloped. Open areas of grassland and scattered trees occur throughout the subject site.

The western portion is encumbered by an aboveground power line (Essential Energy) and underground service infrastructure owned by Coffs Harbour City Council.

Surrounding Land Use

The eastern boundary adjoins Moonee Creek and the western boundary adjoins the Pacific Highway. Refer to **Figure 1**.

The southern boundary adjoins other vacant parcels of land that will become residential development and will incorporate part of the approved collector road network. The northern limit of the approved collector road is the subject site (Lot 1 in DP725785) which has an existing Project Approval for 524 residential allotments under MP 06_0143.

The physical characteristics of the subject site are described below:

Access: Access to the proposed subdivision will be gained via the approved collector road network and the internal road network as part of the Project Approval.

Topography: The general topography of the subject site varies in elevation between approximately 1m and 16m AHD. Refer to **Figure 6**.

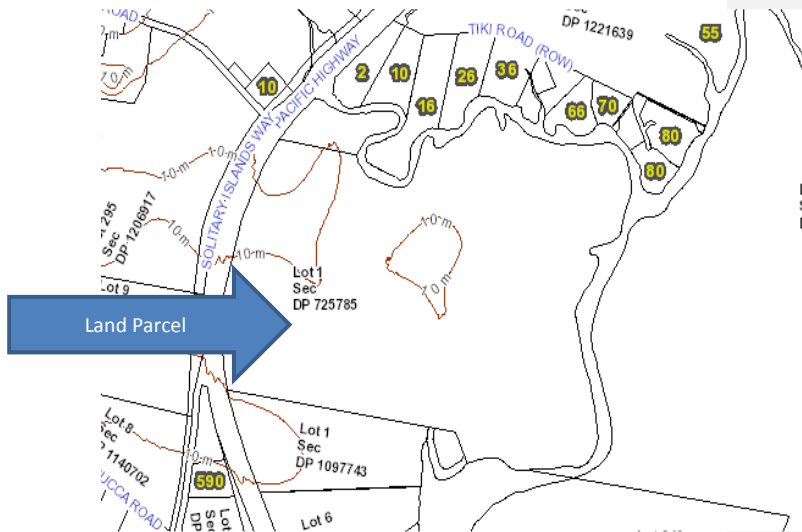


Figure 6: Site Elevation

Source: CHCC

Easements & Encumbrances:

The western portion is encumbered by an aboveground power line (Essential Energy) and underground service infrastructure owned by Coffs Harbour City Council

Other than the above, there are no other easements or encumbrances which would affect the development of the land as proposed.

Soil Conditions (Acid Sulfate & Contamination):

Acid Sulfate Soils

The land parcel is shown on Council’s Acid Sulfate Soils Map to be affected by Classes 3, 4 & 5 Acid Sulfate Soils (ASS) – refer Figure 7.

The land that is to be subject to the 31 allotment subdivision (the subject site) is located in the land classified as Potential Acid Sulfate Soils Class 5. While it is unlikely potential acid sulfate soils will be encountered the proposed allotments will be subject to cut and fill or landform modification which will change the natural surface of the land.

Once detailed design is initiated, a further site investigation will clarify those specific areas where cutting into the natural surface is to occur. An Acid Sulfate Soils Management Plan (ASSMP) will be

prepared before initiation of civil works to ensure appropriate management of all ASS and identification of risks. Further details were previously provided in the Geotechnical Assessment attached to the initial DA for the 524 allotments Refer to Appendix J.

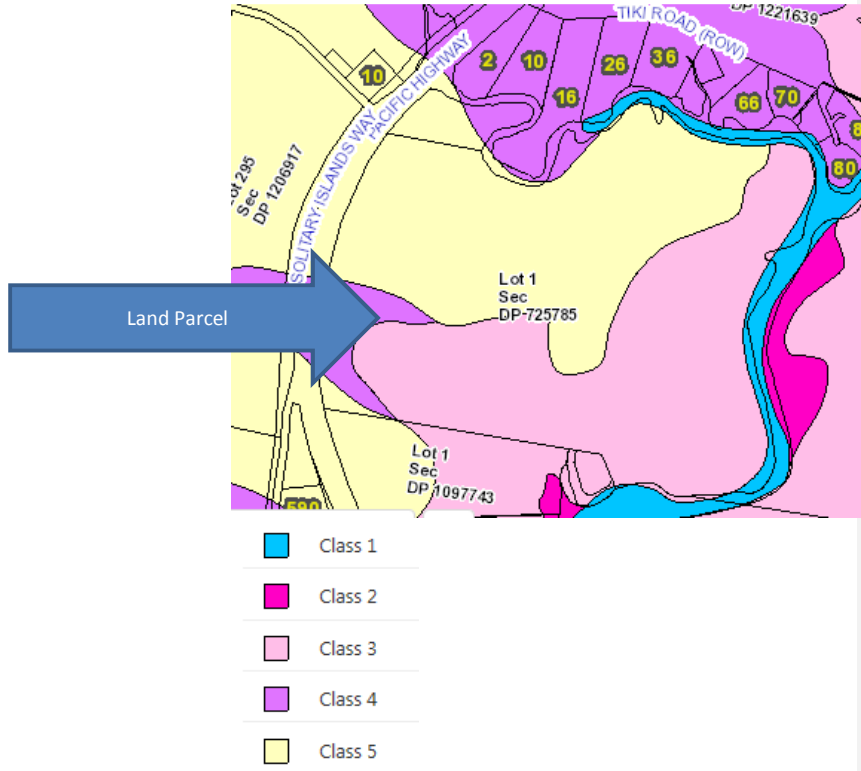


Figure 7: Acid Sulfate Soils **Source: CHCC**

LEP 2000 and LEP 2013 have similar requirements in regard to acid sulfate soils. Under LEP 2000 the following table sets out for each class of land the types of work that, if carried out, are likely to present an environmental risk.

Class	Works
1	Any works
2	Works below existing ground level. Works by which the water table is likely to be lowered.
3	Works beyond 1m. below existing ground level. Works by which the water table is likely to be lowered beyond 1m. below existing ground level.
4	Works beyond 2m. below existing ground level. Works by which the water table is likely to be lowered beyond 2m. below existing ground level.

5	Works within 500m. of adjacent Class 1, 2, 3 or 4 land which are likely to lower the water table below 1m. AHD on adjacent Class 1, 2, 3 or 4 land.
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Under LEP 2013 the provisions are:

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Potential Contamination

Given the generally natural state of the land, the absence of existing development and any indication of past or present contaminating activities, it is considered unlikely that soils within the vicinity of the proposed development are or have been contaminated. Coffs Harbour City Council’s mapping system **does not** identify the land as being:

- former Banana Lands;
- potentially contaminated land; or
- an EPA notified site.

Drainage Systems:

The land parcel contains several natural overland flow paths that drain to Skinners Creek (which forms the northern boundary of the site) and Moonee Creek (which forms the eastern boundary of the site). The subject site does not contain an overland flow path.

Services:

Electricity and telecommunication services are available and can be connected to the subject site. Similarly, connection to Council’s

reticulated water and sewerage supply networks will also be made as required.

Vegetation:

Open areas of grassland and scattered trees occur throughout the land parcel however, more dense areas of regenerating and mature vegetation occur in the eastern portion of Lot 1 in DP752785. The subject site is covered in vegetation (advanced regrowth forest) and grassland.

Council's koala habitat mapping shows part of the subject land to contain secondary koala habitat. Refer to **Figure 8**.

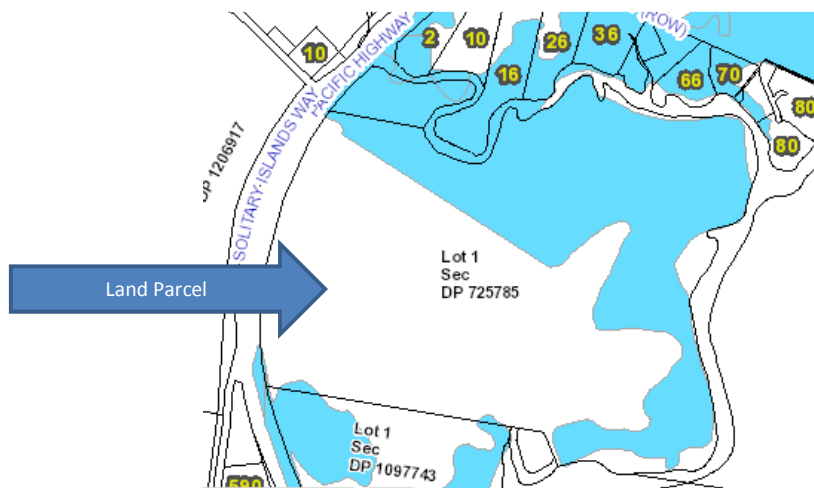


Figure 8: Secondary Koala Habitat

Source: CHCC

The subject site is not identified as containing any Secondary Koala Habitat.

Flooding:

Council's flood risk maps identifies the Flood Hazard and 1% AEP flood extents concentrated around the Skinners Creek in the north and Moonee Creek in the east of the subject site. Refer to **Figure 9**.

That part of the land the subject of the application for 31 allotments is not affected by the identified flood risk.

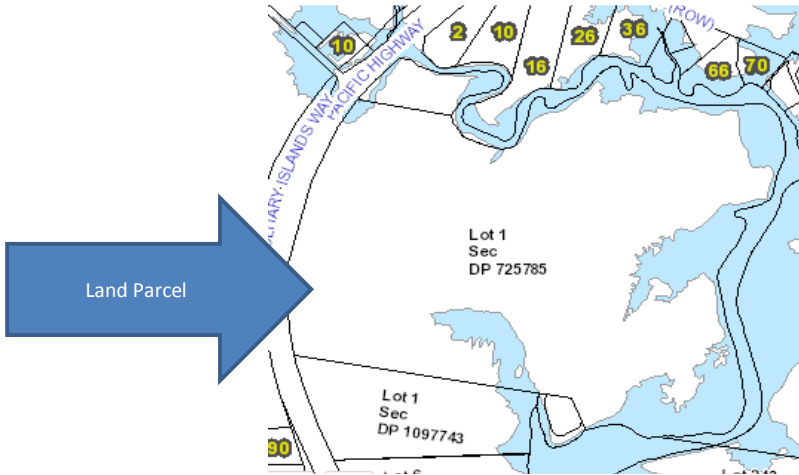


Figure 9: 100 Year ARI Flood Extent Source: CHCC

Bushfire:

Figure 10 is an extract from Coffs Harbour City Council's Bushfire Prone Land Map. The subject site is identified in part as bushfire prone land, vegetation groups around the sites peripheries considered as Category 1 bushfire prone land.

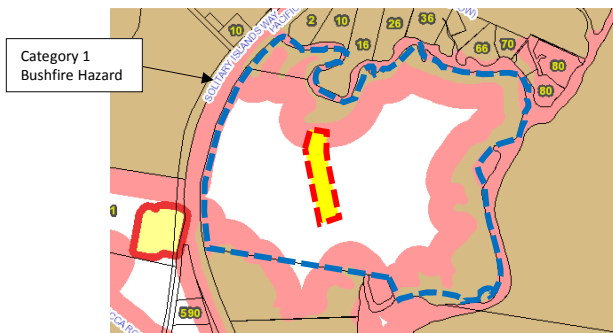


Figure 10: Bushfire Prone Land Source: CHCC

An assessment has been undertaken in accordance with the relevant sections of the *Environmental Planning Act 1979*, the *Rural Fires Regulation* and the *NSW Planning for Bushfire Protection 2006*. Refer Appendix H for the Bushfire Risk Assessment Report.

In consideration of the bushfire safety recommendations detailed in that assessment, it is Resource Design and Management’s opinion that the recommendations will provide a reasonable and satisfactory level of bushfire protection to the further development of the subject site.

Aboriginal Cultural Heritage:

The effects of past land use and the associated disturbances is likely to have impacted the archaeological record in terms of both the presence or absence of cultural materials and the integrity of any remaining deposits. The majority of the land parcel has been significantly impacted by relatively recent (post 1994) vegetation clearance.

This has involved the removal of mature trees and associated undergrowth and has resulted in significant disturbance within the upper soil unit. The felling and removal of large trees would have caused the exposure and dispersal of upper soil deposits in the clearance areas and the potential relocation of any artefacts that may have been present.

Three large vehicle tracks traverse the broader property, with the main track situated on the east-west trending ridgeline. The area is used for grazing cattle, which typically increases rates of erosion. A review of the environmental context of the land parcel demonstrates that the area contains (and would have contained in the past) a range of resources that were used by Aboriginal people.

Fresh water may have been available in the low-lying areas in the south of the land parcel and may have been obtained from Skinners Creek during periods of high rainfall. Both Skinners and Moonee Creek would have provided a range of estuarine food resources.

The vegetation communities within the land parcel would also have contained plants suitable for consumption and other uses and would have supported a variety of animal species.

A number of types of stone present in the local area are also suitable for the manufacture of stone artefacts. The disturbances to the land parcel from historic land use have impacted the archaeological record.

Previous investigations within the land parcel have identified stone artefact scatters and isolated finds in addition to two possible

scarred trees. However, the integrity and location of these sites may have been affected by recent land use.

An assessment of the site's Aboriginal Cultural Heritage has been undertaken and is included in Appendix K of this report. It should be noted that this assessment did not identify any Aboriginal Cultural Heritage on the subject site.

It finds that:

- 1) The areas of potential archaeological deposits and cultural significance identified in Figure 5.3 should not be disturbed.
- 2) Should any activity be necessary in the area of cultural significance identified in Figure 5.3, further consultation with the Aboriginal community should be undertaken prior to any such activity being initiated.
- 3) Site 3, Site 4, Site 6 and Site 7 are outside the proposed development footprint and should be protected during the construction process. All disturbed.
- 4) Should impacts outside the proposed development area occur in relation to the construction of recreational areas and pathways, it is recommended that ground disturbance be confined to previously disturbed vehicle tracks or that ground disturbance be minimised by the use of elevated boardwalks. Should this be unworkable, additional advice should be sought from an archaeologist and the Aboriginal community regarding the proposed location of any work involving ground disturbance. This may require further archaeological investigations in the form of surface collections or test excavation.

The areas identified in 1 to 4 above do not include the subject site. Any works within the subject site will need to be monitored for Aboriginal Cultural Heritage material.

Coastal Processes:

The subject site is not located in the area that is captured by the Coffs Harbour City Council Coastal Zone Management Plan that identifies lands that are subject to coastal erosion processes. Thus this is not applicable to the modification sought.

Soil Erosion and Sediment Control

Coffey Geosciences Pty Ltd has conducted an assessment of geotechnical and groundwater levels for the proposed subdivision at Moonee.

Based on the results of the geotechnical investigations carried out to date, the subject site is considered to be generally suitable for a residential subdivision development. The subsurface conditions have been separated into two geological zones and both are considered to be generally suitable for residential subdivision development however additional considerations in construction will be required in Zone 2. The proposed 31 lots are not located in Zone 2.

Earthworks will be carried out in accordance with the recommendations outlined in AS3798-1996, *'Guidelines for Earthworks for Commercial and Residential Developments'*.

2.4 Planning Controls

The relevant planning controls that apply to the site include the provisions of:

- Environmental Planning and Assessment (EP&A) Act 1979;
- State Environmental Planning Policy No. 44 – Koala Habitat Protection;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 71- Coastal Protection;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy – North Coast Regional Environmental Plan;
- North Coast Regional Plan 2036;
- Coffs Harbour Local Environmental Plan 2000 (LEP 2000);
- Moonee Development Control Plan 2004;
- Coffs Harbour Local Environmental Plan 2013 (LEP 2013);
- Coffs Harbour Development Control Plan 2015;
- Moonee Estuary Management Plan; and
- Moonee Beach Developer Contributions Plan 2008.

3. Development Proposal

3.1 Description of Proposal

3.1.1 Proposed Subdivision

Approval is sought for the subdivision of land described as Lot 1 in DP 725785 as a modification to MP 06_0143. It is proposed to subdivide this part of the land into 31 residential lots (bringing the total subdivision of the subject land to 555 allotments in accordance with the plan of Proposed Subdivision included in **Appendix A**).

The proposed development involves the subdivision of the land into 31 residential allotments ranging in area, between 516m² and 742m². This is shown on Figure 11.

This proposal follows a Part 3A Project Approval MP 06_143 issued by the Minister for Planning 5 March 2009. MP 06_0143 approval has had several modifications endorsed. The Project Approval permits a subdivision into 524 allotments, associated earthworks (cut and fill), the provisions of roads and associated infrastructure, open space, recreation facilities, playing fields and a pedestrian/cycleway network. The approved Plan is included in **Appendix N**.

A separate development approval has been issued for the collector road which links the site to Moonee Beach Road. This approval was issued by the Land and Environment Court Case, N^o10571 – 2011.

This proposal includes a range of allotments sizes which are influenced by several environmental factors including topography, bushfire, access and noise.

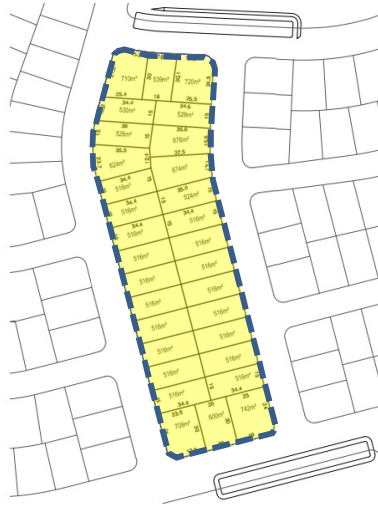


Figure 11 Proposed 31 Allotment Layout Source: RDM

3.1.2 Engineering Servicing

Conceptual engineering servicing plans are included in **Appendix C**. A brief summary of each servicing strategy is provided below:

Wastewater Servicing: The proposed development will be serviced by an internal gravity reticulation system which is directed to a series of two sewer pump stations located at the northern and southern end of the 31 lot development precinct (refer to Appendix C).

Stormwater Drainage: The proposed development will be serviced in accordance with the Road and Drainage Plan (refer Appendix C).

The plan includes directing stormwater into two stormwater management facilities located to the north and south of the subject site.

Water Reticulation: Water will be supplied as part of the overall development of the existing approved 524 allotments. The conceptual servicing arrangement for the subject site is shown on the Water Reticulation Plan (refer Appendix C).

3.1.3 Landscaping

Landscape concept plans have been prepared for the overall development of the land parcel (see Appendix D). The proposed 31 additional allotments while removing a component of the landscape concept will be integrated into the other areas of the plan. These

plans provide an indicative landscape strategy for the subdivision development including landscape treatments adjacent to the potential noise sources (the Pacific Highway), sensitive receptors (riparian areas), integration of the coastal walk along Moonee Creek and general open space areas.

3.1.4 Acoustic Controls

While noise attenuation barrier treatments will be required along the western boundary of Lot 1 DP 725785, the subject site will not require noise attenuation barriers.

The noise barrier is required as a means to address noise emanating from the adjacent upgraded Pacific Highway and service road network.

3.1.5 Vegetation Removal

The existing consent for the 524 allotment subdivision included details of the proposed vegetation removal.

The proposed development of the subject site will require vegetation removal. This vegetation was originally proposed – in the Project Approval - to remain in situ and the land was to be used as passive open space. The land is suitable for use for residential purposes. The Deferred Matters component of Draft LEP 2013 (ie PP_2015_COFFS_004_00) maintains the residential zoning in accordance with the findings of the additional research undertaken by Coffs Harbour City Council as part of that process.

The vegetation communities with the highest conservation value occur primarily on the eastern side of the site flanking Moonee Creek, although some pockets of Mangrove community occur along Skinners Creek to the north of the site. These vegetation communities do not exist on the part of the site proposed for the 31 allotment residential subdivision.

James Warren and Associates (JWA) have completed a Flora and Fauna Assessment for the subject site. The subject site has an area of about 1.7 ha within the central portion of The Glades development.

The JWA report, attached as Appendix B, is an amended and updated version of the Flora and Fauna Assessment prepared by JWA in 2007 and includes additional field surveys and an impact assessment for the proposed additional 31 allotment layout.

Numerous flora and fauna surveys have been completed on the subject site between 2004 and 2017 as part of the broader *The Glades* development. These surveys have recorded:

- One hundred and sixty-eight (168) flora species across The Glades development site. None of these are Threatened or ROTAP species.
- Three (3) broad vegetation types present within the subject site;
- Eleven (11) Threatened species were recorded on or within the vicinity (i.e. within The Glades development site) of the subject site, including:
 - o Wallum froglet;
 - o Glossy black cockatoo;
 - o Osprey;
 - o Black-necked stork;
 - o Squirrel glider (*Petaurus norfolcensis*);
 - o Little bent-wing bat (*Miniopterus australis*);
 - o Common bent-wing bat (*Miniopterus schreibersii*);
 - o Large-footed myotis (*Myotis macropus*);
 - o Koala (*Phascolarctos cinereus*);
 - o Grey-headed flying-fox (*Pteropus poliocephalus*); and
 - o Common planigale (*Planigale maculata*).

The proposed development will result in the loss of vegetation for the construction of houses, access roads, driveways and associated infrastructure. There are potential associated impacts on flora, fauna (including Threatened species), and the Moonee Nature Reserve adjacent to the Subject site.

In total, 1.75 hectares of vegetation is proposed to be cleared, the majority (1.3ha) of which is advanced regrowth closed forest. The proposed development will result in minor loss of foraging, sheltering and breeding habitat for native fauna occurring in the locality.

After due assessment JWA indicate the impacts of the proposed development on most Threatened species recorded on the subject site are not considered to be significant.

While the site is not mapped as primary or secondary koala habitat under the Coffs Harbour CKPOM, the clearing of this area will result in the loss of *Eucalyptus pilularis* trees, which is listed as a primary koala habitat tree species. Any of these trees required to be removed for development must be replaced in the vicinity according

to the “*Guidelines for Planting Koala Trees in Coffs Harbour LGA*” contained in the Coffs Harbour CKPOM.

The proposed loss of intact vegetation (trees) within the subject site (comprising an area of 1.37 ha) will be required to be offset. In this regard, surveys of the impact site and proposed offset sites have been completed utilising the BioBanking Assessment Methodology (BBAM). The results have indicated that 74 ecosystem credits would be required to offset the loss of this vegetation. The BBAM was also used to calculate the number and type of credits that can be created (e.g. through revegetation or rehabilitation of existing vegetation) elsewhere within Lot 1 DP 725785. The results have indicated that rehabilitation of existing vegetation to be retained on site would create 131 ecosystem credits.

A Section 5A assessment (Assessment of Significance) was undertaken for twenty-four (24) Threatened fauna species known or considered a possible occurrence at the Subject site over time. The assessment concluded that the impacts of the proposed development would be unlikely to result in the local extinction of any of these species.

A Species Impact Statement is not required.

An assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act (1999) concluded that the proposed development will not have a significant impact on any matters of National Environmental Significance. Commonwealth assessment of the proposal is therefore not required.

3.1.6 Earthworks Modification

The existing development consent for the majority of the allotment includes earthworks modifications. The extents of the proposed works are identified in the Engineering Assessment Report and accompanying plans (refer Appendix C). Accordingly, further earthworks modification associated with the proposed 31 allotment layout has been prepared.

4. Specialist Assessments

4.1 Supporting Investigations

Several specialist reports have been prepared having regard to the subject site of the proposed 31 allotments. These are attached as Appendices to this report. Provided below is a brief synopsis of each report and its relevance to the proposal.

Flora and Fauna Assessment

The amended and updated version of the Flora and Fauna Assessment includes additional field surveys and an impact assessment for the proposed additional 31 allotment layout.

Numerous flora and fauna surveys have been completed on the Subject site between 2004 and 2017 as part of the broader The Glades development site. These surveys have recorded:

- One hundred and sixty-eight (168) flora species across The Glades development site. None of these are Threatened or ROTAP species.
- Three (3) broad vegetation types present within the Subject site;
- Eleven (11) Threatened species were recorded on or within the vicinity (i.e. within The Glades development site) of the Subject site, including:
 - o Wallum froglet;
 - o Glossy black cockatoo;
 - o Osprey;
 - o Black-necked stork;
 - o Squirrel glider (*Petaurus norfolcensis*);
 - o Little bent-wing bat (*Miniopterus australis*);
 - o Common bent-wing bat (*Miniopterus schreibersii*);
 - o Large-footed myotis (*Myotis macropus*);
 - o Koala (*Phascolarctos cinereus*);
 - o Grey-headed flying-fox (*Pteropus poliocephalus*); and
 - o Common planigale (*Planigale maculata*).

The proposed development will result in the loss of vegetation for the construction of houses, access roads, driveways and associated infrastructure. There are potential associated impacts on flora, fauna

(including Threatened species), and the Moonee Nature Reserve adjacent to the Subject site.

In total, 1.75 hectares of vegetation is proposed to be cleared, the majority (1.3ha) of which is advanced regrowth closed forest. The proposed development will result in minor loss of foraging, sheltering and breeding habitat for native fauna occurring in the locality.

Impacts of the proposed development on most Threatened species recorded on the subject site is not considered to be significant.

While the site is not mapped as primary or secondary koala habitat under the Coffs Harbour CKPOM, the clearing of this area will result in the loss of *Eucalyptus pilularis* trees, which is listed as a primary koala habitat tree species. Any of these trees required to be removed for development must be replaced in the vicinity according to the “Guidelines for Planting Koala Trees in Coffs Harbour LGA” contained in the Coffs Harbour CKPOM.

The proposed loss of intact vegetation (trees within the subject site comprising an area of 1.37 ha) are likely to be required to be offset. In this regard, surveys of the impact site and proposed offset sites have been completed utilising the BioBanking Assessment Methodology (BBAM). The results have indicated that 74 ecosystem credits would be required to offset the loss of this vegetation. The BBAM was also used to calculate the number and type of credits that can be created (e.g. through revegetation or rehabilitation of existing vegetation). The results have indicated that rehabilitation of existing vegetation to be retained on the parcel of land would create 131 ecosystem credits.

A Section 5A assessment (Assessment of Significance) was undertaken for twenty-four (24) Threatened fauna species known or considered a possible occurrence at the subject site over time. The assessment concluded that the impacts of the proposed development would be unlikely to result in the local extinction of any of these species and therefore a Species Impact Statement is not required.

An assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act (1999) concluded that the proposed development will not have a significant impact on any matters of National Environmental Significance.

Commonwealth assessment of the proposal is therefore not required.

Additional impacts on vegetation communities and plants include:

- Potential for degradation of retained areas of Paperbark in the drainage line in the south of the property.
- Potential for degradation of retained areas of vegetation along Moonee Creek.
- Clearance of areas of the subject site represents a loss of habitat available for dispersal for plants and will reduce visits by pollination and dispersal vectors.
- Disturbance to the subject site creates opportunities for weeds to colonise.
- Weeds may be introduced to the subject site in construction materials or by vehicles. Occupation of the subject site creates opportunities for weeds to become established. Landscape species may escape to retained areas of vegetation.
- The removal of vegetation from the subject site represents the loss of organic material from the subject site.
- Residents may create walking tracks through bushland areas to gain access to Moonee Creek. This may result in direct loss of vegetation, change in vegetation structure and increased opportunities for weeds and disturbance adapted animal species.
- Occupation of the subject site may increase the risk of fire release into the surrounding bushland.
- Disturbance to vegetation in the north-west of the subject site from construction of boardwalks and viewing platforms.

The proposed development will result in minor loss of foraging, sheltering and breeding habitat for native fauna occurring in the locality. This loss may have a range of impacts including:

- Loss of forage habitat for nectarivorous and insectivorous fauna species, including the loss of autumn/winter flowering plants.
- Minor decrease in the size of local fauna populations and increased susceptibility to threatening processes acting in the locality.
- Minor decrease in the size of the prey base for carnivorous species.
- Increased fragmentation of habitat in the locality.
- Some decrease in the genetic base for local fauna populations.
- Loss of sheltering and breeding habitat for native fauna.
- Reduction in opportunities for movement through the site.
- Loss of 3 trees containing hollows represents a loss of shelter habitat for hollow dependent fauna. Loss of sub-mature eucalypts represents a decrease in the future recruitment of hollows.
- Loss of eucalypts, paperbarks, banksias and flowering shrubs decrease the food supply for nectarivores.
- Animals may be killed or injured during the clearance of vegetation.
- Domestic dogs and cats prey on native fauna and may have significant impacts on the populations of native species.
- Development of the subject site may favour native and introduced disturbance adapted competitors. For example, Cane toads may out-compete.
- Amphibians and Reptiles, aggressive open country bird species (eg Noisy miner, Crow, Pied currawong) may out-compete other birds, and non-native mammals (Black rat and House mouse) may out-compete other native small mammals).

- Increased light, noise and activity may cause reclusive species to move away from habitat edges.
- The Proposed development will result in an increase in traffic on and to the subject site. This increases the likelihood of animals being killed or injured by vehicles.
- Alterations to site hydrology and land use may alter the water quality or hydrological regime in Paperbark Communities or neighbouring areas of Moonee Creek.

Impacts of the proposed development on most Threatened species recorded on the subject site is not considered to be significant.

Amelioration measures for the Koala have been based on the need to address the requirements for Secondary Koala Habitat within Coffs Harbour. It is recommended that:

- Traffic speeds be reduced to 40kph within the development. Koala signs may need to be located along roads within the development site.
- Compensatory Koala habitat trees be planted outside the development envelope for any Koala habitat trees removed.
- Dogs should be strictly controlled within the proposed development, i.e. must be contained within an appropriately fenced yard, and on a leash at all times when outside of a fenced enclosure.
- Building envelopes be located to reduce the extent of Bushfire Asset Protection Zones. If possible, houses backing onto bushland should be designed to a higher fire resistant rating to reduce the extent of APZs.
- Swimming pools should be fenced to restrict access by Koalas.

It is unlikely that Koala feed trees will be retained within the development envelope and it is not considered desirable that Koalas be able to access or move through areas of the subject site. Suitable movement habitat occurs along the northern and eastern boundaries of the estate.

While most suitable habitat for Squirrel gliders on the estate will be retained, some loss and fragmentation of forage habitat will occur

due to the loss of scattered trees within grasslands on the subject site. It is recommended that:

- Cats should be banned under the Companion Animals Act (1998) to reduce likely impacts on Squirrel gliders.
- Mature scattered eucalypts within grassland communities should be retained wherever possible.
- A qualified fauna handler should be on site when clearing occurs.

General Amelioration measures and amelioration measures to reduce impacts on Moonee and Skinners Creeks and Moonee Beach Nature Reserve include:

- Stormwater management aim to achieve no significant net change in runoff into wetland areas on the site, and Moonee and Skinners Creeks.
- Restrictions should be placed on the use of fires during extended dry weather periods
- Suitable measures (eg. Siltation fencing) be taken to prevent erosion of topsoil into Moonee and Skinners Creeks during construction of Fishing platforms, Canoe jetties and bridges.
- Signage encouraging responsible fishing practices (ie. Disposal of rubbish in appropriate facilities.)

A Section 5A assessment (Assessment of Significance) was undertaken for twenty-five (25) Threatened fauna species considered a possible occurrence at the subject site over time, and three (3) Endangered Ecological Communities (EECs) recorded on the estate (see Appendix B).

Noise Assessment

An assessment of the proposals exposure to highway noise was completed by H.K. Clarke & Associates. The assessment concluded that night and daytime noise criteria would not exceed acceptable levels at the site from the highway due to noise mitigation measures (barriers).

Having considered the recommendations provided by H.K. Clarke the noise barriers to be constructed along the western boundary of the

estate will ensure suitable protection to the subject site. A copy of the noise assessment is included in **Appendix E**.

Contaminated Lands

A preliminary investigation was undertaken by Resource Design & Management as part of the Major Project application for the 524 allotment subdivision. This assessment sought to identify any past or present potentially contaminating activities and provide a preliminary assessment of any site contamination.

The findings from this investigation are detailed below.

Background

The subject site has a history of forestry (pre 1980's) and grazing (present). The land parcel was substantially cleared of forest vegetation in the mid 1990s following the issue of Development Consent 257/93 which authorised the clearing and grazing of the land.

Statutory Considerations

- Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land
- Coffs Harbour City Council – Contaminated Land Information Sheet

The purpose of the Managing Land Contamination Planning Guidelines is to establish 'best practice' for managing land contamination through the planning and development control process. The principles of the Guidelines are:

- to ensure that changes of land use will not increase the risk to health or the environment;
- to avoid inappropriate restrictions on land use;
- to provide information to support decision making and to inform the community.

Coffs Harbour City Council introduced the Contaminated Land Information Sheet in 2000. This information sheet embraces the provisions of SEPP 55 by providing basic information as to the process of considering land contamination issues.

Initial Evaluation

The following considerations form the initial evaluation as to the likelihood of contamination being present:

Previous Investigations

No previous specific contamination investigations have been carried out over the estate. Acid sulfate soil testing has been undertaken in the lower parts of the estate.

Existing Records

Notwithstanding the Project Approval, other than forestry operations, land clearing and cattle grazing no other activities have been approved on the subject site.

Zoning History

The subject site was rezoned from Non-Urban to Residential 2(a) in 1988 (*Coffs Harbour Local Environmental Plan 1988*). This zone was carried through to LEP 2000.

Current Land Use

The current use of the land is for cattle grazing.

Regulation of Activities through Licensing

No information suggests that the subject site was ever subject to regulation through licensing or other mechanisms in relation to any uses listed in Table 1 of the *Managing Land Contamination Planning Guidelines*.

Land Use Restrictions

There are no land use restrictions applying to the land relating to possible contamination.

Site Inspection

Site inspections have not revealed the likely presence or history of contaminating uses.

Adjoining Land

There is no information that would suggest any adjoining lands would be subject to any contamination or uses that may cause contamination. Having regard to the land use history associated with the subject site and site inspection, none of the information available would suggest that the land might be contaminated or that further enquiry is warranted. It is considered that there is no need for any further investigation in this instance.

Acid Sulfate Soils

A preliminary Acid Sulfate Soils Site Assessment has been completed for the proposed development by Coffey Geosciences Pty Ltd. The assessment confirms that it will be necessary to carry out further

sampling and testing of the soils in the Zone 2 area to assess the extent of the affected soils and the liming ratios.

Zone 2 is outside the area the subject site. The areas affected by acid sulfate soils are likely to be relatively small and the scale and amount of treatment required is anticipated to be relatively minor. It is anticipated that treatment may comprise mixing disturbed soils with a reasonably small amount of lime if required. After testing of the soils an acid sulfate soil management plan including liming ratios, will need to be developed prior to construction.

The area requiring testing covers approximately 5.5ha. The Acid Sulfate Soil Management Advisory Committee (ASSMAC) guidelines suggest for sites above 4ha, that two boreholes be drilled per hectare.

Therefore, the subject site would only require 1 borehole to comply with the ASSMAC guidelines. The borehole should extend to 1m below the depth of excavation, and samples should be taken every 0.5m. The samples should be kept chilled during fieldwork and transport to a laboratory NATA registered for POCAS or CRS testing.

At this stage it is unknown how deep excavations are likely to be, and it is therefore considered impractical to develop a scope of work beyond the general recommendations provided above.

The report does not identify any significant issues that would materially affect the proposed development.

A copy of the Coffey report is included in **Appendix F**.

Traffic

An assessment of the proposed development in relation to highway access issues was prepared by Environmental Resources Management Australia (ERM) for the development of 524 allotments. This was undertaken prior to the Pacific Highway upgrade as part of the Sapphire to Woolgoolga project.

At that time ERM's assessment concluded that access, transport and traffic impacts generated by the proposal will be minimal and that intersection upgrades would be likely to be required. These intersection upgrades occurred as required by the RMS during the construction of the Pacific Highway upgrade.

No additional intersection works on the existing or proposed local network are required to facilitate the proposed 31 allotment

subdivision as the road network to be created will be of sufficient capacity to safely and functionally cater for this development.

Bushfire Risk Assessment

A Bushfire Risk Assessment report has been prepared by RDM for the subdivision in accordance with the requirements of *Planning for Bushfire Protection 2006 (PFBP)* and is included in **Appendix H**.

The report recommends that the following measures be considered as a means of providing adequate bushfire protection to the further development of the land for residential purposes.

Asset Protection Zone and Grounds

The proposed development is directly exposed to bushfire prone land on its northern and southern boundaries. With respect to the northern boundary it is recommended that an APZ of at least 33 metres applies to achieve a BAL rating of 29 in accordance with AS3959. The actual APZ is 36 metres comprising of the 6m building line, 20m wide road reserve and 10m wide stormwater management facility.

With respect to the southern boundary it is recommended that an APZ of at least 37m applies to achieve a BAL rating of 19 in accordance with AS3959. The actual APZ is 41 metres comprising of the 6m building line, 25m wide road reserve and 10m wide stormwater management facility.

Construction Requirements

The proposed development does not seek approval for building construction. Accordingly, building construction standards which are to be applied to any future dwelling house within the development should be considered at the Development Application stage.

Notwithstanding, due to the distances which separates the proposed lot from the bushfire prone land, it is RDM's opinion that each proposed lot and /or building envelope should support a building constructed to a BAL of no greater than 29.

Road Construction

Each proposed allotment has direct access to the public road network.

Water:

Each proposed allotment will be connected to a reticulated water supply system. Accordingly, a supplementary water supply for firefighting purposes is not required.

Electricity

Each proposed allotment will be connected to an underground electricity supply.

Gas

The proposed development does not seek approval for building construction. Accordingly, the gas supply and protection measures should be considered at the development application stage for same.

Safer by Design

To ensure that *Crime Prevention Through Environmental Design Principles* are considered in the design of residential development. This is achieved through implementing the following:

Territorial Re-enforcement

Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed and revisited. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers and criminals rarely commit crime in areas where the risk of detection and challenge are high. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it.

Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

Surveillance

People feel safe in public areas when they can see and interact with others, particularly people connected with that space, such as adjoining residents. Criminals are often deterred from committing crime in places that are well supervised.

The proposed subdivision will utilise Natural surveillance. This is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting – it is a by-product of well-planned, well-designed and well-used space.

Space/Activity Management

Space/Activity Management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behavior.

Access Management

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations. Effective access control can be achieved by using physical and symbolic barriers that channel and group pedestrians into areas, therefore increasing the time and effort required for criminals to commit crime.

Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens.

Accessibility

Access to the proposed subdivision will be gained via the approved collector road network and the internal road network as part of the Project Approval. The proposed development becomes another stage of the overall development.

Flooding

Council's flood risk maps identifies the Flood Hazard and 1% AEP flood extents concentrated around the Skinners Creek in the north and Moonee Creek in the east of the subject site. Refer to **Figure 9**.

The subject site of the application for 31 allotments is not affected by the identified flood risk.

Heritage

There are currently no heritage listed items on the Coffs Harbour Council's LEP 2000 and CHCC LEP 2013. Similarly the Moonee locality does not have any listed Heritage Conservation Areas.

An assessment of the site's Aboriginal Cultural Heritage has been undertaken and is included in Appendix K of this report.

Coastal Processes

The subject site is not located in the area that is captured by the Coffs Harbour City Council Coastal Zone Management Plan that identifies lands that are subject to coastal erosion processes.

5. Consultation

5.1 State Government Departments and Agencies

During the Project Approval process the Department of Planning consulted the following organisations:

- Coffs Harbour City Council;
- Department of Natural Resources;
- Department of Environment and Conservation;
- Department of Lands;
- Department of Primary Industries/Fisheries;
- Roads and Traffic Authority;
- NSW Rural Fire Service;
- Solitary islands Marine Park Authority;
- Country Energy;
- Telstra; and
- Local Aboriginal Lands Council/s.

The issues raised by various agencies were taken into account by the Department of Planning in formulating the Director General's Requirements (DGRs) for the Environmental Assessment for the Major Project.

Consultation with Council was also ongoing for the major project. Meetings with Council officers covered such matters as:

- provision of the collector road and possible forward funding;
- intersection construction;
- land acquisition for the collector road by Coffs Harbour City Council;
- flooding;
- site ecology;
- section 94 contributions;
- infrastructure provision;
- buffer zones;
- development layout and design; and
- appropriate zoning of open space and buffer areas.

Extensive consultation with the (then) Roads and Traffic Authority (RTA) concerning the interim access to the Pacific Highway was also undertaken. This arrangement is still required for construction

access only, and as the Sapphire to Woolgoolga Pacific Highway upgrade has been completed and a separate collector road has commenced construction that will provide access to development east of the Pacific Highway.

The Department will need to consult with the relevant Government Agencies as they progress the assessment of this Section 75W modification application.

COMMUNITY

Extensive community consultation was previously undertaken by:

Coffs Harbour Council during:

- the preparation of the Moonee DCP 2004. Amongst the stakeholders consulted were key community groups, adjoining land holders and government agencies. Public consultation meetings were also held.
- the determination of the Moonee Collector Road Development Application,
- the preparation of the LEP 2013 Deferred Areas Planning Proposal (PP_2015_COFFS_004_00). A broad range of stakeholders were consulted during this process.

Department of Planning during :

- the determination of the Part 3A Major Project 06_0143 (refer Section 5.1).

5.2 Local Government

The subject site is within the Coffs Harbour City Local Government Area.

5.3 Community / Stakeholders / Neighbours

Very preliminary discussions have taken place with representatives of the Coffs Harbour and District Local Aboriginal Lands Council in regard to the S75W. These discussions indicated that Aboriginal Cultural Heritage would need to be considered in the process as the area is known for having sites/values and relics. The Aboriginal Cultural Heritage Report prepared for the Major Project included the subject site.

6. Statutory Assessment

6.1 Development Assessment

The NSW Minister for Planning is the consent authority with respect to the proposed development.

Pursuant to the EP&A Act 1979, in assessing this modification application, the Department will take into consideration any matters relevant to the proposed development.

6.2 State Environmental Planning Instruments

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The effect of this policy prevents a consent authority from approving a development application without prior investigation of potential and core koala habitat occurring on the land. The provisions of this policy apply to the subject site as Coffs Harbour City Council is included in Schedule 1 of the policy and the subject site has an area of more than 1 Hectare.

Coffs Harbour City Council also has a Local Government area wide Koala Plan of Management that needs to be addressed in the assessment of the Section 75W modification process.

Comment

Assessment of the subject site has been completed to determine 'potential koala habitat' of the land (see Appendix B).

The ecological report in Appendix B found *"given the lack of recent koala activity detected, the disturbed dry open forest habitat on site is unlikely to represent an area of 'Core Koala Habitat', as defined in SEPP 44."*

Council's mapping shows that the subject site does not contain Secondary Koala Habitat (although it does apply to other parts of the land parcel).

Having regard to the above, it is submitted that the Department's approval of the proposed development may be provided without further consideration of this policy.

All the trees on the subject site will be cleared to allow the formation of the subdivision, road network and asset protection zone. Plans included in **Appendix B** detail the location of the trees effected. The proposed clearing will have little impact on fauna movement within the locality. A Flora and Fauna Assessment of the site was undertaken which identified no threatened or endangered species of flora or fauna will be impacted.

A 7-Part Test assessment under the Koala Plan of Management was completed as part of the Flora and Fauna Assessment. These assessments did not identify the need for a Species Impact Statement (SIS) (refer **Appendix B**).

State Environmental Planning Policy No. 71 – Coastal Protection

State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71) has been introduced for the purpose of protecting and managing the coastal zone and its attributes and to further the implementation of the NSW Coastal Policy.

The subject site is located within the coastal zone and is located in a sensitive coastal location. Consequently this proposal is required to address the relevant provisions of SEPP 71 as set out below.

Clause 8 outlines matters which are to be taken into consideration by a consent authority when it determines a development application to carry out development on land to which the SEPP applies.

Comment

Clause 8 Matters are addressed in Table 1 which is included in **Appendix I**.

Clause 14 states that a consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.

Comment

Development associated with this 31 allotment subdivision is distant to the creek foreshore. The development of this land will not impede or diminish to any extent the existing and physical land based right of access for the public.

Clause 16 states that the consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

Comment

The proposed development will incorporate a range of stormwater quality treatment measures to achieve Council's water quality objectives for stormwater runoff quality and quantity. These are detailed in Appendix C.

Clause 18(2) provides that the Minister may waive the requirement for a master plan because of the nature of the development concerned, the adequacy of other development controls that apply to the development or other such reasons that the Minister considers sufficient.

Comment

As provided for under Clause 18(2), the NSW Department of Planning (on behalf of the Minister) has already waived the requirement to adopt a Master Plan for the development of the subject land. A copy of the Departments letter is provided in **Appendix L**.

State Environmental Planning Policy – North Coast Regional Environmental Plan

The effect of this policy is to require a consent authority, Minister or public authority to take into consideration the aims and objectives of the plan where these are relevant to the making of their determination for development consent. The plan also provides numerous development control clauses that are to be considered by the Consent Authority when determining a development application.

Clause 15B requires the consent authority to take into consideration a number of factors including impacts on water quality, loss of habitat, pollution impacts on the estuary, and retention of foreshore reserves.

Comment

A Stormwater Quality Assessment is incorporated into the engineering assessment which is included in **Appendix C**. The assessment demonstrates that the proposed stormwater strategy would be able to meet Council's stormwater quality targets.

Clause 32B(2) requires the Consent Authority to take into account:
(a) the NSW Coastal Policy 1997.

Comment

As the site is located within the Coastal Zone, the provisions of the NSW Coastal Policy apply. The Coastal Policy outlines a number of key strategic actions that relate to development control.

The following Key Actions apply to development proposals:

- Development proposals will have to conform with specified design and planning standards to control height, setback and scale to ensure public access and to ensure that beaches and foreshore open spaces are not overshadowed
- The use of good design principles to ensure more compact human scale towns are developed with their own character within the constraints of existing infrastructure
- Identify and consider significant views and vistas within and from towns, including street patterns and layout and items of heritage significance
- To promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast
- To provide for choice in housing and lifestyles
- To increase public access to foreshores when feasible and environmentally sustainable options are available.

The Key Actions as outlined above have been considered in the proposed subdivision design, taking into account the natural constraints of the site including topography, flooding, vegetation and bushfire hazard.

The subdivision design aims to promote a variety of housing types within a compact environmental footprint.

(b) the Coastline Management Manual, and

Comment

The Coastline Management Manual is not relevant to the site given that it deals with the management of coastal hazards and the subject

site is not located in proximity to the coastal hazard management zone.

(c) the North Coast: Design Guidelines.

Comment

The proposed subdivision is consistent with the design principles for subdivisions, providing:

- a variety of allotment sizes
- roads of appropriate width
- allotments which will not be exposed to unreasonable risk concerning erosion, flooding and bushfire.

Clause 32B(3) prohibits the Consent Authority from giving consent to the carrying out of development which would impede public access to the foreshore.

Comment

The proposed development does not impede public access to the foreshore.

Clause 42 prohibits the Consent Authority from giving consent to development for residential purposes unless:

- a) it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land
- b) it is satisfied that the proposed road widths are not excessive for the function of the road
- c) it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles
- d) it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.

Comment

The subdivision design is considerate of the numerous environmental constraints which affect the land including, flooding, vegetation, topography, noise, bushfire risk, access and drainage.

The proposed development is serviced by public transport operating along the Pacific Highway. Direct pedestrian connection to the

highway via the proposed shared pathways will be available for all residential allotments.

A bus route can be facilitated within *The Glades* development on the proposed road network.

Appropriate erosion and sediment control measures will be implemented for each stage of construction. A plan will be submitted for the Consent Authority's approval at the construction certificate stage.

Clause 66 requires the Consent Authority to consider the adequacy of community and welfare services available to the land and take into account the results of that consideration before granting consent to a development application for the subdivision of land intended for residential or rural residential purposes.

Comment

The Moonee Beach town centre provides numerous essential community and welfare services all of which are accessible from the proposed development.

Clause 81 prohibits the Consent Authority from giving consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:

- a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development
- b) buildings to be erected as part of the development will not detract from the amenity of the waterway;
- c) the development is consistent with the principles of any foreshore management plan applying to the area.

Comment

The proposed development is distant from the river foreshore. Accordingly it will not impede public access or detract from its amenity.

There is no foreshore management plan applying to this area.

State Environmental Planning Policy No. 14 – Coastal WetlandsComment

The subject site does not contain any identified SEPP 14 Coastal Wetlands, with the closest being located some 2 kilometres away.

State Environmental Planning Policy No. 26– Littoral RainforestComment

The subject site does not contain any identified SEPP 26 Littoral Rainforest, with the closest being located south of the site near White Bluff.

State Environmental Planning Policy No. 52 – Farm Dams and other Works in Land and Water Management Plan AreasComment

This SEPP does not apply to the subject site.

State Environmental Planning Policy No. 55 – Remediation of LandComment

Given the generally natural state of the land and the absence of existing development and any indication of past or present contaminating activities, it is considered unlikely that soils within the vicinity of the proposed development are or have been contaminated. Coffs Harbour City Council's mapping system does not identify the land as being:

- former Banana Lands;
- potentially contaminated land; and
- EPA notified site.

State Environmental Planning Policy – (Infrastructure) 2007Comment

The proposed development complies with the relevant provisions of this SEPP. The following is a summary of the relevant provisions of the SEPP:

- Division 1 – Consultation with Council on the provision of infrastructure is ongoing with this project.

- Division 5 –Subdivision 2 Cl 45 – proposed allotments will be located in a manner takes into account any existing and future distribution lines impacting the subject site.
- Division 6 – Bushfire Hazard Reduction – a site specific Bushfire Risk Assessment has been carried out for the site.
- Division 17 – Roads and Traffic Cl 102 – as the land parcel adjoins the Upgraded Pacific Highway and Service Road Network, noise and vibration has been addressed in the MP 06_0143 determination and appropriate mitigation measures have been applied as conditions of that consent. These do not affect the subject land.
- Division 18 – Sewerage Systems - the proposed development includes connection to Coffs Harbour City Council’s reticulated system.
- Division 19 – Soil Conservation – the proposed subdivision integrates a sediment erosion control system.
- Division 20 – Stormwater – the proposal provides appropriate Stormwater Control facilities.
- Division 24 – Water the proposed development includes connection to Coffs Harbour City Council’s reticulated system.

State Environmental Planning Policy – (Rural Lands) 2008

Comment

This SEPP does not apply to the subject land.

6.3 Regional Planning Policies

North Coast Regional Plan 2036

The North Coast Regional Plan (NCRP) is the NSW Government’s blueprint for the future growth and development of the North Coast for the next 20 years.

The NCRP is not a land use zoning plan in the strict sense but rather it is concerned with stating specific Government key planning principles guiding growth of the North Coast. These Principles include directing growth to identified urban growth areas, managing the sensitive coastal area and providing great places to live and work in a unique environment.

The NCRP identifies Coffs Harbour as a Regional City. The region’s cities are popular places to live and work with future population

growth projected to occur in the Coffs Harbour local government area.

An action plan will be prepared for Coffs to coordinate the investment and infrastructure that will underpin the delivery of new homes and a significant number of new jobs.

The Department of Planning and Environment, council officers and representatives from relevant State agencies will oversee the delivery of these plans.

The action plans will identify opportunities, while protecting the unique character of these places. Providing greater housing choice in regional cities through more townhouses, villas and apartments will maximise the use of existing and new infrastructure and provide greater access to jobs, services and lifestyle opportunities.

Regional cities also have employment, health, education, residential and airport precincts that are capable of promoting employment growth for the entire North Coast.

The proposal is consistent with the contents of the NCRP.

6.4 Local Planning Instruments & Policies

Coffs Harbour Local Environmental Plan 2000 (LEP 2000)

The LEP 2000 establishes a policy framework for land use planning decisions and guides the community in terms of how land can and cannot be used within the city.

The subject site is currently zoned 2A Low Density Residential under the provisions of LEP 2000. The objectives of this zone are:

- to enable housing development and other development that is compatible with a low density residential environment.
- to provide for development that is within the environmental capacity of a low density residential environment and can be adequately serviced.

Comment

The proposal is consistent with these objectives as it is essentially “infill” development of the subject allotment that enjoys an existing consent for the development of 524 allotments.

Coffs Harbour Local Environmental Plan 2013 (LEP 2013)

The LEP 2013 is to apply to the whole of the Coffs Harbour LGA and is in accordance with the Standard Instrument Local Environmental Plan provisions of the State Government.

The subject site is in the *Deferred Matter* as published on the 27.09.2013 to be included within *Coffs Harbour Local Environmental Plan 2013 (LEP 2013)*. Thus the site is currently subject to the provisions of the *Coffs Harbour Local Environmental Plan 2000 (LEP 2000)*.

The provisions of LEP 2013 have the subject site zoned R2 Low Density Residential. The objectives of this zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment

The proposal is consistent with these objectives for the development of 31 allotments. This land parcel enjoys an existing consent for the development of 524 allotments.

Part 4 Principle Development Standards

The provisions of the LEP 2013 which are relevant to the proposed development are:

4.1 Minimum subdivision lot size

Comment

The proposal is consistent with the minimum lot size requirements that will apply under LEP 2013 – being 400m², as the smallest proposed lot is 516m².

4.1A Minimum subdivision lot size for community title schemes

Comment

No lots are proposed to be community title.

4.1A Minimum subdivision lot sizes for certain split zones

Comment

The proposal does not involve split zones and therefore the proposal is consistent with this requirement under LEP 2013.

4.1B Minimum lot size for dual occupancies in Zone R2

Comment

The proposal does not seek any dual occupancy development. Any future dual occupancy development would need to be consistent with the requirements that will apply under LEP 2013.

4.2B Erection of dwelling houses on land in certain rural and environment protection zones

Comment

The proposal does not involve erection of dwellings on land in rural zones or environmental protection zones and therefore the proposal is consistent with this requirement under LEP 2013.

4.2C Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones

Comment

The proposal does not include any strata subdivision and thus is consistent with this requirement under LEP 2013.

4.2D Boundary adjustments of land in certain rural, residential and environment protection zones

Comment

The proposal does not involve boundary adjustments and therefore this requirement is not triggered.

4.3 Height of buildings

Comment

The proposal involves subdivision and therefore this requirement under LEP 2013 is not triggered. Any future development of buildings would need to be consistent with this requirement.

4.4 Floor space ratio

Comment

The proposal does not involve FSRs – generally in under LEP 2013 FSRs do not apply to residential development.

4.5 Calculation of floor space ratio and site area

Comment

The proposal does not involve FSRs – generally in under LEP 2013 FSRs do not apply to residential development.

4.6 Exceptions to development standards

Comment

The proposal does not seek to utilise this provision of LEP 2013 for the residential subdivision development sought.

Part 5 Miscellaneous Provisions

The provisions of the LEP 2013 which are also relevant to the proposed development are:

5.5 Development within the coastal zone

(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:

- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and

Comment:

The proposed development will not impact on the existing public access to and along Moonee Creek or Skinners Creek. Future residents of the proposed subdivision will readily be able to access these areas.

(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:

- (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
- (ii) the location, and
- (iii) the bulk, scale, size and overall built form design of any building or work involved, and

Comment:

The proposed development will not impact the natural or scenic quality of the locality or the adjacent Moonee Creek or Skinners Creek. The proposal is effectively "infill" of an existing approved residential estate. The proposal is compatible with that approved development.

The proposal reflects the surrounding approved subdivision by involving the subdivision of the land into 31 residential allotments ranging in area, between 516m² and 742m².

(c) the impact of the proposed development on the amenity of the coastal foreshore including:

- (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore;
- and;

Comment:

The proposed development will not impact on the amenity of the coastal foreshore nor on the foreshore of Moonee Creek or Skinners Creek.

The proposed subdivision is not in close proximity to the shoreline and therefore any buildings that may eventuate are not likely to overshadow the foreshore.

No loss of views are likely to result from public places as a result of the proposed subdivision.

(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and

Comment:

The proposed development will not impact on the visual amenity or scenic qualities of the coast as it is not in close proximity to the coast. Similarly it will not impact on the visual amenity or scenic qualities of the foreshore of Moonee Creek or Skinners Creek.

(e) how biodiversity and ecosystems, including:

- (i) native coastal vegetation and existing wildlife corridors, and
- (ii) rock platforms, and
- (iii) water quality of coastal waterbodies, and
- (iv) native fauna and native flora, and their habitats, can be conserved, and;

Comment:

The proposed development will not adversely impact on the overall biodiversity of the locality or on the Moonee Creek Skinners Creek systems. The attached Flora and Fauna assessment and stormwater management plans provide details on how this is achieved.

- (f) the cumulative impacts of the proposed development and other development on the coastal catchment.

Comment:

The proposed development will not adversely impact on the overall biodiversity of the locality or on the Moonee Creek Skinners Creek systems. The attached specialist assessments provide details on how this is to be achieved.

- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:

- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

Comment:

The proposed development will not adversely impact or impede practicable, the physical, land-based right of access of the public to or along the coastal foreshore.

- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

Comment:

The proposed development will be serviced with reticulated sewer and water.

- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

Comment:

The proposed development incorporates appropriate stormwater treatment to ensure the development will not discharge untreated stormwater into the sea, any beach or into the Moonee Creek Skinners Creek systems.

- (d) the proposed development will not:

- (i) be significantly affected by coastal hazards, or
(ii) have a significant impact on coastal hazards, or
(iii) increase the risk of coastal hazards in relation to any other land.

Comment

The proposed development will not be affected by coastal hazards, or have a significant impact on coastal hazards, or increase the risk of coastal hazards in relation to any other land – given its location away from the coastal management zone.

Part 7 Additional Local Provisions

The provisions of the LEP 2013 which are also relevant to the proposed development are:

7.1 Acid Sulfate Soils

Comment

Refer sections 2.3; 4.1 and **Appendix F** for details.

7.2 Earthworks

Comment

Refer Section 3.1.6 and Appendix C for details.

7.3 Flood Planning

Comment

Refer Section 2.3 for details.

7.4 Terrestrial Biodiversity

Comment

This is addressed in the Sections 4.1, 6.2 and 7.1 that provide details for flora and fauna. Refer also to Appendix B.

7.6 Riparian Land and Watercourses

Comment

This is addressed in the Sections 4.1, 6.2 and 7.1 that provide details for flora and fauna. Refer also to Appendix B.

7.8 Koala Habitat

Comment

This is addressed in the Sections 2.3, 2.4, 6.2 and 7.1 that provide details for flora and fauna. Refer also to Appendix B.

7.11 Essential Services

Comment

This is addressed in the Sections 2.3, 3.1.2, 5.1, 6.2, 6.4 and 7.1.

6.5 Development Control Plans

The Coffs Harbour City Development Control Plan 2000 applies to all land within the Deferred Matter of LEP 2013. Sections of the DCP are relevant to the development of the Moonee locality and thus the proposed development, these are addressed below.

Subdivision DCP

Provision:

A) DESIGN

Subdivision and Road Design

Subdivisions should be designed consistent with the relevant Development Control Plans (DCP) and Information Sheets:

- Moonee DCP;

Comment

The proposal generally accords with the broader subdivision and road design guidelines.

Provision:

Subdivisions should be designed having regard to the environmental constraints

Comment

This report addresses the content of the following Council Information Sheets:

- Koala Habitat;
- Acid Sulfate Soils;
- Contaminated Land;
- Flood Prone Land;
- Landform Modification; and
- Fire Hazard.

Provision:

The road hierarchy of subdivisions should also reflect road function, and should be designed in accordance with Schedule 1 of the DCP.

Comment

This subdivision's layout of roads has been designed to:

- provide road links to adjoining properties – using the local road network and the collector road;
- facilitate the use of public transport – with a road layout that will enable a bus route;
- achieve efficient access to all lots;
- encourage safe levels of vehicle speed - by road geometry;
- provide adequate sight distances (particularly at intersections);
- provide efficient access for service vehicles (bushfire and garbage trucks);
- provide for safe and functional vehicle and pedestrian movement - including the integration of a pedestrian and cycle shareway; and
- provide for landscaping, utility services, driveways, mailboxes, street lighting, etc.

Provision:

The layout of main roads should also, where possible, provide road networks based on a grid pattern so as to:

- provide for more memorable places, making it easier to find one's way around (legible);
- provide persons with a high degree of directional choice (permeable).

Comment

The proposal has an appropriate road network layout to ensure ease of "way finding" and provides directional choice.

No Cul-de-sacs are planned in the 31 allotment layout.

Lots are to be designed to allow the construction of a dwelling which does not involve extensive cut or fill.

The 31 lot subdivision has been designed to retain significant landscape features.

Provision:

Energy Efficiency

Comment

The proposed subdivision's design will maximise solar access by appropriate orientation of roads so the majority are within the range NW to NE or EN to ES to improve opportunities for solar access.

Provision:

Density (Minimum Lot Size)

Comment

The proposed subdivision will not produce lots which have areas considerably less area than other lots in the neighbourhood. The lots all have a minimum area exceeding 400m².

All lots exceed the minimum (4m) frontage to public road.

Provision:

Services

Comment

The proposed subdivision will provide the following infrastructure to all lots:

- road;
- footpath;
- kerb and gutter;
- drainage;
- reticulated sewer and water;
- telecommunications;
- appropriate levels of street lighting; and
- electricity.

Provision:

Stormwater Drainage

Comment

The proposed subdivision provides Stormwater drainage designed and provided in accordance with Council's Specifications.

Provision:

Erosion and Sediment Control

Comment

The proposed subdivision is designed to minimize the disturbance of lands with slope constraints and will utilise appropriate sediment erosion control measures.

Provision:

Street Tree Masterplan

Comment

The proposed subdivision includes a landscape concept plan to guide street tree planting which complement the site's natural setting.

DCP 2015

The Coffs Harbour City Development Control Plan 2015 will apply to all land within the shire, once the deferred matters planning proposal is made. Section G6 of the DCP are relevant to the development of the East Moonee locality (east of the Pacific Highway). This will effectively be the special locality provisions that prevail under the DCP applying to LEP 2000.

Part C1 – Subdivision ControlsProvision:

Lots are to be of regular shape and comprise a suitable frontage to depth ratio to enable future development that is responsive to the lands characteristics.

Comment

This provision has been integrated into the design of the proposed subdivision.

Provision:

Subdivisions are not to comprise an access handle where more than two access handles will directly adjoin.

Comment

There are no proposed access handle blocks included in the design of the proposed subdivision.

Provision:

Road networks, subject to topographic constraints, are to be based on a grid pattern to encourage pedestrian connectivity.

Comment

The design of the proposed subdivision is based on a grid pattern.

Provision:

Road hierarchy, layout and construction shall be designed in accordance with Council's Development Specifications.

Comment

The design of the road hierarchy and layout accords with Council's Development Specifications.

Provision:

Access points off major roads are to be rationalised where practical.

Comment

The design of access points off the collector road and connection to the subdivision is both practical and functional.

Provision:

Pathways are to be provided as an accessible integrated network of walking and cycling routes for safe and convenient travel.

Comment

The proposed 31 allotment is linked to the approved accessible, safe and functional vehicle and pedestrian network - including the integrated pedestrian and cycle shareway.

Provision:

Subdivisions comprising steep land shown on the Steep and Highly Erodible Land Map are to be designed so that smaller lots are located on north facing slopes and larger lots are located on south facing slopes.

Comment

The 31 allotment subdivision is not identified on Council's Steep and Highly Erodible Land Map and therefore this provision does not apply.

Provision:

Subdivisions are to be designed to integrate with existing or proposed development on adjacent sites.

Comment

The proposed subdivision's design readily integrates with the approved development under Project Approval 06_0143. The proposed subdivision forms another stage of that development.

Provision:

Threshold and pavement treatments are to be designed to create an attractive streetscape.

Comment

The proposed subdivision is designed to create an attractive streetscape with appropriate themed street tree planting, threshold and pavement treatments.

Provision:

The use of cul-de-sacs in the design of subdivisions should be minimised.

Comment

The proposed subdivision for 31 allotments does not include any cul-de-sacs.

7. Environmental Effects

7.1 Section 79c(1) – Matters for Consideration

Under the provisions of Section 79c(1) of the EP&A Act, in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application.

- (a) the provisions of:
- i. *any environmental planning instrument*
 - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. *any development control plan*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for purposes of this paragraph), that apply to the land to which the development relates, and*

Comment

a)(i)

Matter	Consideration
State Environmental Planning Policy No. 44 Koala Habitat Protection.	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy No. 55 - Remediation of Land.	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy No. 71 – Coastal Protection	This planning policy is addressed in Section 6.2.

State Environmental Planning Policy – North Coast Regional Environmental Plan	This planning policy is addressed in Section 6.2.
Coffs Harbour Local Environmental Plan 2013	This planning instrument is addressed in Section 6.4.
State Environmental Planning Policy No. 14 – Coastal Wetlands	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy – Littoral Rainforests	This planning policy is addressed in Section 6.2.
State Environmental Planning Policy – (Infrastructure) 2007	This planning policy is addressed in Section 6.2.

a)(ii)

The land is subject to the deferred matters to Coffs Harbour Local Environmental Plan 2013 (LEP 2013). The Deferred Matters component of Draft LEP 2013; that is PP_2015_COFFS_004_00; is currently with the Department of Planning and Environment awaiting gazettal. This PP reflects a residential zone on the land the subject site in accordance with the findings of the additional research undertaken by Coffs Harbour City Council.

a)(iii)

Primary Matter	Consideration
Coffs Harbour DCP	This DCP is addressed in Section 6.5.

a)(iv)

There are no planning agreements under Section 93F that apply to the proposed development.

a)(v)

Primary Matter	Consideration
NSW Coastal Policy Note: The subject land is located within the Coastal Zone. Pursuant	Consideration of the policy and its application to the

to Clause 92(1) of the regulations this policy is to be taken into consideration by the consent authority in determining a development application.	proposed development is detailed in Section 6.2.
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b) The likely impacts of that development.

Comment

Primary Matter	Consideration
Context and Setting	<p>The proposed development is appropriate and compatible within its current land use zoning and has been designed to respect the environmental constraints which are relevant to the subject site.</p> <p>The scale and form of the subdivision is consistent with the existing Project Approved and other residential lands in this locale.</p>
Access, transport and traffic	<p>The subject site is provided with collector road access, previously approved by the Land and Environment Court, which does not intersect with the Pacific Highway.</p> <p>A temporary construction access was approved under Major Project 06_0143, however during the construction of the Pacific Highway upgrade an access was constructed and this will facilitate construction.</p>
Utilities	Existing utilities are available to the locality. New allotments will be augmented as required.
Heritage	The Coffs Harbour and District Local Aboriginal Land Council and Elders group acknowledge that the subject site as being highly disturbed from previous and existing land uses. They have identified two main areas on the lands adjoining the proposed 31 lot subdivision which may contain deposits of aboriginal origin and

	required inspector onsite. Monitoring of all areas during earth works will be undertaken.
Flora and Fauna	<p>The proposed development is for the subject site to be subdivided into thirty-one (31) residential allotments. The proposed development will result in the loss of vegetation for the construction of houses, access roads, driveways and associated infrastructure.</p> <p>There are potential associated impacts on flora, fauna (including Threatened species),</p> <p>The subject site is not mapped as primary or secondary koala habitat under the Coffs Harbour CKPOM. However, the clearing of this area will result in the loss of Eucalyptus pilularis trees, which is listed as a primary koala habitat tree species. Any of these trees required to be removed for development must be replaced in the vicinity according to the "Guidelines for Planting Koala Trees In Coffs Harbour LGA" contained in the Coffs Harbour CKPOM.</p> <p>It is possible that the proposed loss of vegetation within the subject site (comprising an area of 1.37 ha) will be required to be offset. In this regard, surveys of the impact site and proposed offset sites have been completed utilising the BioBanking Assessment Methodology (BBAM). The results have indicated that 74 ecosystem credits would be required to offset the loss of this vegetation. The BBAM was also used to calculate the number and type of credits that can be created (e.g. through revegetation or rehabilitation of existing vegetation). The results have indicated that rehabilitation of existing vegetation to be retained on site would create 131 ecosystem credits.</p>
Noise	An assessment of the proposals exposure to highway noise has been completed and the recommended noise abatement measures will

	<p>be implemented as part of the development in accordance with Project Approval 06_0143.</p>
<p>Safety, security and crime prevention</p>	<p>The orientation of allotments will ensure that dwelling houses overlook the street frontage and for increased passive surveillance. Street lighting will also be provided in accordance with Council’s standards.</p>
<p>Social & Economic Impacts</p>	<p>The proposed development represents a positive social impact for this locale by providing a variety of residential allotments that is cognisant of the needs and requirements of the residential property market in this locale.</p> <p>The proposed development will generate a significant number of short term employment opportunities during civil and housing construction whilst also generating demand for construction materials, transport and property services.</p> <p>Annual household expenditure will also provide ongoing and significant monetary contribution to the local economy.</p>
<p>Cumulative Impacts</p>	<p>The proposed development has considered the potential impacts of the proposed development on the surrounding environment including traffic and water quality. Appropriate design measures have been proposed in each regard.</p> <p>The subject site is also exposed to several environmental constraints including bushfire, topography and vegetation. The proposed subdivision design is considerate of such, incorporating several design measures in this regard.</p> <p>Housing within the subdivision will be designed and constructed to maximise water and energy efficiency through the application of the Building Sustainability Index: BASIX</p>

c) The suitability of the site for the development.

Comment

The proposed development is considered appropriate for the site for the following reasons:

- The subject site is appropriately zoned and is compatible with surrounding development
- The scale of the proposal is within the capacity of the land and is able to be appropriately serviced
- The environmental constraints which affect the subject site can be appropriately managed
- The environmental impacts of the development may be ameliorated by through design and management measures.

d) Any Submissions made in accordance with this Act or the Regulations.

Commented [SO1]: Need to provide a comment. Also add in e).

Comment

No submissions have been made at this time in relation to this proposal.

The Regulation contains Part 1A – Transitional Part 3A projects, provisions under Cl 8B(d) require consideration to submissions received by the Secretary. At this time no submissions have been made in relation to the 31 allotment subdivision.

e) The public interest

Comment

The proposed development is considered to be in the public's interest for the following reasons

- It will provide additional permanent housing for the Coffs Harbour local government area
- It will provide greater housing choice for existing and future residents of Moonee Beach
- It will create new employment opportunities during the construction phases and increase the demand for local goods and services

- It is designed cognisant of environmental constraints and does not pose any environmental risk to the surrounding environment.

8. Conclusion

This Environmental Assessment Report has evaluated the impacts of the proposed development. This report describes the suitability of the subject site for the proposed development and, in particular, provides an assessment of the environmental impacts of the proposal.

The proposed development contributes to achieving population growth within Coffs Harbour City and in particular for Moonee Beach. It will provide additional housing choice for existing residents in the area and those intending to relocate to this locale.

Considerable consultation and environmental investigations have been completed prior to this submission under previous processes, especially during the early stages of the Major Project Approval for the estate and more recently with the progress of the Deferred Matters Planning Proposal. The proposed subdivision design has been prepared cognisant of this previous consultation and the environmental investigations.

This proposed development is considered to be an appropriate utilisation of the subject site taking into consideration the current surrounding land uses and existing approvals. Consideration has been given to the environmental qualities of the subject site which are likely to be affected by this proposal. The proposal encompasses a range of design measures which are intended to address and mitigate the anticipated impacts of the development.

The proposed development is permissible within the existing land use zone prescribed under the Coffs Harbour Local Environmental Plan 2000 and the soon to be applied provisions of Coffs Harbour Local Environmental Plan 2013. Consideration of the proposed development in the context of current Statutory and Non-Statutory development controls finds there are no material impediments to it being granted approval.

Having regard to the above and the considerations detailed in this report, Resource Design and Management considers that the proposed development is appropriate for the subject site and therefore should be granted approval.

Appendix A – Plan of Proposed Subdivision

Appendix B – Fauna and Flora Report

Appendix C – Concept Engineering Plans

Appendix D – Landscape Concept Plans

Appendix E – Noise Assessment

Appendix F – Acid Sulfate Soils Assessment

Appendix G – Traffic Assessment

Appendix H – Bushfire Risk Assessment

State Environmental Planning Policy No 71 – Coastal Protection

Clause 8 – Matters for Consideration	Comment
<p>(a) The aims of this Policy set out in clause 2:</p> <p>Aim (a) - To protect and manage the natural, cultural, recreational and economic attributes of the NSW coast, and</p> <p>Aim (b) - To protect and improve existing public access to and along coastal foreshores to the extent that is compatible with the natural attributes of the coastal foreshore, and</p> <p>Aim (c) - To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>Aim (d) - To protect and preserve Aboriginal cultural heritage, and aboriginal places, values, customs, beliefs and traditional knowledge, and</p>	<p>The further development of the land in accordance with the concept plan provided represents the most appropriate outcome for the land having considered the social, economic and environmental factors affecting the land.</p> <p>A significant area of land for public use and conservation along the Moonee Creek foreshore is provided as Part of the overall development (subdivision) of Lot 1 DP 725785 which incorporates pedestrian access to the foreshore area and the surrounding road network.</p> <p>The planned open space area which is to be dedicated as public open space as part of the MP approval 1 will incorporate a landscaped pathway connecting the public road reserve.</p> <p>The dedication of this land in conjunction with the inclusion of the pathway networks proposed in the MP approval will ensure that public access to the coastal foreshore is assured.</p> <p>The Coffs Harbour and District Local Aboriginal Land Council and Elders acknowledge that the subject land as being disturbed from previous and existing land uses.</p> <p>The abovementioned parties have identified two areas which may contain deposits of aboriginal cultural heritage origin. Appropriate arrangements will be adopted during the construction phases to ensure the preservation of aboriginal cultural heritage values.</p>

Appendix I – SEPP 71 Assessment

Aim (e) - To ensure that the visual amenity of the coast is protected, and

The subject land is not located in a prominent location such that it would affect the visual amenity of the coast. The proposed development will provide a low density residential subdivision which will integrate its surrounding environment.

Aim (f) - To protect and preserve beach environments and beach amenity, and

The proposed development is remote from beaches.

Aim (g) - To protect and preserve native coastal vegetation, and

Whilst native vegetation will be removed measures to address and offset this have been identified in the Fauna and Flora Report prepared by JWA.

Aim (h) - To protect and preserve the marine environment of NSW, and

The buffer provided by the open space network and inclusion of stormwater treatment devices for the development has will minimise any potential impacts to the marine environment.

Aim (i) - To protect and preserve rock platforms, and

The proposed development is remote from the coastline and accordingly, it does not provide any adverse impacts upon any rock platforms.

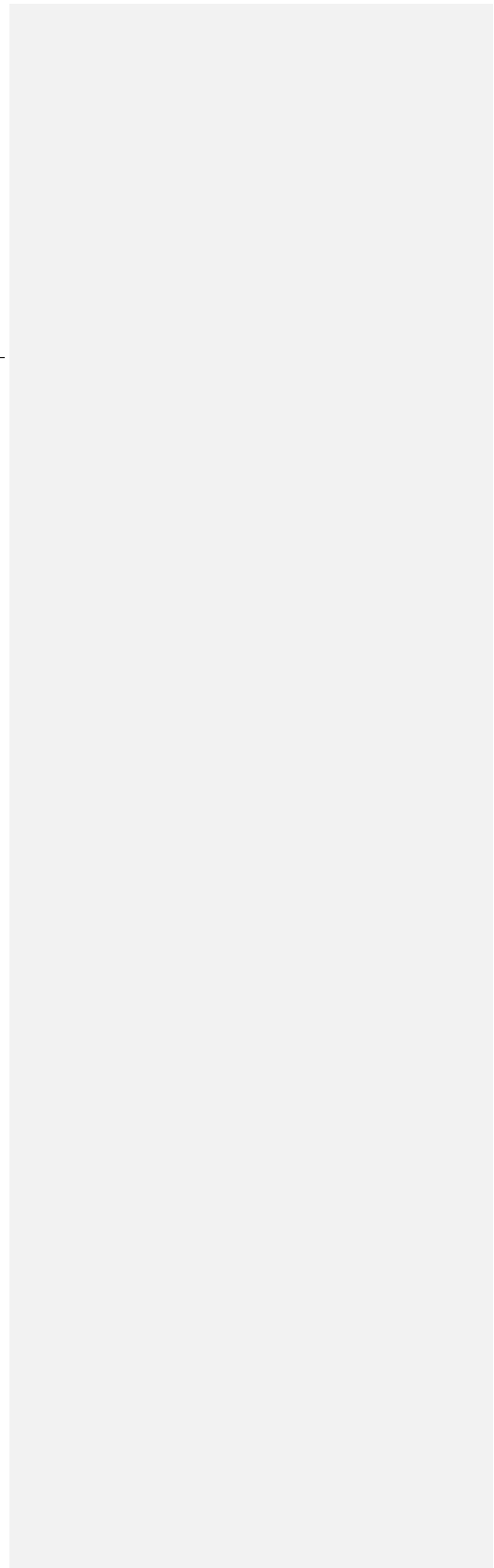
<p>Aim (j) - To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act,1991, and</p>	<p>The proposed development is cognisant of ecologically sustainable development principles and seeks to minimise any environmental impacts.</p>
<p>Aim (k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p>	<p>The proposed development is appropriate for its location and it recognises the environmental values, physical characterises and constraints which apply to the land.</p>
<p>Aim (l) - To encourage a strategic approach to coastal management.</p>	<p>The subject site is zoned for residential purposes under the Coffs Harbour Council’s Local Environmental Plan 2000 and Local Environmental Plan 2013. The Plan has been influenced in its making by a range of statutory and strategic documents including the NSW Coastal Policy and the North Coast REP.</p>
<p>b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved;</p>	<p>Existing development does not provide opportunities for public access to and along the coastal foreshore.</p> <p>The dedication of public open space as part of the Project Approval and provision of connecting pedestrian pathways as part of the proposed development achieves this aim.</p>
<p>c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability;</p>	<p>As above</p>
<p>d) The suitability of development given its type, location and design and its relationship with the surrounding area;</p>	<p>The subject land is zoned for low density residential development. This proposal represents an appropriate outcome for the land having taken into consideration the social, economic and environmental factors relevant to this site.</p>

<p>e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore;</p>	<p>The proposed development does not affect the creek foreshores.</p>
<p>f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities;</p>	<p>Residential development will not overshadow the coastal foreshores nor will it affect views from a public place to the coastal foreshore or the creek foreshore.</p>
<p>g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats;</p>	<p>The proposed development is not visible from the coast.</p>
<p>h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats;</p>	<p>Whilst it will be necessary to remove native vegetation to accommodate this development, compensatory planting will be undertaken to mitigate the loss of same.</p>
<p>i) Existing wildlife corridors and the impact of development on these corridors;</p>	<p>No impact on fish habitat or marine vegetation is anticipated.</p>
<p>j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;</p>	<p>The environmental assessment conducted by JWA identified offset planting to enhance potential wildlife corridors within the site.</p>
<p>k) Measures to reduce the potential for conflict between land-based and water-based coastal activities;</p>	<p>This 31 lot subdivision is more than 100m from the embankment of the Moonee Creek. This distance is considered to be a significant buffer from future erosion likely to result from water based activities and natural occurrences.</p>
<p>k) Measures to reduce the potential for conflict between land-based and water-based coastal activities;</p>	<p>The proposed development does not promote access to the creek foreshore for water based coastal activities.</p>

l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals;	<p>The land occupied by the proposed development exists in a modified state. Consultation with the Local and District Aboriginal Land Council and Aboriginal Cultural Heritage Assessment during the preparation of the major project application did not identify any surface material that was considered significant in the location of the proposed 31 lots.</p> <p>Notwithstanding, two areas of Aboriginal Cultural Heritage interest were identified on the land parcel. Appropriate measures will be implemented during land disturbance works to ensure protection of Aboriginal Cultural Heritage values.</p>
m) Likely impacts of development on the water quality of coastal waterbodies;	<p>A stormwater quality assessment has been undertaken and a range of treatment measures to be incorporated into the subdivision design are proposed as a result of this assessment.</p>
n) The conservation and preservation of items of heritage, archaeological or historic significance.	<p>No items of heritage or historic significance are located on the site.</p> <p>Notwithstanding this, two areas of Aboriginal Cultural Heritage interest were identified on the land parcel during the Major Project assessment. Appropriate measures will be implemented during land disturbance works to ensure protection of Aboriginal Cultural Heritage values.</p>
o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	<p>This matter is not applicable to this proposal.</p>
p) Only in cases in which a development application in relation to proposed development is determined:	<p>The proposed development has been designed having regard to the environmental constraints, sensitivities and opportunities which exist on the subject land. Cumulative impacts upon the environment are therefore unlikely to arise as a result of this development.</p>
(i) the cumulative impacts of the proposed development on the environment, and	

(ii) measures to ensure that water and energy usage by the proposed development is efficient.

The orientation of proposed allotments and the provision of Basix requirements for new residential dwellings will ensure an appropriate response is provided.



Appendix J – Geotechnical Report

Appendix K – Aboriginal Cultural Heritage

Appendix L – Owners Consent

Appendix M – Project Approval Plan

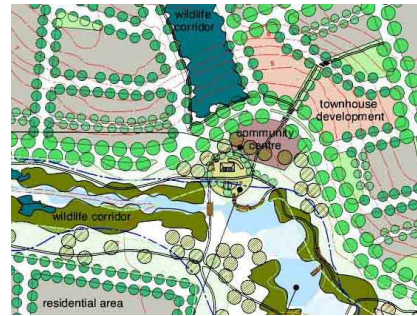
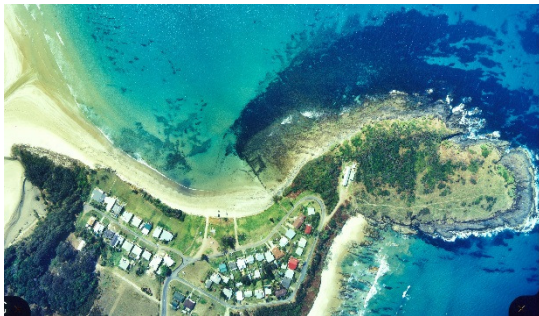
Project Approval 06_0143

NSW Planning and Environment

Rothwell Boys Pty Ltd

Lot 1 DP 725785

The Glades, Moonee Beach NSW



November 2017

Modification of Conditions

Executive Summary

This report supports an Application for the subdivision of land described as Lot 1 in DP 725785 Parish of Moonee, County of Fitzroy.

This application is made under the provisions of Part 3A Major Projects (Transition Provisions) Section 75W of the *Environmental Planning and Assessment Act 1979*.

The proposed development involves the subdivision of the land into 31 residential allotments ranging in area, between 516m² and 742m².

The proposal comprises earthworks modification, vegetation removal and the extension to Council's water, sewer and reuse mains as well the provision of roads, walkways and open space.

The following are the proposed Modification of Conditions sought. In Condition A1 through to E17, the conditions have been redacted highlighted in red and new text is highlighted in green.

In regard to conditions A2, A3, A4 (4) and B(16) it is proposed to add new sections to these Conditions without modifying the current version.

In regard to Conditions E18 (1) and 19 it is proposed to delete these Conditions in their entirety and replace it with new Conditions.

SCHEDULE 1

- Project Approval:** MP 06_0143 granted by the Minister for Planning on 05 March 2009.
- For the following:** A residential subdivision of land into 524 lots, site earthworks (cut and fill), the provision of roads and associated infrastructure, open space, recreation facilities and playing fields, and a pedestrian/ cycleway network.
- On land comprising:** Lots 1 and 2 DP725785, Pacific Highway, Moonee Beach
- Modification:** MP 06_0143 MOD 4:
- Modify Consent to include an extra Stage of Development for an additional 31 allotments.
 - Modify Conditions:
 - A1 (1)
 - A1 (3)
 - A2– insert new sub-condition (12)
 - A3 – insert into table new drawings
 - A4– insert new sub-condition (4)
 - B8
 - B16
 - E7 (4) – insert new sub-condition (vii)
 - E18 (1)
 - E18 (6)
 - E19 (2)

SCHEDULE 2**RECOMMENDED CONDITIONS OF APPROVAL****MAJOR PROJECT NO. 06_0143****PART A—ADMINISTRATIVE CONDITIONS****A1 Project Description**

Project approval is granted only to carrying out the project described in detail below:

- 1) Construction of a staged residential subdivision to create a total of ~~524~~ 553 lots within ~~eleven (11)~~ twelve (12) stages;

Construction of an internal network of roads, pedestrian paths and cycle ways;

- 1) In Schedule 2, Condition A1 the following:

A1 Project Description

Project approval is granted only to carrying out the project described in detail below:

- 1) Construction of a staged residential subdivision to create a total of ~~524~~ 553 lots within ~~eleven (11)~~ twelve (12) stages;

- 2) Construction of an internal network of roads, pedestrian paths and cycle ways;

- 3) Provision of approximately ~~45~~ 43 hectares of open space / habitat conservation areas, including construction of two formal recreation nodes providing a range of facilities including barbeques, picnic shelters, informal playing fields, children's playgrounds and associated car parking;

- 4) Bulk earthworks (cut and fill);

- 5) Construction of associated infrastructure including water supply mains, sewerage mains, stormwater drainage structures, water quality and detention structures;

- 6) Construction of associated Asset Protection Zones;

- 7) Construction of noise attenuation measures, adjacent to the Pacific Highway;

- 8) Construction of the main pedestrian / cycleway linking the site to the south along the collector road;

- 9) Provision of fencing to riparian, environmental buffer zones and corridors,

- 10) Associated landscaping, street planting and rehabilitation / strengthening of existing native vegetation areas to be retained, and

- 11) Construction of temporary construction access to the Pacific Highway. Notes:

i) Release of construction certificates requires finalisation of arrangements for the construction of the northern collector at Moonee Beach including agreements being signed by respective landowners of neighbouring lots to the south of the site. Refer to condition **131**.

ii) Release of subdivision certificates requires the construction and completion of the northern collector road at Moonee Beach and the removal of temporary construction access to the Pacific Highway. Refer to conditions **B1, B2 & E3**.

iii) Release of subdivision certificates for lots beyond the 149th lot is subject to either the completion of the planned Moonee Beach interchange (as set out in the RTA highway upgrade project) or a traffic study being undertaken for the intersection and

implementation of any required improvements as approved by the RTA. Refer to conditions E3 and **E4**.

A2 Staging

The project is to be constructed in eleven (11) stages, generally as follows:

1) Stage 1

- i) 62 residential lots
- ii) 1 lot for a potential corner store.
- iii) Construction of noise mitigation measures for road traffic noise.

2) Stage 2

- i) 40 residential lots
- ii) Construction of Recreation Node No.1.

3) Stage 3

- i) 47 residential lots
- ii) Dedication to Council of Phase 1 Open Space, 19ha.

4) Stage 4

- i) 47 residential lots

5) Stage 5

- i) 51 residential lots

6) Stage 6

- i) 61 residential lots
- ii) Construction of Recreation Node No.2.

7) Stage 7

- i) 48 residential lots
- ii) Dedication to Council of Phase 2 Open Space, 18ha.

8) Stage 8

- i) 48 residential lots

9) Stage 9

- i) 50 residential lots
- ii) Dedication to Council of Phase 3 Open Space, 8ha.
- iii) Construction of pedestrian / cycleway linking site to the south along the collector road.

10) Stage 10

- i) 42 residential lots

11) Stage 11

- i) 28 residential lots

12) Stage 12

- i) 31 residential lots

Essential infrastructure, including roads, shall be constructed as specified in the staging listed above.

A3 Project in Accordance with Plans

The project shall be undertaken generally in accordance with the following drawings:

Project and Engineering Drawings prepared by Auspacific Engineers			
Drawing No.	Revision	Name of Plan	Date
P1	F	Preliminary Lot Layout	February 2009
P3	C	Bulk Earthworks and Noise Attenuation Barriers	December 2008
P3/1	A	Typical Noise Attenuation Barrier Sections	17 April 2008
P4	A	Roadworks Typical Sections	April 2008
P5	C	Stormwater Drainage and Catchment Plan	April 2008
P6	B	Stormwater Outlets and Swale Sections	September 2007
P7	A	Conventional Sewerage Reticulation Concept Plan	April 2008
P9	C	Water Reticulation Concept Plan	April 2008
Engineering Drawings prepared by Gilbert & Sutherland			
Drawing No.	Revision	Name of Plan	Date
GJ0339.5.3a		Stormwater Management Plan	30 July 2007
GJ0339.5.4		Typical Bioretention Swale Cross Section	30 July 2007
Project and Landscape Drawings prepared by ERM			

Drawing No.	Revision	Name of Plan	Date
Annex B (05025/3)		Bushfire Risk Assessment Map (Resource Design & Management)	December 2008 (12 Nov 2008)
Annex E		Staging of Open Space Dedication to Council	December 2008
Annex H – Plan 1		Active Recreation Node 1	December 2008
Annex H – Plan 2		Passive Recreation Node 2	December 2008
Annex H – Plan 3		Broad Scale Open Space Types	December 2008
Annex H – Plan 4		Vegetation Management	December 2008
Annex H – Plan 5		Streetscape (Street Tree Planting)	December 2008
Annex H – Plan 6		Path Network and Development Facilities	December 2008
Annex H – Plan 7		Landscape Concept Plan	December 2008
Annex H – Plan 8		Landscape Staging Plan (fencing details)	December 2008
Annex H – Plan 10		Permanent Fence Option 1	December 2008
Annex H – Plan 11		Temporary/Permanent Fence	December 2008
Annex K		Additional Potential Wallum Froglet	November 2008
Annex L		Engineering Details (Typical	December 2008
Figure 3.2		Preliminary Erosion and Sediment	November 2006
Project and Engineering Drawings prepared by Resource Design & Management			
Drawing No.	Revision	Name of Plan	Date
		Bushfire Risk Assessment Map	November 2017
16083-10		Cover Sheet	November 2017
16083-11		Overall Site Plan	November 2017
16083-12		Layout Plan	November 2017
16083-13		Cut & Fill Plan – Depth Contours	November 2017
16083-14		Road & Drainage AND Erosion &	November 2017
16083-15		Sewer Reticulation Plan	November 2017
16083-16		Water Reticulation Plan	November 2017

A4 Project in Accordance with Documents

The project shall be undertaken generally in accordance with the following documents:

- 1) *Environmental Assessment Report* prepared by ERM on behalf of Rothwell Boys Pty Ltd, dated November 2007; and,

- 2) *Preferred Project Report* prepared by ERM on behalf of Rothwell Boys Pty Ltd, dated September 2008.
- 3) *Post Preferred Project Submission* prepared by ERM on behalf of Rothwell Boys Pty Ltd, dated December 2008.
- 4) Section 75W modification application and supporting documents from Environmental Resources Management Australia, dated 2 June 2011.
- 5) Section 75W modification application and supporting documents from Resource Design and Management Pty Ltd, dated November 2017.

A5 *Inconsistency between documents*

In the event of any inconsistency between:

- 1) The conditions of this approval and the Statement of Commitments in Schedule 3, the conditions of this approval prevail.
- 2) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
- 3) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.

A6 *Certification & Staging*

- 1) Staging of the Development

The staging of the project is to occur generally in numerical order, commencing with Stage 1. It is noted that staging may vary in timing according to market forces.

- 2) Construction Certificate

Prior to the commencement of subdivision works the proponent must obtain a Construction Certificate from either the Council or an accredited certifier for each stage of the subdivision before any subdivision work can commence for each stage.

- 3) Subdivision Certificate

Prior to registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any stage within the subdivision a Subdivision Certificate pursuant to Sections 109C(1)(d) and 109D of the Act must be obtained from the Council or an accredited certifier for each stage of the subdivision.

This approval relates to the subdivision of 524555 allotments and is not bound by the sequence of staging shown in the approved plans, however any changes to the sequence of staging in the approved plans must be agreed in writing by Coffs Harbour City Council.

A7 Lapsing of Approval

This project approval shall lapse (5) years after the date the project approval is endorsed by the Minister, unless works the subject of the application are physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Provision of Access to the site

B1 Access via Northern Collector Road

- 1) Access to the site shall be provided via the northern collector road (generally as identified in Moonee Development Control Plan 2004 or as otherwise agreed to by the Department) from its existing northern limit (near Tidal Crescent) to the southern boundary of the site, over Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743.
- 2) Prior to the issue of any Construction Certificate for the project the proponent shall provide to the satisfaction of Council and the Certifying Authority evidence of appropriate legal agreements being signed with landowners of Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743, for the construction of the northern collector road and associated project infrastructure works, over the respective lots.

The proponent shall also provide to the satisfaction of Council and the Certifying Authority evidence of any relevant assessments and approvals required under the Act and the *Roads Act 1993* being in place to enable commencement of the construction of the northern collector road (generally as identified in Moonee Development Control Plan 2004 or as otherwise agreed to by the Department).

- 3) The funding of the road is subject to agreements with the landowners of Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743 and also subject to the provisions of Moonee Developer Contributions Plan 2008 and any agreed credits for 'works-in-kind', refer to condition E18.

B1A Construction Certificate for Bulk Earthworks

Notwithstanding any other conditions in this approval, a construction certificate to undertake bulk earthworks (cut and fill) across the site and the installation of sewer rising main can be issued at any time provided that satisfactory arrangements have been made to deal with all relevant impacts associated with these bulk earthworks and sewer rising main works, including but not limited to matters set out in conditions B2, B4, B5(7), B8, B9, B10, B11 and B12.

NOTE: In this instance the requirements of conditions B2, B4, B5(7), B8, B9, B10, B11 and B12 as listed above relate only to what is required to be completed prior to the issue of a construction certificate for bulk earthworks. All conditions listed in PART B of this approval are relevant for the issue of construction certificates for each stage of the Glades Estate development in its entirety.

B2 Construction Access from Pacific Highway

- 1) Temporary access to the site for construction of the project may be gained directly from the Pacific Highway. The design of the temporary access shall be to the satisfaction of the RTA. Evidence of the RTA's satisfaction shall be provided to the Certifying Authority prior to the issue of any Construction Certificate.
- 2) The temporary access shall only be used for construction purposes in relation to the approved project and not for general access to the site, to future lots and dwellings.
- 3) Upon completion of the northern collector road (refer to conditions **B1** and E3) this temporary access shall be removed and the area rehabilitated to the satisfaction of Council, and within the road reserve to the satisfaction of the RTA.
- 4) The proponent is responsible for all costs associated with the approval, design and construction of the temporary access, any required traffic management measures, and the removal of the temporary access and landscaping and rehabilitation of this area.

Road Traffic Noise**B3 Road Traffic Noise – Revised Acoustic Assessment**

- 1) A revised acoustic assessment prepared by an appropriately qualified acoustic consultant must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for the western and northern perimeter lots of stages 1, 2, 3 and 9 (lots 1-20, 84-96, and 474-479) of the project. This shall demonstrate that the following noise criteria can be achieved at the most affected boundaries of the nominated allotments and specify noise mitigation measures to be implemented for inclusion with the first construction certificate for construction with the initial stage/s of the project:
 - i) Day (7am – 10pm): $L_{Aeq(15hr)}55dB(A)$.
 - ii) Night (10pm – 7am): $L_{Aeq(9hr)}50dB(A)$.
- 2) Where the above external noise criteria would not feasibly or reasonably be met, the following internal noise criteria should be applied on affected lots for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:
 - i) All habitable room other than sleeping rooms:
 - Day (7am – 10pm)- $L_{Aeq(15hr)}45dB(A)$,
 - Night (10pm – 7am) $L_{Aeq(9hr)}40dB(A)$.
 - ii) Sleeping rooms: $L_{Aeq(9hr)}35dB(A)$.

Notes:

- i) The revised acoustic assessment is required in order to take into account the deletion of access to the Pacific Highway (refer to condition **B1**) and alternative

treatment required for this area, as well as road traffic noise and mitigation measures arising from the RTA Pacific Highway upgrade project.

- ii) 'Feasible or reasonable' is defined in Schedule 1, Part C.
- iii) Internal noise criteria may be applied by means of building covenants or section 88B instruments, which will be required as part of the subdivision certificates for the affected lots.

Traffic Management

B4 Traffic & Pedestrian Management Plan

- 1) Prior to the issue of a Construction Certificate for each stage of the project, a Traffic and Pedestrian Management Plan (as it relates to that stage) shall be prepared by an RTA accredited person in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:
 - i) evidence of agreement from the RTA for any temporary construction access to and from the Pacific Highway, and compliance with their requirement for this access,
 - ii) ingress and egress of vehicles to the site,
 - iii) loading and unloading, including construction zones,
 - iv) predicted traffic volumes, types and routes, and
 - v) pedestrian and traffic management methods.
- 2) The Proponent shall submit a copy of each of the approved plans to Council.

Note: Refer to Condition **B2** in respect to provision of temporary construction access to and from the Pacific Highway.

Road Design

B5 Roads, causeways, culverts and bridges

- 1) Kerb and gutter, stormwater drainage, interallotment drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.), and paved footpaths shall be constructed along the full length of roads within the site.
- 2) All roads shall be in accordance with the relevant design requirements of Council. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for each stage of the subdivision.

- 3) The centre traffic islands along Road 1 shall be deleted to ensure that there are no restrictions on vehicular access and manoeuvring for adjacent lots, or as otherwise agreed with Council.
- 4) All roads shall be designed to provide for adequate manoeuvring areas for service vehicles, including garbage trucks.
- 5) Staging of the project and road construction shall provide for interim turning and manoeuvring areas for all vehicles, including service vehicles.
- 6) Traffic calming measures shall be provided through the site.
- 7) The design of causeways, culverts and bridges shall have regard to terrestrial and aquatic fauna movement, and may include as relevant wet and dry sides, fauna furniture, fish passage, sediment and erosion controls, turbidity, stream flow and impact on stream bed or banks.

B6 Public Car Parking

Detailed construction plans shall be prepared to the satisfaction of Council for the car parks to be provided adjacent to the Recreation Areas/Nodes 1 and 2 prior to the issue of construction certificates for the relevant stages. The carparks shall be constructed as part of road works for areas adjacent to these recreation areas.

Public Transport

B7 Bus Stops

In order to ensure that pedestrians have adequate access to public transport, bus stops are to be constructed at appropriate locations through the site, subject to prior consultation with the relevant bus operators. The details of the type, location and operation of the structures are to be submitted to Council prior to the issue of the first Construction Certificate.

Acid Sulfate Soils

B8 Acid Sulfate Soil Testing

Prior to the issue of any Construction Certificates for Stages 4 to 11 inclusive, all soils in Stages 4 to 11 which are to be excavated below the current surface level in Zone 2 areas for Acid Sulfate Soils on the site (as identified in the Environmental Assessment and in *Acid Sulfate Soil and Groundwater Management Plan, Moonee Glades Residential Development, Moonee Beach*, prepared by Gilbert & Sutherland, August 2008) shall be tested for the presence of Acid Sulfate Soils.

B9 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for each stage of the project where Acid Sulfate Soils or Potential Acid Sulfate Soils have been identified, shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the

satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for that stage of the project.

Subdivision Works

810 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the project, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for each stage of the project. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

The final design plans shall be generally in accordance with the stormwater drainage concept plans prepared by Auspacific Engineers, refer to condition A3.

Monitoring

811 Stormwater Monitoring Plan

In order to demonstrate that the stormwater management system satisfactorily complies with the intended design, prior to the issue of the Construction Certificate for the first stage of the project, a Stormwater Monitoring Plan (generally in accordance with the *Stormwater Infrastructure Maintenance Management Plan* prepared by Gilbert and Sutherland, May 2008) shall be approved by the Certifying Authority and shall be submitted to Council with any application under section 68 of the *Local Government Act 1993* to carry out stormwater drainage works.

Construction Management

812 Construction Management Plan

1) Prior to the issue of a Construction Certificate for each stage of the project, a Construction Management Plan (as it relates to that stage) shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- i) hours of work;
- ii) contact details of site manager;
- iii) traffic and pedestrian management;
- iv) noise and vibration management;
- v) construction waste management;
- vi) dust management;
- vii) erosion and sediment control;
- viii) flora and fauna management, and

- 2) All cut and fill areas are to be topsoiled and seeded immediately after completion to protect the exposed areas from water and wind erosion. The earthwork staging details are to be shown on the Construction Certificate.
- 3) Erosion and sediment controls and management strategies shall be certified by a qualified Environmental or Engineering consultant in accordance with the Landcom publication "Managing Stormwater, Soils and Construction" 2004 (the 'Blue Book').

Landscaping and Open Space Management

B13 Detailed Landscape Plans

Prior to the issue of Construction Certificates for each stage, detailed landscape plans are to be submitted to the satisfaction of the Certifying Authority and a copy provided to Council, for those areas of the site associated with that stage which are to be dedicated as open space and are identified as Open Space Category 2 'Residential and Recreation Areas' and Open Space Category 3 'Environmental Scenic Highway Buffer' (as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008). The plans shall include, but not be limited to the following:

- i) Existing features, including north point, access roads and location of trees to be retained or removed on site, to scale and identified by botanical and common names.
- ii) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
- iii) Proposed and existing site services, including but not limited to water, gas, electricity, sewer, and stormwater and any easements on or adjacent to the site.
- iv) Details of pedestrian access, circulation areas, and facilities within and around the project, including seating within recreation areas and along major pedestrian paths/routes.
- v) Details of fences, gates, decorative features, retaining or noise walls/acoustic fences, and fencing (type and height) for the rear or western boundaries of Lots 1 to 19, adjacent to the Pacific Highway frontage.

Note: Any noise walls or acoustic fences are to be constructed in low maintenance materials such as concrete or 'Heber panels (not timber) and be in a suitable colour to blend with the landscaping.

- vi) Landscape treatment for the site frontage to the Pacific Highway.
- vii) Construction details of paving, edging, fencing, screening, panels and other hard landscape components.
- viii) Details of installation of bollards to protect open space areas from unauthorised vehicle access. Maintenance vehicle access shall be provided.
- ix) Details of stabilisation measures including topsoiling, seeding and planting for disturbed areas resulting from site earthworks, cutting and filling.

- x) Details of landscaped planting associated with the areas zoned Environmental Protection 7B 'Scenic Buffer Zone' and including any noise attenuation barriers or acoustic mounds, which shall be planted with endemic species.
- ix) A detailed plant schedule and plans at an appropriate scale (1:100 to 1:250 for detailed plans and up to 1:500 for whole of site plans) indicating the location of all proposed planting and any existing vegetation to be retained on the site. The plant schedule shall include;
 - a) species listed by botanical and common names, with the majority of plants constituting local native species;
 - b) specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
 - c) maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.

B14 Street Tree Plan

Prior to the issue of a Construction Certificate for each stage, a Street Tree Planting Plan shall be prepared by a qualified landscape architect or professional landscape consultant to the satisfaction of the Certifying Authority and in accordance with the requirements of Council and Council's "*Street Tree Master Plan*" and a copy provided to Council.

B15 Vegetation Management Plan

- 1) Vegetation Management Plans (VMPs) are to be prepared to the satisfaction of the Certifying Authority for those areas of the site to be dedicated as open space identified as Open Space Category 1 'Natural Areas' (as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008). VMPs may be prepared for those areas on a stage by stage basis or as one Plan and are to be submitted to Council prior to the issue of any Construction Certificate for the particular stage. Where a number of VMPs are to be prepared such VMPs must be prepared to a standard template.
- 2) The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices and who are members of the Australian Association of Bush Regenerators (AABR). The VMP is to be in accordance with the guideline: "How to Prepare a Vegetation Management Plan – Version 4" (former Department of Natural Resources, undated).
- 3) The VMP shall also include but not be limited to the following matters:

- i. A locality plan identifying the property, a colour aerial photo of the property, a site plan showing proposed subdivision, contours, creeks, proposed APZ's on land to be dedicated to Council.
- ii. Identification and mapping of all native vegetation, including abundance codes and outline the methodology for ongoing management of all native vegetation, detailing the Initial and Follow Up Maintenance works required.
- iii. Identification and mapping of all noxious and environmental weeds as listed on Council's web site, including abundance codes and outline the methodology of removal and ongoing management of all such listed weeds, detailing the Initial and Follow Up Maintenance works required.
- iv. Detail of revegetation and compensation (koala feed trees, riparian and wetland species) treatment including cross sections, use local provenance plant species, densities, quantities, and protection of retained vegetation.
- v. Rehabilitation works and longer term habitat management and maintenance measures to create and manage Wallum froglet habitat areas including additional potential Wallum froglet foraging and dispersal habitat (as shown in plan prepared by ERM 'Additional Potential Wallum Froglet Habitat' December 2008).
- vi. Riparian and stream rehabilitation requirements of the Department of Water & Energy.
- vii. Identification and detail of fire and drought refuge areas along the creeks; retention and rehabilitation of wildlife corridors; wildlife crossings; and related traffic calming and speed control devices. Detail of exclusion fencing arrangements to provide barriers (where required) to koala movement, as well as detail of koala warning signage and street lighting arrangements for early detection of koalas in movement corridors/roadways.
- viii. Compensatory koala habitat revegetation is to be provided on site for secondary koala habitat to be removed from the site, in accordance with Council's Koala Plan of Management and at a ratio no less than 1:5 for Secondary Koala Habitat, and/or 1:10 for Secondary Koala Habitat and Endangered Ecological Communities.
- ix. Maintenance, monitoring and reporting schedule.
- x. Information regarding the timing of the works.

Bushfire Management

B16 Asset Protection Zones

Asset Protection Zones (APZs) are to be provided in accordance with the Bushfire Risk Assessment Map (Drawing No.05025/3) by Resource Design and Management, dated 12 November 2008 and in accordance with the Bushfire Risk Assessment Report (Figure 8 – APZ & BAL Ratings) by Resource Design and Management, dated November 2017. Details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for each stage of the project.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 *Surrender of Existing Consent*

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this approval, the proponent shall surrender development consent 257/1993 (issued by Council on 22 June 1994 for a community title subdivision), subject to and in accordance with the Regulation, prior to the commencement of works. A copy of the notice of surrender shall be sent to the Department.

Notification Requirements

C2 *Notice to be Given Prior to Commencement/Excavation*

- 1) The Principal Certifying Authority shall give the Department and Council written notice at least 48 hours prior to the commencement of excavation, and subdivision works on the site for each stage of the project.
- 2) The Principal Certifying Authority shall give a minimum of 48 hours notice to the Proponent of any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Sections 75S and 81A of the Act.

C3 *Source of Material for Filling of the Site*

Once the Construction Certificate has been issued for each stage of the subdivision, any change in the source of fill (that is fill not sourced from the site) must be notified to the Certifying Authority and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report must include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material.

Pollution Control

C4 *Erosion and Sediment Control*

Prior to commencement of work on the site for each stage of the project, all erosion and sedimentation control measures relevant to that stage are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

Services

C5 Existing Services

The proponent shall locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works for each stage of the project. Prior to the start of any works the Principal Certifying Authority shall ensure there shall be no conflict between the project and existing infrastructure.

Contact Details

C6 Contact Telephone Number

Prior to the commencement of the works for each stage of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Waste Material

C7 Movement of Trucks Transporting Waste Material

The proponent shall notify the RTA's Traffic Management Centre of the truck route(s) to be followed by trucks transporting any waste material from the site, prior to the commencement of the removal of any waste material from the site for each stage of the project.

Heritage

C8 Aboriginal Cultural Heritage - Artefact Sites

- 1) A semi-permanent high visibility fence shall be built at least 10 metres from the known boundary of Site 2 (areas of remnant vegetation which are not to be disturbed), Site 3, Site 4, Site 6 and Site 7 (as identified in Table 3.2 of the Aboriginal Cultural Heritage Assessment by ERM dated October 2007) prior to commencement of any work on the site, in order to protect these sites from any inadvertent harm by workers developing the site. The fence shall be built under the supervision of a qualified archaeologist and representatives of the local Aboriginal community (Including representative/s of the Local Aboriginal Land Council/s). The fence is to be kept in place for the duration of the construction period.
- 2) Employees and contractors undertaking earthworks on the site must be instructed that they are working close to a culturally sensitive area. It is possible that their works may uncover cultural material. Employees and contractors must be instructed to exercise

caution when working on the site and must be instructed how to identify this cultural material and that, in the event that they do find any, they are to stop work immediately and follow the procedures set out in Condition **D14** of this approval.

Notes:

- i) Any modifications to the project that may be required arising from findings of any additional archaeological ground surveys may require further approval of the Minister.
- ii) iii) Under section 75U of the Act authorisations being a permit under section 87 or consent under section 90 of the *National Parks and Wildlife Act 1974*, related to additional archaeological surveys, are not required for an approved project.

Vegetation and Tree Clearing

C9 Procedures prior to Vegetation and Tree Clearing

- 1) Prior to commencement of tree removal, a search for the presence of Koalas, and chance occurrence of any other native faunal species is required prior to any clearing of vegetation. This search should include upper canopy, midstorey and or understorey resources. Pre-clearing searches and subsequent clearing shall include the following procedures:
 - i) All hollows should be searched, preferably by spotlighting in the evening prior to commencement.
 - ii) All checks shall be to a minimum distance of 50m immediately adjacent to the proposed clearing area.
 - iii) Surveys for Koalas are required within a three metre radius from the base of any listed food trees/resources.
 - iv) If any animal is located, the tree and any within a 50m radius must not be removed until the animal has moved on under its own accord or an arrangement has been made with the Department of Environment & Climate Change to relocate the fauna in question.
 - v) All unplanned or accidental injuries shall be reported to WIRES immediately. Koalas should be secured by covering with a towel or blanket and then secured in a bin or box with existing air holes.
- 2) A qualified Ecological consultant is to be present on site during any identified vegetation clearance. Their role is to monitor works in sensitive areas, offer advice during the clearance process and be present to supervise recovery procedures in case of accidental harm to wildlife.

Riparian Buffers

C10 Fencing of riparian buffer zones, habitat areas and corridors.

Prior to commencement of any works on the site (except for bulk earthworks and sewer rising main installation where only temporary construction fencing is required to be erected) permanent and temporary fencing shall be erected to the perimeters of the riparian buffer zones, habitat areas and corridors for that relevant stage (in particular Open Space Category 1 'Natural Areas' as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008), generally as provided for in the Landscape Staging Plan Annex H Plan 8 prepared by ERM, dated December 2008.

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Principal Certifying Authority.

D2 Site Notice

A site notice(s) shall be prominently displayed at the Pacific Highway boundary of the site for the purposes of informing the public of project details including, but not limited to:

1. Details of the Contractor, Principal Certifying Authority and Site Superintendent, or equivalent, for all stages of the project.
2. The approved hours of work;

3. the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including for construction/noise complaints are to be displayed on the site notice; and
4. To state that unauthorised entry to the site is not permitted.

D3 Protection of Trees and Vegetation – On Site

- 1) All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary, during construction of any stage of the subdivision.
- 2) Removal of noxious, environmental and significant weeds within vegetation regeneration areas (Open Space Category 1 'Natural Areas' as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008) is to have no impact on retained significant native vegetation.
- 3) Retained trees and vegetation are to be protected from collateral damage during the clearing process through directional felling of trees and restriction of heavy machinery access within the critical root zones.
- 4) Where vegetative reproducing exotic species are present, any debris falling into stream/creek as a result of subsequent clearing practices should be removed immediately without impact on stream bank or adjacent vegetation.

D4 Dust Control Measures

The project shall be carried out in a manner that minimises or prevents the emission of dust from the site, including wind blown and traffic generated dust. This shall include all vehicles carrying soil, spoil or rubble, entering and leaving the site, being covered at all times except during loading and unloading.

Site Maintenance

D5 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented, managed and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

No clearing or stripping works shall be undertaken on the site until the erosion and sediment control measures are implemented.

A qualified Environmental or Engineering Consultant shall ensure that the erosion and sedimentation controls are appropriate for the site and current stage of construction.

D6 Filling of the Site

- 1) All residential allotments shall be filled to a minimum of the design flood level plus minimum 600mm freeboard, with minimum fill levels of RL 4.75mAHD in accordance with the approved plans.
- 2) Fill platforms must be set at a minimum of 2 metres above the 1 in 100 year flood level or the water table (whichever is the higher) in the southern open space areas that contain stormwater infrastructure, in accordance with AusPacific Engineers advice dated 4 April 2008. Finished levels must be to the satisfaction of Council.
- 3) Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.
- 4) During filling operations,
 - i) No fill is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
 - ii) All fill and cut batters shall be contained wholly within the site.
 - iii) All topsoil to be re-spread and the site to be grassed and landscaped, including battered areas.

Monitoring**D7 Monitoring of Stormwater Management System**

The stormwater drainage system shall be monitored in accordance with the approved Stormwater Monitoring Plan throughout construction of each stage of the subdivision to demonstrate that it satisfactorily complies with the intended design.

- 1) Amendments to the system may be required to ensure compliance.
- 2) Monitoring shall continue post-construction for each stage of one year or until dedication occurs whichever is the later.

Noise and Vibration**D8 Hours of Work**

The hours of construction for all stages of the project, including the delivery of materials to and from the site, shall be restricted as follows:

- 1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;

- 2) between 8:00 am and 1:00 pm, Saturdays;
- 3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- 4) the delivery of materials is required outside these hours by the Police or other authorities;
- 5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- 6) the work is approved through the Construction Management Plan; and
- 7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D9 Construction Noise Objective

- 1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- 2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- 3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- 4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D10 Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the subdivision must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide (DEC, 2006)*.

D11 Use of Crushing Plant Machinery

The use of crushing plant machinery, mechanical screening or mechanical blending of materials is not permitted on the site without separate further approvals being obtained under the Act.

Heritage

D12 *Impact of Below Ground (Sub-surface) Works - Non-Aboriginal Objects*

If any archaeological relics are uncovered during the course of the work in any stage of the project, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment may be required before further works can continue in that area.

D13 *Impact of Below Ground (Sub-surface) Works — Aboriginal Objects*

- 1) In the event that future works during any stage of the project disturb Aboriginal artefacts or relics, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment and Climate Change, Coffs Harbour, the Coffs Harbour Local Aboriginal Land Council (LALC), the Yarrawarra Aboriginal Corporation and the Garby Elders must be informed. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment and Climate Change.
- 2) A surface collection of artefacts must be undertaken by representatives of the Aboriginal community and an archaeologist in Site 1, the portion of Site 2 to be disturbed and Site 5 (as identified in Table 3.2 of the Aboriginal Cultural Heritage Assessment by ERM dated October 2007).

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Subdivision Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a subdivision certificate shall be obtained for each stage of the project.

E2 Civil and Infrastructure Works

- 1) All civil works approved with the Construction Certificate are to be completed to the satisfaction of Certifying Authority prior to issue of a Subdivision Certificate for each stage of the project.
- 2) All service infrastructure works to service each stage of the project are to be completed to the satisfaction of relevant authorities.
- 3) All roads, water and sewerage mains shall be fully constructed to the boundary of the adjoining land (Lot 1 DP 1097743) in accordance with Council's Development Design and Construction Specifications.
- 4) Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc.) during construction of the project shall be repaired to the satisfaction of Council prior to the issue of a Subdivision Certificate for each stage of the subdivision.
- 5) The site shall be stabilised to Council's satisfaction, including as a minimum at least 50% grass cover or application of mulch or hydro seeding to all disturbed areas.

Collector Road & Moonee Beach Road

E3 Collector Road

Prior to the issue of a subdivision certificate for any of the lots in the project, the northern collector road from its existing northern limit (near Tidal Crescent) to the southern boundary of the site, over Lot 5 DP 252223, Lot 6 DP 252223, and Lot 1 DP 1097743, shall be constructed and completed to the satisfaction of Council and shall be dedicated as a public road for its full alignment from the southern boundary of the site to its connection with Moonee Beach Road, refer to conditions B1, B2(3) and B2(4).

E4 Limitations on the release of lots

Should the Moonee Beach Road grade separated interchange with the Pacific Highway not be operational immediately prior to the release of the first 149 lots (or a different number of lots as otherwise agreed with or directed by the Department in consultation with the RTA), no further subdivision certificates for additional lots shall be released until a further traffic

study of the intersection of Moonee Beach Road and Pacific Highway is undertaken to determine whether capacity is available to accommodate the additional traffic and whether any improvements are required to increase that capacity. Any required improvements are to be designed, approved and implemented to the satisfaction of the RTA.

Bush fire Management

E5 Asset Protection Zones

- 1) The Asset Protection Zones are to be inspected and certified for compliance by an appropriately qualified bushfire planning consultant prior to the release of the Subdivision Certificate for each relevant stage of the subdivision; the certificate is to accompany the application for the Subdivision Certificate for each relevant stage.

E6 Access

Public road access shall comply with Section 4.1.3 (1) of Planning for Bushfire Protection (2006). In this regard the following design standards for public roads are to be incorporated into the project:

- i) Roads shall be two-wheel drive, all weather roads; and,
- ii) Urban perimeter roads are two-way with a carriageway of 8 metres minimum kerb to kerb.

E7 Registration of Easements / Restrictions to use / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc. in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.
- 4) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.

- i) A Restriction as to User within Lots 475 and 484-498 in Stage 9 of the subdivision, adjoining the Zone 3 vegetation to the south west of the site, allowing for the creation of a 10 metre wide Asset Protection Zone, measured from the southern boundary of these lots. This area shall be maintained as an inner protection area in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.
 - ii) A Restriction as to User allowing for the creation and maintenance of a Bushfire Asset Protection Zone (APZ) on all affected lots (including roads and open space areas to be dedicated to Council), as shown on Drawing No.05025/3 Bushfire Risk Assessment Map, prepared by RDM, 12 November 2008. This area shall be maintained as an inner protection area in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.
 - iii) A Restriction as to User on all allotments marked in yellow (Level 2 construction) or red (Level 3 construction) on Drawing No.05025/3 Bushfire Risk Assessment Map, prepared by RDM, 12 November 2008 requiring the construction of dwellings houses on the specified allotments to be Level 2 or Level 3 Construction Standard (AS3959).
 - iv) A Restriction as to User on any allotments identified as a result of the revised acoustic assessment (refer to conditions B3 and E17) requiring the imposition of the specified internal noise criteria.
 - v) A Restriction as to User that no cats shall be permitted to be kept within the site.
 - vi) A Restriction as to User to enforce adopted design guidelines for the site, generally as set out in the Draft Design Guidelines, Annexure S of the Environmental Assessment.
- 5) The restrictions are to be clearly marked on the plan/s of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Services

E8 Utilities -Telephone and Electricity Services

- 1) Prior to issue of the Subdivision Certificate for each stage of the project, the relevant stage is to be connected to all available services (water, electricity and telephone) Such connections, and any extension of services required to the project, are to be carried out at full cost to the proponent.
- 2) The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision

of underground telephone supply must be submitted prior to issue of a Subdivision Certificate for each stage of the subdivision.

- 3) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity has been completed prior to issue of a Subdivision Certificate for each stage of the subdivision.
- 4) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard and requirements of Country Energy.
- 5) The submission to the Certifying Authority and subsequent registration of the required right of carriageway/easement for services/restrictions-as-to-users is required.

E9 Water Supply and Sewer

- 1) Prior to issue of a Subdivision Certificate for each stage of the project reticulated water and sewerage shall be provided to all lots within that stage.
- 2) Trunk water mains are to be extended to the development from Council's existing trunk water main located on the collector road to the south of the site (not from the western side of the Highway).
- 3) Sewer shall be pumped direct to the Bucca Sewerage Treatment Plant.

E10 Work As Executed Plans

Works as executed plans are to be submitted to Council for each stage prior to the issue of a subdivision certificate for that stage, which shall be endorsed by a Registered Surveyor or a Consulting Engineer certifying that:

- i) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the project;
- ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the proponent it is the responsibility of the proponent to prepare and submit works-as-executed plans.

Open Space / Landscaping

E11 Embellishment and Maintenance of Open Space Areas

- 1) Prior to the release of relevant Subdivision Certificate for the project, open space (as it relates to each of those stages) is to be embellished and recreation areas and facilities established and constructed consistent with the approved landscape plans and in accordance with the plan titled Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008, subject to the deletion of the open space area which is to become Stage 12.
- 2) The works prescribed in the approved Vegetation Management Plan (VMP) for that relevant stage, must be completed in accordance with the VMP and certified in

writing by the consultant who prepared the VMP, prior to the issue of the relevant Subdivision Certificates.

- 3) All landscaped and open space areas (Open Space Categories 1, 2 and 3 as identified in the approved plan prepared by ERM 'Broad Scale Open Space Types' dated December 2008) to be dedicated to Council including open space areas along road reserves are to be managed and maintained for a minimum 5 years from release of relevant construction certificates, subject to the deletion of the open space area which is to become Stage 12.

E12 Street Trees

- 1) Street tree planting shall be carried out to Council's satisfaction in each stage of the project, prior to the issue of the Subdivision Certificate for each stage.
- 2) The plantings are to be maintained for twelve months in accordance with Council's Street Tree Master Plan to ensure successful establishment and development. A \$370 bond per tree is to be paid to Council prior to the issue of the relevant Subdivision Certificate. The bond will be returned at the end of the twelve months maintenance period provided plantings have established successfully. At the end of the maintenance period Council will replace plantings that have failed at a cost per tree taken from the bond.
- 3) Works-as-executed plans shall be provided to Council in Digital CAD or Arcview format prior to issue of the relevant Subdivision Certificate.

E13 Public Reserve Signage

Interpretive or educational signage of the environmental and cultural values of the public reserves, in particular the areas of Wallum Froglet habitat, shall be provided prior to release of the final Subdivision Certificate, to the satisfaction of the Certifying Authority.

Dedication of Land

E14 Dedication of Open Space

- 1) The proponent shall make necessary arrangements for the dedication of the open space areas to Council prior to release of the relevant Subdivision Certificate in accordance with the plan titled Staging of Open Space Dedication to Council, December 2008, Annexure E of the 'Post Preferred Project Submission', December 2008, subject to the deletion of the open space area which is to become Stage 12.
- 2) Prior to the issue of the first Subdivision Certificate for the project, relevant approvals or agreements are to be entered into with Council to allow the proponent to carry out management and maintenance works, as required under condition **E11**, on the open space areas in each stage of the project, during five years following release of construction certificates of each stage.

- 3) All open space and public reserve areas shall be dedicated at no cost to Council, other than any land that may be subject to the acquisition provisions of clause 20 *Coifs Harbour Local Environmental Plan 2000*.

Note: Clause 20 *Coifs Harbour Local Environmental Plan 2000* applies to land zoned Open Space 6A Public Recreation Zone' on the site.

E15 Dedication of Internal Roads

All internal roads shall be constructed by the proponent in accordance with the staging of the project and dedicated to Council as public roads.

Siteworks

E16 Fill Contour Plan

Prior to the release of a Subdivision Certificate for the first stage of the project to be released a final contour plan shall be submitted to Council showing the location, depth and type of fill located on the site. This shall include fill platforms of minimum of 2 metres above the 1 in 100 year flood level or the water table (whichever is the higher) in the southern open space areas that contain stormwater infrastructure, in accordance with AusPacific Engineers advice dated 4 April 2008.

Road Traffic Noise

E17 Verification of noise mitigation measures

Prior to the release of the relevant Subdivision Certificate a report prepared by an appropriately qualified acoustic consultant shall be submitted to verify and certify that implemented noise mitigation measures have been constructed in accordance with the recommendations of the revised acoustic report, condition **B3**.

Monetary Contributions

In Schedule 2, delete Condition E18 in its entirety and replace it with new Condition E18 as follows:

E18 Section 94 Monetary Contributions

- 1) Prior to the endorsement of a Subdivision Certificate for each stage of the subdivision, the proponent must pay, in proportion to the additional lots created by that stage, a contribution to Council pursuant to Section 94 of the Act and Council's *Moonee Release Area Developer Contributions Plan 2014*, being as follows:

Moonee Developer Contributions Plan 2014			
MP 06_014- 3 D/A 631/08		Contributions as at 22 November 2017	
Facility	No of Lots	\$ per Lot	Sub-Total
Community Facilities	553	1,062.82	587,739.46
Open Space (Neighbourhood: Moonee) subject to 'works in kind', refer point 3 below	553	2,207.86	1,220,946.58
Moonee Transport and Traffic, subject to 'works in kind', refer point 4 below	553	1,919.23	1,061,334.19
Urban Planning	553	13.46	7,443.38
Moonee local roads, subject to 'works in kind', refer point 4 below	553	6,767.94	3,742,670.82
Coffs Harbour Open Space Developer Contributions Plan 2014			
Facility	No of Lots	\$ per Lot	Sub-Total
District Open Space	553	3,885.91	2,148,908.23
Surf Rescue Equipment Developer Contributions Plan 2013			
Facility	No of Lots	\$ per Lots	Sub-Total
Surf Rescue Facilities	553	74.08	40,966.24
Coffs Harbour Road Network Developer Contributions Plan 2014			
Facility	No of Lots	\$ per Lot	Sub-Total
Coffs Harbour Road Network	553	547.6	302,822.80
Coffs Harbour Administration Levy Developer Contributions Plan 2014			
Facility	No of Lots	\$ per Lot	Sub-Total
Co-ordination and Administration	553	540.25	298,758.25
TOTAL CONTRIBUTIONS PAYABLE			\$9,411,589.95

Stage 1 - 60 Lots	1,021,149.00
Stage 2 - 40 Lots	680,766.00
Stage 3 - 47 Lots	799,900.05
Stage 4 - 47 Lots	799,900.05
Stage 5 - 51 Lots	867,976.65
Stage 6 - 61 Lots	1,038,168.15
Stage 7 - 48 Lots	816,919.20
Stage 8 - 48 Lots	816,919.20
Stage 9 - 50 Lots	850,957.50
Stage 10 - 42 Lots	714,804.30
Stage 11 - 28 Lots	476,536.20
Stage 12 – 31 Lots	527,593.64
TOTAL CONTRIBUTIONS PAYABLE	\$9,411,589.94

- 2) The contribution shall be paid in the form of cash or bank cheque, made out to Coffs Harbour City Council, except as agreed with Council in relation to any credits for ‘works in kind’, as specified below. For accounting purposes, the contribution may require separate payment for each of the categories specified in the Contributions Plan and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

- 3) Contributions for Neighbourhood Open Space can comprise in part ‘works-in-kind’ for the construction of two recreation nodes within the site, refer to conditions **A2** and **B13**. Recreation Node No 1 is to be constructed prior to the release of the Subdivision Certificate for Stage 3. Recreation Node No. 2 is to be constructed prior to the release of the Subdivision Certificate for Stage 7. The value of works to be undertaken and the balance of monetary contributions shall be at least equal to the Neighbourhood Open Space contributions assessed, and adjusted, in accordance with the plan.
- 4) Contributions for the Transport and Traffic and Moonee Local Roads components of the Contributions Plan shall be paid to a total combined rate of \$13,941.51 per lot, combined total amount of \$7,277,468.22 for the estate, as adjusted in accordance with the procedures set out in Council’s Section 94 Contributions Plans. These contributions can comprise in part ‘works-in-kind’ for the construction of the collector road (refer to condition **B1**) and in part a monetary contribution for the balance of the total contributions owing, following ‘works-in-kind’. The value of ‘works-in-kind’ to be undertaken plus the monetary contributions shall be at least

equal to the Transport and Traffic and the Moonee Local Roads contributions as assessed, and adjusted, in accordance with the plan.

Note: The collector road is to be completed to the satisfaction of Council prior to the issue of any Subdivision Certificates, in accordance with condition **E3**.

- 5) The contribution rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.
- 6) Contribution calculations recognise the two existing lots and have therefore only been imposed on the additional 522 553 lots. The existing lot entitlements have been recognised in Stage 1 of the development.
- 7) The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.

E19 Section 64 Monetary Contributions

In Schedule 2, delete Condition E19 in its entirety and replace it with new Condition E18 as follows:

- 1) Contributions Plans relevant to the project include:
 - Wastewater Treatment and Carrier System Development Servicing Plan 2008 Interim - 24 April 2008.
 - Water Supply Development Servicing Plan 2008 - Interim - 24 April 2008.
- 2) Prior to endorsement of a Subdivision Certificate for each stage of the project, the proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 64 of the *Local Government Act 1993*.

Facility	No of Lots	\$ per Lot	Sub-Total
Water	553	10,436.94	5,771,627.82
Wastewater	553	9,980.67	5,519,310.51
Total			\$11,290,938.33

- 3) The contributions are reviewed from time to time and are also subject to quarterly adjustment in accordance with the Consumer Price Index for Sydney (All Groups).
- 4) The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.