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SCHEDULE 2
RECOMMENDED CONDITIONS OF APPROVAL
MAJOR PROJECT NO. 07_0075

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

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

- (1) A 41 lot residential subdivision comprising: a bioretention/detention basin; a pocket park; an environmental reserve; earthworks (cut and fill); roads and associated infrastructure and services; Asset Protection Zone and fire trail, fencing to southern, western and northern boundaries; and a dog proof fence to the eastern boundary of the fire trail.
- (2) Road and fire trail upgrade of Hearnese Lake Road and service connections, picnic facilities and upgrade to the existing car park at Hearnese Lake, a dog proof fence and gates to southern boundary of the fire trail and signage.

A2 Project in Accordance with Plans

The project will be undertaken in accordance with the Environmental Assessment, the Preferred Project Report and the following drawings:

Design and Servicing Survey Drawings prepared by de Groot & Benson			
Drawing No.	Revision	Name of Plan	Date
Map 1	H, as amended by the Department of Planning	Overall Concept Plan	21/08/09
Map 4S	H	Sewer Concept Plan	21/08/09
Map 4W	H	Water Concept Plan	21/08/09
Map 6	H	Bushfire Control Plan	21/08/09
Map 7	H, as amended by the Department of Planning	Stormwater Management	21/08/09
Map 10	H, as amended by the Department of Planning	Cross Sections – Sheet 1	21/08/09
Map 26	H, as amended by the Department of Planning	Flora – Fauna Management Controls	21/08/09
Map 27	H	Hearnese Lake Road	21/08/09
Map 28	H	Hearnese Lake Road	21/08/09
Map 29	H	Hearnese Lake Road	21/08/09
Landscape Drawings prepared by Anne Harrison			
99-07-2	As amended by the Department of Planning	Open Space Network	Aug 2009
Road Long Section Drawings prepared by de Groot & Benson			
Map 11		Long Road Sections – Sheet 1	21/08/09
Map 12		Long Road Sections – Sheet 2	21/08/09

Map 13		Cross Sections – Sheet 1	21/08/09
Map 14		Cross Sections – Sheet 2	21/08/09
Map 15		Cross Sections – Sheet 3	21/08/09
Map 16		Cross Sections – Sheet 4	21/08/09
Map 17		Cross Sections – Sheet 5	21/08/09
Map 18		Cross Sections – Sheet 6	21/08/09

except for:

- (1) otherwise provided by the conditions of this approval.

A3 Project in Accordance with Documents

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

Environmental Assessment Documentation

- (1) *Environmental Assessment. 45 Hearnese Lake Road, Woolgoolga proposed Land Subdivision. Part 3A Application* report prepared by Mersonn Pty Ltd and dated April 2009;

Preferred Project Report Documentation

- (2) *45 Hearnese Lake Road, Woolgoolga proposed Land Subdivision. Preferred Project Report* prepared by Mersonn Pty Ltd and dated September 2009;
- (3) *Correspondence prepared by Mersonn dated 29 September 2009;*

A4 Inconsistency between documents

- (1) In the event of any inconsistency between:
 - (1) The conditions of this approval and the Statement of Commitments (at 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.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Changes

B1 Design Modifications

In order to ensure a sustainable environmental outcome, the design of the subdivision shall be amended as follows:

- (1) The fire trail is to be modified such that it:
 - (a) Extends along the eastern boundary of lot 42, lot 31 as modified by Condition B1(3), lot 29 as modified by Condition B1(2), and lot 26.
 - (b) Connects to Road 2 as modified in Condition B1(5)
 - (c) The location of the vegetated swale and rain garden are to also to be modified to remain on the western boundary of the fire trail.

- (2) The boundary of lot 29 is to be modified such that the eastern verge of the 6 metre wide fire trail easement does not extend beyond the western boundary of the adjacent *Thesium australe* population as depicted in the Open Space Network plan dated August 2009.
- (3) The boundary of lot 31 is to be modified such that the construction of the fire trail, as modified by Condition B1(1) and (2) is consistent with the specifications detailed in the Statement of Commitments Item no: 10.
- (4) Lot 27 is to be deleted and the land incorporated into lot 28.
- (5) Road 2 is to be modified such that it is reduced in length so as to only provide access to lot 29 and lot 26 at their western frontages.
- (6) The dog proof fence is to be modified such that it:
 - (a) Extends west along the northern verge of the fire trail terminating at the boundary of lot 37; and
 - (b) Extends south to the upgraded track and then west along the southern verge of the track terminating at the existing car parking area and includes the installation of two gates to allow access to the remaining permissive occupancies on Hearnies Lake Road.
- (7) Outlet structures for the rain gardens located along the fire trail are to include suitable armouring at the discharge points in order to prevent soil erosion.

Map 1, Map 7, Map 10, Map 26, Landscape Plan No. 99-07-2 and other associated plans, incorporating the above modifications shall be submitted to the Director, Regional Projects, for approval prior to the issue of the construction certificate.

B2 Rainwater Tanks

All rainwater tanks as per the Stormwater Management Plan amendment H prepared by de Groot and Benson dated 21 August 2009 are to be installed by the proponent. Details are to be submitted to PCA for approval prior to the issue of the Construction Certificate. The capacity of these is to be consistent with the specifications detailed in the Statement of Commitments Item no: 8.

B3 Perimeter Fencing

The proponent shall install permanent perimeter fencing up to 1.8 metres high along the site boundaries of Lots 12-19, 36-42, 31, 29, 24-26, 1 and 2. Details of this fencing are to be submitted to Council for approval prior to the issue of the Construction Certificate.

Vegetation Management

B4 Vegetation Management Plan

- (1) Prior to the issue of the Construction Certificate a Vegetation Management Plan (VMP) for the pocket park (Lot 3) to be dedicated to Council is to be submitted to Council for approval.

The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration and who are members of the Australian Association of Bush Regenerators (AABR).

The VMP must:

- (a) Include a locality plan identifying the pocket park's location in the subdivision and site contours;
 - (b) Identify and map all native vegetation including abundance codes in this park;
 - (c) Detail maintenance, monitoring and costing for the pocket park for a 5 year period including a management plan for the Austral Toadflax, details of regeneration and weed suppression activities and details of maintenance of the Kangaroo Grassland habitat on this pocket park. The Management Plan for the Austral Toadflax and Kangaroo Grass is to be endorsed by a qualified and experienced ecologist;
 - (d) Identify retention/removal of mature habitat trees;
 - (e) Details of weed management;
 - (f) Details of pedestrian activity, including footpaths in and adjacent to this pocket park that protects the integrity of the Austral Toadflax and Kangaroo Grass; and
 - (g) Identify initial and follow up works, to include the timing of the works and to cover a 5 year period.
- (2) Prior to the issue of the Construction Certificate a separate Vegetation Management Plan (VMP) for the land to be dedicated to the Land and Property Management Authority is to be submitted to Land and Property Management Authority for approval. This VMP is to incorporate the agreed works detailed in Annexure A to the Statement of Commitments dated 12/11/2009.

The VMP shall address, the proposed lot 28 reserve and the adjacent Crown lands and will specifically address, but not be limited to, the following:

- (a) A requirement that clearing activities will be restricted to only those areas nominated on construction plans;
- (b) A requirement to prevent vehicle movements within uncleared areas;
- (c) Details of maintenance, monitoring and costing for the whole site for a five year period including a management plan for the Austral Toadflax, details of regeneration and weed suppression activities and details of maintenance of the Kangaroo Grass grassland habitat on designated parts of the site;
- (d) Details of revegetation and the supplementary planting of local indigenous native vegetation species;
- (e) A requirement that all mature remnant red gum and mature habitat trees to be retained where possible;
- (f) Details of edge planting to the southern tip of the SEPP 26 Littoral Rainforest with suitable species as listed in the PPR;
- (g) Details of weed management for a two year period, following the release of the final subdivision certificate, to the adjacent Crown lands; and
- (h) All vegetation rehabilitation work funded by the proponent is to be supervised by an appropriately qualified and experienced person with minimum qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration and 4 years bush regeneration experience.

Construction Management

B5 Construction Environmental Management Plan

Prior to the issue of the Construction Certificate a Construction Environmental Management Plan (CEMP) is to be submitted to the PCA for approval.

The CEMP shall address all works, traffic, safety and environmental management and will specifically address, but not be limited to, the following:

- (1) A description of the work program outlining relevant timeframes for activities;
- (2) Hours of work;
- (3) Traffic management, including measures to be taken to restrict access to the fire trail;
- (4) A description of the roles and responsibilities for all relevant employees involved in the construction phase;
- (5) Construction waste management;
- (6) Erosion and sediment control;
- (7) Details of all environmental management procedures, monitoring and reporting. This is to include the identification and establishment of suitable temporary fencing of mature remnant red gums, mature habitat trees and *Thesium australe* populations to be retained prior to the commencement of works on the site; and
- (8) Details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders.

B6 Water Quality Monitoring Strategy

Prior to the issue of the Construction Certificate a Water Quality Monitoring Strategy is to be submitted to Council for approval. This program shall include waters entering the ephemeral wetland and Hearn's Lake and comprise of:

- (1) Establishment of base line data prior to the commencement of works;
- (2) Surface water monitoring as detailed in the Sediment and Erosion Management Report by de Groot and Benson dated August 2009;
- (3) A monitoring program for a two year period following the release of the final subdivision certificate, in order to monitor the effectiveness of the Stormwater Management System constructed on site; and
- (4) Arrangements acceptable to Council for the proponent and/or his contractors to undertake stormwater management maintenance works as directed by Council for the two year period following the release of the final Subdivision Certificate.

Subdivision Works

B7 Groundwater Interception

- (1) Stormwater, and other drainage structures such as detention basins, and other water quality control measures, shall be designed so as to prevent interception and/or connection with and/or infiltration of the underlying ground water table.
- (2) The detention basin is to be lined with impermeable material.
- (3) Design details shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

B8 Stormwater and Drainage Works Design

- (1) Final design plans of the stormwater drainage systems and treatment measures within the proposed subdivision, 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.
- (2) Target reduction loads shall be in accordance with water quality objectives outlined in the Hearnese Lake / Sandy Beach DCP.
- (3) The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall *and Runoff*.
- (4) A plan of any required interallotment drainage and easements to facilitate this drainage, is to be approved by Council.

B9 Road Design and Services

- (1) The following works:
 - (a) Roads;
 - (b) fire trails;
 - (c) footpaths;
 - (d) water;
 - (e) sewer;
 - (f) sewer pumping station;
 - (g) stormwater drainage including WSUD requirements; and
 - (h) interallotment drainage

shall be provided to serve all lots with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (WSUD).

Note:

- (1) Public road access is to comply with section 4.1.3(1) and all property access roads are to comply with section 4.1.3(2) of *Planning for Bushfire Protection*.
- (2) A footpath is to be provided as per the Layout Plan provided by de Groot and Benson, Map 3, amendment no. H dated 21 August 2009.
- (3) Hearnese Lake Road is to be upgraded in accordance with Council requirements including a 1.2 metre wide AC footpath along the southern mown verge extending eastwards from the Pacific Highway to the entrance of the site and the installation of new, or the upgrade of existing, stormwater drainage infrastructure. These works are to be in accordance with Map 28, amendment H, Hearnese Lake Road and 29, amendment H, Hearnese Lake Road prepared by de Groot and Benson and dated 21 August 2009.
- (4) The bitumen surfacing is to be extended to the existing access to Hearnese Lake beach car park and the existing track is to be upgraded to a fire trail as per Map 27 prepared by de Groot and Benson, amendment H dated 21 August 2009.

No engineering works are to be undertaken until plans and specifications have been approved by Council. Plan submissions are to be accompanied by payment of the prescribed fee.

All work is to be at the developer's cost.

Plans and specifications submitted later than six (6) months from the date of project approval shall comply with the Council's Development Design and Construction specifications current at a date six (6) months prior to such submission.

These works are to be completed OR other satisfactory arrangements for their completion are to be made with Council prior to the release of the Subdivision Certificate.

B10 Sewer Pumping Station

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 the land owner of 13 Hearnese Lake Road as well as the creation of any relevant easements or instruments on title, for the construction of the sewer pumping station and associated infrastructure over this lot.

B11 Street Tree Planting Plan

A plan prepared by a qualified landscape architect or professional landscape consultant is to be approved by Council prior to issue of the Construction Certificate showing street tree planting, prepared in accordance with the requirements of Council's "Street Tree Masterplan". This is to include the use of native endemic vegetation.

Note: The Plan must show all services and have a planting detail that has street trees of a minimum size of 2 metres in height with a 50mm calliper diameter in a 25 litre container protected by a 750mm square tree guard made for a 3m "Acacia" panel painted "Caulfield Green" and supported by two 2100mm black star picket posts, slow release fertiliser, a 125mm flexible agricultural pipe filled with 14mm blue metal to finish at ground level for watering and 100mm x 1m of mulch. Alternatively a higher standard may be considered for tree protection.

B12 Hearnese Lake Road. Transfer to Council as Public Road

Prior to the release of the Construction Certificate for work on the Crown Road:

- (1) the road is to be transferred to Council as a public road;
- (2) the proponent meets all prescribed fees included in the transfer; and
- (3) the proponent lodges with Council a bond to cover the cost of the road upgrading.

B13 Street Names

A street name application shall be submitted to Council prior to issue of the Construction Certificate.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / Earthworks

- (1) The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site.

- (2) The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Pollution Control

C2 Erosion and Sediment Control

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

C3 Acid Sulfate Soils

An Acid Sulfate Soil assessment is to be carried out prior to construction of that part of the subdivision situated at or below RL 6m AHD to determine if ASS is present in areas of excavation including roads, underground services and rainwater tanks.

Where Acid Sulfate Soils (ASS) are identified an ASS Management Plan is to be prepared in accordance with the ASSMAC Manual and is to be approved by the PCA prior to the commencement of works.

Contact Details

C4 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.

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 PCA.

D2 Site Notice

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

- (1) Details of the Builder, Principal Certifying Authority and Structural Engineer 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 construction/noise complaint 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 – On-site Trees

All trees on the site that are to be retained are to be suitably protected by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction of any stage of the project.

D4 Prohibition of Dogs On Site During Construction Works

To protect native fauna in the locality, no dogs may be kept on the site during construction works until the dog proof fence is operational.

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 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.

D6 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D7 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (3) All materials shall be stored or stockpiled at the best locations;
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

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 7:00 am and 1:00 pm, Saturdays; and
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) 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.

Heritage

D9 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

In the event that future works during any stage of the project disturb Aboriginal cultural materials, 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, Climate Change and Water Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups 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, Climate Change and Water Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

PART E — PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979* for each stage of the subdivision.

E2 Compliance Certificate

Prior to the application for a Subdivision Certificate for each stage of the subdivision a Compliance Certificate or Certificates shall be obtained from Council or an accredited certifier for the following:-

- (a) Compliance Certificate – Roads.
- (b) Compliance Certificate - Water Reticulation.
- (c) Compliance Certificate - Sewerage Reticulation.
- (d) Compliance Certificate – Drainage.

E3 Rainwater Tanks

All rainwater tanks are to be installed by the proponent as per the Stormwater Management Plan amendment H prepared by de Groot and Benson dated 21 August 2009, prior to the release of the Subdivision Certificate for the respective stages of the subdivision.

E4 Perimeter Fencing

The proponent shall install permanent perimeter fencing up to 1.8 metres high along the site boundaries of Lots 12-19, 36-42, 31, 29, 24-26, 1 and 2 prior to the release of the Subdivision Certificate for the respective stages of the subdivision.

E5 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) 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.
 - (a) A restriction as to user for Lots 1, 2, 24, 25 and 26 requiring that vehicular access to these lots from Hearn's Lake Road is prohibited.
 - (b) A restriction to user for each lot requiring that, upon construction of a dwelling, a minimum of 50% of the roof area shall drain to the rainwater tank provided and that suitable connections be provided to the garden, toilets and washing machine inlet.
 - (c) A restriction to user for each lot requiring that all rainwater tanks are to be maintained in suitable working order and shall not be removed unless replaced by a rainwater capture and reuses device of equal or greater volume.
 - (d) A restriction to user each lot affected by the nominated Asset Protection Zone (APZ) requiring the ongoing management of the APZ and the combustible fuels within the landscaped gardens and for each lot requiring that it shall be managed as an inner protection area (IPA) as outlined in Planning for Bush Fire Protection and the RFS document Standards for asset protection zones.
 - (e) A restriction to users of lots 38 – 41 requiring that a site specific geotechnical assessment for any proposed dwelling be undertaken to determine site stability and foundation requirements.
- (5) The restriction is to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Dedication of Land

E6 Dedication of Open Space to Council

- (1) The Proponent must make necessary arrangements for the dedication to Council at no cost to Council of the drainage reserve (lot 10) and the pocket park (lot 3) at the time of registration of the Subdivision Certificate.
- (2) Prior to the issue of a Subdivision Certificate for the relevant stage of the subdivision, a deed of agreement must be prepared with Council to allow the proponent to carry out management and maintenance works on the open space area for two years after the dedication of the drainage reserve and for five years after the dedication of the Pocket Park.
- (3) All necessary rehabilitation work must be undertaken to the satisfaction of the Council prior to management passing to the Council.
- (4) All costs are to be borne by the proponent.

E7 Dedication of Environmental Reserve to the Land and Property Management Authority

- (1) The proponent must make necessary arrangements for the dedication of the environmental reserve, as modified by condition B1 of this approval, to the Land and Property Management Authority prior to release of the associated Subdivision Certificate.
- (2) Prior to the issue of a Subdivision Certificate for the subdivision stage containing the environmental reserve, a deed of agreement must be prepared with the Land and Property Management Authority to allow the proponent to carry out management and maintenance works on the open space area for two years after the dedication of the land.
- (3) All necessary rehabilitation work must be undertaken to the satisfaction of the Land and Property Management Authority prior to management passing to the Land and Property Management Authority.

E8 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and dedicated to Council as public roads prior to issue of a Subdivision Certificate. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the roads.

Monetary Contributions

E9 Section 94 Monetary Contributions

Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

Note 1 - The contributions are to be paid prior to release of any Subdivision Certificate unless other arrangements acceptable to Council are made.

Note 2 - The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

The current contribution rate is:	Per Lot
Coordination and Administration	\$338.40
Coffs Harbour Road Network	\$815.62
Surf Rescue Equipment	\$94.87
Development Studies	\$132.79
District Open Space	\$3,058.02
Neighbourhood Open Space	\$778.06
Neighbourhood Open Space - Northern Precinct	\$343.77
Transport and Traffic	\$5,477.33
Roads and Traffic Facilities – Northern Precinct	\$8,800.00

The Section 94 contribution is currently \$793,544.40 for the 40 additional lots proposed in the subdivision.

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services Plan 2008.
- Coffs Harbour Road Network Developer Contributions Plan 2008.
- Surf Rescue Equipment Developer Contributions Plan 2008.
- Hearnese Lake Release Area Contributions Plan 2008.

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.

E10 Section 64 Monetary Contributions

Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

Note 1 - The contributions are to be paid prior to release of any Subdivision Certificate unless other arrangements acceptable to Council are made.

Note 2 - The rates will be adjusted in accordance with the procedures set out in Council's Development Servicing Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

The current contribution rate is:	Amount/Lot	Total
Works to satisfy increased demand within the area for 40 lot(s) of residential subdivision.		
Water Headworks	\$4,957.37	\$198,294.80
Reticulation	\$1,880.38	\$75,215.20
Sewer Headworks	\$1,634.28	\$65,371.20
Reticulation	\$3,035.10	\$121,404.00
TOTAL AMOUNT PAYABLE		\$460,285.20

Contributions have been imposed under the following plans:

- Water Supply Development Servicing Plan 2008.
- Waste Water Treatment and Carrier System Development Servicing Plan 2008.

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.

E11 Road Design

Staging of the project and road construction shall provide for interim turning and manoeuvring areas for all vehicles, including service vehicles, e.g. garbage trucks.

E12 Street Tree Planting

The planting proposed in the approved Street Tree Planting Plan is to be carried out to satisfaction of Coffs Harbour City Council, prior to issue of a Subdivision Certificate for the relevant stage unless other arrangements satisfactory to Council for completion at some other stage are made. This may include an agreement being reached with Council for the completion of the work by Council.

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 bond of \$380.00 per tree is to be paid to Council prior to the issue of the Subdivision Certificate for the relevant stage. The bond will be returned at the end of the twelve months maintenance period provided plantings have been established successfully. At the end of the maintenance period Council will replace plantings that have failed at a rate of up to \$380.00 per tree taken from the bond.

Works as executed plans shall be provided to Council in Digital CAD or Arcview format for all street trees. The information shall be provided on disc at a formal handover of each stage of works.

E13 Embellishment and Maintenance of the Pocket Park

The initial works prescribed in the approved VMP for the pocket park 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 Certificate. All costs associated with this work are to be met by the proponent.

E14 Public Reserve Signage

- (1) Interpretive or educational signage of the environmental values of the pocket park shall be provided prior to release of the relevant Subdivision Certificate. Signage is to be endorsed by Council prior to installation.
- (2) Interpretive or educational signage at beach access point, car park areas and picnic area shall be provided prior to release of the Subdivision Certificate associated with lot 28. Signage design and location are to be approved by LPMA prior to installation.

E15 Demolition Controls – Existing Dwellings

- (1) All waste building materials shall be recycled or disposed of to an approved waste disposal depot. No burning of materials is permitted on site. The site shall be graded to an even level with temporary erosion control measures being erected and maintained until the exposed areas of the site have suitably stabilised with grass cover.
- (2) All works including the handling and disposal of materials containing asbestos are to be undertaken in accordance with the relevant requirements of WorkCover NSW, the Occupational Health and Safety Act and Australian Standard AS 2601-2001 “The Demolition of Structures”.

E16 Services

- (1) The subdivision being provided with underground reticulated electricity and telephone cables. The applicant shall provide a letter from Country Energy stating that satisfactory arrangements have been made for the supply of electricity and a letter from Telstra stating that satisfactory arrangements have been made for telecommunications infrastructure in the subdivision / development. These letters are to be provided to Council prior to release of the Subdivision Certificate.
- (2) All roads, water and sewerage mains being fully constructed to the boundary of the adjoining land, being Lot 32, DP1047234 and Lot 202, DP1066412, in accordance with Council’s Development Design and Construction Specifications.
- (3) Street lighting being provided to the requirements of Country Energy with all work being completed prior to release of the Subdivision Certificate.
- (4) 4. Water and sewerage mains being extended to the subdivision from Council's existing mains at the developer's cost prior to release of the Subdivision Certificate OR other arrangements satisfactory to Council being made prior to the release of the Subdivision Certificate for extension of these services to the subdivision.

E17 Fill

Contour plans indicating the location of proposed fill areas in the subdivision being submitted to the PCA for approval prior to commencement of work.

Contour plans are to include a clear description of impact of changes proposed on water movement both to and from the site on all adjacent land and to show stormwater discharge points.

All fill is to be placed in accordance with the requirements of Council’s Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Prior to the release of the Subdivision Certificate, a final contour plan is to be submitted to Council showing the location, depth and type of fill located on the site. Alternatively, where no fill has been placed on the site, a written statement to that effect is to be submitted to Council.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate;
- (2) the approval authority before the release of the Subdivision Certificate.

AN2 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN3 Compliance with Building Code of Australia

The Proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (2) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (3) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 Stormwater drainage works or effluent systems

A Construction Certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN6 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN7 Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN8 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.