



ABN 25 125 245 361
PO Box 1925, Coffs Harbour NSW 2450
E-mail: geoff.smyth@bigpond.com
Mobile: 0418 398 492

TOWN PLANNING & DEVELOPMENT ADVICE

21 November 2014
Ref: IM05010.49

NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

ATTENTION: Ms Kate Masters

Dear Ms Masters

***MP08_0003 Community Title Residential Development
Lot 211 DP 1044292 & Lot 1 DP 262300
1206D Pacific Highway & 36 Woodhouse Road, Moonee Beach***

I refer to your recent email advice that I engage a planning consultant to prepare adequate information to support a modification to the above project. Advice has been sought from a consultant and the following aims to provide the requested comprehensive assessment of the modification to assist with the assessment report.

Yours faithfully
GEOFF SMYTH & ASSOCIATES

A handwritten signature in black ink, appearing to read 'Geoff Smyth', with a small dot at the end of the last stroke.

GEOFF SMYTH
gs.jm

MODIFICATION JUSTIFICATION

MP08-0003 COMMUNITY TITLE
RESIDENTIAL DEVELOPMENT
LOT 211 DP 1044292 & LOT 1 DP 262300
1206D PACIFIC HIGHWAY &
36 WOODHOUSE ROAD
MOONEE BEACH

NOVEMBER 2014



TOWN PLANNERS & DEVELOPMENT ADVISERS

PO Box 1925, COFFS HARBOUR NSW 2450
Email: geoff.smyth@bigpond.com
Phone: 0418 398 492

Reference No: IM05010.6
19 November 2014

INTRODUCTION

Approval was granted by the Director General as delegated to the Minister for Planning on 18 June 2012 (MP08_0003). The approved development comprised the residential subdivision and construction of dwellings in two stages including:-

- 33 lots under community title (31 residential lots)
- 2 torrens title lots.
- associated site and construction works.
- construction of 31 dwellings.
- construction and dedication of local collector road.
- dedication of 3.102ha as public reserve to Council.

The two stages comprised the following:-

(1) Stage One:

- (a) 12 community title residential lots (lots 1 to 6 and lots 15 to 20) ranging in size from 415m² – 636m²
- (b) 1 community lot (lot 23) – 4647m², (including internal access road)
- (c) one torrens title lot (lot 24) to be dedicated as public reserve – 3.102ha
- (d) construction of 12 dwellings.
- (e) construction of proposed roads within the project as shown in de Groot & Benson Stage 1 Plan – drawing No 06 dated 25.05.2011 (DA2) including the access road to be constructed over lot 1 DP 262300 and the associated cul de sac.
- (f) earthworks, re-contouring and preparation of the site, including vegetation restoration, vegetation clearing and weed removal, establishment of reticulated water and sewer, and stormwater infrastructure.

(2) Stage Two:

- (a) 19 community title residential lots ranging in size from 320m² – 920m² and construction of 3 x 2 bedroom and 16 x 3 bedroom dwellings on each of these lots.
- (b) one community title lot (lot 25) of 2899² encompassing bio retention basin/s and a fire trail and one residue Torrens Title lot (Lot 22) of 818m²
- (c) construction of 19 dwellings
- (d) construction of the proposed collector road in accordance with de Groot & Benson Collector Road Plan drawing No 03 dated 12/5/2011
- (e) construction of proposed local roads within the project as shown in de Groot & Benson Plan – drawing No 02 dated 31/1/2012 (DA5)
- (f) earthworks, re-contouring and preparation of the site, including vegetation restoration, vegetation clearing and weed removal, establishment of reticulated water and sewer, and stormwater infrastructure.

A copy of the approval is included in Annexure A.

The approval was subject to numerous conditions including the following:-

A8 Section 94 Development 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:

(a) Contributions for Stage 1:

Stage 1	\$ Per Lot
Coordination and Administration	\$363.63
Coffs Harbour Road Network	\$876.43
Surf Rescue Equipment	\$101.95
Moonee Transport and Traffic	\$10,575.93
Community Facilities	\$781.63
Urban Planning	\$140.61
District Open Space	\$5,237.36
Neighbourhood Open Space	\$1,298.98
Stormwater Management	\$32.76

The Section 94 contribution is currently \$232,911.48 for the 12 additional lots proposed in Stage 1 of the subdivision.

(b) Contributions for Stage 2:

Stage 2	\$ Per Lot
Coordination and Administration	\$363.63
Coffs Harbour Road Network	\$876.43
Surf Rescue Equipment	\$101.95
Moonee Transport and Traffic	\$10,575.93
Community Facilities	\$781.63
Urban Planning	\$140.61
District Open Space	\$5,237.36
Neighbourhood Open Space	\$1,298.98
Stormwater Management	\$32.76

The Section 94 contribution is currently \$388,185.80 for the 20 additional lots proposed in Stage 2 of the subdivision.

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2008.
- Coffs Harbour Road Network 2008.
- Surf Rescue Equipment 2008.
- Moonee Release Area 2008.

A modification was approved on 23 September 2013 and the resultant development comprised residential subdivision and construction of dwellings in 2 stages including:-

- 33 lots under community title (31 residential lots)
- 2 torrens title lots
- associated site and construction works

- construction of 12 dwelling (stage one)
- construction and dedication of local collector road
- dedication of lot 24 as public reserve to Council

The two modified stages comprised the following:-

(1) Stage One:

Stage One of the approved project consists of:

- 12 community title residential lots (lots 1 to 6 and lots 15 to 20) and a residue lot;
- 2 community lots (lot 23 and lot 25) including internal access road, fire trail and bio retention;
- one torrens title lot (lot 24) to be dedicated as public reserve;
- construction of 12 dwellings;
- one residue lot (including road reserve and future torrens title lot 22);
- construction of all proposed roads within the project as shown in de Groot & Benson General Arrangement - Drawing No 02 dated 17.06.2013 (DAB), including the access road to be constructed over lot 1 DP 262300 and the associated cul-de-sac, the internal road over lot 23 and the collector road within the road reserve on site; and
- earthworks, re-contouring and preparation of the site, including vegetation restoration, vegetation clearing and weed removal, establishment of reticulated water and sewer, and stormwater infrastructure.

(2) Further Stages

Further stages (with staging to be determined by the proponent) of the approved project consist of:

- 19 community title residential lots (lots 7 to 14 and 26 to 36); and
- one torrens title lot (Lot 22).

A copy of the modification approval is included in Annexure B.

The modification was subject to numerous conditions including the following:-

A8 Section 94 Development Contributions:-

A8 Section 94 Development 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:

Contributions:

All Stages	\$ Per Lot or Per Dwelling
Coordination and Administration	\$ 377.31
Coffs Harbour Road Network	\$ 909.40
Surf Rescue Equipment	\$ 67.62
Moonee Transport and Traffic	\$ 10,973.76
Community Facilities	\$ 811.04
Urban Planning	\$ 145.90
District Open Space	\$ 5,434.38
Neighbourhood Open Space	\$ 1,347.85

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2013
- Coffs Harbour Road Network 2013
- Surf Rescue Equipment 2012
- Moonee Release Area 2013

The Contribution Plans may be inspected at the Council administration offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbourns.gov.au

Note 1 - The contributions are to be paid prior to release of any Construction Certificates for dwellings or any Subdivision Certificates for lots, whichever occurs the sooner, 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 proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

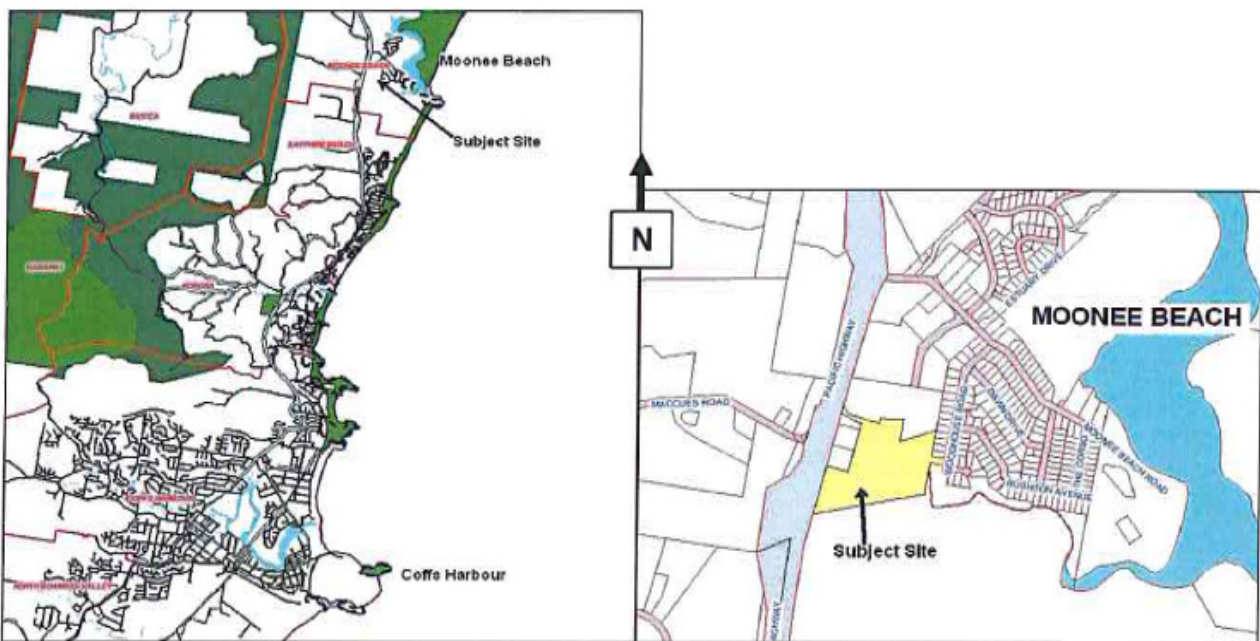
Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

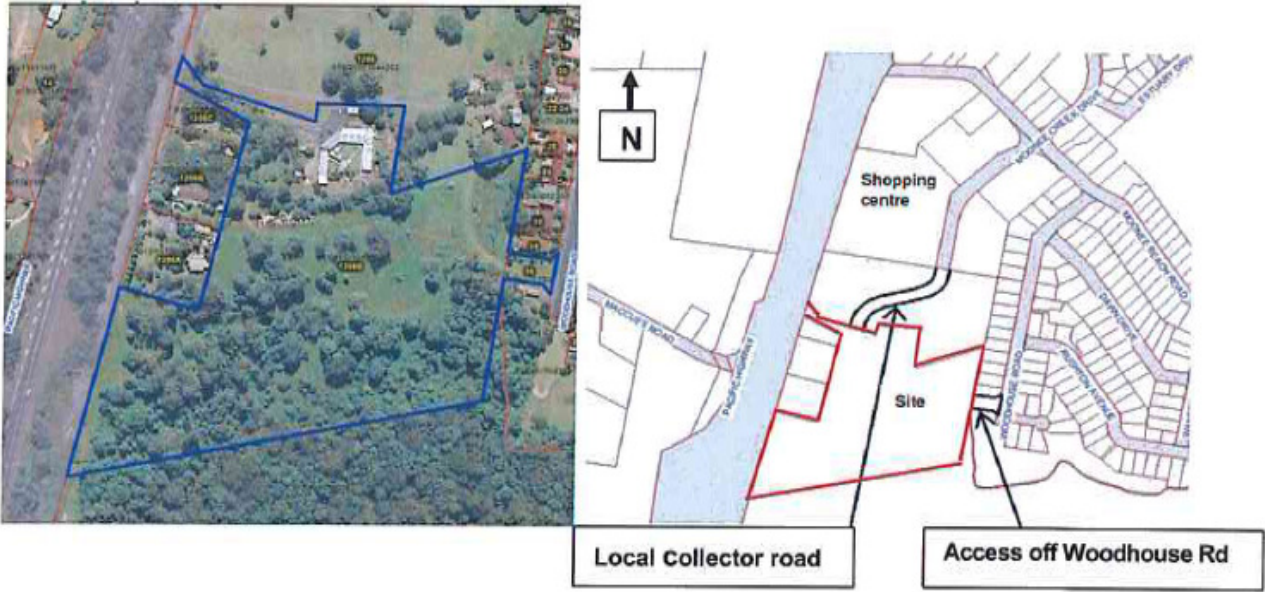
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SITE LOCATION

2 SITE LOCATION

The site with total area of 5.749ha is located at Moonee Beach, in the Coffs Harbour local government area. It is approximately 11km north of Coffs Harbour CBD. It comprises 2 lots being Lot 211 DP1044292 (1206D Pacific Hwy) and Lot 1 DP 262300 (36 Woodhouse Rd). Direct access to the site off the Pacific Highway has been removed as part of the upgrade works on the Pacific Highway, with alternative access provided from a local collector road and from Woodhouse Road. The site context, location and access arrangements are shown in Figures below.





STATUTORY CONSIDERATIONS

It is proposed to modify Condition A8 in MP08_0003 MOD1 to reflect the Draft Moonee Release Area – Development Contributions Plan 2014. The new contribution plan will replace the current Moonee Release Area – Developer Contribution Plan 2013 referred to in the modified Condition A8.

A modification to the Ministers approval as permitted under Section 75W of the Environmental Planning and Assessment Act 1979. Section 75W states as follows:-

75W Modification of Minister’s approval

(1) In this section:

Minister’s approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

modification of approval means changing the terms of a Minister’s approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
 - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (2) The proponent may request the Minister to modify the Minister’s approval for a project. The Minister’s approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister’s approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
- (a) an approval granted by or as directed by the Court on appeal, or
 - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

- (7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

The Section was repealed in 2011 as part of a repeal of Part 3A of the Act. Transitional provisions exist for approved projects that were approved before or after 1 October 2011. The result is that project approvals will be modified under Part 3A and Section 75W applies.

In accordance with Section 75W the Minister is requested to modify Condition A8 of the Ministers approval to the project as modified on 23 September 2013.

PROPOSED MODIFICATION

The draft Moonee Release Area – Development Contribution Plan 2014 summaries the contributions rates as follows:-

Service / Facility	Net Cost to be Levied \$	Per Person \$	Per Lot Or large dwelling \$	Per Small Dwelling \$
MOONEE PRECINCT				
Transport & Traffic	6,111,595	2,466.54	6,413.00	4,489.10
Sub total Contributions Moonee Precinct	6,111,595	2,466.54	6,413.00	4,489.10
ALL PRECINCTS				
Transport & Traffic	2,006,886	699.45	1,818.58	1,273.01
Development Studies	14,520	4.90	12.75	8.93
Open Space	2,412,157	804.64	2,092.07	1,464.45
Community Facilities	1,161,160	387.34	1,007.08	704.96
SubTotal Contributions All Precincts	5,594,723	1,896.34	4,930.48	3,451.34
Total Contributions Moonee Precinct	11,706,318	4,362.88	11,343.48	7,940.44

Notes:

- In addition to the above, the relevant contribution rates in the Coffs Harbour Open Space Contributions Plan, the Coffs Harbour Road Network Contributions Plan, the Surf Rescue Facilities Contributions Plan, the Administration Levy Contributions Plan, the Coffs Harbour Water Supply and Wastewater Developer Services Plans and other contribution plans will also apply.*
- Contribution rates will be applied as follows:*
 - the first lot in a residential subdivision is exempt from contributions*
 - the first dwelling on a residential lot is exempt from contributions*
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.*
- A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*
- The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100m² of floor area excluding garages and balcony areas*
- Additional contribution rates for various other types of development are included in this plan at appendix "B"*

It is requested that Condition A8 be modified to reflect these contributions rates. The notes listed above acknowledge other contributions that apply to the wider area outside Moonee. These contributions are included in Condition A8.

The requested modification to condition A8 will apply to Stage 2 only as Stage 1 has been constructed and contributions paid. The result is that the condition will be worded as follows:-

A8 Section 94 Development Contributions

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

Contributions:

	\$ Per Lot or Per Dwelling
Co-ordination and Administration	\$ 511.92
Coffs Harbour Road Network	\$ 518.88
Surf Rescue Facilities	\$ 70.19
District Open Space	\$ 3,682.12
Moonee Transport & Traffic	\$ 1,818.58
Community Facilities	\$ 1,007.08
Neighbourhood Open Space	\$ 2,092.07
Moonee Local Roads	\$ 6,413.00
Urban Planning	\$ 12.75

The Section 94 contribution is currently \$322,531.80 for the 20 additional lots proposed in stage 2 of the subdivision.

Contributions have been imposed under the following plans:

- Coffs Harbour Open Space 2014
- Coffs Harbour Road Network 2014
- Administration Levy 2014
- Surf Rescue Facilities 2013
- Moonee Release Area 2014

The Contributions Plans may be inspected at the Council administration offices, 2 Castle Street. Coffs Harbour or on Council's website, www.coffsharbour.nsw.gov.au

Note 1 – The contributions are to be paid prior to release of any Construction Certificates for dwellings or any Subdivision Certificates for lots, whichever occurs the sooner, 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 proponent 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

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5 JUSTIFICATION

JUSTIFICATION

Coffs Harbour City Council has resolved not to proceed with the construction of a collector road to the south of this property. Council has also resolved to adjust the Moonee Release Area Development Contributions Plan accordingly.

It is considered unreasonable for the currently approved project to continue to pay contributions for a collector road that will no longer be constructed and as such a modification to the contribution rate is justified. It is noted that the other contribution rates previously imposed under condition A8 have also been adjusted in the draft Moonee Release Area Development Contribution Plan 2014 and in particular an additional contribution to Moonee Local Roads has been imposed. While the imposition of this additional amount to the contribution previously included in the consent is also considered to be unreasonable it is accepted as part of consequences of accepting the new contribution rates in general.

ANNEXURE A

Approval granted by the Director General as
delegated to the Minister for Planning on
18 June 2012
MP08_0003

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

I, the Deputy Director-General, Development Assessment and Systems Performance of the Department of Planning and Infrastructure under delegation of the Minister for Planning and Infrastructure dated 14 September 2011, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These conditions are required in order to:

- a) prevent, minimise, and/or offset adverse environmental impacts, and maintain the principles of ecologically sustainable development
- b) set standards and performance measures for acceptable environmental performance
- c) require regular monitoring and reporting
- d) provide for the ongoing environmental management of the project
- e) protect the public interest.


Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance
Department of Infrastructure and Planning

Sydney

18 June

2012

SCHEDULE 1

PART A – TABLE

Application No:	08 0003
Proponent:	Telpat Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 211 DP 1044292 & Lot 1 DP 262300, 1206D Pacific Highway and 36 Woodhouse Road, Moonee Beach, located in the Coffs Harbour local government area.
Project:	Residential subdivision and construction of dwellings in 2 stages, including: <ul style="list-style-type: none">• 33 lots under community title (31 residential lots)• 2 torrens title lots• associated site and construction works• construction of 31 dwellings• construction and dedication of local collector road• dedication of 3.102ha as public reserve to council.

PART B – NOTES RELATING TO THE DETERMINATION OF PROJECT NO. 08_0003

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals – Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C – DEFINITIONS

In this approval,

<i>Act, the</i>	means the <i>Environmental Planning and Assessment Act 1979</i> .
<i>Advisory Notes</i>	means advisory information relating to the approved project but do not form a part of this approval.
<i>council</i>	means Coffs Harbour City Council.
<i>department, the</i>	means the Department of Planning and Infrastructure or its successors.
<i>OEH</i>	means the NSW Office of Environment and Heritage or its successors.
<i>Site</i>	has the same meaning as the land identified in Part A of this schedule.
<i>Environmental Assessment</i>	means the Environmental Assessment (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd, dated July 2009 (revised November 2010 & June 2011).
<i>Minister</i>	means the Minister for Planning and Infrastructure, or delegate.
<i>Principal Certifying Authority (PCA)</i>	has the same meaning as in Part 4A of the Act.
<i>Certifying Authority</i>	has the same meaning as in Part 4A of the Act.
<i>Preferred Project Report</i>	means the preferred project report (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd, dated July 2009; and includes the revised information submitted on 9 November 2010, 22 June 2011 & 6 February 2012.
<i>Project</i>	means the development to which major project application 08_0003 applies and the project as described in Condition A1 to this approval.
<i>Proponent</i>	means Telpat Pty Ltd or any party acting upon this approval.
<i>Regulation</i>	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
<i>Director-General</i>	means the Director-General of the Department, or delegate.

SCHEDULE 2 - CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 08_0003

PART A - ADMINISTRATIVE CONDITIONS

A1 Project Description

The approved project is described in detail below:

(1) Stage One:

Stage One of the approved project consists of:

- a) 12 community title residential lots (lots 1 to 6 and lots 15 to 20) ranging in size from 415m² - 636m²
- b) 1 community lot (lot 23) - 4647m², (including internal access road)
- c) one torrens title lot (lot 24) to be dedicated as public reserve - 3.102ha
- d) construction of 12 dwellings
- e) construction of proposed roads within the project as shown in de Groot & Benson Stage 1 Plan – drawing No. 06 dated 25.05.2011 (DA2), including the access road to be constructed over lot 1 DP 262300 and the associated cul de sac
- f) earthworks, re-contouring and preparation of the site, including vegetation restoration, vegetation clearing and weed removal, establishment of reticulated water and sewer, and stormwater infrastructure.

(2) Stage Two:

Note: Stage Two is only to proceed following the resolution of the issues listed in condition A2.

Stage Two of the approved project consists of:

- a) 19 community title residential lots ranging in size from 320m² - 920m² and construction of 3 x 2 bedroom and 16 x 3 bedroom dwellings on each of these lots
- b) one community title lot (Lot 25) of 2899m² encompassing bio retention basin/s and a fire trail and one residue Torrens Title lot (Lot 22) of 818m²
- c) construction of 19 dwellings
- d) construction of the proposed collector road in accordance with de Groot & Benson Collector Road Plan – drawing No. 03 dated 12/5/2011
- e) construction of proposed local roads within the project as shown in de Groot & Benson Plan – drawing No. 02 dated 31/1/2012 (DA5)
- f) earthworks, re-contouring and preparation of the site, including vegetation restoration, vegetation clearing and weed removal, establishment of reticulated water and sewer, and stormwater infrastructure.

A2 Deferral of Stage Two

(1) Stage Two of this project approval shall not operate until evidence has been submitted to the Director-General indicating that the relevant agreements and approvals for the construction of the collector road through Lot 210 DP 1044292, and the subject site, to service Stage Two of this development have been obtained in writing.

(2) Subdivision certificates for the residential lots (lots 7 to 14 and lots 26 to 36) within Stage 2 shall not be released until the full extent of the collector road has been constructed

through the subject site and through lot 210 DP 1044292, and the collector road has been dedicated to council.

A3 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance the following documents and plans:

Environmental Assessment Report (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd dated July 2008 (revised July 2009).			
Preferred Project Report (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd dated November 2010 (revised with further information submitted on 22 June 2011 & 6 February 2012).			
Engineering Drawings prepared by de Groot & Benson Consulting Engineers and Planners			
Drawing No.	Amendment No.	Name of Plan	Date
01	DA2	Lot Layout	31.01.2012
02	DA5	General Arrangement	31.01.2012
03	DA2	Collector Road Plan and Sections	12.05.2011
04	DA1	Garbage Truck Swept Path	13.05.2011
05	DA3	Stormwater Management and Services Plan	13.05.2011
06	DA2	Stage 1 Plan	25.05.2011
Bushfire and Vegetation Mapping prepared by Bushfiresafe (Aust) Pty Ltd dated May 2011			
Drawing No.	Amendment No.	Name of Plan	Date
Attachment 1 to Bushfire Risk Assessment prepared by Bushfiresafe (Aust)	-	Vegetation Communities / Asset Protection Zones	May 2011
Architectural Drawings prepared by Ross D Colquhoun, for dwellings on lots 1 to 4, 7 to 20, and 26 to 32			
Drawing No.	Amendment No.	Name of Plan	Date
R06-028-SK Sheet 12		Lots 1-4: Three Bedroom Residences Note: This drawing now applies to lots 1 to 3, only, in stage 1 of the subdivision.	June 2007
R06-028-SK Sheet 13		Lot 5: Three Bedroom Residence Note: This drawing now applies to Lot 4 in stage 1 of the subdivision.	June 2007

R06-028-SK Sheet 13A	A	Lot 5: Three Bedroom Residence	May 2011
R06-028-SK Sheet 14	A	Lot 6: Three Bedroom Residence	May 2011
R06-028-SK Sheet 15		Lot 7: Two Bedroom Residence	June 2007
R06-028-SK Sheet 16		Lots 8 & 9: Three Bedroom Residence	June 2007
R06-028-SK Sheet 17		Lot 10: Three Bedroom Residence	June 2007
R06-028-SK Sheet 18		Lot 11: Three Bedroom Residence	June 2007
R06-028-SK Sheet 19		Lot 12: Three Bedroom Residence	June 2007
R06-028-SK Sheet 20		Lot 13 & 14: Three Bedroom Residence	June 2007
R06-028-SK Sheet 21		Lots 15 to 20: Three Bedroom Residences	June 2007
R06-028-SK Sheet 23		Lot 26: Three Bedroom Residence	June 2007
R06-028-SK Sheet 24		Lots 27 & 28: Three Bedroom Residences	June 2007
R06-028-SK Sheet 25		Lot 29: Three Bedroom Residence	June 2007
R06-028-SK Sheet 26		Lots 30 & 31: Three Bedroom Residences	June 2007
R06-028-SK Sheet 27		Lot 32: Three Bedroom Residence	June 2007
R06-028-SK Sheet 28		Lot 33: Two Bedroom Residence	June 2007
R06-028-SK Sheet 29		Lot 34: Three Bedroom Residence	June 2007
R06-028-SK Sheet 30		Lot 35: Two Bedroom Residence	June 2007
R06-028-SK Sheet 31		Lot 36: Three Bedroom Residence	June 2007
R06-028-SK Sheet 08		BASIX Commitments and Thermal Performance	June 2007

A4 Inconsistency between documents

In the event of any inconsistency between:

- (1) the conditions of this approval and the drawings / documents referred to above, the conditions of this approval prevail to the extent of the inconsistency
- (2) any document listed, the most recent document shall prevail to the extent of the inconsistency
- (3) the conditions of this approval and the proponent's Statement of Commitments, the conditions of this approval prevail to the extent of the inconsistency.

A5 Amendment to Approved Plans

Drawing No's 03, 05, 06 prepared by deGroot & Benson and Attachment 1 to Bushfire Risk Assessment prepared by Bushfiresafe (Aust), as listed in the table to condition A3, shall be amended as follows:

- 1) the alignment of the collector road reservation south of the cul de sac, shall be consistent with the alignment as shown on Drawings 01 and 02
- 2) the deletion of lot 21 and the amendment to the boundaries and areas of lots 24 and 25, so that they are consistent with lots 24 and 25 as shown on Drawings 01 and 02.

A6 Limits on release of lots/certificates pending collector road construction (Stage Two)

Reference to matters to be satisfied prior to issue of a Part 4A certificate (construction, occupation of subdivision certificate) refers to the initial certificate to be issued unless otherwise specified in the specific condition.

A7 Lapsing of Approval

This project approval shall lapse five years after the date on which it is granted, unless the works associated with the project have physically commenced.

Monetary Contributions

A8 Section 94 Development 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:

- (a) Contributions for Stage 1:

Stage 1	\$ Per Lot
Coordination and Administration	\$363.63
Coffs Harbour Road Network	\$876.43
Surf Rescue Equipment	\$101.95
Moonee Transport and Traffic	\$10,575.93
Community Facilities	\$781.63
Urban Planning	\$140.61
District Open Space	\$5,237.36
Neighbourhood Open Space	\$1,298.98
Stormwater Management	\$32.76

The Section 94 contribution is currently \$232,911.48 for the 12 additional lots proposed in Stage 1 of the subdivision.

- (b) Contributions for Stage 2:

Stage 2	\$ Per Lot
Coordination and Administration	\$363.63
Coffs Harbour Road Network	\$876.43
Surf Rescue Equipment	\$101.95
Moonee Transport and Traffic	\$10,575.93
Community Facilities	\$781.63
Urban Planning	\$140.61
District Open Space	\$5,237.36

Neighbourhood Open Space	\$1,298.98
Stormwater Management	\$32.76

The Section 94 contribution is currently \$388,185.80 for the 20 additional lots proposed in Stage 2 of the subdivision.

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2008.
- Coffs Harbour Road Network 2008.
- Surf Rescue Equipment 2008.
- Moonee Release Area 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.

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 proponent 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.*

End of Schedule 2 - Part A

PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

Notes:

1. refer to condition A8 regarding Section 94 development contributions.
2. refer to advisory notes, in particular AN1 and compliance certificate requirements under the Water Management Act, 2000.

Environmental Management

B1 Vegetation Management Plan

Prior to issue of a Construction Certificate a Vegetation Management Plan (VMP) prepared in accordance with council's Biodiversity Guideline 1a Preparing Vegetation Management Plan is required to be submitted and approved in writing by council.

In addition to the Biodiversity Guideline 1a, the VMP is also to include the following details:

- a) offset requirements for the loss of vegetation on site (for both stages) are to be in accordance with Biodiversity Guideline 4: Compensatory Planting advice
- b) revised subdivision layouts
- c) detailed advice on protection of threatened species during construction to service stage 1 and long-term buffering to minimise disturbance and re-creation of an area of optimal habitat
- d) ensure all recognised buffers are established on threatened species under the Commonwealth *Environment Protection & Biodiversity Conservation Act, 1999*.
- e) detail relocation works for Rusty Plum in lot 6
- f) tree hollow offset requirements at a ratio 1:4
- g) ensure all asset protection zone requirements are outside of identified restoration areas using the fire trail as the hard boundary line
- h) detail the level of initial works to be completed prior to council acquiring the lands identified below in Condition E3
- i) detailed maintenance plan and associated budgets.

B2 Tree Removal Plan

Prior to issue of a Construction Certificate a tree removal plan for both stages of development is required to be submitted and approved in writing by council showing allocation of all compensatory planting in accordance with Biodiversity Guideline 4; Compensatory Planting Advice. The offsets are to be incorporated into the approved VMP.

All tree works required on trees designated for retention requires written approval from council. All documentation and reports must be submitted by a qualified arborist and all works conducted under the Australian Standard AS 4373-2007 "pruning of Amenity trees".

B3 Street Tree Planting (Plan)

A plan is to be submitted to council showing street tree planting, which has been prepared in accordance with the requirements of council's "*Street Tree Master Plan*".

The Plan shall be prepared by a qualified landscape architect or professional landscape consultant, and must show all services and planting detail in accordance with council's minimum requirements; alternatively a higher standard may be considered for tree protection. The Plan is to be approved by council **prior to the issue of a Construction Certificate for each stage of the subdivision.**

B4 Buffer Planting Plan

Prior to issue of a Construction Certificate an amended Buffer Planting Plan (BPP) is to be submitted to council. The plan shall incorporate the following amendments:

- a) the BPP is to make reference to the NSW/National draft Recovery Plan for Moonee Quassia and demonstrate the way in which the BPP will be consistent with the habitat requirements of this species in particular
- b) the BPP is to be complementary with the overarching Vegetation Management Plan that is to be prepared for the site (see condition B1 above) and the statement of commitments, and integrate into broader land management and conservation goals in the region
- c) the BPP is to suggest the way in which it will assist in the recovery (i.e. Enhancement, rather than further isolation) of this species in the context of the broader vegetated landscape mentioned above
- d) restoration Goals consistent with the Coffs Harbour City Council's Biodiversity Guidelines relating to vegetation restoration and management, with particular reference also to the intent of the Draft Recovery Plan for the Moonee Quassia
- e) measures of 'survival' of the two threatened flora species need to take account of and provide measures of reproductive success and species 'recovery'
- f) the indicator referring to percentage of forest canopy closure should specify a time frame.

Note: Reference in Section 5.6.2 to Section 5.5.2 of the Buffer Planting Plan prepared by James Warren and Associates dated June 2011, appears to be incorrect and should read 5.6.3.

B5 Boundary fencing

Details of permanent perimeter fencing to lot 24 along the northern boundary of the proposed council reserve is to be submitted and approved by council **prior to issue of a Construction Certificate**.

Construction and Stormwater Management

B6 Construction Management Plan

Prior to issue of a Construction Certificate, a Construction Management Plan prepared in accordance with the Department's publication entitled *Guideline for the preparation of Environmental Management Plans (2004)* (or its latest revision) 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:

- a) hours of work
- b) contact details of site manager
- c) traffic and pedestrian management in accordance with Condition B8
- d) noise and vibration management
- e) construction waste management
- f) erosion and sediment control
- g) flora and fauna management.

B7 Stormwater Management Plan

A Stormwater Management Plan complying with the relevant controls of council's Water Sensitive Urban Design Policy being submitted to and approved by council **prior to issue of the Construction Certificate for each stage of the subdivision**.

Please refer to the WSUD Information Sheet, Policy and Guideline available on council's web site www.coffsharbour.nsw.gov.au.

B8 Traffic and Pedestrian Management Plan

Prior to issue of a Construction Certificate for the project, a Traffic and Pedestrian Management Plan prepared in accordance with AS1742 and the RTA publication *Traffic Control at Works Sites Version 2* shall be prepared by an RTA accredited person, 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:

- a) ingress and egress of vehicles to the site
- b) loading and unloading, including construction zones
- c) predicted traffic volumes, types and routes
- d) pedestrian and traffic management methods
- e) site and construction works related to both subdivision as well as subsequent construction works for the dwellings.

The proponent shall submit a copy of the approved plan to council.

B9 Soil Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom (The Blue Book). Details are to be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate.**

Roads

B10 Road Design and Services (Subdivision)

The following works:

- a) roads (including the construction of the collector road for stage 2 of the subdivision, refer to conditions A1(b) and A2)
- b) water
- c) sewer
- d) stormwater drainage including WSUD requirements
- e) interallotment drainage
- f) stormwater management plan works
- g) relocation of the sewer main on the eastern side of the development
- h) fire trails.

shall be provided to serve the development with the works conforming with the standards and requirements set out in council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

All works are to be at the cost of the proponent and/or developer, and in the case of the collector road for stage 2 (conditions A1(b) and A2) also in accordance with the relevant provisions of Moonee Developer Contributions Plan 2008.

Plans and specifications are to be submitted to council and approved **prior to issue of a Construction Certificate for each stage of the subdivision.** Plan submissions are to be accompanied by payment of the prescribed fee.

Note: *Plans and specifications submitted later than six (6) months from the date of this approval shall comply with council's current specifications at a date six (6) months prior to submission.*

B11 Manoeuvring Areas

Adequate manoeuvring areas for service vehicles (including garbage trucks and temporary manoeuvring areas where the development is staged) complying with council's Development Design and Construction Specification being provided in the development. Details of manoeuvring areas are to be submitted and approved **prior to issue of a Construction Certificate.**

Cut and Fill

B13 Cut and Fill

Contour plans indicating the location of proposed cut and fill areas in the subdivision being submitted and approved by council **prior to issue of a Construction Certificate.**

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.

B14 Water Management Act 2000:

A Construction Certificate for each stage of the subdivision will not be released until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to council.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR THE DWELLINGS

Additional conditions related to release of construction certificates for the dwellings (Stage One and Stage Two).

Flooding

B15 Flooding

The building platforms/finished floor levels for all of the dwellings are to be located above the 6.0m AHD contour.

BASIX

B16 BASIX commitments

The development is to be carried out in accordance with the commitments shown on the BASIX certificates submitted with the application. The commitments are to be reflected in the relevant Construction Certificate plans and specifications.

Note: *Changes to the BASIX commitments after the relevant Construction Certificates have been issued may require an updated BASIX Certificate and a new Construction Certificate.*

Retaining walls

B17 Retaining Works:

A construction certificate is required for retaining walls exceeding 600mm in height. Timber retaining walls exceeding 600mm in height are not to be permitted within 1 metre of the boundary.

Bushfire Management

B18 Services

Water, electricity and gas services are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

B19 New Construction

New construction shall comply with Table A2.5 of 'Planning for Bush Fire Protection 2006'.

B20 Access

Access to the development (including the fire trail proposed within lot 25) shall comply with the specifications of Section 4.1.3(1) of "Planning for Bushfire Protection 2006".

Noise

B21 Noise Mitigation

The Construction Certificate/s for each of the dwellings constructed on Lots 26 to 36 must incorporate the following minimum building standards for dwelling construction:

- a) rendered brick veneer construction ensuring no apertures or other features that may degrade transmission loss, including relative to the underside of the floor
- b) 6mm laminated glass windows throughout
- c) mechanical ventilation provided
- d) 6mm villaboard, or equivalent, provided for eaves
- e) R3.0 ceiling insulation provided to all living and bedroom areas and R 1.5 wall insulation is provided for all external walls.

Note: *These requirements will prevail over any BASIX commitments regarding the construction of the dwellings. Any changes to the BASIX commitments may require an updated BASIX Certificate and a new Construction Certificate.*

Cut and Fill

B22 Cut and Fill and Finished Floor Levels

Cut and fill works for all residential lots are to comply with the details described in section 05 (Building Design: Cut and Fill) of the report titled 'Community Title Subdivision and Construction of 32 Residences Lot 211 DP 1044292 and Lot 1 DP 262300 Pacific Highway' Moonee prepared by Ross D Colquhoun Architect Pty Ltd dated 19 March.2010, with details to accompany the relevant construction certificate applications.

Finished floor levels for all dwellings are to be established having regard to these cut and fill details and to the driveway design levels, with details of the FFLs to be included and approved with the relevant construction certificates.

Driveways

B12 Driveway Designs

Driveway designs are to conform to council's standard drawings – see council's Development Design and Construction Specifications and relevant policies i.e. Water Sensitive Urban Design Policy (2009), with details of the designs to accompany the relevant construction certificate applications.

Driveway works within the public roads (including the collector road – refer to conditions A1(b) and A2) are subject to a separate driveway application, fees and approval by council.

Driveway designs should reference the "Building Design: Driveways" in section 06 of the report prepared by Ross D Colquhoun Architect Pty Ltd dated 19.03.2010 (excluding lots 5 & 6).

Stormwater Management

B23 Stormwater drainage

Stormwater drainage for each dwelling shall be consistent with the stormwater management plan approved for the subdivision (condition B7) and shall be designed so as to comply with relevant council engineering standards and any requirements of the relevant BASIX certificate/commitments. A final stormwater drainage design for each dwelling shall be prepared by a qualified professional civil engineer who shall certify that it complies with the stormwater management plan approved for the subdivision (condition B7), relevant council engineering standards, any requirements of the relevant BASIX certificate/commitments, and any relevant Australian Standards.

B24 Soil Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom (The Blue Book). Details are to be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate.**

End of Schedule 2 - Part B

PART C – PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / Earthworks

- a) the Principal Certifying Authority and council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site
- b) 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.

C2 Site Notice

Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:

- a) details of the principal contractor and Principal Certifying Authority for all stages of the development
- b) the approved hours of work
- c) 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 complaints are to be displayed on the site notice
- d) to state that unauthorised entry to the site is not permitted.

Contact Details

C3 Contact Telephone Number

Prior to the commencement of the works for each stage of the development, the proponent shall forward to council a 24 hour telephone number to be operated for the duration of the construction works.

Plumbing and Draining

C4 Sanitary Plumbing and Draining

A separate application is to be made to council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site.

Flora and Fauna Protection

C5 Tree Protection Plan

A Tree Protection Plan prepared in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' is to be submitted to council prior to the commencement of any works.

The Plan shall be prepared by a qualified Arborist and should identify all significant indigenous native trees, including all trees to be retained and removed. The Plan should also include a protection strategy for retained vegetation, amelioration measures if works are to be undertaken within the critical root zone and details relating to removal techniques.

C6 Pre Clearing Procedures

Prior to commencement of tree removal, a search for the presence of threatened fauna is to be conducted in the area before commencement of operations each day by a suitably qualified and experienced Ecologist.

Presence includes both physical presence within the proposed tree removal area and occurrence of fresh scat materials.

- a) all hollows shall be searched and all checks shall be carried out a minimum distance of 50m from the tree clearing area
- b) koala faecal pellets (scats) check is required within a three metres radius of the base of all koala feed trees
- c) if a threatened arboreal species is located, the tree must be identified (flagged with tape). No further action shall occur until the animal has moved on of its own accord. If after two nights the animal has not moved the NSW Office of Environment and Heritage or council should be contacted for further advice
- d) physical removal of the animal is not an option and shall not be attempted
- e) all injured animals shall be reported to WIRES immediately. To secure any wildlife which may be accidentally injured during clearing process a blanket, heavy duty gloves and a large bin is required on-site (note the bin lid must have holes to permit air passage).

Notes:

- *WIRES contact - Coffs Harbour/ Woolgoolga: (02) 6652 7119.*
- *In relation to koalas, the searches should include both lower branches and the upper canopies in all listed koala food species (tallowwood, swamp mahogany, broadleaved paperbark).*

C7 Reporting of pre-clearing operations

Council shall be notified in writing by the supervising ecologist following the completion of the pre-clearing survey and tree removal works.

C8 Protection of Drip Line

The storage of any debris, materials or machinery is not to occur within the drip line of any protected vegetation.

C9 Bushfire APZ

At the commencement of building works and in perpetuity, asset protection zones (APZ) are to be provided as detailed on Attachment 1 – Vegetation Communities / Asset Protection Zones within the bushfire risk management plan prepared by BushfireSafe dated May 2011 (Note: *no dwellings are permitted within the areas designated as APZ*).

Pollution Control/ Acid Sulfate Soils

C10 Erosion and Sediment Control

Prior to commencement of work on the site for each stage of the development,

All erosion and sediment control measures, as designed in accordance with Condition B9, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works 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.

This shall include the following measures:

- a) provision of a "shake down" area where required
- b) storage/bunding of stockpiled soil in a manner to prevent soil being washed offsite.

Erosion and sediment control measures are to be maintained in an operational state during the maintenance period.

C11 Acid Sulfate Soils

If greater than 1000 tonnes of soil are to be disturbed during construction, an Acid Sulfate Soils Management Plan is to be submitted to and approved by the Certifying Authority. Any recommendations made by that plan are to be implemented prior to the commencement of any works on the site.

End of Schedule 2 - Part C

PART D – DURING CONSTRUCTION

Construction and Site Management

D1 Approved Plans to be On-Site:

A copy of the approved and certified plans, specifications and documents incorporating the 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 council or the Principal Certifying Authority.

D2 Protection of Trees - On Site Trees:

All trees on site that are to be retained are to be suitably protected in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' 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, and during any remediation works carried out under the approved Remedial Action Plan.

D3 Protection of Trees - Street Trees:

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of council.

D4 Excavated Material:

Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- a) council has been advised in writing of the destination site(s)
- b) council has been advised of the quantity and makeup of the material
- c) council has issued written approval for disposal to the alternate location(s).

Note: *The exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the OEH "Waste Classification Guidelines" and shall comply with the terms of any approval issued by council.*

D5 Waste and Contamination:

The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Department of Environment Climate Change and Water "*Waste Classification Guidelines*".

Any new information that comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the council and the Principal Certifying Authority.

D6 Construction Waste Management

During construction the terms of the approved construction waste management plan shall be complied with at all times.

D7 Fill

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.

D8 Construction Workers Vehicles

Construction site access is to be from Woodhouse Road. Construction workers vehicles are not to be parked within adjoining landowner's properties, or obstruct access along Woodhouse Road at any time.

D9 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:

- a) physical barriers being erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions
- b) 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;
- c) stockpiling onsite will be minimised where possible. All materials shall be stored or stockpiled at the best locations
- d) the work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs. This is to be undertaken on a daily basis and during high-risk times (such as high winds and low rainfall) and after receipt of complaints
- e) 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 materials
- f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable)
- g) gates shall be closed between vehicle movements and shall be fitted with shade cloth
- h) cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle
- i) all permanent bunds and reshaped areas will be revegetated within 10 days after completion of earthworks (including excavation and backfilling of services trenches)
- j) all dust creating activities are to cease if wind speed exceed 10m/sec.

D10 Hours of Work

Construction works are to be limited to the following hours:

- a) monday to friday 7.00a.m. - 6.00p.m
- b) saturday 7.00a.m. - 1.00p.m. if inaudible from adjoining residential properties, otherwise 8.00a.m. - 1.00p.m
- c) no construction work is to take place on sundays and public holidays.

D11 Construction Noise Management

The proponent shall minimise noise emission from plant and equipment operated on the site in relation to the project by installing and maintaining, wherever practicable, efficient silencers, low noise mufflers (residential standard) and replacement of reversing alarms on vehicles with alternative silent measures.

D12 Surface Water Monitoring

Surface water monitoring is to be undertaken during the construction phase through the following onsite practices:

- a) insitu surface water samples to be conducted during rainfall events from established monitoring points at the site outlets
- b) monitoring results should be reviewed after 6 months and sampling frequency revised in consultation with council officers
- c) stormwater control should be achieved by directing as much runoff as practicable from disturbed areas to the temporary control measures. 'Clean' runoff from undisturbed areas should be diverted around disturbed areas if possible.

Heritage

D13 Impact of Sub-surface Works – Aboriginal Objects:

In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant.

The NSW Office of Environment and Heritage (OEH), Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of OEH.

D14 Findings of Human Remains

If human remains are located during the project, all works must halt in the vicinity of the find must cease immediately in order to prevent any further impact on the find. The NSW Police and OEH are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the NSW Police consider the site not an investigation site for criminal activities, then works shall not recommence in the vicinity of the find until written consent is granted from the OEH. In the event that a criminal investigation ensues, works shall not recommence in the vicinity of the find until written consent is granted from the NSW Police.

End of Schedule 2 - Part D

PART E – PRIOR TO ISSUE OF SUBDIVISION & OCCUPATION CERTIFICATES

Subdivision Certificate/s

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 issue of a Subdivision Certificate, a Compliance Certificate or Certificates shall be obtained from council, relevant supply authority or an accredited certifier/PCA for the following:

- a) compliance certificate – roads
- b) compliance certificate – water reticulation
- c) compliance certificate – sewer reticulation
- d) compliance certificate – drainage.

E3 Dedication of Environmental Reserve to council

- a) the proponent must make necessary arrangements for the dedication to council, at no cost to council of Lot 24 as shown on the plan no. 01 (Amendment No. DA2), entitled "Lot Layout" and prepared by deGroot & Benson and dated 31/01/2012, at the time of registration of the initial Subdivision Certificate for Stage 1
- b) **prior to the issue of the initial Subdivision Certificate for Stage 1** 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 land as described above in (a)
- c) all necessary rehabilitation work must be undertaken in accordance with the approved Vegetation Management Plan and the land is to be free of noxious weeds and rubbish
- d) all costs are to be borne by the proponent.

E4 Community Management Statement

Prior to the issue of a Subdivision Certificate, the proponent must submit a finalised Community Management Statement.

The following Clauses are to be included in the community management statement:

- a) council, its servants and agents have the full and free right at all times to enter upon Community Property and to operate vehicles and other equipment for the purpose of garbage and recycling collection, and to repair and maintain the statutory services and statutory service lines
- b) council, its servants or agents shall not be liable for any damage caused to the Community Property arising from the operation of any vehicle or other equipment except where such damage is caused by the negligence or recklessness of council, its servants or agents
- c) the terms of this Clause may not be varied except with the prior written agreement of council.

Easements/Restrictions of Use

E5 Restriction on Title:

- (1) A restriction on title under Section 88B of the Conveyancing Act 1919, being registered on the title of all relevant lots, to the effect that:
 - a) the design of each dwelling shall comply with the relevant Design Guidelines referenced in the Community Management Statement, with consent being obtained prior to commencement of construction from the Executive Committee in accordance with the relevant by-laws in the Community Management Statement
 - b) drainage lines installed in the development shall be maintained by the benefiting property owners
 - c) each lot effected by the nominated asset protection zone (APZ) requiring the ongoing management of the APZ as an Inner Protection Area as outlined in the Planning for Bush Fire Protection and NSW Rural Fire Service document "Standards for Asset Protection Zones"
 - d) authority for the council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon vehicles and other equipment for the purposes of garbage and recycling collection, shall be granted to the council by the owner of the subject land at the cost of the proponent, prior to occupation of the development and prior to registration of any plan of subdivision or strata subdivision of the subject land.

Such easement shall be in a form acceptable to council and shall include covenants to the effect that in the absence of negligence on the part of council, its servants, agents and those authorised by council to enter the subject property, they will not be liable for any damage caused to the subject land or any part thereof, or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and recycling and to the effect that the owner for the time being of the subject land shall indemnify council, its servants, agents and persons authorised by it, to collect garbage and recycling against liability in respect of such claims made by any person whomsoever. Documentation for the provision of the easement is to be submitted with the subdivision or strata application.

Note: An 88B instrument is acceptable subject to the area affected by the easement not requiring renewal upon sale or transfer at any time.

- (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 carriageway to be revoked, varied or modified only with the consent from council.
- (3) Details of the Restriction(s) are to accompany the application for Subdivision Certificate.

Access and Services

E6 Access and Services

- 1) The following works:
 - a) roads (including the construction of the collector road for stage 2 of the subdivision, refer to conditions A1(b) and A2)
 - b) water
 - c) sewer

- d) stormwater drainage including WSUD requirements
- e) interallotment drainage
- f) stormwater management plan works
- g) relocation of the sewer main on the eastern side of the development
- h) fire trails.

being constructed in accordance with the approved plans and specifications and completed **prior to the issue of a Subdivision Certificate, for each stage.**

2) **Prior to the issue of subdivision certificates for the residential lots within Stage 1** (lots 1 to 6 and lots 15 to 20) and prior to the issue of occupation certificates for the dwellings, the access road and associated cul-de-sac off Woodhouse Road shall be constructed and completed and dedicated to council. Dedication may form part of an initial Stage 1 subdivision certificate.

3) **Prior to the issue of subdivision certificates for the residential lots within Stage 2** (lots 7 to 14 and lots 26 to 36) and prior to issue of occupation certificates for the dwellings, the full extent of the collector road shall be constructed and completed through the subject site and through lot 210 DP 1044292, and the collector road dedicated to council. Dedication of the collector road may form part of an initial Stage 2 subdivision certificate.

E7 Stormwater Management Certification

Prior to the issue of a Subdivision Certificate the consultant design engineer and consultant landscape architect shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

E8 Work as Executed Plan

Prior to the issue of a Subdivision Certificate, a works as executed plan endorsed by a Registered Surveyor or Consulting Engineer (hard or digital format) shall be submitted to council certifying that:

- a) all drainage lines, sewer lines, services, and structures are wholly contained within the relevant easement
- b) the plans accurately reflect the work as executed.

E9 Water Services and Sewer Junction

A water service and sewer junction being provided (or being available) within each lot **prior to the issue of Subdivision Certificate**, with the works conforming to the requirements of Coffs Water.

E10 Extension of Water and Sewer Mains

Water and Sewerage mains being extended to the Subdivision from council's existing mains at the developers cost (or other arrangements satisfactory to council being made) **prior to the issue of a Subdivision Certificate.**

E11 Water Service

An individual water service and meter is to be provided to all units and common areas **prior to the issue of a Subdivision Certificate.**

Council may agree to the waiving of this requirement upon submission of written evidence from a licensed plumber/hydraulic consultant to the effect the installation of separate metering is impractical to comply with this condition.

E12 Other Services

- (1) The Subdivision being provided with underground reticulated electricity and telephone cables. The ducting is to comply with the requirements of the NBN. The proponent shall provide a letter from the relevant electricity energy provider 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 the issue of a Subdivision Certificate**.
- (2) Street lighting being provided to the requirements of the relevant electricity energy provider with all work being completed **prior to the issue of a Subdivision Certificate**.

Earthworks

E13 Fill - Certification

Prior to the issue of a 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.

Sediment and Erosion Control

E14 Sediment and Erosion Control

Prior to the issue of a Subdivision Certificate the site shall be stabilised to the Principal Certifying Authority's satisfaction which, as a minimum, shall be at least 50% grass cover or application of mulch or hydroseeding to all disturbed areas.

Fencing

E15 Boundary fencing

The permanent perimeter fencing to lot 24 along the northern boundary of the proposed council reserve, as approved under condition B5, is to be installed **prior to issue of a Subdivision Certificate for stage 1**.

E16 Reporting of pre-clearing operations

A certificate of completion of compensatory and initial works as per the approved Vegetation Management Plan (condition B1) is to be submitted to council **prior to issue of a Subdivision Certificate for stage 1**.

E17 Street Names:

A street name application is to be submitted to and approved by council **prior to issue of a Subdivision Certificate for each stage**.

Occupation Certificates for the dwellings

E18 BASIX

All of the commitments listed in each relevant BASIX Certificate for the development being fulfilled **prior to the issue of an Occupation Certificate for each dwelling.**

E19 Rainwater Tanks

A separate application being submitted to Coffs Harbour Water for approval of the rain water tank(s) prior to installation and any associated plumbing works. Evidence confirming such approval is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate for each dwelling.**

Note: *An application form (Rainwater Tank Installation Application for Urban Areas) may be downloaded from council's web site www.coffsharbour.nsw.gov.au.*

E20 Inspection of Driveway Works

Driveway works are to be inspected by council and confirmation issued of compliance with relevant council requirements **prior to issue of an occupation certificate for each dwelling.**

End of Schedule 2 - Part E

ADVISORY NOTES

AN1 Compliance Certificates, *Water Management Act, 2000*

Prior to issuing a Subdivision Certificate/Construction Certificate, a Compliance Certificate shall be provided to the approval authority showing that the development complies 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 the release of the Construction Certificate;
- (2) the approval authority before the release of the Subdivision Certificate.

AN2 Occupation Certificates

The use of a building in accordance with this approval must not commence until Council or the PCA has issued an occupation certificate for the building and related site works. A final occupation certificate shall not be issued until all relevant conditions are satisfied

AN3 Plumbing and Drainage Works:

All water supply, sanitary plumbing and drainage works are to comply with the relevant provisions of *the Local Government (Water, Sewerage and Drainage) Regulation 1993*.

AN4 Requirements of Public Authorities for Connection to Services:

The Proponent shall comply with the requirements of any public authorities (e.g. the relevant electricity energy provider, Telstra Australia) 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 authority are to be submitted to the satisfaction of the Certifying Authority **prior to the issue of the Construction Certificate**.

AN5 Compliance with Building Code of Australia:

The proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the Building Code of Australia prior to submitting the application for Construction Certificate.

AN6 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) 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); or commonwealth land, without an approval from the Commonwealth Environment Minister.

The application has been assessed in accordance with the *NSW Environmental Planning and Assessment Act 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and it should not be assumed that this grant of approval as

notification that the Commonwealth Act does not have application. The Commonwealth Act may have application therefore advice should be obtained in relation to this matter. There are severe penalties for non-compliance with the commonwealth legislation.

AN7 Bio-retention Basin/s

The proponent is to liaise with the NSW Office of Water as to whether a de-watering license should be obtained from NSW Office of Water, under Part 5 of the *Water Act 1912*, prior to commencement of work, in relation to any dewatering of groundwater for the construction of the bio-retention basin/s on lot 25.

End of Advisory Notes

SCHEDULE 3 - STATEMENT OF COMMITMENTS

Outcome	Commitment	Timing	Responsibility
Sustainable development	Flora and fauna <ul style="list-style-type: none"> <input type="checkbox"/> Preparation of a Vegetation Management Plan (VMP) in relation to the public reserve area (zoned 7A) for approval by Coffs Harbour City Council. The developer will implement the recommendations and prepare the site in accordance with the VMP prior to dedication of the reserve to the Council. <input type="checkbox"/> The threatened flora (Moonee Quassia and Rusty Plum) will be maintained in accordance with the recommendations of the approved Buffer Planting Plan for a period of 5 years. <input type="checkbox"/> Retention of mature trees in future open space where possible. <input type="checkbox"/> Weed control in accordance with VMP including: during construction; in landscaped areas; mulching removed vegetation on site to avoid introduction of weed seeds; and avoiding use of environmental weeds. <input type="checkbox"/> Landscape planting to include forage habitat. <input type="checkbox"/> Measures are to be implemented to control weed infestation in the proposed reserve during construction. <input type="checkbox"/> Traffic speed control (40 kph); <input type="checkbox"/> Imported landscape and fill materials to be sourced from suppliers free from cane toads. <input type="checkbox"/> Impose a restriction on the title of each allotment requiring that any dogs or cats are kept only within the curtilage of a dwelling house, however dogs may be kept outside the curtilage if secured on a leash. <input type="checkbox"/> Proposed creek reserve (lot 24) to be dedicated to Council, at no cost to Council. <input type="checkbox"/> Revegetate and regenerate the grassland area in the south outside the Asset Protection Area in accordance with the VMP. 	<p>Prior to the release of the Subdivision Certificate</p> <p>During construction</p> <p>Prior to the release of the Subdivision Certificate</p>	<p>Proponent</p> <p>Proponent</p> <p>Proponent</p>
	Riparian protection <ul style="list-style-type: none"> <input type="checkbox"/> Stormwater management will be constructed in accordance with the approved plan. <input type="checkbox"/> The creek riparian corridor and associated public reserve area is to be dedicated to Council, at no cost to Council 	<p>Prior to release of Subdivision Certificate</p>	<p>Proponent</p>
	Slope Stability <ul style="list-style-type: none"> <input type="checkbox"/> Development will follow good engineering and building practices to avoid landslip hazard 	<p>During construction</p>	<p>Site Manager</p>
	Development management <ul style="list-style-type: none"> <input type="checkbox"/> The developer will prepare a Construction Management Plan for approval by the Council including education of workers in compliance with the conditions (particularly soil erosion and sediment controls, flora and fauna, riparian corridor protection), details of the environmental management during the development phases and measures relating to waste minimisation and management. 	<p>Prior to the commencement of construction and for the duration of the subdivision works.</p>	<p>Proponent</p>
Minimise use of potable water and energy	Water and energy efficiency Each dwelling will be provided with a rainwater tank, generally of 3000 litres except for 2000 litres on proposed Lot 10 and 3500 litres for proposed Lots 13 and 14.	<p>During construction</p>	<p>Developer</p>
Stormwater management will achieve no significant net change in run-off to the creek.	Stormwater management <ul style="list-style-type: none"> <input type="checkbox"/> The developer will prepare a soil and water management plan to control run off during construction in accordance with the principles of the Landcom publication Managing Urban Stormwater (MUS): Soils and Construction Volume 1, 4th Edition and Construction Certificate Plans approved by Coffs Harbour City Council. <input type="checkbox"/> The inclusion of vegetated buffers and grasslands to treat shallow overland flow. 	<p>Prior to the release of the Subdivision Certificate for each stage.</p>	<p>Developer</p>

	<ul style="list-style-type: none"> <input type="checkbox"/> The provision of two Bio-retention basins as shown on drawing No 02 (Amendment DA5) drawn by deGroot & Benson and (amendment) dated 31-01-2012, providing final treatment for overflow run-off from the built areas of the site. <input type="checkbox"/> The developers of the structures on the individual allotments should also be encouraged to implement the principles of "Water Sensitive Urban Design" in their developments to ensure a two phase treatment system is in place to complement the proposed treatment measures. <input type="checkbox"/> The developer will design and install water quality control measures in accordance with the Construction Certificate Plans approved by the Council. The developer will maintain the water quality control measures for a period of three years after dedication to the Council. 		
Provide adequate infrastructure for the proposal	<p>Services</p> <ul style="list-style-type: none"> <input type="checkbox"/> The developer will provide reticulated water and sewerage services to each lot in the subdivision in accordance with the requirements of Coffs Harbour City Council. <input type="checkbox"/> The developer will provide underground power and telecommunications infrastructure to each residential lot in the subdivision in accordance with the requirements of the service provider. 	Prior to the release of the Subdivision Certificate for each relevant stage.	Developer
	<p>Drainage</p> <ul style="list-style-type: none"> <input type="checkbox"/> The developer will install street and inter-allotment drainage as necessary in accordance with plans approved by Coffs Harbour City Council. 	Prior to release of the Subdivision Certificate for each stage.	Developer
	<p>Access</p> <ul style="list-style-type: none"> <input type="checkbox"/> The developer will construct all roads and intersections, including, footpaths bus shelters and signs in accordance with the City Council's requirements and approved Construction Certificates. <input type="checkbox"/> Construction of the collector road as required by the DCP will be carried out in the second stage of the development. <input type="checkbox"/> Dedication of the roads to Council. 	Prior to the release of the Subdivision Certificate for each relevant stage.	Developer
Minimise potential hazard	<p>Bushfire risk management</p> <p>The developer will impose a Section 88B Restriction as to User on the title of relevant allotments specifying an APZ and a Level of Construction:</p> <ul style="list-style-type: none"> <input type="checkbox"/> APZ of 23m for building envelopes on lots 1-9, measured from the edge of the vegetation to the south that is located in the 7A zoned area. <input type="checkbox"/> APZ of 42m for building envelopes on lot 26, measured from the edge of the vegetation to the south that is located in the 7A zoned area. <input type="checkbox"/> For Lots 1-9 & Lot 26 – dwelling construction will comply with Australian Standard AS 3959-2009 "Construction of Buildings in Bush Fire Prone Areas" BAL-29. On all remaining lots, dwelling construction will comply with Australian Standard AS 3959-2009 "Construction of Buildings in Bush Fire Prone Areas" BAL-12.5. <p>The developer will install relevant infrastructure as required, including fire hydrants.</p>	Prior to the release of the Subdivision Certificate for each stage.	Developer
Visual Amenity	<ul style="list-style-type: none"> <input type="checkbox"/> All landscaping following site preparation works should be undertaken in accordance with a landscape master-plan. 	Prior to release of Subdivision Certificate	Proponent
Developer Contributions	<ul style="list-style-type: none"> <input type="checkbox"/> The developer will pay Section 94 developer contributions in accordance with Coffs Harbour City Council's Moonee 	Prior to the release of the	Developer

	<p>Developer Contributions Plan on a "per ET" basis for each stage of the residential subdivision.</p> <ul style="list-style-type: none"><input type="checkbox"/> The developer will pay water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.	Subdivision Certificate for each stage.	
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ANNEXURE B

Modification MP08_0003 MOD1
approved on 23 September 2013

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Heather Warton
Director- Industry, Social Projects and Key Sites
As delegate of the Minister for Planning and Infrastructure

Sydney 23 September 2013

SCHEDULE 1

- Project Approval:** 08_0003 granted by the Minister for Planning and Infrastructure on 18 June 2012
- For the following:** Residential subdivision and construction of dwellings in 2 stages, including:
- 33 lots under community title (31 residential lots);
 - 2 torrens title lots;
 - associated site and construction works;
 - construction of 31 dwellings;
 - construction and dedication of local collector road; and
 - dedication of 3.102ha as public reserve to council.
- Modification:** MP08_0003 MOD 1
- Amendments to the:
- Subdivision layout
 - Staging of the project
 - Location of bio-retention basin
 - Bulk earthworks and finished levels for each lot
 - Architectural drawings for construction of dwellings on lots 1 to 6 and 16 to 20, and deletion of approval for the construction of dwellings on lots 7 to 14 and 26 to 36

SCHEDULE 2 MODIFICATION OF PROJECT APPROVAL

1. In the Table in Part A of Schedule 1, in the project description:
 - before the word 'stages' delete '2';
 - in the fourth dot point, delete the words '31 dwellings' and replace them with the following words "12 dwellings (Stage One)"; and
 - in the sixth dot point, replace the words "3.102ha" with the words "lot 24".
2. Delete condition A1 and replace it with the new condition A1 as follows::

A1 Project Description

(1) Stage One:

Stage One of the approved project consists of:

- a) 12 community title residential lots (lots 1 to 6 and lots 15 to 20) and a residue lot;
- b) 2 community lots (lot 23 and lot 25) including internal access road, fire trail and bio retention;
- c) one torrens title lot (lot 24) to be dedicated as public reserve;
- d) construction of 12 dwellings;
- e) one residue lot (including road reserve and future torrens title lot 22);
- f) construction of all proposed roads within the project as shown in de Groot & Benson General Arrangement – Drawing No 02 dated 17.06.2013 (DA8), including the access road to be constructed over lot 1 DP 262300 and the associated cul-de-sac, the internal road over lot 23 and the collector road within the road reserve on site; and
- g) earthworks, re-contouring and preparation of the site, including vegetation restoration, vegetation clearing and weed removal, establishment of reticulated water and sewer, and stormwater infrastructure.

(2) Further Stages

Further stages (with staging to be determined by the proponent) of the approved project consist of:

- a) 19 community title residential lots (lots 7 to 14 and 26 to 36); and
- b) one torrens title lot (Lot 22).

3. Delete condition A2 and replace it with the new condition A2 as follows:

A2 Deferral of Stages

A subdivision certificate for the stage 1 residential lots shall not be released until the full extent of the collector road has been constructed through the subject site and this section of the collector road has been dedicated to Council.

4. Delete condition A3 and replace it with new condition A3 as follows:

A3 Development in Accordance with Plans and Documentation

The development is to be undertaken in accordance the following documents and plans:

- a) Environmental Assessment Report (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd dated July 2008 (revised July 2009);
- b) Preferred Project Report (and all associated Annexures) prepared by Geoff Smyth Consulting on behalf of Telpat Pty Ltd dated November 2010 (revised with further information submitted on 22 June 2011 and 6 February 2012; and
- c) Modification application MP08_0003 MOD 1, the letter dated 6 May 2013 from Geoff Smyth Consulting, and including the following schedule of drawings;

Engineering Drawings prepared by de Groot & Benson Consulting Engineers and Planners			
Drawing No.	Amendment No.	Name of Plan	Date
01	DA5	Lot Layout	03.06.2013
02	DA8	General Arrangement	17.06.2013
05	DA4	Stormwater Management and Services Plan	17.06.2013
Architectural Drawings prepared by Hibbard's for dwellings on Lots 1 to 6 and 16 to 20			
Drawing No.s	Revision No.	Name of Plans	Date
Lot 1 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated
Lot 2 Sheets 02, 03 and 05	A	Site Plan, Floor Plan and Elevations	undated
Lot 3 Sheets 02, 03 and 04	A	Site Plan, Floor Plan and Elevations	undated
Lot 4 Sheets 02, 03 and 05	A	Site Plan, Floor Plan and Elevations	undated
Lot 5 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated
Lot 6 Sheets 02, 04 and 05	A	Site Plan, Floor Plan, Elevations	undated
Lot 16 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated
Lot 17 Sheets 02, 03 and 05	A	Site Plan, Floor Plan, Elevations	undated
Lot 18 Sheets 02, 03 and 05	A	Site Plan, Floor Plan, Elevations	undated
Lot 19 Sheets 02, 03 and 04	A	Site Plan, Floor Plan, Elevations	undated

Lot 20 Sheets 02, 03 and 05	A	Site Plan, Floor Plan, Elevations	undated
Architectural Drawings prepared by Design Studio 22 for dwelling on Lot 15			
Drawing No.s	Revision No.	Name of Plans	Date
Lot 15 Sheets 02, 04, 05 and 06	A	Site Plan & Analysis, Floor Plan, Roof Plan, and Elevations	20.06.2013

5. Delete condition A5 and replace it with the new condition A5 as follows:

A5 Amendment to Approved Plans

Drawing No's 01, 02 and 05 prepared by de Groot & Benson Consulting Engineers and Planners as listed in the schedule of drawings in condition A3 (c) shall be amended in relation to the boundary between lots 24 and 25 at the eastern end of the site, as marked in red on those drawings (Drawing 01, DA5, 'Lot Layout'; Drawing 02, DA8 'General Arrangement'; DA05, DA4, 'Stormwater Management and Services Plan').

Note: This amendment is required so as to ensure that the creekline on the site is located wholly within lot 24 to be dedicated to Coffs Harbour City Council.

6. In the heading to condition A6 replace the words "(Stage 2)" with the words "(Future Stages)".
7. Delete condition A8 and replace it with new condition A8 as follows:

A8 Section 94 Development 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:

Contributions:

	\$ Per Lot or Per Dwelling
Coordination and Administration	\$ 377.31
Coffs Harbour Road Network	\$ 909.40
Surf Rescue Equipment	\$ 67.62
Moonee Transport and Traffic	\$ 10,973.76
Community Facilities	\$ 811.04
Urban Planning	\$ 145.90
District Open Space	\$ 5,434.38
Neighbourhood Open Space	\$ 1,347.85

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2013
- Coffs Harbour Road Network 2013
- Surf Rescue Equipment 2012
- Moonee Release Area 2013

The Contribution Plans may be inspected at the Council administration offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbourns.gov.au

Note 1 — The contributions are to be paid prior to release of any Construction Certificates for dwellings or any Subdivision Certificates for lots, whichever occurs the sooner, 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 proponent 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.

8. In condition B2 in the first line of the condition replace the word “both” with the word “the”.
9. In condition B10:
 - in part (a) delete the words “(including the construction of the collector road for stage 2 of the subdivision, refer to conditions A1(b) and A2)”; and
 - in the remaining body of the condition replace the words “stage 2 (conditions A1(b) and A2)” with the words “further stages (refer to condition A2)”.
10. Delete condition B14 and replace it with new condition B14 as follows:

B14 Water Management Act 2000

Provision to Council prior to the release of any Construction Certificates for dwellings or any Subdivision Certificates for lots, whichever occurs first, of a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development.”

11. In the sentence under the heading “PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR THE DWELLINGS” delete the words “(Stage One and Stage Two)”.

12. Delete condition B22 and replace with the following condition:

B22 Cut and Fill and Finished Floor Levels

Cut and fill works and building pads for all residential lots are to be consistent with the Earthworks Plan prepared by deGroot & Benson, Drawing No. C-203 (Project 09095) Amendment B dated 05/04/2013 (as approved by Coffs Harbour City Council on 14 May 2013 under construction certificate 13/10).

13. In condition D8 delete the first sentence “Construction site access is to be from Woodhouse Road”.

14. In condition E4:

- After the words “Community Management Statement’ in the first sentence, add the following words, “for approval of council”.
- include the following additional point (d) at the end of the condition:

(d) The community management statement shall include Design Guidelines requiring that the siting and design of the dwellings in the future stages of the subdivision (on lots 7 to 14 and 26 to 36) shall be generally consistent with the dwelling footprints

show on the General Arrangement Plan, Drawing 02, Amendment DA8 listed in condition A3, and generally consistent with the dwelling designs shown in the plans prepared by Ross D Colquhoun as listed in condition A3 of the original project approval issued on 18 June 2012, and as amended by the Dwelling Type Schedule Plan, marked A.

15. In condition E6:

- In point (a) delete the words “(including the construction of the collector road for stage 2 of the subdivision refer to conditions A1(b) and A2)”.
 - Delete point (2) and (3) and replace them with the following
- (2) Prior to the issue of subdivision certificates for the Stage 1 residential lots and prior to the issues of occupation certificates for the Stage 1 dwellings:
- (a) The access road and associated cul-de-sac off woodhouse Road shall be constructed and completed; and
 - (b) The full extent of the collector road shall be constructed and completed through the subject site.
- (3) Prior to the issues of occupation certificates for the Stage 1 dwellings, the access road and cul-de-sac off Woodhouse Road, and the collector road on the subject site, shall be dedicated to council.