

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 130-05-2005

(FILE NO. 9038950)

DEVELOPMENT APPLICATION NO. 130-5-2005 – PART LOT 13 DP 882816, LOT 49 DP 861518, LOT 50 DP 881378 & LOT 441 DP 1007121 PACIFIC HIGHWAY & SPLIT SOLITARY ROAD, NORTH SAPPHIRE - URBAN SUBDIVISION OF 240 RESIDENTIAL LOTS & 20 PUBLIC RESERVES, 2 RESIDUAL LOTS & PUBLIC ROADS

I, Sam Haddad, as delegate of the Minister for Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 6(1) of *State Environmental Planning Policy (State Significant Development) 2005*, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To encourage good urban design;
- (2) To provide for the orderly and ecologically sustainable use and development of land;
- (3) To require high quality landscaping and planting within the public and private domain;
- (4) To ensure the provision of necessary infrastructure services due to an increase in the demand for public amenities and services within the area;
- (5) To ensure the potential for pollution impacts is appropriately minimised and managed;
- (6) To ensure provision of public recreation areas.



Sam Haddad
Director General

Sydney, 31 March 2006

SCHEDULE 1

PART A —TABLE

Application made by:	SJ Connelly Pty Ltd PO Box 538 Lennox Head NSW 2478
Application made to:	Minister for Planning
Development Application:	130-05-2005
On land comprising:	Part Lot 13 DP 882816, Lot 49 DP 861518, Lot 50 DP 881378 & Lot 441 DP 1007121 Pacific Highway & Split Solitary Road, North Sapphire
Local Government Area	Coffs Harbour City Council
For the carrying out of:	Subdivision of 240 residential lots & 20 public reserves, 2 residual lots & public roads and the demolition of an existing shed and dwelling on Part Lot 13 DP 882816. A detailed description of the development consented to described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	\$9.8 M
Type of development:	State Significant Development Integrated Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Department of Natural Resources Rural Fire Service Coffs Harbour City Council
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: <ol style="list-style-type: none"> (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2, or (3) the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 130-05-2005

Responsibility for other approvals / agreements

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

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within **12** months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies were imposed in accordance with:

- Regional, District & Neighbourhood Facilities 2004.
- Coffs Harbour Road Network 2003.
- Surf Rescue Equipment 2003.
- Moonee 2004.

Section 94 Plans may be inspected at the following locations during its normal business hours:

- (1) Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Applicant means SJ Connelly Pty Ltd acting on behalf of Sapphire Properties Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Coffs Harbour City Council.

CHRP – Coffs Harbour Regional Park as administered by the Department of Environment and Conservation and Coffs Harbour City Council.

DA No. 130-05-2005 means the development application and supporting documentation submitted by the Applicant on 26/05/2005.

Department means the Department of Planning or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department or the nominees of the Director.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 130-05-2005

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

- (1) Demolition of an existing shed and dwelling on Part Lot 13 DP 882816.
- (2) Bulk earth works for roads, parks and subdivision construction works;
- (3) Construction and dedication of public roads and beachside car parking;
- (4) Construction, embellishment and dedication of public reserves over nine (9) stages;
- (5) Subdivision of 240 residential lots consisting of 113 conventional lots, 120 mews, 7 integrated housing lots and 2 residual lots over nine (9) stages;

A2 Development in Accordance with Plans

The development shall be in accordance with development application number 130-05-2005 submitted by the Applicant on 26 May 2005, and in accordance with the following:

Statement of Environmental Effects and Development Application Vol 1, 2, and 3 entitled North Sapphire Beach: <i>A Community by the Sea</i> Dated May 2005 prepared by <i>Sapphire Beach Properties Pty Ltd</i> and <i>SJ Connelly, Roberts Day, GEOLink</i> , GHD dated May 2005.			
Development Application - Engineering and Landscape Architectural plans entitled North Sapphire Beach: <i>A Community by the Sea</i> Dated May 2005 prepared by <i>GEOLink</i> and <i>GHD</i> dated May 2005 (in accordance with and subject to condition A (4)).			
Design Drawings prepared by GHD and GeoLink			
Drawing No.	Revision	Name of Plan	Date
22-11621-SK8000	A	DENSITY PLAN	20/01/2006
22-11621-C102	E	SITE PLAN	20/01/2006
22-11621-DP701	B	PARKS DEDICATION PLAN	20/01/2006
Landscape Drawings prepared by GeoLink			
Drawing No.	Revision	Name of Plan	Date
22-11621-V801	B	VEGETATION MANAGEMENT PLAN	20/01/2006
22-11621-V802	B	VEGETATION MANAGEMENT STRATEGIES	20/01/2006

Survey Drawings prepared by GHD Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
22-11621-C107	E	DETAIL PLAN - SHEET 1 OF 3	20/01/2006
22-11621-C108	D	DETAIL PLAN - SHEET 2 OF 3	01/03/2005
22-11621-C109	E	DETAIL PLAN - SHEET 3 OF 3	20/01/2006

except for:

- (1) any modifications which are 'Exempt Development' as identified in Coffs Harbour LEP 2000 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this consent.

A3 Staging

Staging for this development, and as described in this consent, is to be generally in accordance with Plan 2.01 (Prepared by GHD Pty Ltd May 2005 - Page 16 of the submitted SEE) and as ordered within precincts in the table below:

Development Precincts – Distribution of Lots	
Precinct	Stage Numbers
Solitary Outlook	1-3
Park Rise	4
The Ridge	5-7
Creekside	8 - 9
Beachside (Deferred from this consent)	10

A4 Detailed Changes

Minor variations to technical engineering and landscape plans contained within the Development Application document *Engineering and Landscape Architectural plans entitled North Sapphire Beach: A Community by the Sea Dated May 2005 prepared by GEOLink and GHD dated May 2005* (as referred to in condition A (2)) may occur subject to the satisfaction of the Certifying Authority.

A5 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A6 Lapsing of Consent

In order that the orderly and economic development of land, the development consent for commencement of Stage 1 shall lapse 5 years after the determination date occurs in Part A of Schedule 1 of this consent.

A7 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE***Design Details and Changes*****B1 Additional Details**

In order to ensure the maintenance of ecological integrity, additional details in regard to the following matters shall be submitted to and approved by the relevant consent authority;

- (1) The development application for the wetland boardwalk connecting Stages 3 and 6 of the development is to be submitted to the relevant consent authority for approval **prior to the issue of any Construction Certificate for Stage 5 of the subdivision.**
- (2) A plan of management for conservation including a framework for the long term management of the 7(a) Habitat and Catchment zoned land and the SEPP 14 wetland areas is prepared in cooperation with the Coffs Harbour Regional Parks Trust - Department of Environment and Conservation and Coffs Harbour Council which addresses management of the 7(a) Habitat and Catchment zoned land shall be established prior to the issue of a Construction Certificate for stage 6 and completed **prior to the issue of the Subdivision Certificate for Stage 7.**

Remediation / Demolition / Earthworks**B2 Remediation of Land**

- (1) Consideration is to be given to the possible presence of deeper areas of soil contamination in surveyed areas. Should evidence of contaminated land occur during preliminary bulk earth works, the Applicant shall submit to Council, prior to the issue of a Construction Certificate for the relevant stage, a Hazardous Materials Survey and if warranted, a Remedial Action Plan. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Department of Environment and Conservation to issue site audit statements.
- (2) Upon completion of the remediation works on the site if warranted, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

B3 Fill

Contour plans indicating the location of proposed fill areas in the subdivision are to be submitted to Council for approval prior to the issue of Construction Certificate for each stage.

All fill is to be placed in accordance with the requirements of Council's Technical Guidelines for Subdivision and Development and the approved Sediment and Erosion Control Plan. Structures to retain fill onsite are to meet Australian Standards AS 4678-2002: Earth-retaining structures.

B4 Acid Sulphate Soil Management Plan

Detailed investigations regarding acid sulfate soils are required to be undertaken at each stage as part of the detailed engineering design for the subdivision. An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority for approval prior to the issue of a Construction Certificate for the relevant stage.

B5 Erosion and Sedimentation Control

An Erosion and Sediment Control Plan, together with a management strategy, certified by a qualified Environmental or Engineering Consultant to be in accordance with the Landcom publication *"Managing Stormwater; Soils and Construction"* (the "Blue Book", 4th Edition, 2004) shall be submitted to Council, **prior to issue of the Construction Certificate for the relevant stage**. Erosion and sedimentation controls are to be implemented, managed and maintained during all development construction works and be maintained throughout the maintenance period.

During the construction stage a qualified Environmental or Engineering Consultant is to ensure that the erosion and sedimentation controls are appropriate for the site and current stage of construction.

No clearing or stripping works are to be undertaken on the site until the Erosion and Sediment Control Plan has been implemented.

B6 Stormwater and Drainage Works Design

Prior to issue of the Construction Certificate for the relevant stage An impermeable seal at the base any bio retention ponds shall be provided subject to detailed examination of soil permeability.

Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Councils Urban Stormwater Management Plan shall be submitted to and approved by the PCA prior to issue of a Construction Certificate for the relevant stage. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

B7 Water Sensitive Urban Design

To ensure water conservation re-use principles of Water Sensitive Urban Design final design plans of the water sensitive urban design features within the proposed subdivision, shall be submitted to and approved by the PCA prior to issue of a Construction Certificate for each stage.

B8 Flooding

Works associates with the development, such as filling or construction of bridges and/or culverts are not to cause adverse change to flood conditions for adjoining properties. Proposed filling and bridges and/or culverts designs are to address this requirement in the plans and specifications submitted to Council with the Construction Certificate application.

Note: Separate approval under Part 3A of the *Rivers and Foreshores Improvement Act 1948* is required for works within 40 metres of a prescribed waterway.

Landscaping

B9 Landscape Plan

In order to maintain visual amenity and ecological integrity, a revised landscape plan is to be prepared incorporating the following:

- (1) The plant species proposed for the development is to be amended as follows:
 - (a) *Amorhospermum whitei* (Rusty Plum) is listed as a vulnerable species. Seeds for this species are to be collected (by a licensed seed collector, with prior approval of the Department of Environment and Conservation) from the nearest naturally occurring individuals. These species are to be local provenance species.
 - (b) Species Corrections

Provide correct taxa for the following species:	
<i>Leptospermum flavescens</i>	s.b. <i>Leptospermum polygalifolium</i> subsp. <i>Cismontanum</i>
<i>Syzygium coolminianum</i>	s.b. <i>Syzygium oleosum</i>
<i>Baeckea virgata</i>	s.b. <i>Babingtonia similis</i>
<i>Casuarina littoralis</i>	s.b. <i>Allocasuarina littoralis</i>
<i>Myoporum ellipticum</i>	s.b. <i>Myoporum boninense</i> subsp. <i>Australe</i>
<i>Pandanus pedunculatus</i>	s.b. <i>Pandanus tectorius</i> var. <i>australianus</i>
Delete from the species list:	
<i>Gazania rigens</i>	has naturalised on dunes from Sydney to Gosford
<i>Melaleuca leucadendra</i>	<i>Melaleuca quinquenervia</i> is native to the area (may hybridize)
<i>Helichrysum ramosissimum</i>	suggest replace with a native: e.g. <i>Bracteantha bacteata</i>
<i>Grevillea baileyana</i>	not indigenous; suggest replace with sterile hybrid

Details shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

B10 Open Space Landscape Plan

Prior to the issue of a Construction Certificate for each Stage a detailed Open Space Landscape Plan (OSLP) is to be submitted to, and approved by Council. The detailed OSLP shall be prepared by a qualified landscape architect in consultation with the Council Manager City Parks. The Plan must detail for each Stage the open space embellishment works proposed by the developer. The following works are to be included:

- (1) A playground site shall be provided at the end of the proposed beach access road in Stage 1 as per the Moonee DCP.
 - (a) The design shall provide junior and intermediate play.
 - (b) Wet pour surface shall be installed as a minimum to any swing or slides proposed.
 - (c) Adequate car parking, bicycle parking shall also be provided.

- (d) Public amenities with an integrated surf life saving storage shall be provided.
- (e) Barrier free BBQ and picnic facilities, landscaping and signage shall be provided.
- (2) The parkland proposed to be constructed between Stage 4 and 5 and dedicated with Stage 6 shall provide:
 - (a) A playground and a skate facility that caters for beginners to intermediate users. The skate facility shall be designed and constructed by suitably qualified and experienced skate facility designers/contractors. Local skaters shall be consulted during the design.
 - (b) A suitable BMX track shall also be included with consultation with the local BMX riders.
 - (c) Landscaping, seating, signage and adequate car parking shall also be included.

Playground equipment, undersurfacing and wet pour surfacing shall be certified to comply with AS 4685 - 2004 and AS/NZS 4422 – 1996.

B11 Vegetation Management Plans

Vegetation Management Plans (VMPs) are to be prepared for Council's approval for those areas of the site to be dedicated as public reserves and the buffers to the CHRP and 14 wetland located in the residual lot (deferred area – stage 10). VMPs may be prepared for those areas on a stage by stage basis, and are to be approved by Council **prior to the issue of any Construction Certificate for the particular stage**. Where a number of VMPs are to be prepared such VMPs must be prepared to a standard template.

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

The VMP must:

- (i) include a locality plan identifying the property, a colour aerial photo of the property, a site plan showing proposed subdivision, contours, creeks, proposed APZ's on land to be dedicated to Council. Council will maintain the approved APZ's in accordance with the controls set out in Planning for Bushfire Protection;
- (ii) identify and map all native vegetation, including abundance codes and outline the methodology of ongoing management of all native vegetation, detailing the Initial and Follow up Maintenance works required;
- (iii) identify and map all noxious and environmental weeds as listed on Council's web site, including abundance codes and outline the methodology of removal and ongoing management of all such listed weeds, detailing the Initial and Follow up Maintenance works required;
- (iv) detail riparian restoration for a minimum of 20m either side of top of bank or as approved by Council of Sugarmill Creek, Mill Road Creek, Gaudrons Creek, Sapphire Creek (blue lines on CMA 1:25,000 topographic maps), the unnamed watercourse east of the stage 2 development, including long sections, cross sections, local provenance plant species, densities, zonation of plantings, quantities;
- (v) include stream rehabilitation requirements of the Department of Natural Resources. Part 3A Permit under the RFI Act is required for any works within 40m metres of watercourses (blue lines on CMA 1:25,000 topographic maps);
- (vi) include costing in table format of initial works required;

- (vii) include costing in table format of the required follow up maintenance works required for riparian rehabilitation minimum 5 years;
- (viii) include information regarding the timing of the works;

B12 Street Tree Planting

Prior to the issue of Construction Certificate for the relevant stage a plan, prepared by a qualified landscape architect or professional landscape consultant, is to be approved by Council showing street tree planting, which has been prepared in accordance with the requirements of Council's "*Street Tree Masterplan*".

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

B13 Outdoor Lighting

All outdoor lighting in trafficable areas shall comply with, AS/NZS 1158.3.1:2005 : Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

Lighting for pathways, parks and public car park should be designed to ensure the minimisation of obtuse light interference to the foreshore environment. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority **prior to the issue of a Construction Certificate for the relevant stage**.

B14 Dune Management Plan

Prior to the issue of any Construction Certificate, and prior to commencement of any works on the site, a detailed Dune Management Plan (DMP) is to be submitted to, and approved by Council.

The proponent shall demonstrate that owners consent has been obtained from the Department of Lands for a licensed access to the beach.

The detailed DMP shall be prepared:

- a) by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices and who are members of the Australian Association of Bush Regenerators (AABR) and a qualified landscape architect and/or in consultation with a qualified landscape architect
- b) following consultation with the Department of Environment and Conservation - Coffs Coast Manager and Coffs Harbour City Council City, Parks Manager.

The DMP must:

- (i) generally be in accord with the Section 9 Dune Management report that accompanied the development application and is to address the entire beach front dunal area adjoining the site;
- (ii) identify and map all native vegetation, including abundance codes and outline the methodology of ongoing management of all native vegetation, detailing the Initial and Follow up Maintenance works required;
- (iii) identify and map all noxious and environmental weeds as listed on Councils web site, including abundance codes and outline the methodology of removal and ongoing management of all such listed weeds, detailing the Initial and Follow up Maintenance works required;
- (iv) include costing in table format of dune rehabilitation Initial Works required;

- (v) include costing in table format of the required follow up maintenance works required for dune rehabilitation minimum 5 years
- (vi) include information regarding the timing of dune rehabilitation works
- (vii) include detailed construction design of the beach access works, signage and timing of works

Monetary Contributions and Contributions-in-lieu

B15 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

(1) Amount of Contribution per Lot

Contribution Category	Amount
Coordination and Administration	\$ 297.96
Coffs Harbour Road Network	\$ 629.84
Surf Rescue Equipment	\$ 76.51
Regional Libraries	\$ 192.76
Beach Protection Works	\$ 100.78
Regional Open Space	\$ 324.08
District Open Space	\$4,008.86
Neighbourhood Open Space	\$1,010.60
Moonee Transport Traffic	\$6,622.03
Stormwater Management	\$ 31.57
Urban Planning	\$ 118.91
Community Facilities	\$ 623.79
The Section 94 contribution is currently \$3,369,048.00 for the 240 lots proposed in the subdivision being 116 conventional lots, 116 mews lots, 7 integrated housing lots and 1 residue lot (the Stage 10 deferred lot)	

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Council. If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of the relevant construction certificate.**

(3) Indexing

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

B16 Security Bond – Protection of Works

Prior to the issue of a Construction Certificate for the relevant stage, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000). The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being

addressed to the satisfaction of the General Manager or his delegate. The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

Traffic & Parking

B17 Traffic Control Devices

To ensure the safe, efficient and logical movement of vehicles and pedestrian movement to and from the site and its immediate surrounds, suitable traffic control devices eg, signage, speed hump, line marking, traffic signals, pedestrian crossings shall be installed in accordance with RTA and Council guidelines. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority **prior to the issue of the Construction Certificate for the relevant stage.**

B18 Car Parking Layout

Details demonstrating compliance with the following requirements shall be submitted to the satisfaction of the Certifying Authority **prior the issue of a Construction Certificate for the relevant stage.**

- (1) The layout of the various car park areas shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) Disabled public car parks are to be located according to AS Australian Standard AS 1428.1. Design for access and mobility with particular reference to AS2890.1. Off Street Parking.

B19 Street Names

A street name application is to be submitted to Council **prior to issue of the Construction Certificate** for the relevant stage.

Road Works

B20 Road Design

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads except with prior approval of relevant Roads Authority. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the relevant Roads Authority **prior to the issue of a Construction Certificate for the relevant stage.**

B21 Access to Moonee Beach Road

Connection of this subdivision via the future collector road to Moonee Beach Road shall not be made until the intersection of Moonee Beach Road and the Pacific Highway has been upgraded to a grade separated interchange, unless other written arrangements acceptable to the Roads and Traffic Authority and Coffs Harbour City Council have been made.

B22 Pacific Highway Works

Prior to the issue of the Construction Certificate for the relevant stage, detailed design plans and specifications are to be approved by the Roads and Traffic Authority and Coffs Harbour City Council. The works are to be:

- (1) Designed to AUSTROADS standards;
- (2) Be undertaken by a Roads and Traffic Authority QA qualified contractor;
- (3) At the developer's cost.

In accordance with Section 61 of the NSW Roads Act 1993 these road works will require the entering into a Works Authorisation Deed (WAD) with the Roads and Traffic Authority. This will require Roads and Traffic Authority approval to:

- (1) Road Design plans;
- (2) Pavement Design Report;
- (3) Review of Environmental Factors;
- (4) Quality Assurance documentation;
- (5) Bonding/defects liability period;
- (6) Submission of insurances; and
- (7) Subject to fees.

B23 Acoustic Barriers

Acoustic barriers and associated mounds and planting shall be provided as detailed in Drawing No. 22-11621-A1001A to A1003A.

Note: Proposed acoustic fencing is to be constructed in low maintenance materials (not timber) - concrete or hebel panels and be in a suitable colour to blend with the landscaping, with details of acoustic fencing being submitted to Council for approval with the relevant Construction Certificate application.

Acoustic barriers, mounds and plantings are to be constructed commensurate with the dedication phases shown on "Parks Dedication Plan, No. 22 – 11621-DP7201A".

B24 Construction Certificates

Construction Certificate Applications submitted later than six (6) months from the date of development approval shall comply with the relevant Technical Guidelines for Subdivision and Development current at a date six (6) months prior to such submission.

B25 Dilapidation Reports

A Dilapidation Report detailing the current structural condition of the existing adjoining buildings, infrastructure and roads within 100m of the subject stage shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the Certifying Authority **prior to the issue of Construction Certificate for the relevant stage.**

A copy of this report is to be forwarded to Council.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Demolition Works

C1 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. **Prior to demolition**, all services are to be disconnected and capped off. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. All materials containing asbestos are to be handled in accordance with the relevant requirements of WorkCover NSW, the Occupational Health and Safety Act and Australian Standards (As 2601-2001 *"The Demolition of Structures"*).

The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA **prior to the commencement of works**.

Excavation Works

C2 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C3 Fill Transported Off Site:

Where any spoil is to be transported off site such spoil is to be placed at the Englands Road Waste Management Facility or to an alternative site, subject to separate development consent being obtained from the consent authority to place spoil at the alternative site (refer to Council's Landform Modification Information Sheet).

Hazardous Materials

C4 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, **prior to the commencement of any works**. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

Structural Works

C5 Structural Details

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer, for retaining walls etc, that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the relevant Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C6 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also **C6** and **C7** below),
- (4) noise and vibration management (see also **C11** below),
- (5) waste management (see also **C12** below),
- (6) erosion and sediment control (see also **B5**),
- (7) flora and fauna management.

The Applicant shall submit a copy of the approved plan to Council and the Department.

C7 Traffic & Pedestrian Management Plan

Prior to the commencement of any works on a specific precinct, a Traffic and Pedestrian Management Plan will be prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes,
- (4) pedestrian and traffic management methods, and
- (5) access by the public to the designated beach access point.

The Applicant shall submit a copy of the approved plan to Council.

C8 Disposal of Stormwater

During construction, Stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on site. Immediately upon completion of any impervious areas on site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

C9 Erosion and Sediment control

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

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

C10 Service Vehicles

Adequate manoeuvring area complying with Council's Technical Guidelines for Subdivision and Development for service vehicles, including garbage trucks, being provided in the development. Details of proposals to meet this requirement are to be submitted to and approved by Council before commencing any site works. Where it is proposed to stage the development, a turning area is to be provided with construction details being submitted with the engineering plans.

C11 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,

The Applicant shall submit a copy of the approved plan to Council.

C12 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with Council's Development Control Plan. The Applicant shall submit a copy of the plan to the Department and Council.

C13 Contact Telephone Number

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

C14 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition B5, 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.

D2 Disposal of Seepage and Stormwater

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

Structural Works

D3 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management

D4 Approved Plans to be On-site

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

D5 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D6 Contact Telephone Number

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D7 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D8 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.

D9 Protection of Trees – On-site Trees

No trees shall be removed from the site without written approval **being first obtained from Council**. Approval for tree removal will only be considered following submission of VMP plan indicating trees to be removed and trees to be retained on the site as indicated in Condition B (11). Trees identified for removal are to be suitably marked on site prior to Council's inspection.

The mature Tallowood (*Eucalyptus microcorys*) that exists in the proposed open space to be dedicated with Stage 4 is to be protected by the placement of suitable protective fencing 1m outside its dripline and no machinery or materials are to be stored within the protected fenced area.

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D10 Dust Control Measures

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

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

Hazardous Materials

D11 Storage of Hazardous or Toxic Materials

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area away from environmentally sensitive areas. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Noise and Vibration

D12 Hours of Work

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 7:00 am and 1:00 pm, Saturdays if inaudible from adjoining residential properties, otherwise 8:00 am – 1:00pm;
- (3) no construction work is to occur on Sundays and public holidays.

Works may be undertaken outside these hours where:

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

D13 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the Statement of Environmental Effects or otherwise identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D14 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

D15 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D16 Vibration Management

Vibratory compactors must not be used closer than 50 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

D17 Air Pollution

Open air burning of tree loppings, stumps and other vegetation arising from the subdivision works is prohibited.

Heritage**D18 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics**

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D19 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

Public Access

D20 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

PART E — PRIOR TO SUBDIVISION

Easements

E1 Services

Documentary easements for services, drainage, or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E2 Acquisition

The applicant must transfer or dedicate the lands set aside for acquisition within the parcel to be developed, being those lands identified by black hatching on the approved land of subdivision, the subject of the development application.

The lands must be transferred or dedicated to the Council in fee simple free of encumbrances, other than those acceptable to Council at or prior to the registration of the plan.

The Council must compensate the applicant for the lands. The value is to be determined at the date of transfer or dedication in accordance with Section 54(1) of the Land Acquisition (Just Terms Compensation) Act 1991 with the relevant matters to be considered as set down by Section 55 of that Act.

E3 Dedication Public Road

Any necessary road widening on Split Solitary Road being dedicated to Council free of charge as public road. **The relevant Subdivision Certificate will not be released until the necessary re-alignment survey is completed.**

E4 Pacific Highway Works – Stage 1

Prior to the issue of the Subdivision Certificate for Stage One of the development the following works are to be completed to the requirements and satisfaction of the Roads and Traffic Authority:

- The existing junction of the Pacific Highway and Gaudrons Road is to be upgraded to restrict right turn movements onto the Highway from Gaudrons Road.
- The existing junction of the Pacific Highway and Split Solitary Road is to be upgraded to restrict right turn movements onto the Highway from Split Solitary Road.
- The construction of a U-turn facility on the Pacific Highway, north of Split Solitary Road, generally in the vicinity of the Highway stockpile location (approximately 720 metres north of Split Solitary Road).
- The upgrading of the intersection of the Pacific Highway and Old Coast Road to incorporate a U-turn facility to enable south bound Highway traffic to U-turn.

E5 Pacific Highway Works – Stage 4

Prior to issue of the Subdivision Certificate for Stage 4 of the development the following works are to be completed to the satisfaction of the Roads and Traffic Authority:

- A southbound acceleration lane out of Split Solitary Road is to be constructed to AUSTROADS standards.

E6 Pacific Highway Direct Access

Direct access to the Pacific Highway from the property the subject of this development consent shall be closed at Stage 5 or as soon as alternate access is available. Appropriate restrictions on the title of all lots in this subdivision, fronting the Pacific Highway, which denies direct access to the Highway, shall be registered **prior to the issue of subdivision certificate**.

E7 Open Space Landscape Works

The works for the “playground site” referred to in condition B 10 (1) are to be completed in accordance with the approved plan **prior to issue of the Subdivision Certificate for Stage 1**.

The works for the “playground site, skate facilities, BMX track, etc site” referred to in condition B 10 (2) - are to be completed in accordance with the approved plan **prior to issue of the Subdivision Certificate for Stage 6**.

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

Separate Development Consent and Construction Certificate being obtained from Council for the public amenities and integrated surf life saving storage building. The ‘playground site’ being dedicated at no cost to Council **prior to the issue of Subdivision Certificate registration for Stage 1**.

E8 Public Beach Access

Prior the issue of subdivision certificate for stage 1 formalised beach access and associated works shall be completed in accordance with the dune management plan referred to in condition B14.

E9 Wetland Board Walk

The wetland boardwalk is to be constructed, at the developer’s cost, in accordance with the terms and conditions of that consent **prior to the issue of the Subdivision Certificate for Stage 6**.

E10 Dedication of Public Reserves

Prior to the issue of the relevant Subdivision Certificate the proposed public reserve areas within this development is to be dedicated at no cost to Council in accordance with the “Parks Dedication Plan No. 22-11621-DP701A”.

E11 Vegetation Management

1. The Initial Works for each Stage (other than Follow up Maintenance works) prescribed in the approved VMP must be completed in accordance with the VMP and

certified in writing to Council's satisfaction by the AABR consultant who prepared the VMP, **prior to the issue of the relevant Subdivision Certificate for each Stage.**

2. **Prior to the issue of the Subdivision Certificate**, the developer must pay to Council the cost of maintenance works including GST as prescribed in the approved VMP referable to the section of reserve land to be dedicated on registration of that plan.

E12 Street Tree Planting

Prior to the issue of a Subdivision Certificate for the relevant stage the planting proposed by the plan referred to in **Condition B (12)** is to be carried out to Council's satisfaction, unless other arrangements satisfactory to Council for completion at some other time are made. This may include an agreement being reached with Council for the completion of the work by Council.

The plantings are to be maintained for twelve months in accordance with Council's Street Tree Master Plan to ensure successful establishment and development. A bond of \$269 per tree is to be paid to Council **prior to the issue of the Subdivision Certificate for the relevant stage**. The bond will be returned at the end of the twelve months maintenance period provided plantings have established successfully. At the end of the maintenance period Council will replace plantings that have failed at a rate of up to \$269 per tree taken from the bond.

E13 Dune Management

1. The beach access works and signage, referred to in **Condition B (14)** must also be completed **prior to the issue of the Subdivision Certificate for Stage 1**.
2. The Developer must, **prior to the issue of the Subdivision Certificate for Stage 1**, pay to Council the cost of maintenance works including GST as prescribed in the approved DMP referable to the section of dunal area in the approved DMP.

Earthworks

E14 Erosion and Sediment controls

Prior to the issue of the relevant 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.

E15 Fill

Prior to the release of any 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.

Any fill to be imported onto the site shall be validated and satisfy classification as virgin excavated natural material (VENM) in accordance with the NSW Environment Protection Authority Guidelines. Results of validation shall be submitted to Council for consideration with **any Subdivision Certificate application**.

E16 Access and Services- Stage 1:

The following works shall be provided to serve all lots with the works conforming with the standards and requirements set out in Council's Technical Guidelines for Subdivision and Development. Works to be provided:

- (1) Construction of Split Solitary Road to 11m width or to an alternate width to Council's satisfaction from the Pacific Highway to the site **prior to issue of the Subdivision Certificate for Stage 1.**
- (2) Construction of the intersection of proposed Road 2 and Split Solitary Road **prior to issue of the Subdivision Certificate for Stage 1.**
- (3) Construction and dedication of Split Solitary Road for the frontage of Lot 12, DP882816 to create an 8m wide carriageway and a 4m verge **prior to issue of the Subdivision Certificate for Stage 1.**

E17 Access and Services – Relevant Stages

The following works shall be provided to serve all lots with the works conforming to the standards and requirements set out in Council's Technical Guidelines for Subdivision and Development. Works to be provided:

- (1) Construction of road, stormwater drainage, concrete footpaths, cycleways, bus bays and bus shelters, water and sewer to service all lots. Works are to include all sewer pump stations, trunk mains and stormwater treatment devices.
- (2) Construction of trunk water and sewer mains from Council's existing mains in Moonee Beach Road to service the site generally in accordance with the Moonee Development Control Plan and the Moonee Developer Contributions Plan 2004.

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

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

E18 Electricity

The subdivision shall be provided with underground reticulated electricity and telephone cables. The applicant shall provide documentary evidence from Country Energy stating that satisfactory arrangements have been made for the supply of electricity to the development and submit to Council **prior to release of the relevant Subdivision Certificate.**

E19 Telecommunications

Documentary evidence from Telstra indicating that satisfactory arrangements have been made for telecommunications infrastructure in the subdivision / development is to be provided to Council **prior to release of the relevant Subdivision Certificate.**

E20 Water Supply

A water meter and sewer junction being provided within each lot. These services are to be provided **prior to release of the relevant Subdivision Certificate** with the works conforming to Council's Technical Guidelines for Subdivision and Development.

E21 Water and sewerage

Water and sewerage mains being extended to the subdivision from Council's existing mains at the developer's cost **prior to release of the relevant Subdivision Certificate** OR other arrangements satisfactory to Council being made **prior to the release of the relevant Subdivision Certificate** for extension of these services to the subdivision.

E22 Street lighting

Street lighting being provided to the requirements of Country Energy with all work being completed **prior to release of the relevant Subdivision Certificate.**

E23 Services

All roads, water and sewerage mains being fully constructed to the boundary of all adjoining properties, in accordance with Council's Technical Guidelines for Subdivision and Development.

E24 Driveways

Lots requiring access over drainage swales shall have driveways constructed to these lots **prior to the release of the relevant Subdivision Certificate**. The driveways are to be constructed in accordance with the Council approved details.

E25 Restriction as to user - Access

Prior to the issue of a Subdivision certificate, a restriction-as-to-user is to be placed over vehicle access to the mews lots from the primary subdivision roads being prohibited. Coffs Harbour City Council is to be nominated on any restriction as the sole party to vary, modify or extinguish a restriction and clearly shown by notification on the linen plan of subdivision.

E26 Acoustic Controls – Future Housing

A covenant shall be created for the following lots within the Subdivision pursuant to Section 88B of the Conveyancing Act 1919 and must be registered on the title of each such lot. Registration must be effected in conjunction with registration of the Plan of Subdivision. The restriction requires Council's approval to variation or removal.

- Lots 4.2, 4.3, 4.4, 4.11, 4.12, 4.24, 4.25
- Lots 5.3, 5.4
- Lots 5.32, 5.19, 5.6
- Lot 6.1
- Lots 8.1, 8.2, 8.5, 8.6, 8.20, 8.21, 9.1, 9.2, 9.22.

The covenant shall require the preparation of an acoustic report prior to the issue of Development Consent for any future dwellings on the affected lots. The acoustic report shall have regard to the design, internal layout, materials and ventilation of any proposed dwelling relative to traffic noise impacts.

E27 State Survey Marks

Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

E28 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer Prior to the issue of the relevant Subdivision Certificate

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount; a separate invoice will be issued.

Second Dilapidation Report

E29 Post-construction Dilapidation Report

- (1) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by **Condition B25**, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

E30 Security Bond – Satisfactory Completion of Works

Prior to the issue of a **Subdivision Certificate for the relevant stage** a defect liability bond (in cash **or** unlimited time Bank Guarantee) shall be lodged with Council. The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

Easements

E31 Registration of Easements

Prior to the issue of the relevant Subdivision Certificate, the Applicant shall provide to the PCA evidence that all easements required by this consent, approvals, and other consents have been or will be registered on the certificates of title.

PART H—GENERAL TERMS

Roads and Traffic Authority

The Roads and Traffic Authorities general terms of approval have been incorporated and form part of this consent.

Coffs Harbour Council

Coffs Harbour City Council's conditions have been incorporated and form part of this consent.

Department of Natural Resources

The Department of Natural Resources recommendations have been incorporated and form part of this consent.

Rural Fire Service

H1 Bushfire Safety Authority

The plans have provided a 40m Asset Protection Zone to the development and have incorporated an emergency access. The documentation has also indicated that the fire trails, Asset Protection Zones located outside of the individual allotments and the public reserves will be dedicated to Coffs Harbour City Council.

Having regard to the above, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority subject to the following conditions:

1. 40m Asset Protection Zones (APZs) shall be provided to the proposed lots as identified on Drawing No: 22-11621-SK1140 Revision A prepared by GHD Pty Ltd received 30 September 2005. Please note: The recreational public reserve shall be maintained entirely as an Inner protection Area (IPA) or alternatively the APZ shall be relocated such that it is extended along the boundaries of proposed lots 4.25 – 4.25, 6.1-6.8, 6.11 and 6.22.
2. Areas identified to be maintained as the required Asset Protection Zone and public open space that are to be transferred to Coffs Harbour City Council ownership shall be incorporated into a Plan of Management by Council to ensure the maintenance of these areas in perpetuity and that they are managed in accordance with the requirements of an "Asset Protection Zone" as outlined within *Planning for Bushfire Protection 2001*.
3. Hydrants shall be located and installed as per AS2419, so that any proposed dwelling is not greater than 90 metres from the nearest hydrant. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
4. Fire trails shall be constructed to comply with Section 4.3.3 of *Planning for Bushfire Protection 2001*. As the fire trails will be located on land that is to be transferred to Council ownership the maintenance of the fire trails shall be incorporated into the Plan of Management required by Condition 2.
5. The emergency access shall be constructed to comply with Section 4.3.3 of *Planning for Bushfire Protection 2001* and shall be available at all times.

6. All roads within the subdivision are to comply with Section 4.3.1 of *Planning for Bushfire Protection 2001*. In particular roads shall be two traffic lane widths (8m minimum) with shoulder on each side to allow traffic to pass in opposite directions.
7. Staging of the development shall occur so that Asset Protection Zones in accordance with *Planning for Bushfire Protection 2001* are provided until the next stage of development occurs. In this regard temporary turning circles are to be provided until the access road is extended for the next stage of the development.

This response is to be deemed the Bush Fire Safety Authority as required under section 100B of the Rural Fires Act 1997.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the Council evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development.

AN2 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, 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 Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN3 Rivers and Foreshores Improvement Act

Detailed plans for crossing methods of the creeks shall be provided the Department of Natural Resources. It should be noted that a part 3A Permit under the Rivers and Foreshores Improvement Act 1948 are required for each crossing.

AN4 Fisheries Management Act

Existing and proposed watercourse crossings on the site should be designed and constructed, or modified to the satisfaction of DPI, to maintain or improve the movement of fish consistent with recommendations in Fish Friendly Road Crossing Guidelines (www.fisheries.nsw.gov.au). A Permit under s198 – 202 of the *Fisheries Management Act* 1994 for dredge and reclamation activities may need to be obtained prior to commencement of works associated with crossings of watercourses on the development site.

AN5 Water Act

In the event that the development's stormwater system intersects the groundwater table or impacts on groundwater quality, a Groundwater Licence is required under Part 5 of the Water Act 1912.

AN6 Compliance with Building Code of Australia

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

AN7 Bushfire

It is advised that although construction levels have been nominated in the bushfire protection assessment report, specific construction levels cannot be specified for probable dwelling locations. As such, construction levels in accordance with AS3959 will be assessed and nominated when development applications are submitted for the construction of dwellings on the approved lots.

AN8 Beach Access

The CCRP recognise the need for the construction of formal walking path across the dunes to provide beach access for residents. The NPWS provides in-principle agreement for the construction of such a walkway and any associated fencing to ensure all movements of people between the beach and the proposed residential area is via the walking track.

Final approval for the construction of the walkway will be based on the completion of a Review of Environmental Factors (REF) in accordance with DEC guidelines and a requirement any constructions are in accordance with design guidelines specified by DEC / CHCC.

AN9 Work Within Road Reserve

The applicant or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division 48 hours notice of proposed commencement. Failure to comply with this requirement may result in a stop work notice being issued.

AN10 Use of Mobile Cranes

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

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

AN11 Movement of Trucks Transporting Waste Material

The Applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN12 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation*

Amendment—Quality of Construction Act, 2002 for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN13 Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN14 Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN15 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN16 Application under Part 4A of the Act

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*.

AN17 Reserve Names

Separate approval shall be obtained from Council for the naming of Public Reserves.

AN18 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Department of Environment and Conservation accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the consent authority prior to occupation of the building.

AN19 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers are required, a separate application shall be made to Council.

AN20 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

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

AN21 Temporary Structures

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

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

AN22 Long Service Levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first installment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

AN23 Construction Certificate Lodgement

All information, plans, diagrams and related materials prepared for construction certificate shall be submitted to the relevant authority in an electronic format on a portable media.

AN24 Disability Discrimination Act

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

AN25 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

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