

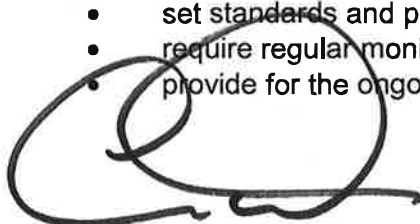
Project Approval

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

I grant consent to the project application 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 to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



7.6.13

Chris Wilson
Executive – Director
Development Assessment Systems and Approvals

Sydney

2013

SCHEDULE 1

Application No.: MP05_0129

Applicant: Noubia Pty Ltd

Consent Authority: Minister for Planning and Infrastructure

Land: Part Lot 164 DP 1170833, Lot 10 DP 1071628, Lot 1 DP 1089778, Lot 2 DP 607602

North Boambee Road and Lakes Drive, North Boambee Valley

Development: Residential subdivision, including:

- 162 allotments consisting of 160 residential allotments, 1 allotment lot (Lot 141) containing lands for conservation, a Heritage Park and managed open space and 1 allotment (Lot 142) for future development;
- Site remediation works
- Earthworks;
- Vegetation rehabilitation and management; and
- Infrastructure works including roads, drainage, sewerage works and utility services provision.

DEFINITIONS

Advisory Notes	Advisory information does not form a part of this approval
Proponent	Noubia Pty Ltd, or anyone else entitled to act on this consent
Application	The project application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Construction Certificate	A construction certificate for bulk earthworks or civil works unless specified otherwise
Council	Coffs Harbour City Council
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
EA	Environmental Assessment titled ' <i>Lakes Estate</i> ' Residential Subdivision Environmental Assessment Report, prepared by Habitat Planning, dated August 2009
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Infrastructure, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
PPR	Preferred Project Report titled <i>Preferred Project Report Lakes Estate Residential Subdivision</i> prepared by GLN Planning, dated August 2012
Project	The project as described in Condition A1 to this approval
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Subject Site	Part Lot 164 DP 1170833, Lot 10 DP 1071628, Lot 1 DP 1089778, Lot 2 DP607602. North Boambee Road and Lakes Drive, North Boambee Valley.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

SCHEDULE 2

A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

Remediation of Land

A1 A Remedial Action Plan must be prepared prior to commencement of construction. Intensive testing of potential hot spots must be undertaken in accordance with the *Guidelines for Assessing Banana Plantation Sites* (NSW EPA, 1997) to determine the extent of soil contamination, potential soil plume and spatial distribution and to inform the Remedial Action Plan. Potential hot spots to be further investigated must include:

- The areas of environmental concern identified in the Coffey Report (dated 27 February 2008);
- The area surrounding the former potential machinery shed in 'Banana Area 1';
- The area surrounding any other historically identified former sheds in 'Banana Area 2' which cannot reasonably be ruled out as having been directly associated with the growing of bananas; and
- The area surrounding the two locations where significantly elevated Dieldrin concentrations have been found in 'Banana Area 3'.

The Remedial Action Plan must take into account any staging of the development and be submitted to the Director-General for approval. Advice from a Site Auditor accredited under the Contaminated Lands Management Act, on whether the works outlined in the Remedial Action Plan will make the site suitable for the intended use and the suitability of the proposed staging of any works, must accompany the Remedial Action Plan.

Each future construction certificate application must demonstrate compliance with the Remedial Action Plan, and be endorsed by a Site Auditor accredited under the Contaminated Lands Management Act.

Following remediation and validation works and prior to the issue of a subdivision certificate for any stage, a Site Audit Statement must be issued by an accredited Site Auditor, confirming the suitability of that stage for the intended use.

Project Description

A2 Except as amended by the conditions of this consent, project approval is granted only to carrying out the Project generally described below:

- a) Subdivision of the subject site into 162 allotments, including 160 residential allotments, 1 allotment lot (Lot 141) containing lands for conservation, Aboriginal heritage and general open space and 1 allotment (Lot 142) for future development
- b) Site remediation works;
- c) Earthworks;
- d) Vegetation rehabilitation and management; and
- e) Infrastructure works including roads, drainage, sewerage works and utility services provision.

Development in Accordance with Plans and Documents

- A3 The Applicant shall carry out the Project generally in accordance with the:
- a) 'Lakes Estate' Residential Subdivision Environmental Assessment Report, prepared by Habitat Planning, dated August 2009, as amended by;
 - b) Preferred Project Report Lakes Estate Residential Subdivision prepared by GLN Planning, dated August 2012, as amended by;
 - c) Bushfire Hazard Assessment Report prepared by Building Code and Bushfire Hazard Solutions Pty Ltd, dated March 2013.
 - d) Following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Astoria Group Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
A001	E	Location plan	09/04/2013
A002	E	Surrounding developments plan	09/04/2013
A003	G	Zoning plan	09/04/2013
A004	G	Koala habitat plan	09/04/2013
A005	G	Previous banana plantation areas plan	09/04/2013
A006	G	Combined constraints plan	09/04/2013
A007	H	Open spaces plan	09/04/2013
A008	H	Roads and movement access plan	09/04/2013
A009	G	Services plan	09/04/2013
A010	E	Subdivision layout plan (lot sizes mix)	09/04/2013
A011	E	Subdivision staging plan	09/04/2013
A012	D	Subdivision stage 1 plan Lots 1-58 and part Lot 141 (residual)	09/04/2013
A013	E	Subdivision stage 2 plan Lots 59-115, Lot 142 and part Lot 141 (residual)	09/04/2013
A014	E	Subdivision stage 3 plan Lots 116-140, Lot and part Lot 141 (residual)	09/04/2013
A015	B	Subdivision staging plan_response to RFS	09/04/2013
A016	B	Subdivision Stage 1 plan_response to RFS lots 1-58 and part Lot 141 (residual)	09/04/2013
A017	B	Subdivision Stage 2 plan_response to RFS lots 59-115, Lot 142 and part Lot 141 (residual)	09/04/2013
A018	C	Subdivision Stage 3 plan_response to RFS lots 116-140, Lot and Part Lot 141 (residual)	09/04/2013

Staging

A4 The Project is to be constructed in stages, generally as follows:

- a) Stages 1a – 1d: Lots 1 - 58 and Part Lot 141, roads within the stage area, rehabilitation of the reserve between lots 53 and 24;
- b) Stage 2a - 2g: Lots 59 - 115, Lot 142 and Part Lot 141, roads within the stage area, rehabilitation and transfer of the reserve between Fidler Way and Lakes Drive; and
- c) Stage 3a – 3b: Lots 116 - 140 and Part Lot 141, roads within the stage area, rehabilitation and transfer of the residue of all reserves north of Lakes drive.

The scope, order and extent of works within each stage may be varied due to market conditions, servicing constraints and the requirements of the conditions of approval, as agreed to by Council. The progressive release of lots within each stage may occur subject to separate subdivision certificates. Stage 2h may be subdivided progressively in conjunction with adjoining land.

Land transfers shall be subject to the provisions of the *North Boambee Valley (East) Release Area Developer Contributions Plan 2013*. This approval does not impose or imply any obligation on Council to acquire any residentially zoned lands.

Deferral of Stage 3 – Emergency Access

A5 Stage 3b of the project does not operate until the Proponent provides the Director-General with evidence that the owner(s) of the adjoining land to the northeast consent to the proposed emergency access route (leading from the northern end of Amadeus Place) upon their land.

Inconsistency between documents

A6 If there is any inconsistency between:

- a) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
- b) The conditions of this approval and the drawings/documents referred to in Conditions A2 and A3, the conditions of this approval prevail; and
- c) Any drawing/document listed in Conditions A2 and A3 and any other drawing/document listed in Conditions A2 or A3, the most recent document shall prevail to the extent of the inconsistency.

Lapsing of approval

A7 This approval will lapse five years from the date of approval unless the works associated with the project have physically commenced.

Prescribed Conditions

A8 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Director General as Moderator

A9 Where this approval requires consultation between parties, the parties shall not act unreasonably in preventing this from occurring. In the event that there is disagreement between parties about whether reasonable consultation has taken place, the matter may be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

A10 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

A11 Any advice or notice to the consent authority shall be served on the Director-General.

B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Subdivision Design Modifications

B1 The subdivision design must be amended as follows:

- a) An additional 20 lots shall be created within Stages 1 and 2 of the development. The additional lots shall be created without any substantive change to the road layout or reduction in the size of Lot 141. All lots must have a minimum area of 400m² and a 15m frontage to a roadway;
- b) A 3m wide corridor is to be provided to the north of Lot 120 to allow for a future pathway to link with Halls Road;
- c) The roundabout at the intersection of Lakes Drive and Road No. 7 shall be deleted;
- d) All restricted traffic flow devices on Lakes Drive shall be deleted; and
- e) A road link must be provided from Amadeus Place to the residentially zoned lands on the adjoining property to the northeast, as shown on Drawing A018 Revision B (dated 19/03/13) prepared by the Astoria Group.

An amended plan of subdivision demonstrating compliance with the above requirements must be submitted to the Director-General for approval prior to the issue of any Construction Certificate.

Cut and Fill

B2 Detailed design plans and specifications must be prepared for the proposed earthworks. The plans and specifications must illustrate proposed cut and fill areas and measures to address the site's geotechnical constraints.

The plans are to include a clear description of the impact of the changes on water movement both to and from the site. The plans must also illustrate the relationship with neighbouring properties at the sites boundaries.

Specific consideration must be given to the geotechnical constraints identified in the Coffey report (dated 27 February 2008) and measures proposed to address the constraints.

The plans and specifications must be submitted to the Director-General for approval prior to the issue of any Construction Certificate.

Stormwater and Drainage Works Design

B3 All stormwater water from Stages 2g and 2f shall be discharged to achieve the Post Construction Phase water quality objectives in the *Coffs Harbour City Council Water Sensitive Urban design Policy* (2009), as follows:

- a) 85% reduction in the average annual total suspended solids load;
- b) 65% reduction in the average annual total phosphorus load;
- c) 45% reduction in the average annual total nitrogen load;
- d) 90% reduction in the average annual gross pollutant (size >5mm) load;
- e) to retain sediment coarser than 0.125mm for flows up to 25% of the 1 year ARI peak flow;
- f) to ensure no visible oils for flows up to 25% of the 1 year ARI peak flow, in areas with concentrated hydrocarbon deposition.

Any measures required to achieve the above must be operational prior to any residential development being constructed in Stages 2g and 2f.

Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

- B4 All stormwater water from Stages 2g and 2f shall be attenuated to pre-development levels for the 2, 10, 20, and 100 year ARI design flood events.

The above requirements may be met by discharging stormwater to an existing or planned Council flood management system within the catchment. Alternatively the stormwater may be directed to a detention basin located in an area of managed open space in Stage 2g or 2f.

Measure required to achieve the above must be operational prior to any residential development being constructed in Stages 2g and 2f.

Final details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

- B5 Design plans for the stormwater drainage systems must be prepared by a qualified practicing professional, conforming to the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design). The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

The design for the drainage system must consider the need for positive drainage from critical slopes and the impact of concentrated water flows on the stability of natural hillsides, as discussed in the Coffey Geotechnics Report (dated 12 December 2007) to reduce the potential for a build up of water pressure within the soil or rock mass.

The design plans must be prepared in consultation with the owner(s) of the adjoining site to the west (Lot 125 DP 1143313), to facilitate the provision of practical measures for the drainage of water from either site that may flow towards the neighbouring lands.

Final design plans shall be shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

Road Design

- B6 Design plan for the roads must be prepared by a qualified practising Civil Engineer. The design must be prepared in consultation with Council and conform to the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies.

The design plans must be prepared in consultation with the owner(s) of the adjoining site to the west (Lot 125 DP 1143313), to ensure that the chosen road levels will not prevent connection with future roads on their lands.

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc) and paved footpaths are required along the full length of the new roads.

Final design plans shall be shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

- B7 Notwithstanding condition B6, public road access must comply with section 4.1.3 (1) of Planning for Bushfire Protection 2006, except that a reversing bay may be provided in lieu of a 12 metres outer radius turning circle. Where a reversing bay is provided it shall not be less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.

Final design plans shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

Flooding

- B8 Each residential lot must have a house site with a minimum area of 400m² and a minimum width of 15m, above 100 year ARI flood level at that location. The 100 year ARI flood levels should be calculated by applying the local climate change factor (minimum 10% increase) to 100 year ARI rainfall intensity.

Final design plans prepared by an appropriately qualified engineer shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

- B9 An appropriately qualified engineer shall certify that the existing five lake system within the 'Lake Estate' subdivision is capable of accommodating flows from the proposed subdivision, such that the post-development peak flows from the eastern catchment within the North Boambee Valley (East) precinct are less than or equal to the pre-development peak flows.

The certification shall be provided to the Certifying Authority prior to issue of any Construction Certificate for development draining to the eastern catchment.

Road Design and Services (Subdivision):

- B10 The following works:

- a) Fire trails;
- b) Footpaths and pathways;
- c) Water; and
- d) Sewer;

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).

Any servicing strategy must be prepared in consultation with the owner of the adjoining land to the west (Lot 125 DP 1143313), to facilitate sensible servicing of allotments within both sites, adjacent to the common boundary.

Plans and specifications are to be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

Vegetation Management and Landscaping

- B11 A Vegetation Management Plan (VMP) must be prepared for all lands identified as koala habitat under the Coffs Harbour City Koala Plan of Management (November 1999), zoned 7A (Environmental Protection Habitat & Catchment) under Coffs Harbour Local Environmental Plan 2000 or located within Lot 141.

The VMP must be prepared in accordance with Council's Biodiversity Guideline 1a Preparing Vegetation Management Plan and the Coffs harbour Koala Plan of Management. In addition, the VMP must also include the following details:

- i) Offset requirements for the loss of vegetation on site are to be in accordance with Biodiversity Guideline 4: Compensatory Planting advice. Offsite compensatory planning may occur on publicly owned lands, subject to approval of the landowner;
- ii) Ensure all recognised buffers are established on threatened species under the EPBC Act 1999;
- iii) Specific measures to manage edge effects in the narrow areas of environmental lands;
- iv) Specific measures to achieve compliance with the Department of Primary Industries (Office of Water) *Guidelines for Watercourse Crossings on Waterfront*

land (2012) and Guidelines for Controlled Activities and Guidelines for Riparian Corridors (2012); and

- v) Specific measures to facilitate the long term survival of the identified habitat and stag trees.

Vegetation rehabilitation and maintenance works for the entire area covered by the VMP must start at the commencement of construction of stage 1. The works within each stage must continue for 5 years after the registration of the plan of subdivision for that stage. All vegetation rehabilitation and maintenance works must be undertaken by the Proponent at their cost.

The VMP must be prepared in consultation with Council and approved by the Certifying Authority prior to issue of the any Construction Certificate.

- B12 A street tree planting plan must be prepared for each stage of the project. The plan must be in accordance with the requirements of Council's "Street Tree Master Plan" (Coffs harbour City Council 1999) and be prepared by a qualified landscape architect or professional landscape consultant.

The plan must be prepared in consultation with Council and approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

- B13 A detailed Landscape Plan prepared by a qualified landscape architect must be prepared for all areas of open space proposed to be transferred to Council, including any embellishments. Landscaping must comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006 (RFS, 2006).

The plan must be prepared in consultation with Council and approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

Aboriginal heritage

- B14 A management strategy must be developed for the Heritage Park. The strategy must be developed in consultation with the registered Aboriginal parties and Council and specify the long term actions required to mitigate and manage the potential impacts of any Aboriginal cultural heritage values associated with the park in perpetuity.

Street Names

- B15 A street name application is to be submitted to Council prior to issue of any Construction Certificate.

Overhead power lines

- B16 The existing 66kV overhead power lines must be relocated underground, within the proposed roadways and not within the conservation lands.

The proposed alignment of the power line should be determined in consultation with the adjoining property owners and approved by the relevant electricity energy provider prior to issue of the relevant Construction Certificate.

The power lines may be relocated to a new overhead position on a temporary basis to facilitate staging of the development.

Structural Details

- B17 Prior to the issue of a relevant construction certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with the relevant clauses of the BCA.

C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notice of Commencement of Works

- C1 The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of construction for each stage of the Project.

Security Bond

- C2 A Security Bond for the protection of footpaths, kerb and gutters and roads shall be deposited with Council prior to the commencement of construction. The amount of the bond shall be determined by Council, consistent with the requirements of its fees and charges policy.

If any damage is caused to the footpaths, kerb and gutters or roads Council shall deduct from the Security Bond the reasonable cost of replacement or rectification of the works.

Construction Environmental Management Plan

- C3 Prior to the commencement of construction, a Construction Environmental Management Plan (CEMP) shall be submitted to the satisfaction of the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- i) hours of work;
- ii) 24 hour contact details of site manager;
- iii) traffic management, in consultation with the local council;
- iv) construction noise and vibration management, prepared by a suitably qualified person;
- v) management of dust to protect the amenity of the neighbourhood;
- vi) waste management measures including any contaminated waste identified;
- vii) erosion and sediment control (designed in accordance with the document Managing Urban Stormwater–Soils & Construction Volume 1 (2004) by Landcom);
- viii) flora and fauna management;
- ix) management of APZs during construction, considering temporary APZs to account for staging of construction;
- x) Specific sediment control measures to prevent any acidic soils from entering waterways; and
- xi) Specific measures to treat acidic soils to make the site suitable for their future use.

The CEMP shall be submitted to and approved by the Certifying Authority prior to commencement of construction. A copy of the approved plan must be provided to the Department and Council prior to commencement of construction.

Traffic and Pedestrian Management

- C4 Prior to commencement of construction 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;

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- b) loading and unloading, including construction zones;
 - c) predicted traffic volumes, types and routes, and;
 - d) pedestrian and traffic management methods.

A copy of the approved plan must be provided to the Department and Council prior to commencement of construction.

Pre Clearing Procedures

- C5 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 (Ph: 6652 7119) 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).

Note: In relation to Koalas such search should include both lower branches and upper canopy in all listed koala food species (Tallowood, Swamp Mahogany, Broadleaved Paperbark).

Site Notice

- C6 A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of Project details including, but not limited to the details of the Builder, PCA and Structural Engineer.

- a) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) 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;
 - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) 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
 - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Aboriginal Heritage

- C7 An Aboriginal Cultural Education Induction Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the

duration of the project. The program shall be developed in collaboration with the registered Aboriginal parties.

Water Act 1912 and Water Management Act 2000

- C8 All relevant licences/approvals under the Water Act 1912 and the Water Management Act 2000 for all activities that intercept or extract ground and surface water must be obtained prior to commencement of those activities.

Pre-Construction Dilapidation Reports

- C9 The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'.

The report shall be submitted to and approved by to the satisfaction of the Certifying Authority prior to commencement of construction. A copy of the report must be provided to the Department and Council prior to commencement of construction.

D DURING CONSTRUCTION

Hours of Work

- D1 The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 1:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
 - d) works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) variation is approved in advance in writing by the Director General or his nominee.

Construction Noise Management

- D2 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Environmental Management Plan, approved by the PCA.
- D3 The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Environmental 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

Vibration Criteria

- D4 Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- i) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
 - ii) 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.
 - iii) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

These limits apply unless otherwise outlined in a Construction Environmental Management Plan, approved by the Certifying Authority.

Erosion and Sediment Control

- D5 All erosion and sediment control measures are to be effectively implemented for the duration of construction works for each stage of the Project, and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- D6 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Aboriginal Heritage

- D7 Registered Aboriginal parties must be provided with fair and reasonable opportunity to monitor any initial ground disturbance activities within the 50 metre buffer surrounding the extent of Aboriginal sites #22-1-0350 (LE-A1 & PAD 1) and #22-1-0351 (LE-PAD 2). This process should be managed by a suitably qualified cultural heritage specialist. In the event that additional Aboriginal objects are uncovered during the monitoring program, the objects are to be recorded and managed in compliance with the requirements of the National Parks and Wildlife Act 1974 and relocated to the Heritage Park.
- D8 All Aboriginal heritage sites impacted by the project must have an Aboriginal Site Impact Recording (ASIR) form completed and submitted to OEH's AHIMS Registrar within 3 months of being impacted.
- D9 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.
- D10 If human remains are located, all works must halt in the immediate area 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 OEH. In the

event that a criminal investigation ensures, works shall recommence in the vicinity of the find until written consent is granted from the NSW Police.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

D11 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch 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.

Work Cover Requirements

D12 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Approved Plans to be On-site

D13 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department or Council or the PCA.

Dust Control Measures

D14 Adequate measures being taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) 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;
- (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 work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff 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 materials;
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
- (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 by manual dry sweep or by use of a cleaning vehicle.

E PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Section 94 Development Contributions

E1 Prior to the issue of a Subdivision Certificate (unless other arrangements acceptable to Council are made) for any stage of the project, the Proponent must make contributions in accordance with the following contributions plans:

- North Boambee Valley (East) Release Area Developer Contributions 2013 and Regional, District & Neighbourhood Facilities & Services 2013;
- Coffs Harbour Road Network 2013;
- Surf Rescue Facilities 2013; and
- North Boambee Valley (East) Release Area 2013.

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

	\$ Per Lot
- Coordination and Administration	377.31
- Coffs Harbour Road Network	2,068.22
- Surf Rescue Facilities	67.62
- Community facilities	1,320.60
- Koala Management	2,863.03
- Stormwater Management Catchment 1	1,624.67
- Stormwater Management Catchment 2	2,476.33
- Neighbourhood Open Space	443.27
- Roads and traffic Management	1788.96
- Urban Planning	72.74

The Section 94 contribution is currently \$10,626.42 per lot for the additional lots proposed in Stormwater Management Catchment 1 as detailed in Coffs Harbour City Council's North Boambee Valley (East) Release Area Developer Contributions Plan 2013.

The Section 94 contribution is currently \$11,478.09 per lot for the additional lots proposed in Stormwater Management Catchment 2 as detailed in Coffs Harbour City Council's North Boambee Valley (East) Release Area Developer Contributions Plan 2013.

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

Note: Agreement must be reached with Council about any proposed works-in-kind arrangement.

Bushfire

E2 At the issue of subdivision certificate for each Stage and in perpetuity, the entire area of each residential lot within that Stage shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

E3 At the issue of subdivision certificate for each Stage, a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on relevant lots within the subdivision requiring the provision of asset protection zones (APZ), to be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones', as identified on the 'approved plans and as follows:

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- i) APZ over southern portion of Lot 67 to increase to 9 metres;
 - ii) APZ over southern portion of Lots 73, 74 and 75 be increased to 21 metres;
 - iii) Include a 10 metre wide APZ along the eastern boundary of Lot 88 – measured from the western edge of the unmanaged vegetation;
 - iv) Include a 10 metre wide APZ over Lot 142 along the western edge of Lot 76;
 - v) APZ over the eastern portion of Lot 120 being increased to taper from 9 metres wide at the south to 12 metres wide at the north;
 - vi) APZ to the north-west of Lot 123, 125 and 126 being increased to 21 metres; and
 - vii) APZ over the northern portion of Lot 127 being increased to 13.5 metres.

Details of the Restriction(s) are to accompany the application for Subdivision Certificate.

- E4 A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the western boundary of residential lots within Stages 1b, 1d and 2a, and along the eastern boundary of Stage 3b. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
- The shield must be constructed prior to the issue of the subdivision certificate for the relevant stage.
- E5 Prior to the issue of a subdivision certificate for Stage 1, a fire management plan shall be prepared with respect to the future undeveloped stages and proposed Lot 142 that addressed the following requirements:
- a) Contact person / department and details; and
 - b) Schedule and description of works for the construction of asset protection zones and their continued maintenance.
- E6 Undeveloped asset protection zones and building areas of proposed future stages shall be managed as outer protection area (OPA) as outlined within 'Planning for Bushfire Protection 2006' to prevent the re-growth of vegetation until development of these areas occurs.
- E7 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.
- E8 A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over the proposed fire trails retain in private ownership requiring their construction and maintenance in accordance with section 4.1.3 (3) of the Planning for Bushfire Protection 2006'.
- E9 Prior to the issue of a subdivision certificate for Stage 3b a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over the emergency access from the northern end of Amadeus Place to Kratz Drive. The emergency access shall be constructed in accordance with the requirements of section 4.1.3 (3) of 'Planning for Bushfire Protection 2006'.
- E10 Fire trails around the perimeter, or along the bushland interface of a stage of subdivision shall be constructed prior to issue of a Subdivision Certificate for that stage.
- E11 The fire trail around the western and northern perimeter shall be constructed prior to the issue of a Subdivision Certificate for stage 2f. The fire trail shall link back to Eyre Road (via proposed Stage 3) or to Kratz Drive.

Damage of Public Assets and Security Bond

- E12 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 rectified in full by the proponent, or an agreement reached with Council, prior to the issue of any Subdivision Certificate.

Should the rectification of any damage not be satisfactory then Council may call up the security bond to recover the costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

- E13 The Proponent shall arrange for an appropriate Council officer to inspect all rectification works or any other works which a security bond is being held for and release the security bond if the works have been completed to the satisfaction of council or release the remaining funds, if funds have been deducted from the Security Bond for the cost of replacement of the works.

Compliance Certificate

- E14 Prior to the application for a Subdivision Certificate for each stage a Compliance Certificate or Certificates shall be obtained for the following:

- i) Compliance Certificate – roads.
- ii) Compliance Certificate – water reticulation.
- iii) Compliance Certificate – sewerage reticulation.
- iv) Compliance Certificate – drainage.

Registration of Easements/ Restrictions to use / Right of carriageway

- E15 The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the Conveyancing Act 1919, including (but not limited to) the following:

- a. Easements for sewer, and water supply trunk mains and inter-allotment drainage and Council drainage services/infrastructure on private property.
- b. All future dwellings within the Flood Planning Area (defined as the area below the Flood Planning Level) must be constructed at or above the Flood Planning Level determined at that location.

The flood planning level for each residential lot must be based on the 100 year ARI flood level at the location of the lot plus 500mm freeboard. The 100 year ARI flood level should be calculated by applying the local climate change factor (minimum 10% increase) to the 100 year ARI rainfall intensity.

- c. A Restriction as to User burdening the following Lots with the protection of primary koala habitat.

- Lots 46, 47, 48 and 49 (Stage 1C).

This area shall be maintained as a koala habitat protection area. The Restriction as to User shall advise the landowner of the need to maintain this area as a koala habitat protection area.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Details of the Restriction(s) are to accompany the application for Subdivision Certificate.

Dedication of lands

- E16 The residentially zoned land to the north and northeast of Road No.7 within the area identified as managed heritage park/managed open space shall be dedicated to Council (at no cost to Council). The dedication must occur at the time of release of the subdivision certificate for the adjacent residential allotments.

Transfer of land Lot 141

E17 The proponent must make necessary arrangements for the transfer of Lot 141 in stages (with the exception of those lands referred to in condition E16) to Council. The transfer shall be made in accordance with the provisions of the North Boambee Valley (East) Release Area Developer Contributions Plan 2013.

This approval does not impose or imply any obligation on Council to acquire any residentially zoned lands.

E18 Future ownership of the residentially zoned lands within Lot 141, to the west of Stage 3 and between the end of Road No.9 and the Highway corridor, shall be the subject of negotiation between Council and the Proponent. If an agreement cannot be reached over the transfer, the Proponent must manage the land in perpetuity in accordance with requirements of the VMP.

Dedication of Internal roads and drainage network

E19 All internal roads shall be constructed by the proponent and progressively dedicated to Council as public roads upon registration of the plan of subdivision for each stage.

E20 The Proponent shall dedicate to Council the drainage network and infrastructure upon registration of the plan of subdivision for each stage.

E21 Each lot is to be connected to all available services (electricity and telephone). A clearance letter from each authority is required prior to issue of the Subdivision Certificate for each stage. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Applicant.

E22 Water and electricity are to comply with section 4.1.3 of Planning for Bushfire Protection 2006 (RFS, 2006).

E23 Water and sewer must be provided to serve all lots, with the work conforming to the standards and requirements set out in the Coffs Harbour City Council's Design Specifications (Design) development and Subdivision of Land.

E24 Street lighting and the 66kv undergrounding works being provided to the requirements of the relevant electricity energy provider with all work being completed prior to release of a Subdivision Certificate.

Flooding

E25 Analysis shall be undertaken to identify area affected, and road routes blocked, by an extreme flood event (similar PMF). This analysis shall include both land and subject to this approval and the adjacent development approved by Council 2013. The analysis shall be sufficient to assist the relevant authorities to develop an emergency management strategy and identify preferred routes for access into or out of the development. The results of this analysis shall be provided to SES and Council.

Remediation/Earthworks

Fill - Certification

E26 A final contour plan is to be submitted to Principal Certifying Authority showing the location, depth, and type of fill located on the site. Validation shall also be provided that any material imported on to the site was clean fill. 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

E27 The relevant part of 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, prior to the issue of a Subdivision Certificate.

Site Remediation/Validation Reporting

E28 Following remediation and validation works and prior to the issue of a subdivision certificate for any stage, a Site Audit Statement must be issued by an accredited Site Auditor, confirming the suitability of the site for the intended use.

Access and Services:

E29 The following works:

- a) Roads;
- b) Fire trails;
- c) Footpaths and pathways;
- d) Water;
- e) Sewer;
- f) Stormwater drainage including WSUD requirements;
- g) Interallotment drainage;
- h) Stormwater management plan works,

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

Work as Executed Plan

E30 Prior to the issue of Subdivision Certificate for the relevant stage, a work as executed plan endorsed by a Registered Surveyor or Consulting Engineer (hard or digital format) being submitted to Council certifying that:

- All drainage lines, sewer lines, services, and structures are wholly contained within the relevant easement;
- The plans accurately reflect the work as executed.

Water Management Act 2000

E31 The Subdivision Certificate for each stage of the subdivision must 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 provided to the Certifying Authority.

Street Tree Planting:

E32 The planting proposed in the approved Street Tree Planting Plan is to be carried out to satisfaction of Council, prior to issue of a Subdivision Certificate for the relevant stage unless other arrangements satisfactory to Council for completion at some other stage are made. This may include an agreement being reached with Council for the completion of work by Council.

The plantings are to be maintained for twelve (12) months in accordance with Council's Street Tree Master Plan to ensure successful establishment and development. A bond per tree is to be paid to Council prior to the issue of Subdivision Certificate for the relevant stage. The bond will be returned at the end of the twelve month maintenance period provided that plantings have been established successfully. At the end of the maintenance period Council will replace plantings that have failed with the cost of this work taken from the bond.

Works as executed plans shall be provided to Council in Digital CAD or Arcview format for all street trees. The information shall be provided on disc prior to the issue of the Subdivision Certificate. Note, the current street tree bond as at 1 July 2010 is \$405.00 per tree and is subject to indexation at the CP/Sydney Index rate.

SCHEDULE 3

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)

ADVISORY NOTES

Appeals

AN1 The Applicant 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 (as amended).

Other Approvals and Permits

AN2 The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Aboriginal Heritage

AN3 The Applicant shall complete an Aboriginal Heritage Information Management System (AHIMS) Aboriginal Site Recording Form to record and report Aboriginal sites identified during the Environmental Assessment. The AHIMS Aboriginal Site Recording Form shall be submitted to OEH in accordance with Section 89A of the National Parks and Wildlife Act 1974.

Responsibility for other consents / agreements

AN4 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

AN5 An approval under State Environmental Planning Policy (Temporary Structures) 2007 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 State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN6 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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7 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 Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN8 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

Site contamination issues during construction

AN9 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.