

Project Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 27 February 2013, I approve the project application referred to in schedule 1, subject to the conditions in schedules 2 and the proponent's statement of commitments in schedule 3.

These conditions are required to:

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

Executive Director
Development Assessment Systems and Approvals
Department of Planning & Infrastructure

Sydney

2013

SCHEDULE 1

Application No.:	MP08_0080
Proponent:	Utila Pty Limited
Approval Authority:	Minister for Planning & Infrastructure
Land:	land off Lyons Road and Bambarra Drive, North Bonville (Part Lot 112 DP 1073791)
Project:	<p>Residential subdivision under Torrens title, including:</p> <ul style="list-style-type: none">• 165 residential lots;• associated site earthworks;• provision of roads footpaths, street tree and general landscaping;• provision associated infrastructure, including stormwater management infrastructure (bio-retention basins and bio retention swales);• rehabilitation and revegetation of a riparian zone/corridor;• provision of public reserve areas, including the riparian zone and a neighbourhood park; and• creation of a residual lot over the eastern portion of the site (approximately 12.71ha) where not development is to occur.

DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

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

Application means the project applicant and the accompanying drawings, plans and documentation as described in conditions A2 and A3

ASS means Acid Sulfate Soils

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

Construction means any works, including earth works and building works

Construction certificate means a construction certificate for bulk earthworks or subdivision/civil works unless specified elsewhere

Council means Coffs Harbour City Council.

CPI means Consumer Price Index.

Department means the Department of Planning & Infrastructure or its successor.

Director-General means the Director-General of the Department, or nominee/delegate.

DPI means the Department of Primary Industries or its successor.

Environmental Assessment (EA) means the Environmental Assessment report prepared by Worley Parsons

Minister means the Minister for Planning & Infrastructure or nominee/delegate.

Occupation certificate means a certificate referred to in section 109C(1)(d) of the Act

OEH means the NSW Office of Environment & Heritage, or its successor

Office of Water means the NSW Office of Water with the Department of Primary industries, or its successor

Principal Certifying Authority has the same meaning as set out in Part 4A of the Act.

Preferred Project Report (PPR) means the Preferred Project Report prepared by Worley Parsons, dated 17 May 2013

Project means the project as referred to in condition A1

Proponent means Utila Pty Limited, or persons acting on this approval

Reasonable and feasible means consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering consideration and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision taking into account: mitigation benefits, cost of mitigation versus benefits provided.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

RMS means the NSW Roads and Maritime Services

Subject Site means part lot 112 DP 1073791.

Subdivision certificate means a certificate referred to in section 109C(1)(d) of the Act

SCHEDULE 2

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to:

- 1) subdivision of part Lot 112 DP 1073791 to create ~~165~~ 8 residential housing lots, in ~~11 stages~~, and creation a residual lot of approximately 12.71ha over the eastern portion of the site (as identified in Drawing No.102B) where no development is to occur. ~~Approved works are to be only shown on DeGroot Benson drawing No. SK 10(B) Plan of Subdivision MP08_080;~~
- 2) bulk earthworks in 3 stages, including cut and fill and removal and relocation of topsoil;
- 3) ~~creation of lots for public reserves areas and a neighbourhood park;~~
- 4) construction of an internal network of roads, pedestrian paths and associated infrastructure including water supply mains, sewerage mains, stormwater drainage structures, water quality and detention structures;
- 5) associated landscaping, ~~street planting and rehabilitation and revegetation of a riparian zone/corridor;~~
- 6) dedication of land for roads, ~~public reserves, neighbourhood park~~, and public infrastructure;
- 7) provision of fencing to the riparian zone/corridor, to the eastern portion of Lot 112 excluded from the site, and to the site boundaries with Bongil Bongil National Park; and
- 8) provision of Asset Protection Zones.

A2 Project in Accordance with Plans

- 1) Approved works shall be only those shown on DeGroot & Benson drawing No. SK10 (B) Plan of Subdivision MP08_0080
- 2) The project shall be undertaken ~~generally in accordance~~ with ~~reference to~~ the following drawings:

Project and Engineering Drawings prepared by Geoff Slattery & Partners Pty Limited			
Drawing No.	Revision	Name of Plan	Date
102B	B	Overall Development	April 2013
103B	B	Concept Layout	April 2013
104A	A	Allotment Dimension Details	July 2012
105B	B	Concept Earthworks	April 2013
106A	A	Concept Road Layout	July 2012
107A	A	Road Profiles Sheet 1	July 2012
108A	A	Road Profiles Sheet 2	July 2012
110A	A	WSUD Basin Layouts	July 2012
111B	B	Concept Sewer Reticulation	April 2013
112A	A	Concept Water Reticulation	July 2012
113D	D	Asset Protection Zones	May 2013
114B	B	Concept Sediment & Erosion	April 2013
115A	A	Concept Staging	July 2012
116B	B	Concept Earthworks Staging	April 2013
117A	A	Traffic Management	July 2012
118A	A	Concept Culvert Bambarra Drive	July 2012

119		Proposed Public Reserves	April 2013
120		Proposed Neighbourhood Park	April 2013
121		Concept Archaeological Topsoil Placement	April 2013
Concept Stormwater Management and Riparian Zone Drawings prepared by Worley Parsons			
Drawing No.	Revision	Name of Plan	Date
Figure 3	1	Proposed Stormwater Management Plan	12 July 2012
Figure 4	1	Proposed Stormwater Management Details	12 July 2012
Figure 5	1	Proposed Riparian Zone Amendments	12 July 2012
Concept Landscape Drawings prepared by Terras Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
01	H	Masterplan	16 May 2013
02	G	Collector road section	22 August 2012
03	G	Riparian Zone section and plant schedules	22 August 2012
04	G	Detention Basins 3 & 6	22 August 2012
05	G	Concept Images	22 August 2012
06	G	National Park boundary fence	22 August 2012

A3 Project in Accordance with Documents

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

- 1) *Environmental Assessment Report* prepared by Worley Parsons on behalf of Utila Pty Limited, dated 24 January 2011, **except where amended by deGroot & Benson drawing No. SK10 (B) PLAN OF SUBDIVISION MP08_0080/ Application to Modify Development Consent prepared by George Stulle Consulting dated April 2020; and**
- 2) *Preferred Project Report (PPR)* prepared by Worley Parsons on behalf of Utila Pty Limited dated 17 May 2013, **except where amended by deGroot & Benson drawing No. SK10 (B) PLAN OF SUBDIVISION MP08_0080/ Application to Modify Development Consent prepared by George Stulle Consulting dated April 2020.**

A4 Inconsistency between documents

In the event of any inconsistency between:

- 1) the conditions of this approval and the Statement of Commitments in Schedule 3, the conditions of this approval prevail.
- 2) the conditions of this approval and the drawings/documents referred to in conditions A2 and A3, the conditions of this approval prevail; and
- 3) any drawing/document listed in conditions A2 and A3 and any other drawing/document listed in conditions A2 and A3, the most recent document shall prevail to the extent of the inconsistency.

A5 Certification & Staging

1) Construction Certificate

Prior to the commencement of subdivision works the proponent must obtain a construction certificate for the proposed works from either council or an accredited certifier.

2) Subdivision Certificate

Prior to registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any stage within the subdivision a subdivision certificate pursuant to section 109C(1)(d) of the Act must be obtained.

~~3) Staging of the Development~~

- ~~i) the staging of the project is to occur generally in numerical order, commencing with Stage 1, as detailed in the drawing 115A Concept Staging Plan and drawing 116B Concept Earthworks Staging, as listed in condition A2;~~
- ~~ii) staging of public reserve dedication shall be sufficiently detailed, to the satisfaction of council, prior to the issue of any construction certificate relevant to the dedication (refer to condition E17); and~~
- ~~iii) subject to any conditions of approval, staging may vary in sequence and timing. Essential infrastructure associated with and including, but not limited to, roads, roundabouts, bus routes, footpaths, parks, services, landscaping and environmental management, shall be constructed as specified in the staging plans listed above or as otherwise provided in these conditions and the proponent's Statement of Commitments.~~

- 4) Notwithstanding any other condition of this approval, separate construction certificates for bulk earthworks and civil works (including any approved staging) may be issued.

Note: In accordance with Section 109F(1) of the Act, 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 instalment 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.

A6 Statutory requirements

The proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the proponent to obtain, renew or comply with such licences, permits or approvals. The proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

A7 Road works

All road works associated with the proposal will be at no cost to council.

A8 Prescribed conditions

The proponent shall comply with all relevant prescribed conditions under Part 6, Division 8A of the Regulation.

A9 Director-General as moderator

Modification 2, approved 8 October 2020

NSW Government

Department of Planning & Infrastructure

Project Approval – MP08_0080

Where this approval requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to 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.

A10 *Legal Notices*

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

A11 *Lapsing of Approval*

In order that the approval remains relevant to the planning intent for the area, the approval shall lapse 5 years after the determination date of this approval, unless work has physically commenced on the site.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Pre-Construction Dilapidation Reports

The proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the certifying authority prior to the issue of a construction certificate for each stage of the subdivision, including for each stage of bulk earthworks. A copy of the report is to be forwarded to the department and to council.

B2 Earthworks details, plans and specifications

- 1) The proponent shall submit the following design plans and specifications with the first construction certificate application for bulk earthworks:
 - i) natural and finished development levels (spot levels and contours) clearly detailed with a legible scale, and including detailed cross sections;
 - ii) sediment and erosion controls;
 - iv) evidence that the works will be undertaken under supervision by a registered geotechnical engineer;
 - v) all temporary and permanent batter slopes will be appropriately stabilised by way of grass seeding or hydromulch immediately after completion; and,
 - vi) an earthworks phasing diagram that defines maximum exposed areas, taking into consideration condition B2(3).

The design plans are to be prepared to the satisfaction of council by a qualified practicing civil engineer, prior to issue of a construction certificate for each stage of the bulk earthworks for the project.

- 2) Cut and fill levels for each stage within the project are to provide that all residential allotments have ground levels of at least 5.50m AHD, and that the roads and stormwater infrastructure (bio-retention basins) are provided at/or above 4.7m AHD.
- 3) Bulk earthworks for the site are to be limited to a maximum exposed disturbed area (that has not been permanently vegetated) not exceeding a maximum of 5ha at any time to reduce exposed areas, unless otherwise approved by the Director-General.
- 4) Works are to be topsoiled, mulched and seeded immediately after completion to protect the exposed areas from water and wind erosion.
- 5) The earthwork staging details are to be shown on the construction certificate.

B3 Importing of fill

- 1) For a construction certificate for each stage of bulk earthworks, the proponent is to submit to council, a geotechnical specification for the supply and placement of any fill materials, prepared by a NATA registered geotechnical engineer and shall include but not be limited to the following:
 - i) identification of the proposed source of fill;
 - ii) method of delivery of fill material to the site;
 - iii) geological/geotechnical analysis of the proposed fill material to determine its suitability;
 - iv) quality assurance regime; and
 - v) any other relevant matters.
- 2) Haulage route(s) for the importation of fill are to be agreed to by council prior to the issue of a construction certificate for stage 1 bulk earthworks.
- 3) Fill shall be selected in accordance with Australian Standard 3798-2007 Guidelines on Earthworks for Commercial and Residential Development, or any updated standard.

B4 Site regrading and retaining walls

- 1) Site regrading undertaken for all stages of the project must be undertaken in accordance with any relevant council design specifications. Evidence of compliance with these specifications

- must be provided to the certifying authority for approval (by way of engineering plans) prior to issue of a construction certificate, for each stage of bulk earthworks.
- 2) Any retaining walls and/or shoring must be designed and installed in accordance with appropriate professional standards and relevant requirements of any council design specifications, the BCA and Australian Standards. Details of proposed retaining walls and/or shoring are to be submitted to and approved by the certifying authority prior to commencing such excavations or works.

B5 Water cycle management and stormwater drainage system

- 1) Final design plans of the water cycle management and stormwater drainage system within the shall be prepared by a qualified practicing civil engineer and in accordance with the requirements of council and shall be submitted to and approved by the certifying authority prior to issue of the first construction certificate for subdivision/civil works.
- 2) The final design plans shall be generally in accordance with the stormwater drainage concept plans and stormwater management strategy prepared by Worley Parsons, as referred to conditions A2 & A3, and shall include but not be limited to the following:
- i) Detailed engineering designs for stormwater, drainage and water sensitive urban design measures at the site, including rainwater tanks, infiltration systems, vegetated swales, and bioretention basins.
 - a) Water Sensitive Urban Design measures are to be designed in accordance with the “National Guidelines for Evaluating Options for Water Sensitive Urban Design 2009”
 - b) Stormwater mitigation measures shall be designed to comply with section 120 of the *Protection of the Environment Operations Act 1997* to prohibit the pollution of waters from the operation of the Project.
 - c) Retention basins that are constructed below the water table must be lined (clay or geofabric) to minimise the hydraulic connection with the surrounding groundwater system.
 - ii) Hydrology and hydraulic calculations based on models described in the current edition of *Australian Rainfall and Runoff*.
 - iii) A maintenance plan for all stormwater mitigation measures including Water Sensitive Urban design to be maintained to their design specifications into perpetuity.
 - iv) Deletion of the proposed central road swales, with stormwater treatment for these being appropriately accommodated elsewhere on site, in accordance with council requirements and specifications for stormwater management and water sensitive urban design measures.
- 3) In order to mitigate any adverse impacts for groundwater dependent vegetation in the eastern portion of the site, the final design plans must also ensure that all stormwater runoff is adequately treated at its source and/ or diverted through the stormwater treatment processes designed for the site, prior to the stormwater being discharged to surface water and groundwater sources.
- 4) Any perimeter road drainage swales, or the like, shall be located outside minimum 10m wide vegetative buffers which are to be provided adjacent to the site perimeters on the southern boundary of the site and on the western boundary of the residue lot (to be created over the eastern portion of the site).

Note: These buffers are required in order to mitigate any adverse impacts for the adjoining Bongil Bongil National Park and impacts for the environmentally significant vegetation in the eastern portion of the site. This does not exclude the use of these buffer areas as outer protection areas in relation to asset protection zones for bushfire management.

- 5) The final design plan/s shall also demonstrate that site earthworks and filling will not adversely impact stream velocities and flooding, which could impact on the condition of the watercourse on site and downstream of the development. This matter shall be reviewed and certified by a suitably qualified flooding consultant, prior to approval of the final plans.

B6 Stormwater monitoring plan

In order to demonstrate that the stormwater management system satisfactorily complies with the intended design, prior to the issue of the construction certificate for the first stage of the subdivision/civil works for the project, a Stormwater Monitoring Plan shall be approved by the certifying authority and shall be submitted to council with any application under section 68 of the *Local Government Act 1993* to carry out stormwater drainage works.

B7 Road design

- 1) Kerb and gutter, stormwater drainage, interallotment drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.), and paved footpaths shall be constructed along the full length of roads within the site.
- 2) All roads shall be in accordance with the relevant design requirements of council. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a construction certificate for each stage of the subdivision/civil works.
- 3) The drainage swales within the centre of the main or central access road (refer to road profiles 1 and 2, Drawings 106A and 107A as listed in condition A2) are to be deleted. Alternative landscaping of these areas is to be dealt with in the final landscape plan required under condition B11.
- 4) All roads shall be designed to provide for adequate manoeuvring areas for service vehicles, including garbage trucks.
- 5) Any perimeter drainage swales are to be provided outside the 10m wide vegetative buffers to the southern boundary of the site and to the western boundary of the residue lot, as specified in condition **B5**.
- 6) Staging of the project and road construction shall provide for interim turning and manoeuvring areas for all vehicles, including service vehicles.
- 7) Traffic calming measures shall be provided through the site, to the satisfaction of council.

Note: RMS has recommended that traffic calming measures, such as small roundabouts, could be provided at the cross road junctions, particularly along the main access road.

B8 Regulatory signage

All traffic regulatory signage and line marking is to be shown on the construction certificate application plans for each stage of the subdivision/civil works. This should include restricted on street parking where necessary to ensure that on street parking does not obstruct garbage trucks, buses and two way vehicles passing one another simultaneously.

B9 Causeways, culverts and bridges

The road design plans, condition **B7**, shall ensure that design of any causeway, culvert or bridge shall be in accordance with Office of Water guidelines for watercourse crossings on waterfront land, July 2012, and have regard to fauna movement, including fish passage, as well as sediment and erosion controls, turbidity, stream flow and impact on stream bed or banks.

B10 Bus Stops

In order to ensure that pedestrians have adequate access to public transport, bus stops are to be constructed at appropriate locations through the site, subject to prior consultation with the relevant bus operators. The details of the type, location and operation of the bus stops are to be submitted to council prior to the issue of the first construction certificate for the subdivision/civil works.

B11 Management of Acid Sulfate Soils

- 1) The management of acid sulfate soils (ASS) shall be undertaken generally in accordance with the findings and recommendations of *Preliminary Geotechnical and Acid Sulphate Soil Assessment*, prepared by Coffey Geotechnics Pty Limited, dated 24 February 2009, Appendix

- 19 Environmental Assessment report, in regard to the any disturbance of potential ASS within the south west corner of the site.
- 2) If necessary, subject to disturbance of any potential ASS within the south west corner of the site, an Acid Sulfate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the certifying authority prior to the issue of a construction certificate for the relevant stage of the bulk earthworks.

B12 Vegetation Management Plan

- 1) A final Vegetation Management Plan (VMP) is to be prepared for the site by persons with appropriate professional qualifications. This shall be generally in accordance with the *Revised Vegetation Management Plan*, prepared by JWA Ecological Consultants, dated 16 May 2013, Appendix 8 Preferred Project Report. The VMP shall be submitted to and approved by council prior to the issue of the first construction certificate for bulk earthworks. The final VMP shall include, but not be limited to the following:
- i) species numbers;
 - ii) staging of planting;
 - iii) provision of wallaby guarding;
 - iv) revised costings;
- (Note: some items in the *Revised Vegetation Management Plan*, prepared by JWA Ecological Consultants, appear to be under costed, such as star pickets, planting of the riparian area through the neighbourhood park and planting of bioretention basins)
- v) Vegetation rehabilitation and maintenance works, for the entire area covered by the VMP, being undertaken by an Australian Association of Bush Regenerators (AABR) registered contractor, with these works starting at the commencement of stage 1;
 - vi) Works within each stage continuing for 5 years after the registration of the plan of subdivision for that stage; and
 - vii) All vegetation rehabilitation and maintenance works being undertaken by the proponent at their cost.

B13 Detailed landscape plans

- 1) Prior to the issue of the first construction certificate for subdivision/civil works, detailed landscape plans, prepared by a qualified landscape architect or professional landscape consultant, are to be submitted for the site, including all public reserve areas, and to the satisfaction of council for those areas of the site to be dedicated as public reserve. The plans shall include, but not be limited to the following:
- i) existing features, including north point, access roads and location of trees to be retained or removed on site, to scale and identified by botanical and common names;
 - ii) existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable);
 - iii) proposed and existing site services, including but not limited to water, gas, electricity, sewer, and stormwater and any easements on or adjacent to the site;
 - iv) provision of planting consistent with the approved vegetation management plan, in particular within the riparian zone and within asset protection zones (including restricted planting zones);
 - v) details of pedestrian access, circulation areas, and facilities within and around the project;
 - vi) details of fencing to the site perimeters to Bongil Bongil National Park and to eastern portion of lot 112 excluded from the site. The fencing type and details shall be subject to agreement with OEH for both boundaries to the national park. The same or similar fencing is to be provided to the boundary to the eastern portion of lot 112 excluded from the site;

- vii) details of installation of fencing or bollards (or the like) to protect the riparian zone within the site, from unauthorised access, including vehicle access. Maintenance vehicle access may be provided;
- viii) details in relation to the neighbourhood park, including but not limited to:
 - a) the provision of a path connection across the creek (with a minimum site clearance (visual) of 8m either side of the path), to be prepared in consultation and agreement with the NSW Office of Water (documented evidence of this consultation and agreement with the NSW Office of Water is to be submitted to council with the final plan);
 - b) the provision of a flat pad (minimum 50m x 50m) for the siting of future playground equipment;
 - c) an indicative location of playground equipment, park furniture and related landscaping; and
 - d) parking.
- ix) construction details of paving, edging and other hard landscape components;
- x) details of stabilisation measures including topsoiling, seeding and planting for disturbed areas resulting from site earthworks, cutting and filling; and
- xi) a detailed plant schedule and plans at an appropriate scale (1:100 to 1:250 for detailed plans and up to 1:500 for whole of site plans) indicating the location of all proposed planting and any existing vegetation to be retained on the site. The plant schedule shall include:
 - a) species listed by botanical and common names, with the majority of plants constituting local native species, and species used in the riparian zone consistent with the endemic species listed in the approved vegetation management plan, condition B15;
 - b) specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable; and
 - c) maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of five years after completion of landscaping on site.

B14 Street Tree Plan

Prior to the issue of the first construction certificate for subdivision/civil works, a Street Tree Planting Plan shall be prepared by a qualified landscape architect or professional landscape consultant to the satisfaction of the certifying authority and in accordance with the requirements of council and any council “*Street Tree Master Plan*”. A copy of the final Street Tree Planting Plan shall be provided to council.

B15 Bushfire Management

- 1) Asset Protection Zones (APZs) required by *Planning for Bushfire Protection 2006* are to be provided in accordance with:
 - i) asset Protection Zones Drawing No. 113D prepared by Geoff Slattery and partners dated May 2013;
 - ii) *Bushfire Hazard Assessment Report*, prepared by Holiday Coast Bushfire Solutions Pty Limited, dated 16 May 2013, Appendix 6 Preferred Project Report; and
 - iii) the final Vegetation Management Plan, and in particular 20m wide restricted planting zones adjacent to and either side of the main access road.
- 2) Prior to the issue of the first construction certificate for bulk earthworks, the proponent shall engage a suitably qualified bushfire consultant to certify that the site layout complies with the following:
 - i) the required asset protection zones, including proposed staging, as set out in condition B19(3);

- ii) water, electricity and gas shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006*;
 - iii) the internal roads shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006* and the entrance way to the parking area shall be a minimum of 6.5 metres in width;
 - iv) landscaping shall comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*; and
 - v) an Emergency Evacuation Plan is to be prepared in line with NSW RFS document *Guidelines for the Preparation of an Emergency/Evacuation Plan*.
- 3) Details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the certifying authority prior to the release of the construction certificate for each stage of the project.

Note: Roads at completion of each stage will need to comply with relevant bushfire requirements. If connecting or through roads cannot be provided then temporary culs-de-sac may be required, with connecting fire truck/trail access if necessary. Undeveloped land adjoining each stage will need to be maintained as an APZ, until further staging and development occurs.

B16 Utilities

- 1) Prior to the issue of a first construction certificate for bulk earthworks, the proponent shall provide written evidence to the certifying authority from the relevant service providers for telecommunication, electricity and water and sewerage, that satisfactory arrangements have been made for the provision of their respective services to the site.
 - 2) The final location of any new zone substation must be approved by the relevant energy authority prior to the issue of a construction certificate for bulk earthworks, with the terms for acquiring the approved parcel of land negotiated with and agreed to by the relevant energy authority.
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PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Environmental Management Plan

- 1) Prior to the commencement of any works, a Construction Environmental Management Plan (CEMP) shall be prepared that covers the area of works. The CEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans* (former Department of Planning, Infrastructure and Natural Resources, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during construction. The CEMP shall include, but not be limited to:
 - i) a description of all relevant activities to be undertaken on the site during construction (including an indicative timeline);
 - ii) a description of relevant environmental management objectives for the site;
 - iii) a detailed construction management strategy;
 - iv) details of measures to be installed to separate construction areas from publicly accessible areas;
 - v) statutory and other obligations that the proponent is required to fulfil during construction including all relevant approvals, licences and consultations;
 - vi) a description of the roles and responsibilities for all relevant employees involved in construction;
 - vii) hours of work;
 - viii) a 24-hour contact telephone number shall be provided to all adjoining owners and occupants and to council. Note: the nominated telephone number may contain provision for a voice message service outside of normal working hours;
 - ix) details of how environmental performance would be managed and monitored;
 - x) construction waste management;
 - xi) dust management;
 - xii) flora and fauna management, including any tree protection works;
 - xiii) a subset of the following management plans:
 - a) traffic and pedestrian management; and
 - b) erosion and sediment control.

Note: other conditions in this approval may specify relevant objectives or requirements for or in addition to any of the matters listed directly above.
- 2) The CEMP shall be submitted for the approval of the principal certifying authority. The proponent shall also forward copies of the CEMP to the Director-General and to council for information.

C2 Construction Traffic & Pedestrian Management Plan

- 1) Prior to the commencement of any works, a Traffic and Pedestrian Management Plan shall be prepared by an RMS accredited person in accordance with AS1742 (manual of uniform traffic control devices) and the latest version of the RMS publication 'Traffic Control at Works Sites', and shall be submitted to and approved by the principal certifying authority, as part of the CEMP. The Plan shall address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the site;
 - ii) ingress and egress of vehicles to the site and details of how construction of project infrastructure will be managed in proximity to local and regional roads;
 - iii) loading and unloading, including construction zones;
 - iv) predicted traffic volumes and measures to ensure traffic volume, acoustic and amenity impacts along construction vehicle routes are minimised;
 - v) types and routes including traffic routes for heavy vehicles, and any necessary route or timing restrictions for oversized loads;
 - vi) pedestrian and traffic management methods (including site security);
 - vii) washing facilities for trucks on the site (including a vehicle shakedown area);
 - viii) hours of access to the site; and
 - ix) evidence that all statutory responsibilities with regard to road traffic impacts have been complied with.
- 2) This Plan shall be incorporated into the overall CEMP, condition **C1**. The proponent shall also forward copies to the Director-General and to council for information.

C3 Sediment and Erosion Control Plan

- 1) Prior to the commencement of any works, a detailed Sediment and Erosion Control Plan for the site shall be prepared by a suitably qualified person. The Plan is to be prepared in consultation with council and the Office of Water and address the following (at a minimum):
 - i) Management of stormwater runoff during bulk earthworks, civil construction, landform stabilisation, on-maintenance and operational phases for all stages of the project.
 - ii) Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom (the 'Blue Book').
- 2) The Plan must be submitted to the principal certifying authority prior to the commencement of works, including bulk earthworks.
- 3) The Plans shall detail the staged construction and establishment of sediment control facilities and water quality treatment to ensure the integrity and durability of the treatment devices in the early stages of the project.
- 4) This Plan shall be incorporated into the overall CEMP, condition **C1**. The proponent shall also forward copies to the Director-General and to council for information.

C4 Aboriginal Cultural Heritage Management

- 1) Prior to the commencement of any works, a final Aboriginal Cultural Heritage Management Plan and Work Methodology Statement shall be prepared in consultation with OEH by suitably qualified aboriginal archaeological consultants, generally in accordance with the Cultural Heritage Management Plan in the *Cultural Heritage assessment* prepared by Bonhomme Craib & Associates dated May 2010, Appendix 12 Environmental Assessment report. The final plan shall include but not be limited to the following matters:
 - i) procedures for ongoing Aboriginal consultation and involvement;
 - ii) details of the responsibilities of all stakeholders;
 - iii) management of any recorded sites within the project area;
 - iv) monitoring and relocation procedures, procedures for the identification and management of previously unrecorded sites (excluding human remains);
 - v) identification and management of any proposed cultural heritage conservation/relocation area(s), and details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process;
 - vi) details of proposed mitigation and management strategies for sites identified to be impacted within the project area (no artefacts should be placed within the neighbourhood park); and
 - vii) compliance procedures in the unlikely event that non-compliance with the CHMP is identified.
- 2) Removal of topsoil from ridges on the site and its relocation to public reserve areas is to be undertaken prior to commencement of other bulk earthworks, and carried out generally in accordance with:
 - i) the recommendations of the Cultural Heritage assessment report prepared by Bonhomme Craib & Associates dated May 2010, Appendix 12 Environmental Assessment;
 - ii) drawing no. 121 "Concept Archaeological Topsoil Placement" prepared by Geoff Slattery & Partners Pty Limited; and
 - iii) the final approved Aboriginal Cultural Heritage Management Plan and Work Methodology Statement.

C5 Construction Management Measures

- 1) All measures contained in the Construction Environmental Management Plan under Condition **C1** and the Sediment and Erosion Control Plan under Condition **C3** are to be implemented prior to the commencement of works and be maintained throughout construction. A copy of the approved Plans shall be maintained on site and made available upon request.

- 2) All erosion and sedimentation control measures relevant to the stage of works are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the principal certifying authority.

C6 Contact Telephone Number

- 1) Prior to the commencement of the works for each stage of the project, the proponent shall forward to the department and council a 24 hour telephone number to be operated for the duration of the construction works.

C7 Movement of Trucks Transporting Waste Material

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

C8 Procedures prior to Vegetation and Tree Clearing

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

C9 Existing Services

- 1) The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the principal certifying authority advised of its location and depth prior to commencing works for each stage of the project. Prior to the commencement of any works the principal certifying authority shall ensure there shall be no conflict between the project and existing infrastructure.

C10 Source of Material for Filling of the Site

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

C11 Excavation Works

The principal certifying authority and council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the subject site.

PART D—DURING CONSTRUCTION

D1 Approved Plans to be On-site

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

D2 Site Notice

- 1) A site notice(s) shall be prominently displayed at the Bambarra Ave boundary of the site for the purposes of informing the public of project details including, but not limited to:
 - i) details of the contractor, principal certifying authority and site superintendent, or equivalent, for all stages of the project;
 - ii) the approved hours of work;
 - iii) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including for construction/noise complaints are to be displayed on the site notice; and
 - iv) to state that unauthorised entry to the site is not permitted.

D3 Site security

It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

D4 Protection of Trees and Vegetation – On Site

- 1) All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary, during construction of any stage of the subdivision, in accordance with AS4970-2009 *Protection of trees on development sites*.
- 2) Any removal of noxious, environmental and significant weeds is to have no impact on retained significant native vegetation, in accordance with AS4970-2009 *Protection of trees on development sites*.
- 3) Retained trees and vegetation are to be protected from collateral damage during the clearing process through directional felling of trees and restriction of heavy machinery access within the critical root zones.
- 4) Where vegetative reproducing exotic species are present, any debris falling into stream/watercourse as a result of subsequent clearing practices should be removed immediately without impact on stream bank or adjacent vegetation.

D5 Dust Control Measures

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

D6 Environmental Health

- 1) All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
 - i) noise, water or air pollution;
 - ii) dust during filling operations and also from construction vehicles; and
 - iii) material removed from the site by wind.

D7 Removal of Material

- 1) Where excavated material is to leave the site it is to be disposed of at an approved landfill facility. Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:
 - i) council has been advised in writing of the destination site(s); and
 - ii) council has been advised of the quantity and make-up of the material; and
 - iii) council has issued written approval or disposal to the alternative location(s).

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

D8 Surrounding Road Carriageways

The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by council to remove material from the roadway will be at the proponent's expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

D9 Burning of Vegetation

The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials shall either be recycled or disposed of in a manner acceptable to the council's General Manager or his delegate.

D10 Erosion and Sediment Control

- 1) All erosion and sediment control measures, as designed in accordance with the approved Sediment and Erosion Control Plan are to be effectively implemented, managed and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 2) No clearing or stripping works shall be undertaken on the site until the erosion and sediment control measures are implemented.
- 3) After each storm event a suitably qualified person shall assess the adequacy of the erosion control measures and make good any damaged erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
- 4) A qualified Environmental or Engineering Consultant shall ensure that the erosion and sedimentation controls are appropriate for the site and current stage of construction.

D11 Management of earthworks and filling operations

- 1) Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered geotechnical engineer certifying that the filling operations comply with AS3798 shall be submitted to the principal certifying authority upon completion.
- 2) During filling operations:
 - i) no fill is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically;
 - ii) all fill and cut batters shall be contained wholly within the site; and
 - iii) all topsoil to be re-spread and the site to be grassed and landscaped, including battered areas.

D12 Filling source.

All imported fill material shall be from an approved source. Prior to the commencement of filling operations details of the source of fill, description of material and documentary evidence that the fill

material is free of any contaminants, and details of the proposed haulage route shall be submitted to council.

D13 Monitoring of Stormwater Management System

- 1) The stormwater drainage system shall be monitored in accordance with the approved Stormwater Monitoring Plan throughout construction of each stage of the subdivision to demonstrate that it satisfactorily complies with the intended design and relevant council requirements. Amendments to the system may be required to ensure compliance.
- 2) Monitoring by the proponent shall continue post-construction for each stage, for one year or until dedication occurs whichever is the later. A report on the monitoring shall be provided to council annually from the commencement of site works until dedication of all stormwater drainage infrastructure.

D14 Groundwater Monitoring

- 1) During construction and for 12 months post development, groundwater monitoring is to be undertaken by the proponent at 4 monitoring wells (piezometers) established on site (refer to the report *Preliminary Ground Water Assessment*, prepared by Worley Parsons, dated 17 May 2012 - Appendix 20 of the EA).
- 2) The results of this groundwater monitoring are to be reviewed by a suitably qualified groundwater practitioner.
- 3) A report on findings of the groundwater monitoring program is to be prepared by the groundwater practitioner at the completion of the 12 month post development period and is to be provided to the Office of Water for its review, within 4 weeks of completion.

Note: The proponent should liaise with the NSW Office of Water regarding any groundwater licensing requirements, such as any licensing under the *Water Act 1912*.

D15 Hours of Work

- 1) The hours of construction for all stages of the project (except as provided by below in respect to rock breaking, rock hammering, sheet piling, pile driving and any similar activity), including the delivery of materials to and from the site, shall be restricted as follows:
 - i) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - ii) between 8:00 am and 1:00 pm, Saturdays;
 - iii) no work on Sundays and public holidays.
- 2) For all stages of the project, the proponent 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
 - 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 Environmental Management Plan.
- 3) 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) the work is approved through the Construction Environmental Management Plan; and
 - iv) 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.
- 4) The proponent is responsible to instruct and control subcontractors regarding hours of work.

D16 Construction Noise Management

- 1) The construction noise objective for all stages of 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 more than 5dB(A).
- 2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Environmental Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- 3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Environmental Management Plan, as required by condition C1.
- 4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.
- 5) Any noise generated during the construction of the project must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the subject site.

D17 Vibration Criteria

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

D18 Use of Crushing Plant Machinery

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

D19 Damage

Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with council's requirements and specifications.

D20 Complaints procedures

- 1) At the commencement of construction the proponent shall ensure that the following are available for community complaints during construction:
 - i) a 24 hour telephone number on which complaints about construction activities at the site may be registered;
 - ii) a postal address to which written complaints may be sent;
 - iii) an email address to which electronic complaints may be transmitted;
 - iv) name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours;
 - v) name, address and telephone number of the Project Manager; and
 - vi) the telephone number, the postal address, email address, the name of the site/project manager and the approved hours of work, shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.
- 2) The proponent shall record details of all complaints received through the means listed under this condition of this approval in an up-to-date complaints register.
- 3) The proponent shall provide an initial response to any complaints made in relation to the project during construction within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in the complaints register.

D21 Incident reporting

- 1) Within 24 hours of detecting any incidents during construction that causes (or may cause) harm to the environment, the proponent shall notify the council and other relevant agencies of the incident and identify the following:
 - i) describe the date, time, and nature of the incident;
 - ii) identify the cause (or likely cause) of the incident;
 - iii) describe what action has been taken to date; and
 - iv) describe any proposed measures to address the incident.

D22 Environmental Health

- 1) All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
 - i) noise, water or air pollution;
 - ii) dust during filling operations and also from construction vehicles; and
 - iii) material removed from the site by wind.

D23 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

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

D24 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

Following works for the relocation of topsoil from site ridges (refer to condition C10) in the event that further works during any stage of the project disturb Aboriginal artefacts or relics, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeological consultant. The OEH, the Coffs Harbour Local Aboriginal Land Council must be informed, to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the OEH.

D25 Aboriginal Cultural Heritage Management

The measures and procedures set out in the final Aboriginal Cultural Heritage Management Plan and Work Methodology Statement (condition C4) are to be implemented during all earthworks and construction works on the site.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Subdivision Certificate

Prior to the registration of final subdivision plan with Land and Property Information a subdivision certificate, under Part 4A section 109D(1)(d) of the Act, shall be obtained for each stage of the project.

Note: Refer to the advisory notes at the end of this approval for compliance certificate requirements.

E2 Civil and Infrastructure Works

- 1) The proponent is to construct, at own cost, all civil and service infrastructure works to service each stage of the subdivision, in accordance with the construction certificate under the supervision of an engineer or surveyor approved by the council. All civil works approved with the construction certificate are to be completed to the satisfaction of principal certifying authority prior to issue of a subdivision certificate for each stage of the project.
- 2) All service infrastructure works to service each stage of the project are to be completed to the satisfaction of relevant authorities.
- 3) All roads, water and sewerage mains shall be fully constructed to the boundary of the adjoining land in accordance with council's requirements and specifications.
- 4) Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the project shall be repaired to the satisfaction of council prior to the issue of a subdivision certificate for each stage of the subdivision.
- 5) The site shall be stabilised to council's satisfaction, including as a minimum at least 50% grass cover or application of mulch or hydro seeding to all disturbed areas.

E3 Geotechnical Certification

- 1) Prior to issue of the first subdivision certificate for any stage of the project, a suitability qualified geotechnical engineer is to certify that:
 - i) Level 1 certification for the earthworks by a registered geotechnical engineer in accordance with AS3798; and
 - ii) all lots in the subdivision are certified as sound for building construction purposes, classifying the soil type, and addressing the adequate bearing capacities of the soils in accordance with AS 2870, Residential Slabs and Footings Construction and the submission of soil compaction and bearing capacity test results for the filled areas.

E4 Post Construction Dilapidation Report

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the project to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the principal certifying authority, prior to issue of the subdivision certificate for each stage of the project.

E5 Damage to property

- 1) Any damage to property (including pavement damage) is to be rectified prior to the issue of a subdivision certificate.
- 2) Any work carried out by council to remove material from the roadway will be at the proponent's expense and any such costs are payable prior to the issue of a subdivision certificate for each stage of the subdivision.

E6 Bushfire Management

- 1) All relevant bushfire management measures including asset protection zones are to be inspected and certified for compliance by an appropriately qualified bushfire planning consultant

prior to the release of the subdivision certificate for each stage of the subdivision. The certificate is to accompany the application for the subdivision certificate for each relevant stage of the subdivision.

- 2) A Plan of Management shall be prepared by a suitably qualified bushfire consultant for the future ongoing maintenance of asset protection zones prior to the release of the subdivision certificate for each relevant stage of the subdivision.
- 3) Public road access shall comply with Section 4.1.3 (1) of *Planning for Bushfire Protection* (2006). In this regard the following design standards for public roads are to be incorporated into the project:
 - i) roads shall be two-wheel drive, all weather roads; and,
 - ii) urban perimeter roads are two-way with a carriageway of 8 metres minimum kerb to kerb.

E7 Work As Executed Plans

- 1) Works as executed plans are to be submitted to council for each stage prior to the issue of a subdivision certificate for each stage of the subdivision, which shall be endorsed by a Registered Surveyor or a Consulting Engineer certifying that:
 - i) relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan have been satisfactorily completed;
 - ii) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the project; and
 - ii) the plans accurately reflect the Work as Executed.

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

E8 Fill Contour Plan

Prior to the release of a subdivision certificate for each stage of the project a final contour plan shall be submitted to council showing the location, depth and type of fill located on the site.

E9 Utilities – Telephone and Electricity Services

- 1) Prior to issue of the subdivision certificate for each stage of the project, the relevant stage is to be connected to all available services (water, sewerage, electricity and telephone) Such connections, and any extension of services required to the project, are to be carried out at full cost to the proponent.
- 2) The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply must be submitted prior to issue of a subdivision certificate for each stage of the subdivision.
- 3) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity has been completed prior to issue of a subdivision certificate for each stage of the subdivision.
- 4) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard and requirements of the relevant energy authority.
- 5) The inclusion of the required right of carriageway/easement for services/restrictions-as-to-users for registration with the subdivision.

E10 Water Supply and Sewer

- 1) Prior to issue of a subdivision certificate for each stage of the project reticulated water and sewerage shall be provided to all lots within that stage.
- 2) Sewer shall be pumped direct to the relevant receiving plant.

- 4) The south west area of the subdivision is to be serviced by a low pressure sewer system, as required by council and as indicated on Drawing No. 111B, Concept Sewer Reticulation, prepared by Geoff Slattery and Partners Pty Limited, dated April 2013.

E11 Drainage

- 1) Prior to the issue of a subdivision certificate for each stage of the project, and also prior to the end of any defects liability period, a CCTV inspection of the sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to council.
- 2) Any defects identified by the inspection are to be repaired in accordance with council's relevant specifications.
- 3) All costs associated with the CCTV inspection and repairs shall be borne by the proponent.

E12 Embellishment and Maintenance of Open Space Areas

- 1) Prior to the release of relevant subdivision certificate for the project, open space (as it relates to each of those stages) is to be embellished and established a consistent with the approved landscape plans.
- 2) The works prescribed in the approved Vegetation Management Plan (VMP) for that relevant stage, must be undertaken in accordance with the VMP and certified in writing by the consultant who prepared the VMP, prior to the issue of the relevant Subdivision Certificates.
- 3) All landscaped and open space areas are to be managed and maintained for a minimum five (5) years from release of relevant subdivision certificates.
- 4) Prior to the issue of a subdivision certificate for the relevant stage of the subdivision, a deed of agreement must be prepared with council to allow the proponent to carry out management and maintenance works on the open space areas for a minimum of five years after dedication of the land. All necessary rehabilitation work must be undertaken to the satisfaction of council prior to management of the land passing to council.

E13 Street Tree

- 1) The planting proposed in the approved Street Tree Planting Plan is to be carried out to the satisfaction of council, prior to the issue of a subdivision certificate for the relevant stage of the subdivision, unless other arrangements are made to the satisfaction of council for completion at some other stage. This may include an agreement being reached with council for the completion of this work by council.
- 2) 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.
- 3) A bond per tree is to be paid to council prior to the issue of a subdivision certificate for the relevant stage. The bond will be returned at the end of the twelve (12) months 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.

Note: the current street tree bond (as at July 2011) is \$450.00 per tree and is subject to indexation at the CPI – Sydney index rate.

- 4) 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/s.

E14 Street Names

- 1) The proponent shall obtain the written approval of council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a subdivision certificate for the first stage of the subdivision.

E15 Fencing and access to Bongil Bongil National Park and to eastern portion of lot 112

- 1) Prior to the issue of the initial subdivision certificate, the proponent is to construct fencing, pedestrian access and emergency vehicle access to the site perimeters to Bongil Bongil National Park and to eastern portion of lot 112, the area of lot 112 excluded from the site. Fencing shall be in accordance with the details in the approved landscape plan, refer to condition B17.
- 2) A maximum of 3 pedestrian access points are to be provided within the western boundary fencing, located in consultation and agreement with the OEH (NPWS). No pedestrian access is to be provided to the southern and eastern boundaries of the site (Note: the eastern boundary is within lot 112, between those areas included and excluded from the subject site).
- 3) A maximum of 3 emergency vehicle access gates can be provided within the western boundary fencing to Bongil Bongil National Park, which may be located in conjunction with pedestrian access, subject to agreement of the OEH (NPWS). These gates are to be locked and keys provided to local bushfire emergency service and the OEH (NPWS). No vehicle access gates are to be provided within the southern boundary fencing.
- 4) Written confirmation regarding agreement with the OEH (NPWS) about the design and location of pedestrian and vehicle access, including confirmation of gate key holders shall be provided to the department and council prior to issue of the initial subdivision certificate.

~~E16—Dedication, management and maintenance of public reserves~~

- ~~1) The proponent shall make all necessary arrangements for the dedication of the public reserve areas to council (including the neighbourhood park) in accordance with the details as shown on drawing No. 119 Proposed Public Reserves, dated April 2013, listed in the table to condition A2. The arrangements for dedication of the public reserve areas are to be made prior to release of the subdivision certificate at each relevant stage.
Note: staging of public reserve dedication shall be sufficiently detailed to council's satisfaction prior to the issue of any construction certificate, condition A5.~~
- ~~2) The proponent is to carry out management and maintenance works, during five years following release of the relevant subdivision certificate.~~

E17 Dedication of internal roads

All internal roads shall be constructed by the proponent in accordance with the staging of the project and dedicated to Council as public roads prior to issue of a subdivision certificate for each stage of the project. Upon dedication and at the end of the maintenance period council will be responsible for the on-going maintenance of the roads.

E18 Registration of Easements / Restrictions to use / Right of carriageway

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

- i) A Restriction as to User allowing for the creation and maintenance of a Bushfire Asset Protection Zones (APZs) on all affected lots (including roads and open space areas to be dedicated to council), as shown on Drawing No.113D Asset Protection Zones, prepared by Geoff Slattery and Partners Pty Limited, dated May 2013. These areas shall be maintained in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowners of the affected residential allotments of the need to maintain this area as an Asset Protection Zone (inner protection zone);
 - ii) Restriction as to User regarding the keeping of cats or dogs in accordance with the relevant statement of commitment regarding this matter;
 - iii) A Restriction as to User to enforce adopted design guidelines for the site, generally as set out in the *Residential Subdivision, Lyons Road North Bonville – Design Principles and Low Density Built Form Controls* prepared by Worley Parsons, dated 13 May 2013, Appendix 3 Preferred Project Report; and
 - iv) A Restriction as to User to require the provision of rainwater tanks (5kL) for each residential dwelling in accordance with the findings and recommendations of the Stormwater Management Strategy prepared by Worley Parsons, dated 6 May 2013 (Appendix 5 of the PPR).
- Note: The proponent should provide information regarding these title restrictions to prospective purchasers of the residential lots.
- 5) The restrictions are to be clearly marked on the plan/s of subdivision and council is to be nominated as the sole party to vary, modify and/or extinguish the restrictions.

E19 Section 94 Monetary Contributions

- 1) Prior to the endorsement of a subdivision certificate for each stage of the subdivision, the proponent must pay, in proportion to the additional lots created by that stage, a contribution to Council pursuant to Section 94 of the Act and council's Contributions Plans, as specified in the following table:

Amount of Contributions

North Bonville - Developer Contributions Plan 2013			
Facility	No of Lots	\$ per Lot	Sub-Total
Open space & recreation – local facilities	164	\$501.56	\$82,255.84
Transport and traffic	164	\$5,403.87	\$886,234.68
Stormwater management	164	\$1,324.33	\$217,190.12
Urban planning	164	\$60.47	\$9,917.08
Coffs Harbour Regional, District and Neighbourhood Facilities and Services - Developer Contributions Plan 2013			
Facility	No of Lots	\$ per Lot	Sub-Total
Southern district open space	164	\$2,526.83	\$414,400.12
Coordination & administration	164	\$377.31	\$61,878.84
Surf Rescue Facilities - Developer Contributions Plan 2013			
Facility	No of Lots	\$ per Lots	Sub-Total
Surf rescue equipment/storage	164	\$67.62	\$11,089.68
Coffs Harbour Road Network - Developer Contributions Plan 2013			
Facility	No of Lots	\$ per Lot	Sub-Total
Coffs Harbour road network	164	\$2,068.22	\$339,188.08
TOTAL CONTRIBUTIONS PAYABLE			
Stage 1 – 17 lots			\$209,613.57
Stage 2 – 9 lots			\$110,971.89
Stage 3 – 19 lots			\$234,273.99
Stage 4 – 20 lots			\$246,604.20
Stage 5 – 20 lots			\$246,604.20
Stage 6 – 17 lots			\$209,613.57

Stage 7 – 18 lots	\$221,943.78
Stage 8 – 16 lots	\$197,283.36
Stage 9 – 10 lots	\$123,302.10
Stage 10 – 10 lots	\$123,302.10
Stage 11 – 8 lots	\$98,641.68
Total	\$2,022,154.44

- 2) The contribution shall be paid in the form of cash or bank cheque, made out to Coffs Harbour City Council. For accounting purposes, the contribution may require separate payment for each of the categories specified in the Contributions Plan and you are advised to check with council.

Evidence of the payment to council, shall be submitted to the certifying authority prior to the issue of the subdivision certificate for each stage of the project.

- 3) The contribution rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.
- 4) Contribution calculations recognise one existing lot and have therefore only been imposed on the additional 164 residential lots. The existing lot entitlement has been recognised in stage 1 of the development.
- 5) Contributions have been imposed under the following plans:
- i) Regional, District & Neighbourhood Facilities & Services 2013;
 - ii) Coffs Harbour Road Network 2013-06-17;
 - iii) Surf Rescue Facilities 2013; and
 - iv) North Bonville 2013.

The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on council's web site, www.coffsharbour.nsw.gov.au.

E20 Section 64 Monetary Contributions

- 1) Contributions Plans relevant to the project include:
- i) Development Servicing Plan for Wastewater 2013; and
 - ii) Development Servicing Plan for Water Supply 2013.
- 2) Prior to endorsement of a subdivision certificate for each stage of the project, the proponent must pay, in proportion to the additional lots created by that stage, the following contributions to council pursuant to Section 64 of the *Local Government Act 1993*.

STAGES	Development Servicing Plan for Wastewater 2013		Development Servicing Plan for Water Supply 2013	
	Per lot \$	Total \$	Calculation \$	Total \$
Stage 1 – 17 lots	\$9,527.77 x 17	\$161,972.09	\$9,111.25 x 17	\$154,891.25
Stage 2 – 9 lots	\$9,527.77 x 9	\$85,749.93	\$9,111.25 x 9	\$82,001.25
Stage 3 – 19 lots	\$9,527.77 x 19	\$181,027.63	\$9,111.25 x 19	\$173,113.75
Stage 4 – 20 lots	\$9,527.77 x 20	\$190,555.40	\$9,111.25 x 20	\$182,225.00
Stage 5 – 20 lots	\$9,527.77 x 20	\$190,555.40	\$9,111.25 x 20	\$182,225.00
Stage 6 – 17 lots	\$9,527.77 x 17	\$161,972.09	\$9,111.25 x 17	\$154,891.25
Stage 7 – 18 lots	\$9,527.77 x 18	\$171,499.86	\$9,111.25 x 18	\$164,002.50
Stage 8 – 16 lots	\$9,527.77 x 16	\$152,444.32	\$9,111.25 x 16	\$145,780.00
Stage 9 – 10 lots	\$9,527.77 x 10	\$95,277.70	\$9,111.25 x 10	\$91,112.50
Stage 10 – 10 lots	\$9,527.77 x 10	\$95,277.70	\$9,111.25 x 10	\$91,112.50
Stage 11 – 8 lots	\$9,527.77 x 8	\$76,222.16	\$9,111.25 x 8	\$72,890.00
TOTAL	\$9,527.77 x 164	\$1,562,554.28	\$9,111.25 x 164	\$1,494,245.00

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

ADVISORY NOTES

AN1 Compliance Certificate, Water & Sewerage

Prior to issuing a subdivision certificate for each stage of the subdivision, a compliance certificate shall be provided to the approval authority showing that the project has met with the detailed requirements for water and sewerage supply/reticulation of the relevant water supply authority.

The proponent shall obtain the compliance certificate from the relevant local water supply authority and produce this to the satisfaction of:

- i) the certifying authority before release of the construction certificate,
- ii) the approval authority before the release of the subdivision certificate, and
- iii) the Principal Certifying Authority prior to occupation.

AN2 Compliance Certificates

Prior to the issue of a subdivision certificate for each stage of the subdivision a compliance certificate/s shall be obtained from council or an accredited certifier for the following:-

- i) compliance certificate – bulk earthworks
- ii) compliance certificate – roads
- iii) compliance certificate – drainage and services

Note: All compliance certificate applications must be accompanied by documentary evidence from the proponent's subdivision works accredited certifier certifying that the specific works for which a certificate is sought has been completed in accordance with the terms of the project approval, the construction certificate, and relevant council specifications.

AN3 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of relevant companies and authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the construction certificate.

AN4 Use of Mobile Cranes

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

- i) 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.
- ii) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 Stormwater drainage works or effluent systems

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

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

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

AN6 Temporary Structures

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

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

AN7 Disability Discrimination Act

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

AN8 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult the Commonwealth Department of the Environment, Water, Heritage and the Arts 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.

SCHEDULE 3

MP08_0080

SUBDIVISION INTO 165 RESIDENTIAL LOTS

Lyons Road, North Bonville (part Lot 112 1073791)

Statement of commitments

(source: Preferred Project Report – May 2013)