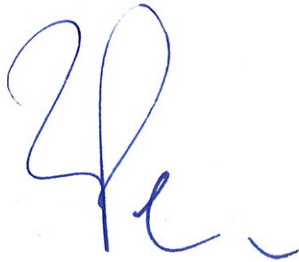

Project Approval

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

I, Richard Pearson, Deputy Director-General – Development Assessment & Systems Performance, as delegate of the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney, *30th September* 2010

SCHEDULE 1

PART A—TABLE

Application made by:	Sandy Beach Mill Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	08_0148
On land comprising:	Graham Drive, Sandy Beach Lot 260 DP1110779
Local Government Area	Coffs Harbour
For the carrying out of:	Stage 2 of the Sandy Beach Mill residential subdivision involving: <ul style="list-style-type: none">• 40 Torrens title residential lots;• Revegetation and rehabilitation works along Double Crossing Creek;• A public reserve;• Recreation facilities; and,• Internal road network.
Type of development:	Project Application
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP 08_0148

Responsibility for other consents / agreements

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

Appeals

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

Appeals—Third Party

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

Legal notices

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

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*

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

BCA means Building Code of Australia

Construction Certificate means a construction certificate for bulk earthworks or civil works unless specified otherwise

Council means Coffs Harbour City Council

CPI means Consumer Price Index

DECCW means the Department of Environment, Climate Change and Water

Department means the Department of Planning or its successors

Director-General means the Director-General of the Department or delegate

Environmental Assessment means the Environmental Assessment prepared by SJ CONNELLY CPP Pty Ltd in association with Petersen Consulting Group Pty Ltd and dated July 2009, including all Appendices

Minister means the Minister for Planning or delegate

Project means the project as described in Condition A1 to this approval

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

Preferred Project Report means the Preferred Project Report, titled *Reply to Submissions / A reply with respect to all submissions to the exhibition of the Environmental Assessment* prepared by SJ CONNELLY CPP Pty Ltd in association with Petersen Consulting Group Pty Ltd and dated June 2010

Proponent means SJ CONNELLY CPP Pty Ltd or any party acting upon this approval

Regulation means the *Environmental Planning and Assessment Regulation 2000*

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

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SCHEDULE 2

CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 08_0148

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

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

- 1) Subdivision of land into 40 Torrens title residential lots;
- 2) Construction of the internal road network connecting to Stage 1;
- 3) Revegetation and rehabilitation works along Double Crossing Creek;
- 4) Construction of a stormwater detention basin;
- 5) Creation of a public reserve incorporating recreational facilities and a public cycleway;
and,
- 6) On-site landscaping.

A2 *Project in Accordance with Plans*

The project is to be undertaken generally in accordance with the following drawings:

Engineering Drawings prepared by RPS Australia East Pty Ltd		
Drawing No.	Name of Plan	Date
7461_22B	Sandy Beach Mill, Coffs Harbour, Project Plan	May 2010
Survey Drawings prepared by Blairlanksey Surveys		
Drawing No.	Name of Plan	Date
1184-328	Existing Site Survey Plan	July 2009

A3 *Project in Accordance with Documents*

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

- (1) *Environmental Assessment* prepared by SJ CONNELLY CPP Pty Ltd in association with Petersen Consulting Group Pty Ltd on behalf of Sandy Beach Mill Pty Ltd, dated July 2009; and,
- (2) *Preferred Project Report* prepared by SJ CONNELLY CPP Pty Ltd in association with Petersen Consulting Group Pty Ltd on behalf of Sandy Beach Mill Pty Ltd, dated June 2010.

A4 *Inconsistency between documents*

In the event of any inconsistency between:

- (1) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
- (2) The conditions of this approval and the drawings/documents referred to in conditions 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 *Staged Development*

The project can only be acted upon following the completion of Stage 1 (Development Consent No. 508/07), or be carried out in conjunction with Stage 1.

A6 *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 in Part A of Schedule 1 of this approval unless the proponent has demonstrated to the satisfaction of the Director-General that work has physically commenced.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Remediation / Earthworks

B1 Remediation of Land

Prior to the issue of a Construction Certificate for the project, the Proponent is to prepare a Statutory Site Audit Statement and Report, in accordance with the DECCW's *Contaminated Sites Guidelines for the NSW Site Auditor Scheme (2nd edition, 2006)*. The Statement and Report shall be submitted to and endorsed by Council, confirming that the site is suitable for residential purposes, the site being all of Lot 260, DP 1110719.

B2 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for the entire site shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998) and *Stage 2 – Proposed Residential Subdivision – Environmental Site Assessment and Preliminary Geotechnical & Acid Sulfate Soils Assessment – Sandy Bach Mill Pty Ltd* (Coffey Geotechnics Pty Ltd, 5 March 2007). The Management Plan shall cover the entire site and be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B3 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 the Construction Certificate. A copy of the report is to be forwarded to Council.

Construction Management

B4 Construction Management Plan

- 1) Prior to the issue of a Construction Certificate for the project, a Construction Management Plan prepared in accordance with the Department's publication entitled *Guideline for the Preparation of Environmental Management Plans* (2004) (or its latest revision) shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to the following matters:
 - a) hours of work;
 - b) contact details of site manager;
 - c) traffic and pedestrian management in accordance with Condition B5;
 - d) noise and vibration management;
 - e) construction waste management;
 - f) erosion and sediment control; and,
 - g) flora and fauna management.

B5 *Traffic & Pedestrian Management Plan*

Prior to the issue of a Construction Certificate for the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and 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:

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

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

B6 *Street Names*

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

Environmental Management

B7 *Management of Riparian Corridor*

The Proponent is to prepare a comprehensive Vegetation Management Plan (VMP) for the 30m riparian buffer zone adjoining the bank of Double Crossing Creek. The VMP must be prepared by persons with professional qualifications in bush regeneration/stream rehabilitation practices and who are members of the Australian Association of Bush Regenerators (AABR), generally in accordance with Council's Biodiversity Guideline – *Preparing Vegetation Management Plans*. The VMP is to be submitted to Council for approval and must include, but not be limited to:

- i) Identification and mapping of all native vegetation;
- ii) Identification and mapping of all noxious and environmental weeds;
- iii) Methodology of removal and ongoing maintenance of all noxious and environmental weeds, detailing the initial and follow up maintenance works required;
- iv) Detail 30m buffer plantings on the southern side of Double Crossing Creek;
- v) Details of rehabilitation and revegetation works to be undertaken within the 30m riparian buffer zone, including details of the location of plantings and particular species to be used;
- vi) Details of erosion and sediment control, water management, and bank stabilisation measures; and,
- vii) A 5 year maintenance schedule with costings and timing of works.

B8 *Bio-retention Basin*

Prior to the issuing of a Construction Certificate, the Proponent is to provide details and specifications to the satisfaction of the NSW Office of Water of the impermeable material that will be used to line the bio-retention basin in order to avoid interception and potential contamination of groundwater.

B9 *Landscape Plan*

A detailed Landscape Plan for the Double Crossing Creek playground is to be prepared by a certified Landscape Architect or professional landscape consultant. The Landscape Plan is to be prepared in consultation with, and approved by Council prior to the issue of a Construction Certificate.

B10 Street Tree Plan

A Street Tree Plan is to be prepared by a certified Landscape Architect or professional landscape consultant, in accordance with the requirements of Council's *Street Tree Master Plan*. The Plan must show all services and planting detail in accordance with Council's minimum requirements. The Plan is to be approved by Council prior to the issue of a Construction Certificate.

Bushfire Management

B11

Bushfire protection measures including the provision of asset protection zones, water supply for fire fighting purposes, construction of roads, and on-site landscaping are to be in accordance with *Planning for Bush Fire Protection 2006*.

Health

B12 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the subject site, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

B13 Road Design

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Council and the RTA (as applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Council for approval under Section 138 of the *Roads Act 1993* prior to the issue of a Construction Certificate.

B14 Road Traffic Noise – Revised Acoustic Assessment

- 1) A revised acoustic assessment prepared by an appropriately qualified acoustic consultant must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for any lot. This shall demonstrate that the following external noise criteria can be achieved at the most affected allotment boundaries and specify noise mitigation measures to be implemented for inclusion with the first construction certificate for construction issued for the project:
 - i) Day (7am – 10pm): $L_{Aeq(15hr)} 55dB(A)$.
 - ii) Night (10pm – 7am): $L_{Aeq(9hr)} 50dB(A)$.
- 2) The location of future dwellings within lots 25 to 31 and 56 to 64 must be in accordance with *Development near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008) and must ensure that the following Aeq levels are not exceeded:
 - i) in any bedroom in the building – 35 db(A) at any time between 10:00pm and 7:00am,
 - ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.

Notes:

- i) The revised acoustic assessment is required in order to take into account the road traffic noise and mitigation measures arising from the RTA's Sapphire to Woolgoolga Pacific Highway upgrade project.
- ii) Internal noise criteria may be applied by means of building covenants or section 88B instruments, which will be required as part of the subdivision certificates for the affected lots.

Monetary Contributions

B15 Section 94 Monetary Contributions

Prior to the endorsement of a Subdivision Certificate for the subdivision, the Proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)*:

1) Amount of Contributions per Lot

The current contribution rate is:	Per Lot
Coordination and Administration	\$ 348.17
Coffs Harbour Road Network	\$ 839.16
Surf Rescue Equipment	\$ 97.61
District Open Space	\$ 3,146.28
Neighbourhood Open Space	\$ 688.70
Transport and Traffic	\$ 5,635.42
Development Studies	\$ 136.62
Open Space	\$ 800.52
Roads and Traffic Facilities	\$ 1,619.17
Total	\$ 13,311.65

The Section 94 contribution is currently \$532,466.00 for the 40 additional lots proposed in the subdivision.

Contributions have been imposed under the following plans:

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

2) Timing and Method of Payment

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 above and you are advised to check with Council.

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for the project.

3) Section 94 Plans

A copy of the Section 94 contribution plans may be inspected at the Administration Offices, Corner of Coff and Castle Streets, Coffs Harbour.

Notes:

- i) The contribution rates will be adjusted in accordance with the procedures set out in Council's Section 94 contributions plan. The Proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / Excavation

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

Pollution Control

C2 Erosion and Sediment Control

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

Services

C3 Existing Services

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 and ensure there shall be no conflict between the project and existing infrastructure prior to start of any works.

Contact Details

C4 Contact Telephone Number

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

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

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

D2 Site Notice

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

- 1) Details of the Builder, Principal Certifying Authority and Structural Engineer of the project;
- 2) The approved hours of work;
- 3) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- 4) A statement of unauthorised entry to the site is not permitted.

D3 Protection of Trees – On-site Trees

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

Site Maintenance

D4 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for 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.

D5 Disposal of Seepage and Stormwater

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

D6 Dust Control Measures

All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from leaving the site, including traffic related dust. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during works.

Noise and Vibration

D7 Hours of Work

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

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

D8 Construction Noise Management

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

Heritage

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

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

D10 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If during the course of future works, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological consultant. The DECCW must be informed who will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of DECCW.

D11 Findings of Human Remains

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

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Part 4A Certificate

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

E2 Registration of Easements / Restrictions to use / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. 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.
 - c. A Restriction as to User burdening Lots 25 to 30 inclusive: direct vehicular access from Graham Drive is prohibited.
 - d. A Restriction as to User burdening all future lots: construction level thresholds for future dwellings are to be in accordance with Figure 1 of Annexure B of the Preferred Project Report – *Construction Level Thresholds*, dated May 2010.
 - e. A Restriction as to User burdening all future lots: requirements in relation to asset protection zones, water supply for fire fighting purposes, construction roads, and on-site landscaping are to be in accordance with the NSW Rural Fire Service's *Planning for Bushfire Protection* (2006).
- 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) 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 on any allotments identified as a result of the revised acoustic assessment (refer to Conditions **B14** and **E12**) requiring the imposition of the specified internal noise criteria.

E3 Compliance Certificate

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

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

Services

E4 Utilities –Telephone and Electricity Services

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

Dedication of Land and Internal Roads

E5 Dedication of Open Space

- (a) The Proponent must make necessary arrangements for the dedication of the Double Crossing Creek public reserve/open space area to Council at the time of registration of the Subdivision Certificate for those lots adjoining the public reserve.
- (b) Prior to the issue of Subdivision Certificate, a deed of agreement must be prepared with Council to carry out management and maintenance works of the public reserve for a period of five years after dedication of this area, in accordance with the comprehensive Vegetation Management Plan as required under Condition B7.
- (c) All associated costs with the dedication of open space are at the expense of the Proponent.

E6 Dedication of Internal Roads

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

Environmental Management

E7 Management of Riparian Corridor

Prior to the issue of a Subdivision Certificate, the Proponent is to demonstrate to the satisfaction of Council, that it has implemented the works identified in the comprehensive Vegetation Management Plan as required under Condition B8.

E8 Fill Certification

Prior to the issue of a Subdivision Certificate, the Proponent is to provide a final contour plan to be submitted to, and approved by Council. The plan must show the location, depth, and type of fill to be used at the site. Alternatively, where no filling is proposed, a written statement to that effect is to be submitted to Council.

Bushfire Management

E9 Asset Protection Zones

The 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.

E10 Access

Public roads shall comply with section 4.1.3 of *Planning for Bushfire Protection* (2006) and are to be inspected and certified for compliance by an appropriately qualified bushfire planning consultant prior to the release of the Subdivision Certificate.

E11 Water Supply

Water supply for fire fighting purposes shall comply with section 4.1.3 of *Planning for Bushfire Protection* (2006) and is to be inspected and certified for compliance by an appropriately qualified bushfire planning consultant prior to the release of the Subdivision Certificate.

Road Traffic Noise**E12 Verification of Noise Mitigation Measures**

Prior to the release of the relevant Subdivision Certificate a report prepared by an appropriately qualified acoustic consultant shall be submitted to verify and certify that implemented noise mitigation measures have been constructed in accordance with the recommendations of the revised acoustic report, Condition B15.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

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

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

- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the Subdivision Certificate, and
- (3) the principal certifying authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

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

AN3 Stormwater drainage works or effluent systems

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

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

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

AN4 Temporary Structures

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

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

AN5 Disability Discrimination Act

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

AN6 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

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

SCHEDULE 3

08_0148

SSANDY BEACH MILL – STAGE 2 RESIDENTIAL SUBDIVISION

GRAHAM DRIVE, SANDY BEACH – LOT 260 DP1110779

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)

Modified Statement of Commitments

The following commitments have been produced based on the environmental assessments undertaken in preparing this EA. These commitments include detail regarding responsibility and timing, and aim to minimise any potential social, environmental or economic impacts.

1. Remediate the site to the satisfaction of Coffs Harbour City Council via the provision of a site audit statement prepared by a site auditor accredited under the Contaminated Land Management Act 1997, prior to any subdivision work being carried out on the site.
2. Carry out the Project in accordance with the EA, including all supporting documentation and reports.
3. Extend all necessary infrastructure to the site to serve the Project, including reticulated water, sewer, (underground) electricity, street lighting and telecommunications, generally as detailed in the EA and in accordance with the requirements of the relevant provider.
4. Prepare section 88B instruments where necessary for services extended to the site.
5. The public reserve (park) being rehabilitated, revegetated and embellished in accordance with a **Vegetation Management Plan** and **Landscape Plan**, each of which is to be approved by Coffs Harbour City Council. The **Vegetation Management Plan** is to include a 5 year maintenance schedule.
6. The public reserve (park) being dedicated to Coffs Harbour City Council.
7. The acoustic fencing being constructed prior to the issue of a subdivision certificate for affected allotments (along eastern and western perimeter of the site), extending from Stage 1, along the rear boundaries of Lots 25 and 26 and 47-50.
8. A covenant is to be prepared for proposed Lots 25-31 and 56-64 requiring the preparation of an acoustic report prior to the issue of development consent for any future dwelling on these allotments. The acoustic report is to have regard to the design, internal layout, materials and ventilation of any proposed dwelling relative to traffic noise impacts, in accordance with the

Traffic Noise Assessment prepared by Atkins Acoustics (**Appendix L**) of the EA.

9. A Sediment and Erosion Control Plan is to be submitted to and approved by Coffs Harbour City Council, with the measures detailed in the Plan to be implemented prior to any subdivision works occurring on the site.
10. The measures outlined in the Acid Sulfate Soils Management Plan (**Appendix E**) of the EA being implemented prior to and during subdivision works on the site.
11. Water quality infrastructure being constructed throughout the Project as detailed in the Water Quality Assessment (**Appendix F**) of the EA.
12. Street tree planting and landscaping (outside of the 50m riparian buffer) being provided generally in accordance with the **Concept Vegetation Management Plan (Plan 5)** and **Landscape Plans (Plans 6, 7 and 8)** of the EA.
13. The second recommendation of the Preliminary Cultural Heritage Assessment (**Appendix I**) of the EA being implemented.
14. The specific recommendations (SR1-4) of the Bushfire Hazard Assessment Report (**Appendix J**) of the EA and the addendum dated 17 June 2010 (**Annexure B**) of the Reply to Submissions report being implemented.
15. Contributions are to be paid in accordance with applicable Coffs Harbour City Council contribution plans, prior to the issue of the relevant subdivision certificate.
16. All roads are to be constructed generally in accordance with the Civil Engineering plans included in **Appendix K** of the EA, and in accordance with Coffs Harbour City Council requirements.
17. Strategy 4 of the Flood Assessment (**Appendix H**) of the EA is to be implemented as part of the Project.
18. A restriction as to user is to be created burdening Lots 25-30, and restricting direct vehicular access to graham Drive.