

8 implementing the vision

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8.1 COMMUNITY TITLE & OTHER PROCEDURES

Conservation Management & Community Title

The proposal provides for approximately 25% residential development and 75% conservation. This raises the difficult and complex issue of ongoing management of the conservation lands.

Community Title provides for an appropriate titling mechanism for the private ownership, control and maintenance, of the proposed conservation area within the “Moonee Waters” development.

The Community Land Development Act (CLDA) and the Community Land Management Act (CLMA) and their associated regulations commenced in 1989, “to fill the vacuum between conventional methods of subdivision and strata subdivision. The effect of the legislation is to enable shared property to be created within conventional subdivisions”. The legislation provides for common areas within the development to be owned and managed by an Association comprising all of the individual lot owners within the development. These common areas are referred to as “Association Property” and can include local parks, community facilities and conservation areas. The responsibility of the Association to maintain the common areas is proportional to the lot owners unit entitlement. The unit entitlement is determined by the relative value of the lot. The unit entitlement of the Association Property (Lot 1) is zero. This unit entitlement also determines voting rights and contributions to maintenance levies.

As noted the CLDA allows for certain land in a community scheme (the Association Property) to be owned jointly by all of the lot owners in a scheme. The vehicle for this communal ownership is a corporation of lot owners formed on the registration of the subdivision plan. This corporation is called “the Association”. The “Association” is the registered proprietor of the Association Property. It is responsible for the insurance, care and maintenance of that property.

A common advantage of community schemes involve the reduction of the cost to the public of maintenance of communal facilities and public open space. “Continual cost pressures put a strain on Councils’ ability to maintain the facilities such as open space. Though it maybe desirable to encourage more open space for the amenity of the area, the Council may not able to take on the responsibility for its up keep. Land set aside as Association Property may fulfill the role of open space but will be controlled and maintained by the Association”.

A Management Statement, is a document which sets out the by-laws necessary to the control the operation and management of a development. It is a compulsory document which must accompany all new Community Scheme Plans. This document is to be lodged and registered at the Titles Office at the same time as the plans and forms part of that Plan A notation with respect to this document appears on all of the Certificates of Title issued

The Management Statement must be in a prescribed format and must be approved by the consent authority. The approved form of the Management Statement consists of 5 parts:

- Part 1 – By-laws fixing details of the development
- Part 2 – Restricted property by-law
- Part 3 – Mandatory matters
- Part 4 – Optional matters
- Part 5 – Public authority by-laws

“The terms of the management statement are binding on the community association, each subsidiary body within the community scheme and each person who is a proprietor, lessee, occupier or mortgagee in possession of a community development lot, precinct development lot, neighborhood lot or strata lot within the community scheme”. (see Appendices)

Part 5 of the Management Statement provides that by-laws required by Public Authorities may not be amended without the consent of the public authority.

The Proposal

The Conservation Area within the “Moonee Waters” development is proposed as Association Property within a Community Title Scheme for the site. Ownership of the Association Property would be through the “Community Association” in proportion to the lot owners unit entitlement within the “Moonee Waters” development scheme with insurance and maintenance responsibilities resting with the owners. Control of the Scheme will be governed by the compulsory accompanying Community Management Statement (CMS), which is a public document registered at the Titles Office. By-laws pursuant to Part 5 of this document may not be amended without the consent of the public authority.

The Community Management Statement thus provides a vehicle for the designation and ongoing management of conservation areas in an agreed open manner, to an agreed plan and funded by levies collected from the residents who draw benefit from such conservation and management.

Community title management thus provide a sustainable and guaranteed conservation management mechanism for the 73% of the lands adjudged to be of particular conservation significance.

Conservation Management

The Conservation Area is to be managed in perpetuity by implementation of a detailed and dedicated management plan (the Conservation Area Management Plan - CAMP). That Plan is to be implemented by the Community Association, and will involve both the expenditure of funds (levied on an annual basis from all lot owners within the ‘Moonee Waters’ development) and by the active involvement of residents and volunteers in a bush rehabilitation and management group for the site.

The CAMP will provide all of the detailed activities and monitoring regimes required to ensure that the Conservation Area is rehabilitated and maintained in perpetuity for biodiversity conservation purposes. This approach will ensure the provision of a high standard and high quality conservation reserve, available to the public, at no cost to the public purse. The project will achieve an environmental outcome which is superior to that achieved in almost every dedicated conservation reserve in the state by virtue of the direct involvement of the local residents in the management and monitoring of this valuable natural resource.

The CAMP for the ‘Moonee Waters’ Conservation Area will detail:

- the management regimes to be implemented at the boundaries between development precincts and the conserved vegetation;
- the areas of weed infestation and the measures to be employed to remove and to control weeds on a permanent basis;
- replanting and rehabilitation programs for selected areas, as necessary;
- management of the stormwater treatment ponds and swales;

- the construction procedures and ongoing maintenance regimes for pedestrian and bicycle paths and other public recreation facilities within the Conservation Area;
- the performance criteria to be achieved through implementation of the CAMP;
- a regime for incident and problem identification, analysis and rectification; and
- the annual monitoring and reporting regime for the CAMP.

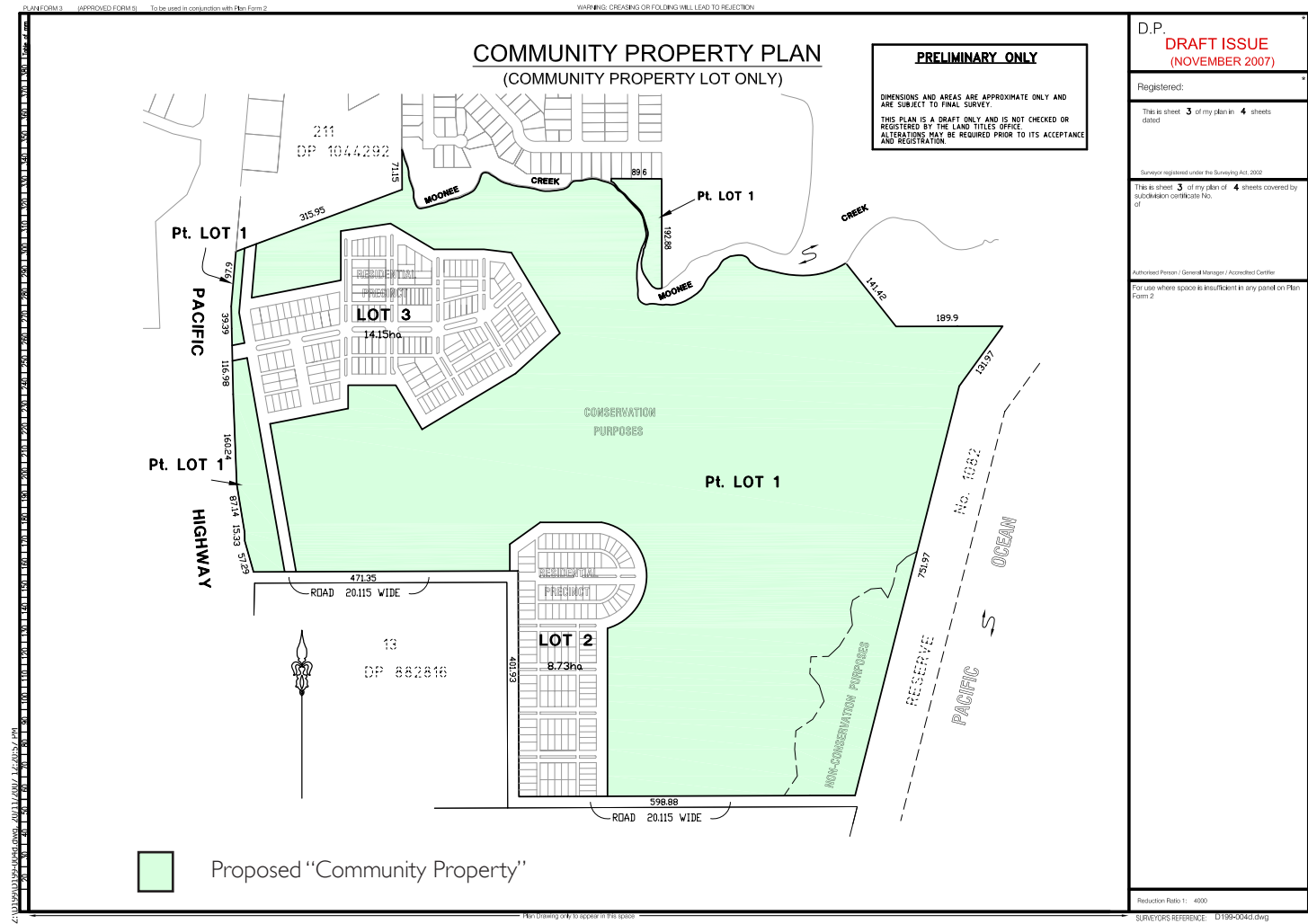


Fig 8-1: Community property location plan

8.2 DESIGN CONTROLS AND REQUIREMENTS

The following guidelines and controls should be included in a site specific DCP or in “Building Guidelines” agreed with Council and implemented by the Developer

SITE DESIGN

Making the Most of your Site

- Applicants are required to prepare and submit a site analysis diagram as part of their proposal.

Building Height

- Buildings are to be generally a maximum of two storeys high, although a third level can be created in the form of an attic or the like, providing this does not significantly increase the building bulk.

Privacy

- Direct overlooking of main internal living areas and/or private open spaces of other dwellings is to be avoided by building layout, location and design of windows and balconies, screening devices, tree retention between lots or distance.

Tree Retention/Landscaped Area

- No trees with a trunk diameter of 250mm or greater at 1.2m above ground are to be removed from the front or rear 5m zone of any lot, unless they pose danger. If such approval is granted it is to be replaced with an equivalent native species.
- Maintenance of front and back landscape to Bushfire Asset Protection Zone is to follow guidelines set in 'Planning for Bushfire Protection'.
- There is to be no significant construction within the dripline of a retained tree. Raised decks and balconies can however be located within this zone.

Setbacks

- Front setbacks are between 3.5-7.5m depending on lot size
- Side setbacks are from 0m to 2.5m min depending on lot size
- Rear setbacks between 5-10m depending on lot size

Private Open Space

- Minimum primary private open space (solar court) is to be between 16sqm to 24sqm depending on lot size.

BUILDING DESIGN

Climate Control

- All buildings to comply with BASIX
- Placement of house and private open space required to have good solar access
- Building façade design to respond to orientation

Roof Design

- Roofs can either be pitched with generally gable ends at 22-33 degrees pitch, skillion roofs at 12 degrees or above, or a combination of the two.
- Matt finished metal or Colorbond roofs preferred
- Minimum 450mm eaves or roof overhang.

Walls

- A mixture of materials, colours and finishes is required for each dwelling. Lightweight materials relating to coastal design are encouraged.
- Where used, external masonry is limited to 50% of the overall building, preferably in the form of rendered, bagged or painted surfaces.
- All buildings facing bushfire risk areas to be designed to bushfire risk guidelines

Windows and Doors

- Windows that front the street are generally to have a 1.5:1 or greater vertical proportion.
- Doors to verandahs and balconies are mandatory.
- Windows on side and rear elevations to take into account the issue of overlooking

Garage Design

- Lots with rear access garages are to locate these on zero setback to rear boundary.
- Front garage doors to be set back at least one metre behind the main façade
- Garages may be in one of the following configurations
 - double garage with separate doors divided by a central column
 - single garage with a carport space in front
- Boats, trailers and caravans to be parked away from the street view

Corner Buildings

- Corner buildings to be emphasised with gables, a feature, height or ‘wrap-around’ verandah
- Building line to the side street is to step at least every 6-8 metres to break up the building mass
- Setbacks to side streets are to be 2.5m for lots of 15m width and over; and for smaller lots will be assessed on merit

MATERIALS & COLOURS

- Colours to reflect the surrounding coastal environment.
- A minimum of two different colours on each dwelling in complementary colours

DETAILS

Sun Shading

- Generous verandahs, porches, balconies and shading devices are encouraged.
- A front ground level verandah, porch pergola or upper level balcony is required for all dwellings.

Balconies

- Generous balconies are encouraged, but avoid heavy concrete structures

Rainwater Tanks

- Minimum 3000 litre. Located behind front of building & below the eaves line, or underground

Swimming Pools

- Not permissible in front gardens

Antennae and Dishes

- Internal or under the roof antennae encouraged. External antennae to be located at the rear and not visible from the street or public place.

Outbuildings and Sheds

- Max height 2.4m, max area 25sqm for lots up to 700sqm. Rear location away from public views



LANDSCAPE DESIGN

Fences and Hedges

- Front fences required around local parks
- Front fences to a max height of 1.1m and to be visually permeable
- Side fences to corner lots to be painted lapped and capped timber fence to a maximum height of 1.8m with expressed posts. These are to start a minimum of 3m behind the front façade.
- Fences are not required to conservation frontages if native landscaping is provided in front yards.

Driveways

- The maximum driveway crossing width at the street site boundary is to be 3.5m for a double width garage or 3m for a single width. These to be preferably in porous paving of medium grey colour/material or brushed concrete.

Front Garden

- Native species, no turf and permeable surfaces/driveways where possible



8.3 COMPLIANCE CHECK

The following table summarises the compliance of the proposed development with the relevant provisions of SEPP 71, North Coast Regional Environmental Plan, Coffs Harbour Local Environmental Plan 2000, Moonee Development Control Plan, the Subdivision Development Control Plan, the Residential Tourist Lands DCP and the Coastal Policy. In this context it is noted that SEPP No 71 has been effectively replaced by the major projects legislation under which this application is to be assessed.

The table also assesses the proposal against the relevant “Information Sheets” published by the Council. While these have no statutory basis, and are not recognised by the legislation, they provide some guidance on the Council’s position on the particular issue.

Draft Amendment 24 to Coffs Harbour LEP 2000 purports to rezone the whole of the subject site to environment protection. Strong objection has been made to that draft on the basis of the subject application and its supporting technical studies. The contents of that draft amendment are not addressed on the basis that its gazettal is neither imminent nor certain, and its contents are not relevant to consideration of the subject application in the circumstances. Similarly the adopted DCP for Moonee that treats the site as a conservation area is not addressed, on the basis that the subject proposal adequately and appropriately deals with environment protection, in the context of the existing statutory zoning.

In addition to the matters addressed in the table

- The Threatened Species Conservation Act 1995 is addressed in detail in the reports by Whelans Insites Report contained in Appendix A,
- SEPP No 11 (Traffic Generating Developments) would apply to the proposal. Its effect is procedural. The technical issues relating to the traffic implications that flow from the concept, are addressed in Chapter 2.8 and the reports in Appendix H.
- SEPP No 14 (Coastal Wetlands) applies to the overall site. The proposed development is substantially separated from land defined as a wetland under this policy. The water management measures proposed as part of the development, as discussed in Chapter 4.8 and Appendix D, are directed at maintaining or improving downstream water quality, and are consistent with the intent of this Policy to protect coastal wetlands.
- SEPP NO 55 (Remediation of Land) has been addressed in the preliminary investigation of soil conditions summarised in Chapter 2.2 , and the reports in Appendix F
- The Commonwealth EPBC Act does not apply to the proposal. It is not a controlled action and referral to the Commonwealth is not required. This issue is discussed in detail in the reports at Appendix A.

The proposal does not raise any material issues of compliance with any of the published planning documents. This is understandable in that the proposal generally implements of the established statutory rules in a conservative and sensitive manner:

The only issue of non-compliance relates to the net residential density of the proposal (13 dwellings/hectare) being in excess of the general density for Moonee of 8-12 dwellings/hectare set out in the Moonee Development Control Plan. This variation is justified because-

- The Moonee DCP does not expressly deal with the subject site.
- The standard applies across the whole of the Moonee area, including established low density suburbs.
- The difference is minor
- The LEP contemplates 71.72ha of 2(e) land within the subject site, which if developed at the DCP density would produce around 574-861 dwellings. The subject proposal involves around 300 dwellings or 4.2% of the overall density for the zoned part of the site.

In this context, it is worth noting that there is no minimum lot size standard applicable to the proposal.

It is also relevant that a substantial body of the statutory planning framework notionally applicable to the site consists of vague generalisations and statements of good intent, or is related to zoning and rezoning processes, to the point that they have virtually no relevance to the consideration of a proposed subdivision that is consistent with the existing zoning. Many of the controls are focussed on the erection of residential buildings of various kinds, and are primarily relevant to future applications.

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
I. SEPP 71 COASTAL PROTECTION			
CI 2 Aims of Policy	I (a) protect and manage natural, cultural, recreational and economic attributes of coast	Consistent	√
	(b) protect and improve existing public access, to the extent compatible with natural attributes	Access improved	√
	(c) new opportunities for public access identified and realised, to the extent compatible with natural attributes	No conflict	√
	(d) protect and preserve aboriginal heritage	Achieved	√
	(e) protect visual amenity of coast	No conflict	√
	(f) protect and preserve beach environment and amenity	Achieved (See Appendix A)	√
	(g) protect and preserve native coastal vegetation	Achieved (See Appendix A)	√
	(h) protect and preserve marine environment	No conflict	√
	(i) protect and preserve rock platform	No conflict	√
	(j) manage coastal zone in accordance with ESD principles	Addressed to maximum practical extent in subdivision. For future building applications	√
	(k) development is appropriate for locality and protects and improves natural scenic amenity of surrounding area	Proposal consistent with zoning and enables protection of land and environment values	√
	(l) encourage a strategic approach to coastal management	Proposal consistent.	√
3. Further the implementation of the Coastal Policy			
CI 8 Matters for Consideration	(a) aims of policy	No conflict (see above)	√
	(b) existing access for the disabled	No conflict	√
	(c) opportunities for new public access for disabled	No conflict	√
	(d) suitability of development given its type, design etc and relationship with surrounding area	Proposal consistent with zoning and compatible with surrounding land	√
	(e) any detrimental impact on amenity of coastal foreshore including overshadowing and view loss from public places	No apparent detrimental impacts	√
	(f) protect and improve scenic quality	No conflict	√
	(g) measures to conserve animals and plants	Consistent (See Appendix A)	√
	(h) measures to conserve fish and marine vegetation	Consistent (See Appendix A)	√
	(i) impact on existing wildlife corridors	No conflict	√
	(j) impacts of and on coastal processes and hazards	No conflict	√
	(k) measures to reduce conflict between land and water based activities	No conflict (See Appendix A)	√
	(l) measures to protect aboriginal heritage	Consistent (See Appendix E)	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
	(m) impacts on water quality	Consistent (See Appendix D)	√
	(n) conservation of heritage items	No conflict	√
	(p) (i) cumulative impacts on the environment	No conflict	√
	(ii) efficient water and energy use	To be addressed in future applications for buildings, proposed subdivision promotes energy and water efficiency	
CI 14 Public Access	Consent not to be granted if public access to foreshore impeded or diminished	Public access improved	√
CI 15 Efficient Disposal	Consent for non reticulated sewage disposal not to have negative effect on water quality	Reticulated sewage	√
CI 16 Stormwater	Consent not to be granted if untreated stormwater discharge to key coastal elements	Stormwater controlled (See Appendix D)	√
CI 18 Master Plan Required	(l) (d/e) Minister to adopt master plan prior to consent being granted unless waived	Addressed by concept plan and reports accompanying application	√
CI 20 Preparation of Master Plans	Master plan requirements	Addressed by concept plan and reports accompanying application	√
2. NORTH COAST REGIONAL ENVIRONMENTAL PLAN			
Wetlands Clause 14	Separate adjoining land uses from wetlands in an environment protection zone	Achieved by managed buffer areas	√
The natural environment Clause 29	(b) undertake detailed analysis re adverse environmental effects if alter or remove existing environmental protection zonings or controls (c) include significant areas of natural vegetation in environmental protection zones	Achieved in detailed environmental analysis and proposed management of substantial conservation area. See 2.1r	√
Cultural heritage Clause 35/36	development controls for sites/items	No aboriginal sites threatened. See 2.4	√
Urban housing Clause 42	(a) allow alteration or addition of a dwelling create 2 dwellings in attached or detached form	No conflict	√
	(b) allow wide range of housing types and densities	Range achieved in design	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
	(c) separate residential development from other incompatible development	Land use arrangement provides buffer to Highway and to environmental sensitive areas	√
	(d) land adequately serviced with water and sewage disposal facilities	Land can be serviced at no public cost	
Residential development Clause 43	l (a) density of dwellings maximised without adversely affecting environmental features of land	Proposed density appropriate to circumstances see chapter 7	√
	(b) road widths not excessive for road function	Design would preclude through traffic on internal streets, allowing flexible design	√
	(d) encourage use of public transport and minimise use of private vehicles	No conflict.	√
	(e) site erosion minimised	No significant risks. Appropriate measures to be taken in construction	√
Environmental hazards Clause 45	The following hazards to be assessed and adverse impact minimised else development not permitted:		
	(a) coastal processes (b) flooding or poor drainage (c) dangers arising from potential or actual acid sulphate soils (c1) dangers arising from contaminated land (d) bush fire (e) aircraft noise at levels of more than 25 (f) air or water pollution, or airborne pollution, within 400m of sewage treatment works (g) disposal of septic effluent (h) existing offensive or hazardous industries (i) high tension electrical power lines	These hazards addressed in detail, including separate technical studies. No constraints likely. (see Appendix C)	√
Flood liable land Clause 45A	2(a) not alter the zoning of flood liable land (b)(i) no intensification of development on such land (ii) not contain provisions likely to result in an increase in the need for flood mitigation measures, infrastructure or services	No flood affected land to be developed	√
Primary arterial roads Clause 53	2(a) restrict access onto road except at specifically constructed intersections	Proposal consistent with access principles.	√
	(b) make provisions for traffic to bypass major urban areas	Proposal consistent with access principles.	√
	(c) control advertising signs and structures adjacent to or adjoining roads	No signage proposed	√
Bus services Clause 56A	provision of an adequate and efficient bus route	Subdivision design provides access to potential bus routes.	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE	PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Servicing urban areas Clause 58	(a) proposed development to make the most economic use of existing services	Proposal is to be connected with existing services infrastructure. (See 2.7)	√		To enable development that is within the environmental capacity of the land and can be serviced.	Pedestrian pathways only.	√
	(b) attach to existing utilities where possible			CI 12 Koala Habitat	Koala Plan of management required.	No koala habitat affected (See Appendix A).	No conflict
	(c) proposed development located in an area consistent with the findings or urban release strategy, or located in the area to which services can be provided most readily			CI 13 Landform Modification	Consent required for earthworks or other development likely to significantly affect natural environment	Addressed by application. No significant impact on natural environment envisaged	√
	(d) consideration to the identification of effluent disposal and discharge points			CI 14 Services	Water; sewage and drainage disposal.	All necessary services able to be provided	√
	(e) domestic water catchment and water storage areas not likely to be polluted			CI 23 Potential Acid Sulfate Soils	Development consent required for works on land classified as containing potential acid sulphate soils.	No conflict	√
	(f) provision of public transport facilities, pedestrian and cycleway			3. MOONEE BEACH DEVELOPMENT CONTROL PLAN			
Health and education facilities Clause 61	(a)(i) adequate access to health and education facilities	Proposal is readily accessible to existing facilities	√	Part 1 – The Plan – Objectives:	Economic Sustainability Water and sewerage facilities are able to be provided within a reasonable time frame and within adopted water and sewerage strategies.	No conflict	√
	(ii) make best use of existing health and education facilities				Development is able to proceed at a reasonable cost to both developers and the community.	No conflict	√
Community use of schools and other facilities Clause 63	Community use of facilities and sites to be provided for in statutory controls	Not precluded	√		Development of the area is to contribute to the economic growth of the City.	Consistent	√
Provision of community, welfare and child care services Clause 65	(a) adequate provisions to enable the provision of additional community and welfare services	Needs met by a combination of on-site opportunities, and access to existing services	√		Social Sustainability Community, educational, leisure and recreational facilities are to be adequate to service future residents of the area.	Achieved	√
Public recreation areas Clause 78	(a) identify areas of potential active or passive recreational use in urban and rural areas (b) identify a range of recreational environments located in the vicinity of existing and proposed residential development	Substantial recreation space is provided.	√		Development to provide adequate footpath, cycleway, public transport and road links to adjoining neighbourhoods and natural areas to assist in lessening reliance on cars.	Achieved	√
Sporting fields or specialised recreation facilities Clause 82	Acceptable levels of public access required	High degree of access to beach proposed	√		Development to establish a road hierarchy that minimises the number of access points to the Pacific Highway.	Achieved	√
3.COFFS HARBOUR LEP 2000					Environmental Sustainability Development is to protect and maintain natural bushland and native habitats and archaeological values of the landscape.	Achieved (See Appendix A)	√
CI 9 – 2E Zone Objectives	To enable tourist development that is compliant with the surrounding environment.	Proposed subdivision enables tourist and residential use compatible with environment (See Biodiversity).	√		Development is to be free from environmental risk hazard associated with flooding, acid sulfate soils, urban capability, noise and bushfire hazard.	Complies (See Appendix C, D F and I)	√
	To provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced.	Proposed density of development related to capacity of area and is capable of being serviced.	√	Housing Strategy	Optimise dwelling yield on areas able to be developed.	Consistent	√
CI 9 – 7A Zone Objectives	To protect habitat values and water quality, and enable development that does not adversely impact	Pedestrian paths through 7A zone designed to satisfy this objective. Also addressed in development design in 2E zone (See Appendix A, D and G)	√		Densities to generally be within the range of 8-12 dwellings/hectare.	Density of areas to be subdivided. 13.1 dwellings / ha. Overall density 3 dwellings / ha (see discussion above pg VIII-3)	See discussion above pg VIII-3
					Require medium density housing in areas adjoining the business centre, with densities to be in the range of 25-40 dwellings/hectare.	Not applicable	Not applicable

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Urban Design Strategy	<ul style="list-style-type: none"> Urban form is to create four precincts, separated by substantial greenbelts, while linking to a central hub. Each new precinct is to establish a village character. The central hub is to adjoin the existing Moonee Village. Development within the village is to maintain the existing village character. Village sizes are to be about – <ul style="list-style-type: none"> North Moonee: 1 670 persons Central Moonee: 1 530 persons. West Moonee: 710 persons. North Sapphire: 1 320 persons. 	Strategy not consistent with Council resolution to enable housing on parts of subject site	Addressed in this submission
Servicing Strategy	<ul style="list-style-type: none"> Land in the southern catchment to be serviced from the south. It will be the developers responsibility to extend water and sewer from the nearest point identified in Council's Water and Wastewater Servicing Plans. 	No conflict (See Services)	No conflict
Business Strategy	Encourage retail and commercial development to provide weekly business services for the local community and for district services in the business zones.	No conflict – proposal to link with established business zones	No conflict
	Require medium density housing in the mixed use business zone.	Not applicable	Not applicable
Community Facilities Strategy	<ul style="list-style-type: none"> Provide a multi-purpose hall to serve the Moonee Community. School and fire station to be provided by State Government 	N/A	N/A
Traffic and Transport Strategy	Provide a collector road system that ensures the Highway is not used for local trips.	Complies (See Traffic Report)	√
	Upgrade the existing collector roads to cater for increased traffic generation.	Complies	√
	Developers responsibility to extend road access to the identified collector road system.	Complies	√
	Provide pedestrian and cycleway links to the coastal walk, northern beaches cycleway, and to the school, shops, playing fields, parks and beaches.	Complies	√
	Implement traffic control measures.	To comply	To comply
	Require public road access to the beach through Split Solitary Road, when redevelopment occurs.	Road access to beach included in plans	No conflict
	Provide bus bays and shelters to service the entire area.	Capable of complying	Can comply
Natural Environment Strategy	Exclude urban development from within 100m of Moonee Creek, 50m of Skinners Creek, and from within 20m of all other creeks, to protect riparian vegetation and maintain water quality, and provide habitat linkages.	Complies	√
	Exclude urban development from within 50m of State Environmental Planning Policy No 14 – Coastal Wetlands.	Complies	√
	Eliminate adverse impacts of development upon the aesthetic, recreational and ecological value of the flood plain.	Complies	√
	No development to occur within 100m of any osprey nest, access roads may encroach within 100m, but no closer than 70m.	Complies	√
	All high and very high value vegetation identified by Council's vegetation strategy within 100m of the Solitary Islands Marine Park is to be protected.	Complies	√
	All high and very high value vegetation identified by Council's Vegetation Strategy with a low level of disturbance is to be protected.	See Appendix A and B	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
	Known Wallum Froglet habitat is to be protected.	See Appendix A and B	√
	All potential Wallum Froglet Habitat areas are to be investigated to map habitat.	See Appendix A and B	√
	Exclude from development, areas of potential high water table where there is likely to be adverse impacts on groundwater or surface water quality.	See Appendix A and B	√
	All areas to be protected are to be dedicated to Council as development occurs.	Proposal involves community associated management of protected areas	√
	Land identified as containing regionally significant land is to be protected.	Complies	√
	A minimum 40m separation area is to be provided between areas to be protected and future housing areas are to ensure adequate bushfire protection is able to be provided without the need to remove protected vegetation.	Complies	Complies
	Any areas that are undevelopable due to the affect of the 40m separation area are to be added to land to be dedicated.	See CAMP (Appendix B)	See CAMP (Appendix B)
Open Space and recreation Strategy	Incorporate protected areas identified in the Natural Environmental Study into a network of public open space.	No conflict	No conflict
	Establish a district-sporting complex adjacent to the school site.	Not applicable	Not applicable
	Provide children's playgrounds within reasonable walking distance (500m) of all future housing.	To comply	To comply
	Ensure public access is provided to all areas of public open space.	Complies	√
Density	<ul style="list-style-type: none"> The density of development within each precinct is to be: <ul style="list-style-type: none"> North Moonee: 10 dwellings/ha Central Moonee: 12 dwellings/ha Medium density: 40 dwellings/ha The village: 10 dwellings/ha West Moonee: 8 dwellings/ha North Sapphire: 10 dwellings/ha. The maximum dwelling yield is not to exceed the target by more than 15%. Buildings are generally not to exceed 6m in height. 	See discussion above (page VIII-3)	See discussion above (page VIII-3)
4. SUBDIVISION DCP			
Objectives	Provide measures to protect and enhance the natural and build environment by ensuring that subdivision patterns relate to site conditions.	Achieved	√
	Ensure that subdivisions do not detract from the desired future neighbourhood character of the locality.	Achieved	√
	Promote the orderly development of land by ensuring that the appropriate form of subdivision is used while ensuring that it is adequately serviced.	Achieved	√
Site Analysis	Site analysis plan to accompany application	See pg III-1	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Subdivision and road Design	Subdivisions should be designed having regard to the environmental constraints outlined in the following information sheets: <ul style="list-style-type: none"> Koala Habitat Acid Sulfate Soils Contaminated Land Flood Prone Land Landform Modification Fire Hazard. The road hierarchy of subdivision should also reflect road function, and should be designed in accordance with Schedule 1.	See the following discussion	See the following discussion
	The layout of new roads should be designed so as to: <ul style="list-style-type: none"> provide new links to adjoining properties facilitate the use of public transport achieve efficient access to all lots encourage safe levels of vehicle speed provide adequate sight distances provide efficient access for service vehicles provide for safe and functional vehicle and pedestrian movement provide for landscaping, utility services, driveways, mailboxes, street lighting etc. 	No conflict	No conflict
	The layout of main roads should also, where possible, provide road networks based on a grid pattern so as to: <ul style="list-style-type: none"> provide for more memorable places provide persons with a high degree of directional choice. 	Complies	√
Energy Efficiency – Lot Orientation	Subdivisions should be designed to maximise solar access.	Complies	√
	Where possible roads are to be oriented so that the majority of their length are within the range N20°W to N30°N or E20°N to E30°S.	Complies	√
	On sloping sites, north-facing slopes improve opportunities for solar access - larger lots should be concentrated on southern slopes.	No conflict	No conflict
Density (minimum Lot Sizes)	Subdivisions are not to produce lots which have areas less than that set out below: <ul style="list-style-type: none"> Rural 1A: Minimum size 6ha. Rural 1B: 1 ha Rural 1F: 40 ha 	Not applicable	Not applicable
	Residential 2A: Subdivisions not to produce vacant lots significantly smaller than other lots in the neighbourhood. The minimum area of lots is 400m ² and 500m ² for lots fronting the head of a cul-de-sac.	Complies	Complies
	All lots to have a minimum 4m frontage to a public road, except: <ul style="list-style-type: none"> where two battle axe handle shaped lots in a Torrens title subdivision will share a single driveway, then the combined widths of the 'handles' of the lots are to be at least 4m wide, and each lot is to have room at its frontage for a water metre and letter box, in addition to accommodating a driveway; lots which have frontage to a cul-de-sac head; these lots are to have a minimum frontage of 10m. 	Complies	Complies
	Residential 2E: The minimum lot size for this zone is determined regarding the Housing DCP.	No conflict	No conflict
	Environmental Protection 7A: The minimum lot size is 40ha. Where land is partly zoned Environmental Protection and 7A and residential, each lot must contain an adequate building envelope outside the Environmental Protection 7A zone; and must be desirable for achieving the long-term management of the Environmental Protection 7A Zone.	No conflict	No conflict

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Services	General Urban Areas: Subdivisions in urban areas are generally required to provide infrastructure to all lots including: <ul style="list-style-type: none"> road; footpath kerb and gutter drainage reticulated sewer and water telecommunications street lighting; electricity. 	Complies	Complies
	Rural Residential Areas <ul style="list-style-type: none"> Subdivision to rural residential areas are to provide infrastructure to all lots: <ul style="list-style-type: none"> including road and drainage incorporating concrete kerb and gutter or concrete edging sealed driveways are to be provided to hatchet shaped lots where shared all lots to have public road frontage street lighting and electricity. Rural Areas: <ul style="list-style-type: none"> Subdivisions in rural areas may be by right-of-way 	Not applicable	Not applicable
Stormwater Drainage	Stormwater drainage to be designed and provided in accordance with Council's Development Design and Construction specifications. Design details to be approved by Council before drainage is provided.	Complies (See Appendix D)	√
Utility Services	Utility services must extend to all lots within a subdivision in urban areas.	Complies (Appendix F)	√
Erosion & Sediment Control	Subdivisions should be designed to minimise the disturbance of lands with topographical constraints.	Complies (See Appendix D)	√
Street Tree Masterplan	A Street Tree Masterplan will be required for subdivisions on greenfield sites.	For future DA application	For future DA application
5. RESIDENTIAL TOURIST LANDS DCP			
Objectives	Encourage tourism development	Consistent	√
	Ensure that the scale and intensity of residential and tourist development is appropriate to the environmental characteristics of the land and locality	Complies – see discussion on "Density" this page	√
	Promote ecologically sustainable development.	No conflict	√
Site Analysis	Site analysis required to identify the opportunities and constraints for the design of the development. The plan (at 1:200 scale) is to include: <ul style="list-style-type: none"> site dimensions contours north point natural drainage, creeks, streams and watercourses any contaminated soils or filled areas existing trees views to and from site prevailing winds surrounding area access points sediment and erosion control. 	See pg III-1	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Design Principles for Tourist Accommodation	<ul style="list-style-type: none">Pitched, gabled or curved rooflines are encouraged, flat rooflines should be avoided except when used as a minor design variationTo achieve diversity in building design, consideration should be given to elements such as verandahs, awnings, balconies, window hoods, curved or pitched rooflines, and overall differentiation of top, middle and base of the buildingInclusion of a mix of compatible materialsBalcony enclosures will only be permitted where the overall design of the façade is not adversely affected.Special consideration to be given to design of buildings on corner allotments, including:The ability of the building design to address adjoining buildings, open space and dual frontageUse of building forms which emphasise the corner site;The use of modulated designs to break up the building form.	For future applications	Future applications
6. LANDFORM MODIFICATION INFORMATION SHEET			
General	<p>Where filling or excavation is proposed in any of the following instances, development consent from Council is required:</p> <ul style="list-style-type: none">within 30m of a river; creek or stream;on land possessing a slope greater than 15%involves more than 1m of cut or fillinvolves more than 100m3 of material in an Environmental Protection Zone and 1000m3 of material in any other zoneon land subject to acid sulfate soilson land subject to flooding. <p>Where development consent is required, a development application must be submitted which includes an Erosion and Sediment Control Plan.</p>	Minor earthworks involved covered by application	See Appendix F
7. POTENTIALLY FLOOD PRONE LAND INFORMATION SHEET			
Fencing	Fencing within high flood risk areas will not be permissible except for security/preamble/safety fences of a type approved by Council.	For future DA (no flood affected land involved)	Future applications
Construction Material	<p>Flooring and Sub-floor Structure:</p> <ul style="list-style-type: none">concrete slab-on-ground monolith constructionsuspension reinforced concrete slab. <p>Doors:</p> <ul style="list-style-type: none">solid panel with water proof adhesivesflush door with marine ply filled with closed cell foampainted metal constructionaluminium or galvanised steel frame.	For future applications	Future applications
	<p>Floor coverings:</p> <ul style="list-style-type: none">clay tilesconcrete, precast or in situconcrete tilesepoxy, formed-in-placemastic flooring, formed-in-placerubber sheets or tiles with chemical-set adhesiveceramic tiles, fixed with mortar or chemical-set adhesivesasphalt tiles, fixed with water resistant adhesive.	Future applications	Future applications
	<p>Wall and Ceiling Linings:</p> <ul style="list-style-type: none">fibro-cement boardbrick, face or glazedclay tile glazed in waterproof mortalconcreteconcrete blocksteel with waterproof applicationsstone, natural, solid or veneer; waterproof groutglass blocks, glassplastic sheeting or wall with waterproof adhesive.	Future applications	Future applications

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
	<p>Wall structure:</p> <ul style="list-style-type: none">solid brickwork, blockwork, reinforced concrete or mass concrete <p>Insulation - Windows</p> <ul style="list-style-type: none">foam (closed cell types)aluminium frame with stainless steel rollers or similar corrosion and water resistant material.	Future applications	Future applications
	<p>Roofing structure:</p> <ul style="list-style-type: none">reinforced concrete constructiongalvanised metal construction <p>Nails, bolts, hinges and fittings:</p> <ul style="list-style-type: none">brass, nylon or stainless steelremovable pin hingeshot dipped galvanised steer wire nails or similar. <p>Heating and Air Conditioning Systems:</p> <ul style="list-style-type: none">to be installed where possible, in areas and spaces of the house above the relevant floor level.	Future applications	Future applications
	<p>Main Power Supply:</p> <ul style="list-style-type: none">to be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply. <p>Fuel:</p> <ul style="list-style-type: none">heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut off. <p>Wiring:</p> <ul style="list-style-type: none">all wiring, power outlets, switches etc should be located above the relevant flood level. Earth core linkage systems are to be installed.	Future applications	Future applications
	<p>Installation:</p> <ul style="list-style-type: none">The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage fuel supply. <p>Equipment:</p> <ul style="list-style-type: none">All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly. <p>Ducting:</p> <ul style="list-style-type: none">All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning.	Future applications	Future applications
8. FIRE HAZARD INFORMATION SHEET			
Fire Protection Zones	<p>A Fire Protection Zone (FPZ) should be provided in the design of the subdivision. Each individual allotment must have adequate space for the main building, and area of open space and the Fire Protection Zone.</p> <p>The FPZ incorporates a:</p> <ul style="list-style-type: none">Fuel reduced Zone (FRZ)Fuel Free Zone (FFZ) incorporating:<ul style="list-style-type: none">A perimeter road or reserve with a minimum width of 20mA setback which is usually part of the allotment.	Complies (See Appendix G)	√
Dwelling Location	<ul style="list-style-type: none">Avoid north-west aspects in preference to south-east aspects.Build on level ground whenever possible.Avoid ridge tops in preference for lower slopes.Avoid building near gully tops as fire intensity is often increased.	Complies (See Appendix G)	√
Shape	<ul style="list-style-type: none">Roof lines should be as smooth as possible. Dormer windows, valleys, split level roofs and cape cod type designs should be avoided where possible.Extensions should be built flush with existing walls.	Future applications	Future applications
Roads	Subdivision design should provide a perimeter road.	Complies	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE	PROVISION	REQUIRED	PROPOSED	COMPLIANCE
	Internal roads should be designed to allow 2-way movement for fire fighting vehicles.	Complies	√	Services	<ul style="list-style-type: none"> Service pipes should be of metal construction or buried a minimum of 300mm below the surface. Standpipes and taps should be appropriately located around the dwelling. Gas bottles must have their pressure relief valve pointing away from the house. 	Complies (See Appendix F)	√
	Roads should be constructed to carry a gross vehicle mass of not less than 28 tonnes.	Complies	√	Water Storage for Fire Fighting	<ul style="list-style-type: none"> A minimum 10000L water storage reserved specifically for fire fighting purposes is to be provided on site. A diesel or petrol driven pump should be provided for the distribution of this water by occupants. A suitable connection to the water supply for fire fighting purposes must be made. Where tanks are underground, an access hole at least 200mm in diameter will allow tankers to refill. 	Complies (See Appendix G)	√
	Curves should have a minimum radius of 12m.	Complies	√	9. CONTAMINATED LAND INFORMATION SHEET			
	Gradients should not exceed 20%.	Complies	√	Site Remediation Action Plan	If a site investigation indicates contamination is present or likely, a site remedial action plan will be required.	Complies (See Appendix A)	√
	Dead end roads should not exceed 200m in length, and incorporate a turning circle of 12.5m.	Complies	√	10. KOALA HABITAT INFORMATION SHEET			
	The road network should connect regularly to any access tracks.	Complies	√	Primary Koala Habitat	<p>Objective: To prevent further clearing, disturbance, fragmentation or isolation of existing primary koala habitat, and where appropriate, restore habitat and encourage sympathetic management to ensure the maintenance of koalas.</p> <p>Controls: The following species should not be removed: Tallowwood Eucalyptus microcorys, Swamp Mahogany E.Robusta. Broad-leaved Paperbark Melaleuca quinquenervia, Flooded Gum E gradis, Blackbutt E.Pilularis, Forest Red Gum E.tereticornis, Small-fruited Grey Gum E.propinqua, or Forset Oak Allocasurina torulosa, unless the development will not destroy, damage or compromise the values of the land as Koala Habitat.</p> <p>In assessing an application, Council to take into account:</p> <ul style="list-style-type: none"> There should be a zero net loss of Primary Koala Habitat; The threats to Koalas which may result from the development The likely impacts to adjacent or nearby Primary Koala Habitat and existing or potential koala movement corridors; All other options for preventing or ameliorating impacts from the development on Koalas Whether the land is accredited under the Timber Plantation (Harvest Guarantee) Act 1995. <p>Council will seek the advice from NPWS for all proposed developments within areas defined as Primary Koala Habitat.</p>	Complies (See Appendix A)	√
	Fire trails may be required with a minimum width of 6m and passing bays every 200m.	No conflict	No conflict	Secondary Koala Habitat	<p>Objective: To minimise further loss, fragmentation or isolation of existing secondary koala habitat and the creation of barriers to koala movement and, where appropriate, to encourage restoration of koala habitat.</p> <p>Controls: The following species should not be removed: Tallowwood Eucalyptus microcorys, Swamp Mahogany E.Robusta. Flooded Gum E gradis, Forest Red Gum E.tereticornis, Small-fruited Grey Gum E.propinqua, unless the development will not destroy, damage or compromise the values of the land as Koala Habitat.</p>	Complies (See Appendix A)	√
Surfaces	<ul style="list-style-type: none"> External surfaces should be of a smooth construction. Wooden trellises and lattice panels should be avoided. 	Future applications	Future applications				
Floor Systems	The floor system should be designed to prevent the ingress of embers into the sub-floor area and should conform to the following: <ul style="list-style-type: none"> Reinforced concrete slab on ground, or Suspended reinforced concrete slab, or Timber floor completely surrounded by walls with vents and other openings protected to prevent ingress of embers, or Timber floor; the underside of which is protected by a fire resistant lining. 	Future applications	Future applications				
Roofs:	All roofs should be of non-combustible material and the following should apply: <ul style="list-style-type: none"> The roof/wall junction should be sealed with eaves or the gaps between rafters blocked. Metal deck roofs, roof tiles, slate or (non-wood) shingles with a fire resistant sarking attached below the tile batten, or in the case of metal deck roofs, above the battens and closed at eaves and ridges. Any penetration of the roof space may need to be sealed with a non-combustible sleeve or lining unless access by embers is prevented. Sealed ridge capping. Skylights should be constructed of thermoplastic sheets in metal frames with a diffuser at ceiling level of 6mm wired or other safety glass, retained in a metal frame. 	Future applications	Future applications				
Walls	<ul style="list-style-type: none"> The wall system should prevent the passage of sparks and embers to the interior and resist ignition. The wall system should comprise any non-combustible materials such as masonry, brick or concrete, fibro, aluminium or sidings which do not distort in heat and other materials such as smooth timber is acceptable. Timber or metal framing should incorporate fire resistant sarking or insulation. 	Future applications	Future applications				
Windows, Doors and Other Openings	<ul style="list-style-type: none"> Glass should be wind resistant with window frames being of metal or wood. Eaves, vents, ducts and window opening sashes should be screened with mesh which is metallic and corrosion resistant with a maximum opening of 2m. Doors should be fitted with draught seals all round, hung in frames of metal or wood. 	Future applications	Future applications				
Open Decking	Where timber is used in construction, the underside of an open deck need not be lined where: <ul style="list-style-type: none"> the underside is accessible; and timbers are spaced apart to allow water to be sprayed from below to reach the deck surface. 	Future applications	Future applications				
Supporting posts and columns	Should be non-combustible or if constructed of timber, be protected at the base.	Future applications	Future applications				

PROVISION	REQUIRED	PROPOSED	COMPLIANCE	PROVISION	REQUIRED	PROPOSED	COMPLIANCE
	In assessing an application, Council to take into account: <ul style="list-style-type: none"> There should be a zero net loss of Secondary Koala Habitat; The level of significance of Koalas of the trees proposed to be removed The number of trees proposed to be removed in relationship to the extent and quality of adjacent or nearby Primary and/or secondary Koala Habitat The threats to Koalas which may result from the development All other options for protecting koala trees The impacts to existing or potential koala movement corridors, and Whether the land is accredited under the Timber Plantation (Harvest Guarantee) Act 1995. 			LandAdjoiningPrimary Koala Habitat	Objective: To minimise impacts on Primary Koala Habitat from development proposed on adjoining lands, particularly where such areas may contain scattered preferred koala trees, and to maintain opportunities for free movement between areas of habitat. Controls: Development on land adjoining Primary Koala Habitat shall not be carried out unless it can be demonstrated that: <ul style="list-style-type: none"> the proposal will not result in barriers to koala movement; boundary fencing does not prevent the free movement of koalas; lighting and koala exclusion fencing is to be provided where appropriate on roadways adjacent to koala habitat; tree species listed under Primary Koala Habitat are retained where possible; new local roads designed to reduce traffic speed to 40km/h in potential koala 'blackspots'; preferred koala trees are used in landscaping where suitable; treats to koalas by dogs have been minimised; fire protection zones are provided outside the are of the Primary Koala Habitat. 	Complies (See Appendix A)	√
	In granting consent to the carrying out of development in areas identified as Secondary Koala Habitat, Council will need to be satisfied that: <ul style="list-style-type: none"> the proposal will not result in significant barriers to Koala movement; boundary fencing does not prevent the free movement of Koalas; lighting and koala exclusion fencing is provided where appropriate on roadways adjacent to koala habitat; tree species listed above are retained, where possible; new local roads are designed to reduce traffic speed to 40km/h in potential koala blackspots; preferred koala trees are used in landscaping where suitable; threats to koalas by dogs have been minimised fire protection zones are provided generally outside of Secondary Koala Habitat. 	Complies (See Appendix A)	√	Habitat Link	Objective: To ensure that forested areas, whether continuous or not, which provide corridor links for movement of koalas between areas of identified koala habitat are recognised and protected. Controls: Council shall not grant consent to development in areas which function as koala habitat links, unless it is satisfied that: <ul style="list-style-type: none"> the proposal will not reduce the effectiveness of the area in acting as a koala habitat link between areas of secondary and/or primary koala habitats; the significance of the area in contributing to the functioning of amelioration measures constructed and/or proposed by the RTA or Council for roadways has been considered; and enhancement planting of preferred koala trees has been included in the proposal. 	Complies (See Appendix A)	√
Tertiary Koala Habitat	Objective: To protect koalas and their habitat within the rural areas of the LGA by encouraging minimal removal or disturbance to preferred koala tree species and reducing barriers to koala movement. Controls: Development in areas identified as Tertiary Koala Habitat should not be carried out unless it can be demonstrated that the development will not destroy, damage or compromise the values of the land as Koala Habitat in the locality. Council will take into consideration: <ul style="list-style-type: none"> the impacts of any development on tertiary Koala habitat; the number of trees proposed to be removed in relationship to the extent and quality of adjacent or nearby Tertiary Koala Habitats; the impacts to existing or potential koala movement corridors; the threats to koalas which may result from the development. 	Complies (See Appendix A)	√	11. NSW COASTAL POLICY 1997			
	Proponents must also demonstrate that appropriate measures are taken, where appropriate, to: <ul style="list-style-type: none"> minimise barriers to koala movement, reduce the risk of koala mortality by road kill by appropriate road design, lighting and traffic speed limits; minimise the removal of koala tree species; provide preferred koala trees in landscaping where suitable, minimise threats to koalas by dogs; minimise the removal or disturbance of Tertiary Koala Habitat in fire protection zones. 	Complies (See Appendix A)	√	Natural Environment 1.1.7	Wetland associated species conserved and managed by effectively implementing existing controls	Proposal guarantees protection of wetlands with significant buffers and management responsibilities	
				Natural Environment 1.1.8	Continuation of SEPP 14 - Coastal Wetlands	Proposal guarantees protection of wetlands with significant buffers and management responsibilities	√
				Natural Environment 1.1.11	Regional open space networks/ corridors (including water areas) should be used to protect natural habitats and environments	Proposal provides substantialcontinuous protection and buffer zones	√
				Natural Environment 1.2.7	Threatening processes (clearing, noxious weeds) identified for coastal species in accordance with Threatened Species Conservation Act 1995, and controlled	Complies (See Appendix A)	√
				Natural Environment 1.3.1	EPA license limits to control discharges from sewage treatment works and other point sources	Proposal connected to town sewerage system subject to these controls	N/A

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Natural Environment 1.3.2	Non-point source pollution addressed through ambient water quality objectives, stormwater management plans, environmental guidelines and “best management practices”	Water quality management measures to be implemented (See Appendix D)	√
Natural Environment 1.3.3	Water quality monitoring programs and environmental studies undertaken	Complies (See Appendix A)	√
Natural Environment 1.3.5	Contaminants in marine life monitored - ensure biodiversity and human health not threatened	Proposal does not involve potential sources of contaminants other than urban runoff - to be appropriately managed	√
Natural Environment 1.3.9	Trade waste management policies continue to be monitored, enforced and reviewed	Proposal does not involve significant trade waste	√
Natural Environment 1.4.1	Research into wetland rehabilitation and management	No conflict	√
Natural Environment 1.4.7	Development proposals in or adjacent to estuaries	Protection of estuarine areas addressed in water management measures	See 4.5
Natural Environment 1.5.1	Involve the community in protecting and rehabilitating natural areas	Addressed through proposed Community Association	√
Natural processes and climate change 2.1.1	Floodplain management plans continue to be prepared by council	No conflict	√
Natural processes and climate change 2.1.4	Acid sulphate soils (ASS): environmental studies; soils risk mapping; proposals likely to disturb ASS; EISs if development located on potential ASS; monitoring disturbed ASS, restoration and mitigation works; management plans	No significant disturbance to these soils will be necessary for development.	√
Aesthetic Qualities 3.2.1	Guidelines promoted to encourage good development/ design, conserve the natural environment, and integrate built features with natural environment	Proposal has been designed in accordance with these principles, particularly in relation to natural environment features	√
Aesthetic Qualities 3.2.2	Good design principles to ensure compact, human scale towns	Proposal provides a compact urban form for village scale development with definable boundaries and local services	√

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Aesthetic Qualities 3.3.1	Local and regional housing strategies to encourage compact coastal towns	Proposal implements existing zoning – no conflict	No conflict
Ecologically sustainable use of resources 5.2.1	Programs on the protection and restoration of wetlands will continue	No conflict	√
Ecologically sustainable human settlement 6.2.2	Design of towns and buildings should regard energy efficient principles	Proposal is compact urban form with degree of self-containment. Subdivision design promotes energy efficiency	√
Ecologically sustainable human settlement 6.4.2	Higher density residential development, in close proximity to coastal towns, should be encouraged, without strain on existing infrastructure	Proposal provides for appropriate densities within capacity of existing infrastructure	√

8.4 SECTION 94 CONTRIBUTIONS

The site is not subject to any of Council's Section 94 Contributions Plans. There is technically therefore no power to levy any contributions. However it is recognized that it is reasonable for the development to make contributions to public amenities and facilities at a comparable rate to other land in the same zoning and locality. Equally it is reasonable that any contributions be discounted having regard to the value of the conservation area and associated management works, provision of local parks, provision of land for the local link road, beach connections and the like. This can only be resolved through negotiation with the Council.

8.5 PUBLIC CONSULTATION

A community consultation programme will be implemented upon exhibition of the Concept Plan/Environmental Assessment. Consultation will continue throughout the project with community/stakeholders, Department of Planning and relevant Government Departments as necessary.

- The consultation will comprise at least the following:
- The whole concept plan and Environmental Assessment will be posted on a web site for access by the general public
 - Provision of hard copies of the Concept Plan and Environmental Assessment at locations as agreed with Department and Council.
 - An “Information Day” will be provided where the documents will be publicly exhibited and the major consultants and the proponents representative will be available to the general public to answer questions and explain details
 - Presentation to Coffs Harbour Council if required
 - Other forums, meetings as may be deemed appropriate at the time.

The consultation process will be monitored and recorded by the proponent. These records can be made available to the Department upon request. The consultation process will continue with the submission of future Development Applications should the Concept Plan/ Environmental Assessment be approved.

8.6 STATEMENT OF COMMITMENTS

SUBJECT	MEASUREMENT	MONITORING	RESPONSIBILITY
8.6.1 Introduction			
In accordance with the DGRs for the preparation of this Environmental Assessment Report (EAR) this section provides a draft Statement of Commitments which details the measures proposed by Hillview Heights Pty Ltd (the Proponent) for environmental mitigation and management of the proposed project. The Director General specified the requirement for a draft Statement of Commitments in the Environmental Assessment Requirements for the project in accordance with section 75F(6) of the Environmental Planning and Assessment Act 1979.			
The draft Statement of Commitments identifies those matters which will be dealt with in the future stages of the proposed project in order to minimise impacts on the environment. Those matters arise from the detailed analysis of the project which has been carried out and documented in this report and the accompanying expert reports.			
If approval is granted under Part 3A of the Environmental Planning and Assessment Act 1979 the Proponent will commit to the following controls for the construction and management of the proposed project.			
Reference in this “Statement of Commitments” to “Development Application” (DA) means an application for future development consisting of subdivision, construction works and erection of dwellings.			
8.6.2 The Project			
The proponent will undertake subsequent stages (ie. future DA, Construction, Management) of the proposed project generally in accordance with: <ul style="list-style-type: none">The Environmental Assessment Report (“The Concept Plan”) dated November 2007 prepared by Annand Alcock Urban Design Pty LtdAll supporting technical reports included in the Appendices to the above reportThis Statement of Commitments	Review of documentation	Private Certifier, Council	Hillview Heights Pty Ltd
If there is any inconsistency between the conditions of this draft Statement of Commitments and a document listed above the conditions of this draft Statement of Commitments shall prevail to the extent of any inconsistency.			
8.6.3 Statutory Requirements			
All approvals, licences and permits required by legislation will be obtained from the relevant Government Authorities and kept current as required.	Approval documentations	Relevant Authorities	Hillview Heights Pty Ltd
The proponent will comply with the planning controls as set out in part 3A of the Act, and any conditions which might be attached to an approval.			
8.6.4 Consultation at Exhibition			
A community consultation programme will be implemented upon exhibition of the project. Consultation will continue throughout the project with Department of Planning and relevant Government Departments as necessary.	Plans prepared and implemented	The process will be monitored and recorded by the proponent and records will be available to the Department of Planning on request.	Consultants Hillview Heights Pty Ltd
A community consultation program will be undertaken to adequately consult with the local community and stakeholders. This program will commence with creation of a project website to distribute information to the public and an information day during the exhibition of the Concept Plan/Environmental Assessment. Further consultation will be carried out with the submission of future Development Application.			

SUBJECT	MEASUREMENT	MONITORING	RESPONSIBILITY
8.6.5 Conveyancing			
Plans of subdivision will be prepared for future Development Application and land titling.	Drawings, Plans, Works as executed, documentation	Authorities, Private Certifier, Surveyor	Certifier, Hillview Heights Pty Ltd
8.6.6 Roads and Traffic Management			
<ul style="list-style-type: none">Areas to be dedicated as public roads will be constructed in accordance with the principles outlined in the Concept Plan and to Council road standardsProvide temporary access to the Highway as specified in Concept PlanConnect development to proposed connector road running parallel to HighwayConnect when possible to proposed intersections at Solitary Spit Road, Sapphire Beach and Moonee Beach Road, Moonee BeachRemove temporary connection to Highway when alternative connections are completeGain approval from Department of Lands for opening Crown RoadDedicate Solitary Spit - Moonee Beach link Road and arrange for dedication of Crown Road to Council (subject to further negotiation with council, once constructed to Councils satisfaction).	Engineering documents	Relevant Authorities, Private Certifier, Surveyor	Certifier Hillview Heights Pty Ltd
8.6.7 General Project Design Requirements			
The design philosophy of the project shall be within the parameters as set out in section 8.2 and Design Guidelines agreed with council and the Department of Planning. .	Guidelines prepared prior to Development Application	Proponents, Relevant Authorities, Private Certifier	Certifier, Hillview Heights Pty Ltd
Architectural input will be continued in the project to ensure that high standards of design excellence are achieved.			
It will be an objective of the design process to provide a safe and secure environment within the project.			
8.6.8 Subdivision with Development Application approval			
The site will be subdivided as set out in page vii The Concept Plan and Figure i-l. Restrictions will be placed on the relevant land titles of the new lots to ensure the protection of the Conservation Areas.	Documents Drawings	Relevant Authorities, Surveyor, Private Certifier	Surveyor, Private Certifier, Hillview Heights Pty Ltd
8.6.9 Construction and Site Security after Development Application Stage			
The developments will be constructed in accordance with the outline in the Concept Plan (one single stage).	Documents Drawings	Relevant Authorities, Surveyor, Private Certifier	Site Manager, Private Certifier Hillview Heights Pty Ltd
Prior to the commencement of any works on the site an overall Construction Management Plan will be prepared covering the following: <ul style="list-style-type: none">Traffic access to the site during constructionPlans for the disposal of waste from the sitePlans for the carrying out of filling on the site including the source of the fillPlans for the protection of the vegetation on the site and the wetland areas on the site during the above worksAn acoustic and vibration management plan			

SUBJECT	MEASUREMENT	MONITORING	RESPONSIBILITY
To prevent the unauthorised entry of people into the construction site and prevent damage to the environment, security for the construction site(s) will include: <ul style="list-style-type: none">Lockable security gatesA security fence around the perimetercontrolled access to the site. Work as executed plans will be prepared for all construction work and lodged with Council/Department of Planning.	Documents Drawings	Relevant Authorities, Surveyor, Private Certifier	Site Manager, Private Certifier, Hillview Heights Pty Ltd
8.6.10 Flood Prevention			
All measures in relation to flood prevention as set out in the Post Development Flood Modelling Report in Appendix D will be implemented in conjunction with Development Application and subsequent works.	Develop only above 100yr flood levels, Appendix D, works as executed	Relevant Authorities, Private Certifier, Consultant Engineer	Engineer, Private Certifier, Hillview Heights Pty Ltd
8.6.11 Geotechnical			
Prior to construction a geotechnical investigation will be carried out to confirm the ground conditions, determine suitable foundation mediums and to allow design of appropriate foundations for the proposed development. This will be submitted with Development Application.	Engineering Report Submitted Design Drawings	Authorities Engineers Site Contractors	Engineers, Private Certifier Hillview Heights Pty Ltd
8.6.12 Water Quality Management			
All development is to comply with the requirements of the Water Management Report prepared by Patterson Britton Pty Ltd and contained in Appendix D of this EAR and detailed report at Development Application stage. Water quality on adjoining lands will be protected through: <ul style="list-style-type: none">Water sensitive urban design features such as swales and buffer strips as recommended by Patterson Britton in Appendix D.Gross pollutant trapsInfiltration structuresPrior to construction prepare a Soil and Water Management Plan to control runoff during constructionConstruct interim detention and water quality basins prior to any development.	Water Management Report (Appendix D)	Engineers, Private Certifier, Site Contractors	Community Association, Engineers, Private Certifier, Hillview Heights Pty Ltd
8.6.13 Environmental Management			
Land within the Conservation Area on the site will be rehabilitated and improved in accordance with the Conservation Area Management Plan to be prepared in accordance specifications in Appendix B and detailed report at Development Application stage. The future ownership and management of the land within the Conservation Area on the site will be as set out in the Conservation Area Management Plan (CAMP).	As specified in CAMP (Appendix B)	Environmental Consultants, Private Certifier	Community Association, Environmental Consultants, Private Certifier, Hillview Heights Pty Ltd
8.6.14 Ecological effects			
Potential ecological effects will be managed as set out in CAMP by: <ul style="list-style-type: none">Creation of Community Lands and management of land in accordance with the Concept Plan and CAMPImplementation of sediment and drainage controls during constructionConstruction of sediment and drainage controls for the whole site prior to developmentProvision of controlled access to Moonee Beach (DA)Water sensitive urban design as set out in Concept Plan and future DA	As specified in Appendix A and B, subsequent detailed report at Development Application stage.	Environmental Consultants, Engineer, Private Certifier	Community Association, Environmental Consultants, Private Certifier, Hillview Heights Pty Ltd

SUBJECT	MEASUREMENT	MONITORING	RESPONSIBILITY
<ul style="list-style-type: none">Minimising urban runoff to the SEPP 14 wetland areaThe Community Title management of the 75 ha Conservation Area as shown in CAMPAPZs will be managed by Community Association to minimise weed invasion to Conservation Areas as specified in CAMPDrainage will be managed consistent with protection of natural systemsCommunity management of conservation areas to promote biodiversity conservation through community association or other agreed meansWeed management will be incorporated into management of community areas and APZsWorks and management will be as set out in agreed CAMP.	As specified in Appendix A and B, subsequent detailed report at Development Application stage.	Environmental Consultants, Engineer, Private Certifier, qualified consultant on an annual basis	Community Association, Environmental Consultants, Private Certifier, Hillview Heights Pty Ltd
8.6.15 Coastal and Foreshore access			
Improvements to coastal land foreshore access will be designed prior to Development Application. It will be achieved by: <ul style="list-style-type: none">The pedestrian path network. It will be open access ways to allow public access to the beach and conservation areaManaged access and walkways. These access and walkways will be provided to the Beach, Green Point and Moonee Beach across Moonee Creek as indicatively shown in the Concept Plan (details to be specified in Development Application)Limited on-street parking for beach users. Details will be specified in Development ApplicationConstructed walk ways. These walk ways will be provided to Moonee Beach through the Conservation Area (details to be specified in Development Application)Proposed location of access points to the beach. These access points will be negotiated with the trustee of the Coffs Coast Regional Park prior to Development Application.	Development Application documentation	Relevant Authorities, Environmental Consultants, Contractor Private Certifier	Community Association, Environmental Consultants, Hillview Heights Pty Ltd
8.6.16 Acoustics/Noise			
The issue of truck noise in relation to residential properties will be further investigated at Development Application stage and measures will be taken to ameliorate any adverse impacts (if necessary) as set out in the Acoustic Report contained in Appendix I and to Australian Acoustic Standards..These standards can be noted on the title to all affected lots.	Australian Standards for Acoustic Comfort, Acoustic Report (Appendix I)	Private Certifier Acoustic Consultant	Acoustic Consultant, Building Contractors, Private Certifier, Hillview Heights Pty Ltd
8.6.17 Landscaping			
Landscaping within the development site will be carried out in accordance with the Landscape Design and Management Plan to be prepared in association with Development Application.	Development Application documentation	Landscape Architects, Private Certifiers, Site Contractor	Landscape Architect, Private Certifier, Contractors, Hillview Heights Pty Ltd
8.6.18 Bushfire management			
Bushfire Management Plan (BMP) will be submitted with Development Application based on Appendix G and Bushfire Protection Guidelines. Special conditions regarding construction standards and management of APZs may be required on Land Title.	Planning for Bushfire Protection Guidelines, BMP, DA documentations	Bushfire Consultant, Environmental Consultant, Site Contractor, Relevant Authorities	Bushfire Consultant, Environmental Consultant, Contractors, Hillview Heights Pty Ltd, Community Association

SUBJECT	MEASUREMENT	MONITORING	RESPONSIBILITY
8.6.19 Design and Concept Plan Guidelines			
Consistency with the Coastal Design Guidelines will be addressed by implementing the designs and controls specified in the Concept Plan including: <ul style="list-style-type: none">The Concept Plan will operate as a set of development controls for the site ensuring that future approvals are consistent with intentions for the siteImplementation of streetscaping as provided for in the Concept PlanImplementing the subdivision design and principles as set out in the Concept PlanLimits to development height throughout (2 storeys)Implement the layout and building controls as set out in the Concept Plan and further specified in DA.	Concept Plan, Building Guidelines/ Development Application	Urban Designer or Architecture Consultant, Building Contractor, Private Certifier	Urban Designer or Architecture Consultant,, Building Contractor, Private Certifier Hillview Heights Pty Ltd
8.6.20 Community facilities and services			
The provision of adequate community facilities and services will be ensured by: <ul style="list-style-type: none">Community facilities will be provided as part of the proposal for the use of residentsreasonable contributions for facilities and services in lieu of s94 contributions to be negotiated with Council after approval of this Concept Plan and prior to submission of DA. Payment of the agreed Contributions will be submitted with Development Application following consultation Council.	DA Documentation and Agreement with Council	Relevant Authorities	Community Association, Hillview Heights Pty Ltd
8.6.21 Heritage Management Plan			
Implementation of recommendations of consultant archaeologists as set out in Appendix E. A watching brief will be maintained during siteworks for any Aboriginal relics or signs of items of cultural heritage.The procedures to be adopted should any Aboriginal relics or items of cultural significance be discovered shall be approved by local Aboriginal Land Councils prior to the commencement of siteworks.	Appendix E, Development Application and relevant permits	An approved archaeologist will be provided with a watching brief, Aboriginal Land Council	Archaeological Consultant, Hillview Heights Pty Ltd
8.6.22 S94 Matters			
As dicusseed on Section 8.4, the site is not subject to any s94 Contributions Plas, and it will be necessary for the proponent to negotiate contributions with the Council. The commitment given by Hillview Heights Estates is that it will: <ul style="list-style-type: none">Initiate negotiations with the CouncilDocument any offer to Council and its basisProvide the Minister,through the Department, with a record of negotiations throughout the processEnter into a formal arrangement with the Council as may be required, for the payment of contributions or the dedication of land.	Further negotiation with Council with proper documentation prior Development Application stage	Council	Hillview Heights Pty Ltd

Signed

on behalf of proponent

8.7 THE CONCEPT PLAN



The Concept Plan provides a development vision for the landholding which provides a diversity of permanent, holiday and tourist housing while conserving the environmental values over the bulk of the site.

The development form and proposed building typologies will create an attractive, vital and sustainable coastal village environment which can achieve environmental, economic and social sustainability for the site.

Fig 8-2: Concept plan