



Appendix 18

Proponent's proposed Draft Conditions of Approval

Environmental Planning & Assessment Act 1979

Determination of Concept Plan No. 06_0148 Mod 1

**“Sapphire” Tourist and/or Residential Development, 740-742
Pacific Highway, Sapphire Beach**

I, the Minister of Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, determine:

- a. Under Section 75O, to approve the concept plan referred to in Schedule 1 subject to modifications in Schedule 2;
- b. Under Section 75P(1)(b) that future development for Stages 2 and 3 be subject to Part 4 of the Act;
- c. Under Section 75P(1)(a) that future development for Stage 1 be subject to Part 3A of the Act; and
- d. Under Section 75P(1)(a) that future development be subject to the requirements set out in Part C of Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified at Tag B and the Proponent’s Statement of Commitments in Schedule 3, subject to the requirements in the attached schedule 2.

The reasons for the modification are:

- a. To prevent and/or minimise adverse environmental impacts; and
- b. To ensure the ongoing effective management of the development.

Minister for Planning

Schedule 1

Part A – Table

Application made by:	Sapphire Beach Development Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 06_0148 Mod 1
On land comprising:	740-742 Pacific Highway, Sapphire Beach Lots 100 & 101 DP 629555 and Lot 2 DP 800836
Local Government Area	Coffs Harbour LGA
For the carrying out of:	Concept plan for a residential development
Estimated Cost of Works	\$2.32 million
Type of development	Concept Plan
S.119 Public inquiry held:	No
Determination made on	
Date approval is liable to lapse:	5 years from the date of determination unless Stage 1 works have physically commenced in accordance with Section 75Y of the Act.

Part B – Notes Relating to the Determination of MP No. 06_0148 Mod 1

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 & Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

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

Part C – Definitions

To be Inserted by DoP

Current Approval	Proposed Approval
<p>A1 Development Description</p> <p>Concept approval is granted only to carrying out the development described in detail below:</p> <p>A mixed tourist and/or residential development comprising a maximum total gross floor area of 24,020m² (an additional 5,945m² of balconies may be provided). The maximum number of bedrooms allowable is 338. The development includes:</p> <ol style="list-style-type: none"> 1. Communal facilities including an office, reception area, commercial kitchen, pool and gymnasium; 2. Communal open space of 3,715m². 3. Subdivision of the site into 26 lots in a community title scheme; 4. A maximum number of 270 car parking spaces; 5. Access roads; and 6. Re vegetation and rehabilitation works. 	<p>A1 Development Description</p> <p>Concept approval is granted only to carrying out the development described in detail below:</p> <p>A residential development comprising 42 lots (39 residential and 3 community title lots). The development includes:</p> <ol style="list-style-type: none"> 1 Communal open space of 9,224m². 2. A maximum number of 78 car parking spaces; 3. Access roads; and 4.Revegetation and rehabilitation works.
<p>A2 Staging</p> <p>The development is to be constructed in four stages, as follows:</p> <ol style="list-style-type: none"> 1. <u>Stage 1</u> will comprise demolition of the existing buildings, general clearing of the site of all structures, fencing of the dunes and 7A zoned vegetation, subdivision, the construction of the northern block of beachfront villa housing and buildings 9 and 10 (as shown on drawing SK27 – Key Plan Heights – Building and Balcony GFAs), stormwater management, all services and roads and rehabilitation of the dunes in front of the beachfront villa housing. Note: This staging is a modification to the concept plan as presented in the Preferred Project Report as all dune rehabilitation works (previously Part Stage 1 and Part Stage 3) shall be undertaken as part of Stage 1 (see Modification B3). 2. <u>Stage 2</u> will comprise construction of buildings 2, 4a and 4b (as shown on drawing SK27 – Key Plan Heights – Building and Balcony GFAs) and rehabilitation of the 7A zoned vegetation. 	<p>A2 Staging</p> <p>The development is to be constructed in three stages, as follows:</p> <ol style="list-style-type: none"> 1. <u>Stage 1</u> will comprise demolition of the existing buildings, general clearing of all the structures, fencing the dunes and 7A zoned vegetation and general site preparation. 2. <u>Stage 2</u> will comprise subdivision of the site including earth works and stormwater management, all services, roads and rehabilitation of the dunes in front of the beachfront housing and rehabilitation of the 7A zoned vegetation. 3. <u>Stage 3</u> will compromise construction of dwellings on the individual lots

<ol style="list-style-type: none"> 3. <u>Stage 3</u> will comprise construction of the southern block of beachfront villa housing and building 8 (as shown on drawing SK27 – Key Plan Heights – Building and Balcony GFAs) and dune rehabilitation in front of the southern beachfront villa housing. 4. <u>Stage 4</u> will comprise the construction of buildings 1, 3, 5, 6 and 7 (as shown on drawing SK27 – Key Plan Heights – Building and Balcony GFAs) and application of the final 25mm of bitumen to the central access road. <p>Stage 1 must be constructed first. The order of subsequent stages is not prescribed.</p>	
<p>A3 Development in Accordance with Documentation</p> <ol style="list-style-type: none"> 1. The following documentation (including any appendices therein) are approved as part of the Concept Plan: <ul style="list-style-type: none"> (a) Sapphire Environmental Assessment Report (Volumes 1, 2 and 3), prepared by PTW Planning on behalf of Sapphire Beach Development Pty Ltd and dated August 2006; 2. The following Preferred Project Report including a revised Statement of Commitments is approved: <ul style="list-style-type: none"> (a) Preferred Project Report and Statement of Commitments, prepared by PTW Planning on behalf of Sapphire Beach Development Pty Ltd and dated February 2007; 3. The additional documents listed below: <ul style="list-style-type: none"> (a) Archaeological Assessment of Indigenous Values of Lot 100 and 101 DP 629555 and Lot 2 DP 800836 (Sapphire Beach Report) Pacific Highway, Sapphire Coffs Harbour, Stage 1 prepared by Susan Davies for Sapphire Beach Development Pty Ltd and dated March 2007. 4. Additional correspondence listed below; <ul style="list-style-type: none"> (a) Letter regarding views to proposed Sapphire development from Jackie Amos Landscape Architects to Sapphire 	<p>A3 Development in Accordance with Documentation</p> <ol style="list-style-type: none"> 1. The following documentation (including any appendices therein) are approved as part of the Concept Plan: <ul style="list-style-type: none"> (a) Sapphire Environmental Assessment Report (Volumes 1, 2 and 3), prepared by PTW Planning on behalf of Sapphire Beach Development Pty Ltd and dated August 2006; 2. The following Preferred Project Report including a revised Statement of Commitments is approved: <ul style="list-style-type: none"> (a) Preferred Project Report and Statement of Commitments, prepared by PTW Planning on behalf of Sapphire Beach Development Pty Ltd and dated February 2007; 3. Additional correspondence listed below; <ul style="list-style-type: none"> (a) Letter regarding views to proposed Sapphire development from Jackie Amos Landscape Architects to Sapphire Beach Development Pty Ltd dated 19 February

<p>Beach Development Pty Ltd dated 19 February 2007;</p> <p>(b) Letter regarding Coastal Hazard Line – Building Work from Cox Richardson Architects and Planners to the Department dated 19 February 2007.</p> <p>5. In the event of any inconsistencies;</p> <p>(a) The revised Statement of Commitments in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and</p> <p>6. (b) The modifications of the Concept Plan approval identified in Part B and C Schedule 2 prevail over the documentation listed in (1) and (2) above.</p>	<p>2007;</p> <p>(b) Letter regarding Coastal Hazard Line – Building Work from Cox Richardson Architects and Planners to the Department dated 19 February 2007.</p> <p>4. Amending Documents listed below:</p> <p>(a) Sapphire Environmental Assessment Report (Volumes 1, 3 and 4), prepared by Janet Thomson on behalf of Sapphire Beach Development Pty Ltd and dated June 2009;</p> <p>5. In the event of any inconsistencies;</p> <p>(a) The revised Statement of Commitments in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and</p> <p>a. (b) The modifications of the Concept Plan approval identified in Part B and C Schedule 2 prevail over the documentation listed in (1) and (2) above.</p>
<p>A4. Development in Accordance with Plans</p> <p>1. The development will be undertaken in accordance with the following plans:</p> <p>Architectural (or Design) Drawings prepared by Cox Richardson dated 20 February 2007</p> <p>Drawing No SK01 Concept Plan SK13 Plans – Subdivision and Staging SK19 Building Setbacks SK25 Building and Block Envelopes SK26, SK8, SK12 Masterplan – Key Buildings RLs as modified by Drawing SK8 and SK12 that shows Beachfront dwellings as one and two storey and not all two storey. SK27 Key Plan Heights – Building and Balconey GFA's</p> <p>2. The development will be undertaken</p>	<p>A4. Development in Accordance with Plans</p> <p>1. The development will be undertaken in accordance with the following plans:</p> <p>Architectural (or Design) Drawings prepared by Cox Richardson dated June 2009.</p> <p>Drawing No SK01 Concept Plan SK06 Plans – Subdivision</p> <p>2. The development will be undertaken generally in accordance with the following plans;</p> <p>Architectural (or Design) Drawings prepared</p>

<p>generally in accordance with the following plans;</p> <p>Architectural (or Design) Drawings prepared by Cox Richardson dated 20 February 2007</p> <p>Drawing No SK02 Open Space and Pedestrian Circulation SK03 Visitor Car Parking and Bus Access SK04 Stormwater Management SK05 Beachfront Cross Section SK06 Sections SK07 Elevations SK08 Elevations SK09 Hillside Apartments SK10 Upper Apartments SK11 Garden Apartments SK12 Beachfront Houses SK14 Shadow Diagrams SK15 Site Survey Plan SK16 Site Analysis SK17 Site Context SK18 Excavation and Fill Diagram SK20 Pacific Highway View 1 SK21 Pacific Highway View 2 SK23 Beach View 1 SK24 Beach View 2</p>	<p>by Cox Richardson dated June 2009</p> <p>Drawing No SK02 Open Space and Pedestrian Circulation SK03 Stormwater Management SK04 Beachfront Cross Section SK05 Sections SK07 Site Survey Plan SK08 Site Analysis SK09 Site Context SK10 Excavation and Fill Diagram SK11 Pacific Highway View 1 SK12 Pacific Highway View 2 SK13 Beach View 1 SK14 Beach View 2</p>
<p>A5 Lapsing of Approval</p> <p>Approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless works have physically commenced for Stage 1</p>	<p>A5 Lapsing of Approval</p> <p>Approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless works have physically commenced for Stage 1</p>
<p>A6 Determination of Future Applications</p> <p>The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan MP 06_0148 as described in Part A of Schedule 1 and subject to the recommended modifications and conditions of approval set out in Parts A, B and C of schedule 2.</p>	<p>A6 Determination of Future Applications</p> <p>The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan MP 06_0148 as described in Part A of Schedule 1 and subject to the recommended modifications and conditions of approval set out in Parts A, B and C of schedule 2.</p>
<p>Part B – Modification to the Concept Plan</p>	
<p>B1 Building Height</p> <p>The concept plan is modified such that:</p> <ol style="list-style-type: none"> 1. Block 10 (as shown on drawing SK27 – Key Plan Heights – Building and Balcony GFAs) is reduced in height so that it does not exceed 14m height as defined in Coffs Harbour City Council's <i>Residential Tourist</i> 	

<p><i>Lands Development Control Plan.</i></p> <p>Beachfront Villas (as shown on drawing SK27 – Key Plan Heights – Building and Balcony GFAs) are to be designed and constructed as a mix of single and two storey dwellings in accordance with Drawing SK8 and SK12.</p>	
<p>B2 Subdivision</p> <p>The subdivision plan (drawing Sk13) is modified as follows:</p> <ol style="list-style-type: none"> 1. Strata titling of the apartments and townhouses shall be restricted to the buildings and private courtyards (where applicable); and 2. All remaining gardens, roads and open spaces across the site will be managed as one lot under the community scheme. <p>Note: Lots 1 to 16 on plan SK13 (20 February 2007) remain unchanged.</p> <p>The number of strata plans established across the site shall be minimised having regard to the staged implementation of the development.</p>	
<p>B3 Re vegetation and Rehabilitation</p> <p>The staging plan (drawing SK13) is modified as follows:</p> <p>All rehabilitation and re vegetation works on the dunes behind Campbells Beach as set out in the Sapphire Plan of Management (Appendix 8 of the Environmental Assessment) shall be undertaken as part of Stage 1 works</p>	
<p>Part C – Future Applications</p>	<p>Part B – Future Applications</p>
<p>C1 100 Year Coastal Hazard Planning Line</p> <p>Prior to the commencement of the works for Stages 1 and 3, a registered surveyor must determine the location of the 100 year coastal hazard planning line (as per Willing and Partners, <i>Map 1 Campbells Beach Hazard Lines</i>, September 1999) on the subject site. All buildings must be constructed landward of this line.</p>	<p>B1 100 Year Coastal Hazard Planning Line</p> <p>Prior to the commencement of the works for Stages 1 and 3, a registered surveyor must determine the location of the 100 year coastal hazard planning line (as per Willing and Partners, <i>Map 1 Campbells Beach Hazard Lines</i>, September 1999) on the subject site. All buildings must be constructed landward of this line.</p>
<p>C2 Works Seaward of the Foreshore Building Line</p> <p>The private yards of the beachfront housing must be extensively landscaped to ensure integration with the adjoining communal open space. Any</p>	<p>B2 Works Seaward of the Foreshore Building Line</p> <p>The private yards of the beachfront housing must be extensively landscaped to ensure integration with the adjoining</p>

<p>fencing proposed seaward of the 100 year coastal hazard planning line (as per Willing and Partners, <i>Map 1 Campbells Beach Hazard Lines</i>, September 1999) or Coffs Harbour City Council's foreshore building line must be constructed of permeable materials. Detail of the proposed landscaping and fencing must be lodged with subsequent applications for Stage 1 and 3 of the development.</p>	<p>communal open space. Any fencing proposed seaward of the 100 year coastal hazard planning line (as per Willing and Partners, <i>Map 1 Campbells Beach Hazard Lines</i>, September 1999) or Coffs Harbour City Council's foreshore building line must be constructed of permeable materials. Detail of the proposed landscaping and fencing must be lodged with subsequent applications for Stage 3</p>
<p>C3 <i>Dune Management Plan</i></p> <p>A Dune Management Plan providing detail with regard to the proposed rehabilitation of the dunes behind Campbells Beach shall be submitted with the development application for Stage 1 works.</p>	<p>B3 <i>Dune Management Plan</i></p> <p>All works and rehabilitation to the dunes behind Campbells Beach are to be carried out in accordance with the Vegetation Management Plan prepared by BushfireSafe dated June 2009</p>
<p>C4 <i>Linemarking of Access</i></p> <p>The access way to the subject site must be linemarked to provide right and left hand turning lanes. Detailed plans of the works must be submitted to the RTA and approved prior to the commencement of works</p>	<p>B4 <i>Linemarking of Access</i></p> <p>The access way to the subject site must be linemarked to provide right and left hand turning lanes. Detailed plans of the works must be submitted to the RTA and approved prior to the commencement of works</p>
<p>C5 <i>Demolition Management Plan</i></p> <p>A report determining the presence of asbestos and lead-based paint within existing structures on the subject site is required to be prepared and lodged to Council with the Stage 1 development application for the subject site.</p> <p>Should these materials be present on the subject site a demolition management plan must also be prepared identifying management measures to be implemented to minimise impacts of the demolition.</p>	<p>B5 <i>Demolition Management Plan</i></p> <p>Provided as part of Project Application</p>
<p>C6 <i>Stormwater Management Plan</i></p> <p>Detailed designs of the upgrading of the stormwater system must be submitted to and approved by Council with the Stage 1 development application for the subject site</p>	<p>B6 <i>Stormwater Management Plan</i></p> <p>Detailed designs of the upgrading of the stormwater system must be submitted to and approved by Council with the Stage 2 development application for the subject site</p>
<p>C7 <i>Geotechnical Assessment</i></p> <p>Each subsequent development application for the subject site involving the construction of buildings is required to include a geotechnical assessment identifying necessary design measures to ensure the stability of the structures</p>	<p>B7 <i>Geotechnical Assessment</i></p> <p>Each subsequent development application for the subject site involving the construction of buildings is required to include a geotechnical assessment identifying necessary design measures to ensure the stability of the structures</p>

<p>C8 <i>Aboriginal Heritage</i></p> <p>The Archaeological Assessment of Indigenous Values (dated March 2007) Aboriginal heritage assessment must be submitted to and approved by DEC prior to the lodgement of the first development application for the subject site</p>	<p>B8 <i>Aboriginal Heritage</i></p> <p>Provided in the EAR as Appendix 10</p>
<p>C9 <i>Indigenous Cultural Heritage Induction</i></p> <p>All construction personnel involved in initial ground surface disturbance activities on the dune in the north eastern portion of the site must undergo an indigenous cultural heritage induction conducted by the Coffs Harbour Local Aboriginal Land Council prior to the commencement of works</p>	<p>B9 <i>Indigenous Cultural Heritage Induction</i></p> <p>All construction personnel involved in initial ground surface disturbance activities on the dune in the north eastern portion of the site must undergo an indigenous cultural heritage induction conducted by the Coffs Harbour Local Aboriginal Land Council prior to the commencement of works – Also provided for in Appendix 10 and PA.</p>
<p>C10 <i>Public Access to Campbells Beach</i></p> <p>The complete length of the public access way to Campbells Beach must be established as a right of way when subdividing the subject site</p>	<p>B10 <i>Public Access to Campbells Beach</i></p> <p>The complete length of the public access way to Campbells Beach must be established as a right of way when subdividing the subject site</p>
	<p>B11 <i>Design Guidelines</i></p> <p>All dwellings on the site are to be designed and constructed in accordance with the Design Guidelines prepared by Cox Richardson dated June 2009</p>