

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

I determine:

- (a) Pursuant to section 75O of the *Environmental Planning and Assessment Act 1979* (the Act) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2 and the proponent's Statement of Commitments in Schedule 3; and
- (b) Pursuant to section 75P(1)(b) of the Act, that approval to carry out the project shall be subject to Part 3A of the Act.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site;
- Ensure adequate mitigation of environmental impacts of future development; and
- Ensure protection and restoration of threatened species and their habitat.



Anthony (Tony) Kelly MLC
Minister for Planning

Sydney 20 DEC 2010 2010.

SCHEDULE 1

Application No.: 05_0083

Proponent: Sydney NSW Property Consultants Pty Ltd

Approval Authority: Minister for Planning

Land: Lot 22 DP 1070182 and Lots 497 and 498 DP 227298, Pacific Highway and Pine Crescent, Sandy Beach, Coffs Harbour LGA.

Project: Sandy Beach North residential subdivision including:

- Community title residential subdivision;
- Associated road, cycle and pedestrian traffic routes;
- Indicative architectural concepts for six building types;
- Landscape concept;
- Noise attenuation barriers;
- Recreational open space;
- Ecological buffers and environmental protection areas;
- Vegetation, habitat, bushfire and foreshore management concepts;; and
- Stormwater management concept.

Note: Not all aspects of the Concept Plan have been approved

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act 1979</i> .
BCA	means Building Code of Australia.
Concept Plan	means the project as described in Schedule 1 and as modified by Schedule 2.
Council	means Coffs Harbour City Council.
DECCW	means the Department of Environment Climate Change and Water or its successors.
Department	means the Department of Planning or its successors.
Director-General	means the Director-General of the Department or his/her nominee.
Environmental Assessment	means the Environmental Assessment entitled <i>Concept Plan Application for Residential Subdivision Sandy Beach North, Pacific Highway Sandy Beach Volumes 1 and 2 prepared by Planning Workshop Australia and dated 17 March 2009</i> .
Conservation Area (CA)	means that part of the site outside the boundaries of the lakeside perimeter road of the southern and western precincts and identified as Conservation Area (CA) as depicted in Schedule 3.
LPMA	means the Land and Property Management Authority or its successors.
Minister	means the Minister for Planning.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.
Preferred Project Report	means the Preferred Project Report (PPR) entitled <i>Preferred Project Report MP 05_0083 Pacific Highway Sandy Beach North</i> prepared by Willana Associates Pty Ltd and dated August 2010 and addendum letter dated 27 October 2010.
Proponent	means Sydney NSW Property Consultants Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
Site	means the land identified in Schedule 1.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

Concept Plan Description

A1. Concept Plan approval only is granted to the project described generally below:

- a) Community Title residential subdivision;
- b) Associated road, cycle and pedestrian traffic routes;
- c) Indicative architectural concepts for six building types;
- d) Landscape concepts;
- e) Noise attenuation barriers;
- f) Recreational open space areas;
- g) Rehabilitation of ecological buffers and environmental protection areas;
- h) Vegetation, habitat and bushfire foreshore management concepts; and
- i) Stormwater management concepts.

As modified by the modifications in Part B of Schedule 2.

Note: The proponent sought Concept Plan approval for community title subdivision of 280 lots. Due to environmental constraints, approval has not been granted to a scheme of this size. Modifications to the Concept Plan are detailed in Part B of this schedule.

A2. To avoid any doubt, this Concept Plan approval does not approve any future development within the areas described as Stage 6, Stage 2, and that part of Stage 1 east of the extension of Ti-Tree Road as depicted on the modified staging plan at Schedule 3.

Consistency of Future Development

A3. The proponent shall carry out the Concept Plan and all related future applications generally in accordance with the:

- a) Environmental Assessment;
- b) Preferred Project Report and addendum letter; and
- c) The Statement of Commitments.

except for:

- 1) Any modification which may be necessary for the purpose of compliance with the BCA and any Australian Standard incorporated into the BCA; and
- 2) Otherwise provided by the modifications and further assessment requirements of this approval.

A4. In the event of any inconsistency between:

- a) The modifications and further assessment requirements of this approval and the drawings/documents referred to in condition A3, the modifications and further assessment requirements of this approval shall prevail to the extent of the inconsistency; and
- b) Any drawing/document listed in condition A3, the most recent document shall prevail to the extent of the inconsistency; and
- c) The modifications and further assessment requirements of this approval and the Statement of Commitments, the modifications and further assessment requirements of this approval prevail to the extent of the inconsistency.

A5. If there is any inconsistency between this Concept Plan approval and any future application, this Concept Plan approval shall prevail to the extent of the inconsistency.

Limits of Approval

A6. This Concept Plan approval shall lapse five (5) years after the date the approval is endorsed by the Minister, unless works the subject of any related application are physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the Proponent demonstrates to the satisfaction of the Director-General that the project remains current,

appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

- A7. To avoid any doubt, this approval does not permit the construction of any component of the Concept Plan (including any clearing of vegetation).

PART B – MODIFICATIONS TO CONCEPT PLAN PURSUANT TO SECTION 75O(4) OF THE ACT

Note: In making the modifications as described in this schedule, the Minister has only granted Concept Plan approval to a community title subdivision of approximately 200 residential lots along the western and southern boundaries of the site.

Subdivision Layout

- B1. The north western precinct (Stage 6) containing approximately 45 lots, the north eastern precinct (Stage 2) containing approximately 15 lots, and the eastern edge of the southern precinct, east of the extension of Ti-Tree Road (part of Stage 1) containing approximately 14 lots are not approved and this land is to be added to the Conservation Area (see Schedule 3).
- B2. No roads, acoustic barrier walls or residential lots are to encroach into the 20 metre wide 7B Scenic Buffer zoned land that runs immediately parallel to the Pacific Highway road reserve along the western boundary of the site.
- B3. Stage 5 is approved subject to the further requirements listed at C11.

Access

- B4. The proposed direct connection to the Pacific Highway in the north-western corner of the site is not approved.
- B5. Both Lots 497 and 498 DP 227298 are to be used for the access road from Pine Crescent to the site.
- B6. The perimeter road on the lakeside of the development (refer Schedule 3) is to have a finished surface level of RL3.6m AHD. The construction of all roads is to be in accordance with the specifications of Coffs Harbour Council.

Environment

- B7. All land within the Conservation Area is to be managed in accordance with a Conservation Area Management Plan (CAMP) (refer C10).

PART C - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Pursuant to section 75P(2)(c) of the Act, the following environmental assessment requirements apply with respect to future stages of the project:

Subdivision

- C1. Each future application for subdivision is to include:
- (a) subdivision plans to Council's specifications, that show as a minimum, the following:
 - i. dimensions of proposed allotments;
 - ii. location of all structures proposed and retained on site;
 - iii. location and width of asset protection zones (APZ);
 - iv. access points; and
 - v. any easements, covenants or other restrictions either existing or required on the site.
 - (b) draft community management statement;
 - (c) design guidelines for future housing developed in consultation with Council;
 - (d) outline of landscaping using locally native species and taking into consideration bushfire safety and the knowledge of the traditional Aboriginal custodians;
 - (e) details of construction methods, including sensitive fauna clearance and re-location methods prior to vegetation removal, methods to protect vegetation to be retained and erosion and sediment control;
 - (f) stormwater management incorporating water sensitive urban design principles;
 - (g) roads constructed to Council's specifications; and
 - (h) demonstration of compliance with this approval.

Acid Sulfate Soils Management

- C2. An Acid Sulfate Soils Management Plan describing methods for determining the presence of such soils and the proposed methods for dealing with such soils should they be encountered.

Wallum froglet

- C3. Clarification of the nature and extent of Wallum froglet habitat, including details of protective measures to mitigate against impacts on this species.

Noise

- C4. In order to determine appropriate noise attenuation measures, it must be demonstrated that a road traffic noise modelling and assessment has been undertaken in accordance with all relevant guidelines for traffic noise attenuation for residential dwellings.

Water Management

- C5. In order to ensure the protection of groundwater quality and the water quality of Hearn's Lake:
- a) A detailed groundwater assessment is to be undertaken to determine the pre-development groundwater levels and groundwater quality over the proposed development area and the contribution of groundwater to Hearn's Lake and coastal dunes (any groundwater monitoring bores are to be licensed under the *Water Act 1912* and *Water Management Act 2000*);
 - b) base line water quality data within Hearn's Lake and underlying groundwater is to be established, as are the development of trigger levels;
 - c) monitoring of water quality within the underlying groundwater and stormwater treatment system within the proposed Hearn's Lake is to be incorporated in the monitoring program in the draft Environmental Management System (EMS);
 - d) All stormwater to be discharged is to be treated and any stormwater discharge will have a neutral or beneficial impact on surface and groundwater water quality;
 - e) Water quality control devices are to be sited in such a way as to minimise their impact with the Conservation Area.

Access

- C6. A traffic, parking and access assessment report is to be submitted which accurately assesses the impact of the proposal on the local road network using the traffic generation rates used in recent RTA household surveys. Consideration is to be given to providing safe connections for pedestrians and cyclists to the existing network, this should include appropriate traffic management treatments at conflict points and off-road facilities;

Aboriginal Cultural Heritage

- C7. The applicant shall develop and implement an archaeological sub-surface investigation program in consultation with the Director-General, local Aboriginal community and DECCW to ascertain the location, nature, scale, and significance of the Aboriginal Cultural Heritage (ACH) values located within the potential archaeological deposits within the project area, particularly the areas identified as PAD 1, as detailed in the Aboriginal Archaeological report prepared by Mary Dallas Consulting, submitted with the EA.

The result of the program, including any proposed management recommendations should be made available to Registered Aboriginal stakeholders for discussion prior to any decision regarding their management being determined. This program should be implemented and finalised prior to determination of the first subdivision application.

Domestic Animals

- C8. Future applications must demonstrate that the keeping of cats and dogs (with the exception of assistance animals, as defined under the *Commonwealth Disability Discrimination Act 1992*) within the site is prohibited and that all residential lots are to be encumbered to this effect with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

Recycled Water Supply

- C9. Future applications must include an assessment investigating the viability of providing dual reticulation to future housing lots.

Conservation Area Management Plan

- C10. The Conservation Area Management Plan shall at a minimum include the following:
- (a) dimensions and area of the Conservation Area;
 - (b) details of how rehabilitation of degraded areas within the Conservation Area is to occur;
 - (c) measures to address any archaeological artefacts/sites;
 - (d) measures to control weeds;
 - (e) measures to control feral dogs and cats;
 - (f) details of fencing and other measures to be provided to protect existing and future vegetation;
 - (g) details of measures to protect threatened species and endangered ecological communities;
 - (h) details of how the area is to be managed having regard to the Coffs Harbour Koala Plan of Management;
 - (i) bushfire management;
 - (j) measures to control public access within the conservation area to minimise damage;
 - (k) details of future management and funding arrangements for the area and measures to be implemented for the long term protection of the area, for example through dedication;
 - (l) consultation to be undertaken with Council, LPMA and DECCW;
 - (m) performance objectives detailing measurable performance and completion criteria;
 - (n) detailed planting species list, composition and density for each vegetation community and, for EECs to be rehabilitated, this is to include ground, mid and canopy species and species composition must be benchmarked against a reference EEC community;
 - (o) details on creek bank erosion management;
 - (p) timing and responsibilities;
 - (q) monitoring, reporting and adaptive management procedures; and
 - (r) developer maintenance period reflecting completion criteria.

Environmental Impact of Stage 5

C11. The future application for the residential subdivision of Stage 5 must include:

- a) an assessment of the Stage 5 land to determine an appropriate offset for the development of this stage to the satisfaction of the Director General;
- b) proposed arrangements to secure an offset and the protection and management of that land for conservation purposes in perpetuity to the satisfaction of the Director General; and
- c) any offset is to be managed in accordance with a specific Conservation Area Management Plan including details as per C10.

Note: this may include consideration of both on-site and off-site offsets

Flood Floor Levels

C12. Future applications for dwellings are to demonstrate that the minimum floor levels for habitable rooms are RL 4.1m AHD. All residential lots are to be encumbered to this effect with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

Dedication of Land

C13. Prior to any construction, or as otherwise determined by the Director-General, the Proponent must provide evidence of an agreement for the dedication by the Proponent to LPMA of approximately 6 ha of land as addition to the Coffs Coast Regional Park, as committed to by letter dated 27 October 2010. Once dedicated the Proponent is not required to manage the dedicated land in accordance with the Conservation Area Management Plan.

Such an agreement must outline the Proponent's commitment to establish boundary fences and trails satisfactory to the needs of LPMA prior to the land being added to the Regional Park. The proponent must ensure suitable funding for the amendment of existing reserve-specific fire, pest, weed and management plans. The funding should be sufficient to ensure actions within the amended plans relevant to the new additions are able to be completed.

Drainage

C14. A flooding and drainage assessment is to be undertaken to:

- a) ensure that adequate provision is made for the drainage under the highway via the existing and extended culverts. The hydraulic performance and the degree of flood immunity provided by the highway or flood behaviour upstream of the highway is not to be affected; and
- b) demonstrate that the proposed perimeter road/levee system is capable of draining stormwater from the site as well as protecting the future residential subdivision from regular inundation.

SCHEDULE 3

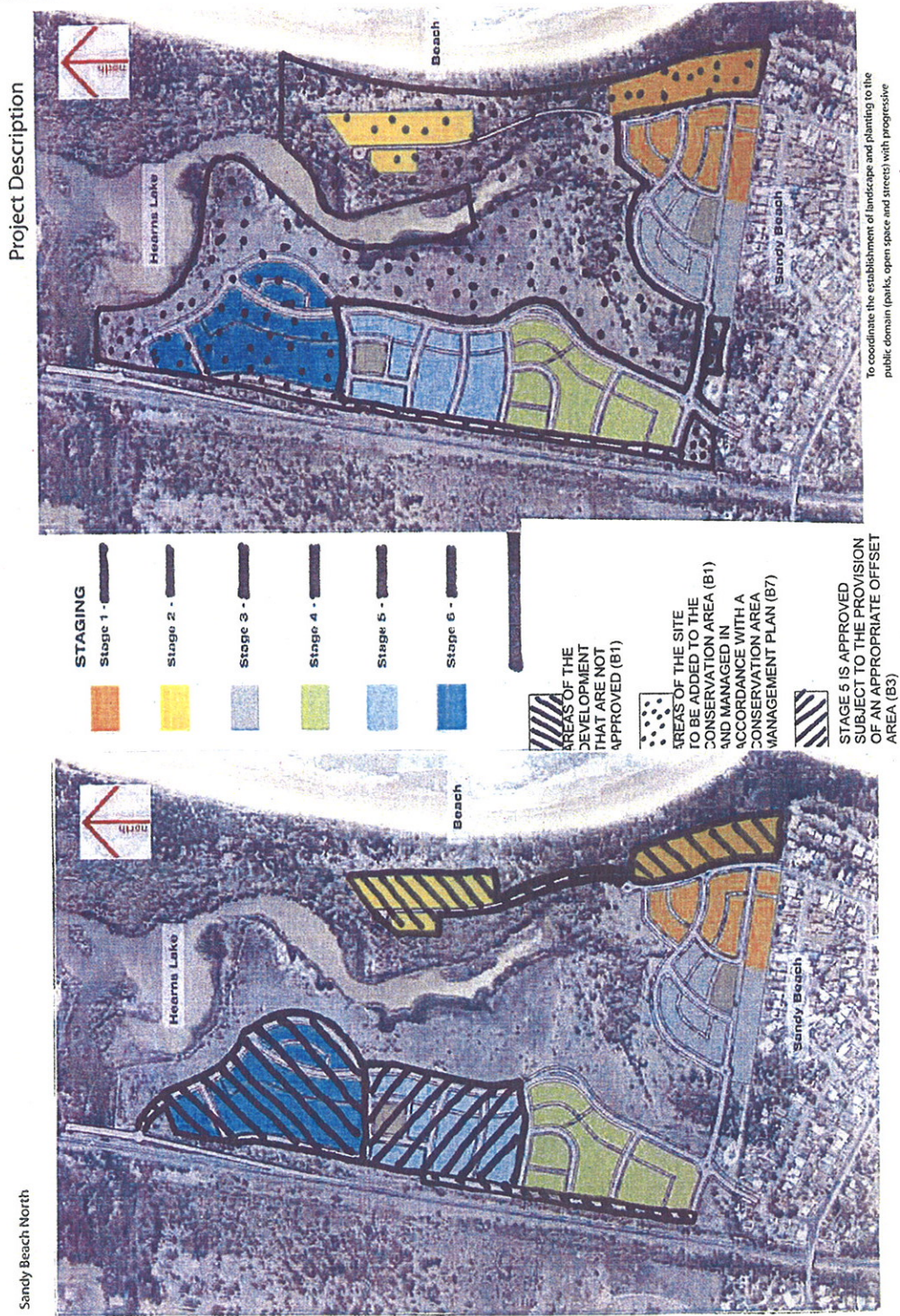


Fig 72. Staging Strategy

