
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 142-6-2004

(FILE NO. S04/01296)

**FOUR ADDITIONAL RESIDENTIAL UNITS TO THE EXISTING SEVEN HOLIDAY
UNITS**

I, Sam Haddad, the Deputy Director General, Office of Sustainable Development, Assessments and Approvals as delegate for the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005, and pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No.71 – Coastal Protection determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure development proceeds in accordance with the approved plans;
- (2) To protect and preserve the environment;
- (3) To preserve the existing or likely future amenity of the neighbourhood;
- (4) To ensure the appropriate use of the site; and
- (5) To ensure inclusion of appropriate measures for energy and water conservation.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2005

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- (5) To ensure inclusion of appropriate measures for energy and water conservation.

Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2005

SCHEDULE 1

PART A—TABLE

Application made by:	Daryl Redford, Redford Builders P/L, Sundowner Homes P/L
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 142-6-2004
On land comprising:	Lot 5 DP 252782 and Lot 6 DP 758258 22 Camperdown Street, Coffs Harbour
Local Government Area	Coffs Harbour City Council
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	Unknown
Type of development:	State Significant Development
S.119 Public inquiry held:	No
BCA building class:	Class 3
Approval Body / Bodies:	None
Determination made on:	Date shown on the letter of determination.
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 142-6-2004

(Responsibility for other approvals / agreements)

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

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within **12** months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Daryl Redford of Redford Builders/Sundowner Homes P/L or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

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

Council means Coffs Harbour City Council

DA No. 173-7-2004 means the development application and supporting documentation submitted by the Applicant on 10 June 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department or the nominees of the Director.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

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

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

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

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

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 142-6-2004

PART A—ADMINISTRATIVE CONDITIONS

A1. Development Description

Development consent is granted only to carrying out the development described in detail below:

- (1) Three storey rear extension to the existing Allambie Court building to provide:
 - two one-bedroom holiday flats at first and second floor
 - additional ground floor parking
- (2) Two additional three-bedroom dwellings with integral garages and associated parking.
- (3) The proposal includes the strata title subdivision of the existing and proposed units.

A2. Development in Accordance with Plans

The development shall be in accordance with development application number 142-6-2004 submitted by the Applicant on 10 June 2004, and in accordance with the following:

Geotechnical Investigation, 22 Camperdown Street Coffs Harbour, produced by de Groot & Benson Pty Ltd, Consulting Engineers & Planners, 3 August 2004			
Architects Report for Proposed Four New Units For Allambie Apartments No. 22 Camperdown St, Coffs Harbour for Redford Builders P/L and Sundowner Homes P/L, prepared by Frank Scahill Architect			
Town Planning Report, Alterations & Additions to Existing Tourist Facility, Lot 5 DP252782 Lot 6 Section 49 DP758258 Camperdown Street, Coffs Harbour, Redford Builders Pty Ltd and Sundowner Homes Pty Ltd, produced by Jock Palmer & Associates Pty Ltd, Planning & Development Consultants: Landscape Architects, August 2003.			
Architectural (or Design) Drawings prepared by Frank Scahill Architect			
Drawing No.	Revision	Name of Plan	Date
04/7	Amended	Proposed four additional units Allambie Apartments 22 Camperdown Street	
04/7	Amended	Proposed new 1 bedroom – 4 person unit – 2 off (identical unit over)	02/05/04
04/7	Amended	Barbecue terrace, laundry & roof plan	02/05/04

04/7	Amended	House plans – upper level	02/05/04
04/7	Amended	House plans – lower level	02/05/04
04/7	Amended	Section AA	02/05/04
04/7	Amended	West elevation – houses 1 & 2	02/05/04
04/7	Amended	East elevation – houses 1 & 2	02/05/04
04/7	Amended	Ingress & egress car turning paths for 85% design of cars	02/05/04
04/7	Amended	Landscape Plan	
04/7	Original	Proposed Strata Title Subdivision	02/05/04

A3. *Inconsistency between documents*

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4. *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1. Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B2. Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Remediation / Demolition / Earthworks

B3. Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B4. Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

Vegetation Management

B5. Landscape Plan

A Landscape Plan is to be prepared to include details of vegetation clearance and a retention plan of existing species and submitted to and approved by Council prior to the issue of a Construction Certificate.

Health

B6. Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste must comply with the requirements of Council's relevant Waste Policy. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B7. Water and Sewerage Services

Prior to the issue of the Construction Certificate a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development shall be produced to Council.

The current contribution rate:

	Amount/ large unit \$	Amount/ small unit \$	Total \$
Works to satisfy increased demand within The area for 4 units (2 small & 2 large units)			
Water Headworks	4396.38	3077.46	14947.68
Reticulation	1667.59	1167.31	5669.80
Sewer Headworks	1449.34	1014.54	4927.76
Reticulation	2691.64	1884.15	9151.58

B8. Sewer Main

The sewer main is to be directed clear of the buildings and structures, details of which need to be submitted to and approved by Council prior to the issue of the Construction Certificate.

B9. Dust Emissions

Effective measures shall be taken to suppress dust emissions during the course of development, details of which need to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Monetary Contributions**B10. Section 94 Contributions**

The Section 94 contribution is currently \$9599.80 for the four additional units. If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contribution Plans. The applicant is advised to confirm the contribution rate applicable at the time of payments as rates are revised at least annually.

The contributions are to be paid prior to release of the Construction Certificate unless other arrangements acceptable to Council are made.

B11. Energy Efficiency

Prior to the issue of a Construction Certificate, certification from a consultant who is accredited by the NSW House Energy Rating Management Body is to be provided to Council

to the effect that the development is to achieve a 3.5 star NatHERS (Nation Wide Housing Energy Rating Scheme) rating or better.

Compliance

B12. Compliance Report

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

C1. Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C2. Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C3. Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management,
- (4) noise and vibration management,
- (5) waste management,
- (6) erosion and sediment control,
- (7) flora and fauna management, and

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

C4. Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,

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- (3) The construction noise objective specified in the conditions of this consent,
 - (4) The construction vibration criteria specified in the conditions of this consent,
 - (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
 - (6) Noise and vibration monitoring, reporting and response procedures,
 - (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
 - (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
 - (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
 - (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
 - (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
 - (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,

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

C5. Contact Telephone Number

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

C6. Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

C7. Construction Management Plan

Prior to the commencement of on-site building works, stabilisation of the rear 15 metres of the site is to be carried out to the satisfaction of Council. These works are to be certified by a geotechnical engineer and the results provided to Council prior to the unit construction commencing.

Compliance

C8. Compliance Report

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART D—DURING CONSTRUCTION

Site Maintenance

D1. Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition B11, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2. Disposal of Seepage and Stormwater

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

Structural Works

D3. Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management

D4. Approved Plans to be On-site

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

D5. Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D6. Contact Telephone Number

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D7. External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D8. Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D9. Protection of Trees – On-site Trees

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

D10. Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

Noise and Vibration**D11. Hours of Work**

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;

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- (2) between 7:00 am and 1:00 pm, Saturdays;
 - (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

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

D12. Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

Compliance

D13. Compliance Report

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

E1. Strata Title Subdivision

Details of a works as executed plan prepared by a registered surveyor to clearly identify the boundaries of the individual lots and common property, as set out in the strata plan approved under this development consent must be submitted and approved prior to the subdivision certificated for the strata plan is released by Council.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Engineering

F1. Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F2. Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

F3. Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F4. Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

PART G—POST OCCUPATION

Fire Safety

G1. Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Noise

G2. Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

Compliance

G3. Compliance Report

The Applicant, or any party acting upon this consent, shall submit to Council a three monthly report addressing compliance with all relevant conditions of this consent for two years following commencement of occupation.

PART H—GENERAL TERMS

Department of Infrastructure, Planning, and Natural Resources (Natural Resources Division)

Standard

H1 Energy Efficiency

Hot water system(s) provided within the development is/are to comply with the requirements of Council's 'Energy Efficiency Information Sheet'. Heat pump type hot water units may cause a noise nuisance and are to be installed in a manner that will mitigate potential nuisance.

All kitchen and hand basin taps and washing machine(s) is/are to be fitted with flow restrictors and all showerheads are to be AAA rated (low flow).

All toilets are to be dual flush systems.

ADVISORY NOTES

Requirements of Public Authorities for Connection to Services

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

Compliance with Building Code of Australia

The Applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

Movement of Trucks Transporting Waste Material

The Applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

Stormwater drainage works or effluent systems

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

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

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

Rivers and Foreshores Improvement Act

- (1) For the purpose of these GTA, the term holder refers to the applicant for the integrated development application.
- (2) Retrospective approval cannot be granted under the RFIA.
- (3) A permit can not apply to works that have already been undertaken.
- (4) A permit will not give the permit holder the right to use and occupy any land without the consent of the registered owner/s of the property.
- (5) A permit will not relieve the permit holder of any obligations or requirements of any other acts, regulations, planning instruments or Australian standards.
- (6) A permit will not apply to development/works on Crown land, authorised under the Crowns Lands Act 1989 (CLA). Note: Use and occupation of Crown land requires approval from the Department of Lands.
- (7) A permit will not apply to development/works where there is a right lawfully exercisable or other right in force under any act relating to mining.