

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 192-8-2004

(FILE NO. S04/01849-3)

3 X 4 STOREY SERVICED APARTMENT BUILDINGS (54 UNITS IN TOTAL)

I, the Minister for Planning, pursuant to Sections 80(1)(a) and 80A 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 promote the orderly and ecologically sustainable use and development of land,
- (2) To ensure that the height, form and orientation of buildings are to take into account visual impact, both land and water based, solar access, ventilation, wind impact, and the amenity and privacy of residences,
- (3) To ensure the development provides a high quality of landscaping and plantings,
- (4) To ensure that the development represents good design by providing an appropriate scale in terms of the bulk and height that suits the scale of the locality and provides high standard external materials and finishes,
- (5) To ensure that the development represents good design by recognising that together, landscape and buildings operate as an integrated and sustainable system resulting in greater aesthetic quality and amenity for both occupants and the surrounding public domain,
- (6) To ensure the maintenance of residential amenity on adjacent approved residential allotments,
- (7) To ensure the proper placement/treatment of stormwater reuse and appropriate discharge, and
- (8) To ensure the adequate provision for utility services.

Frank Sartor MP
Minister for Planning

Sydney,

2005

SCHEDULE 1

PART A - TABLE

Application made by:	Mr Wesley Gardner, Roche Group Pty Limited 21/14 Edgeworth David Avenue, Hornsby NSW 2077
Application made to:	Minister for Planning
Development Application:	192-8-2004
On land comprising:	Lot 4146 in DP 1045068 and Part Lot 320 in DP 1045068 Harrington Waters Estate, Harrington
Local Government Area	Greater Taree City Council
For the carrying out of:	3 x 4 storey serviced apartment buildings with 54 units in total A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	\$17.31 Million
Type of development:	State Significant Development Integrated Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Department of Planning Department of Natural Resources
Determination made on:	TBA
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: (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2, or (3) the development has physically commenced.

PART B - NOTES RELATING TO THE DETERMINATION OF DA NO. 192-8-2004

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 imposing of levies where imposed in accordance with Greater Taree City Council S94 Contributions Plan 2001, which may be inspected at the following locations during its normal business hours:

- (1) Department of Planning, 23-33 Bridge Street, Sydney
- (2) Greater Taree City Council, Administration Centre, 2 Pulteney Street, Taree.

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).

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

Applicant means Mr Wesley Gardner of the Roche Group Pty Limited 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 Greater Taree City Council

DA No. 192-8-2004 means the development application and supporting documentation submitted by the Applicant on 13 August 2004.

Department means the Department of Planning or its successors.

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

Team Leader means the Team Leader of the Urban Assessments (or its successors) within the Department.

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

Minister means the Minister for 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.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 192-8-2004

PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

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

- (1) 3 x 4 storey serviced apartment buildings (Blocks A, B and C) comprising a total of 54 units, with basement car parking, landscaping and associated site works on land within the 'resort precinct' of the Harrington Waters Estate.

A2 Development in Accordance with Plans

The development shall be in accordance with development application number 192-8-2004 submitted by the Applicant on 13 August 2004, and in accordance with the following:

Statement of Environmental Effects entitled <i>Development Application Statement of Environmental Effects for Serviced Apartments on land at Lot 4146, DP 1045068 and part Lot 320, DP 1045068, Harrington Waters Estate Resort Precinct</i> prepared by Leigh Knight Town Planning and Environmental Design for Roche Group Pty Limited, undated.			
Architectural (or Design) Drawings prepared by Roche Group			
Drawing No.	Revision	Name of Plan	Date
03/050-DA-01	B	Site Plan	30 July 2004
03/050-DA-02	-	Apartments Lower Floor Plan Block 'A'	30 July 2004
03/050-DA-03	-	Apartments Ground Floor Plan Block 'A'	30 July 2004
03/050-DA-04	-	Apartments 1 st & 2 nd Floor Plans Block 'A'	30 July 2004
03/050-DA-05	-	Apartments 3 rd Floor Plan Block 'A'	30 July 2004
03/050-DA-06	A	Apartments Roof Plan Block 'A'	30 July 2004
03/050-DA-07	A	Apartments Elevations Block 'A'	30 July 2004
03/050-DA-08	-	Apartments Lower Floor Plan Block 'B'	30 July 2004
03/050-DA-09	-	Apartments Ground Floor Plan Block 'B'	30 July 2004
03/050-DA-10	-	Apartments First & Second Floor Plan Block 'B'	30 July 2004
03/050-DA-11	-	Apartments First & Second Floor Plan Block 'B'	30 July 2004
03/050-DA-12	A	Apartments Roof Plan Block 'B'	30 July 2004
03/050-DA-13	A	Apartments Elevations Block 'B'	30 July 2004
03/050-DA-14	-	Apartments Lower Floor Plan Block 'C'	30 July 2004

03/050-DA-15	-	Apartments Ground Floor Plan Block 'C'	30 July 2004
03/050-DA-16	-	Apartments First & Second Floor Plan Block 'C'	30 July 2004
03/050-DA-17	-	Apartments Third Floor Plan Block 'C'	30 July 2004
03/050-DA-18	A	Apartments Roof Plan Block 'C'	30 July 2004
03/050-DA-19	A	Apartments Elevations Block 'C'	30 July 2004
Landscape Drawings prepared by Andrews Neil			
Drawing No.	Revision	Name of Plan	Date
LDO1	-	Landscape Concept Plan	1 July 2004

except for:

- (1) any modifications which are 'Exempt Development' as identified in Greater Taree City Council Local Environmental Plan 2000 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this consent.

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 *Lapsing of Consent*

In order to avoid confusion and/or ambiguity, the development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this consent.

A5 *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 *Additional Details*

Prior to the issue of a Construction Certificate for Serviced Apartment Building Block B, development consent (DA 0052/2002D) must be modified so that Lot 4122, the subdivision of which was approved by DA 0052/2002D, is consolidated into the golf course site, being Lot 4146 in DP 1065326 and part Lot 320 in DP 1045068.

B2 *Details of Materials, Colours and Finishes*

Final design details of the proposed external materials and finishes, including schedules and a sample board of external materials and colours, shall be submitted to and approved by the Director prior to the issue of a Construction Certificate.

B3 Services

A Certificate of Compliance stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development is to be provided to the Certifying Authority prior to the issue of a Construction Certificate. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

B4 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B5 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.

B6 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.

Demolition / Earthworks**B7 Acid Sulphate Soil Management Plan**

An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B8 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.

Traffic & Parking**B9 Traffic Control Devices**

In order to ensure that vehicles exit the site in a safe manner, a suitable traffic control device (eg, signage, speed hump, line marking, traffic signals, etc) shall be installed and shall be clearly visible at the upper threshold of the driveway. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B10 Disabled car parking spaces

In order to facilitate the provision of disabled car parking spaces, car parking spaces numbered 5 and 6 within the basement level car park in all buildings (Block A, B and C) are to be consolidated into one and become a designated disabled car parking space and are to be designed in accordance with the requirements of AS 2890. Details are to be submitted for approval to the Certifying Authority prior to the issue of a Construction Certificate.

B11 Construction Standards

Parking areas, access lanes and vehicle movement areas are to be constructed, drained and concreted, bitumen sealed or alternatively constructed to a similar standard surface (but not gravel) with the parking spaces permanently and clearly identified. The work is to be completed prior to the issue of a Construction Certificate.

B12 Car Park Layout

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 line marked. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B13 Road works

All internal road works are to be carried out according to the recommendation of a Geotechnical Engineer or Engineering Geologist and a copy of the recommendations is to be submitted and approved by Council prior to the issue of a Construction Certificate. A certificate from a Geotechnical Engineer or Engineering Geologist confirming that the internal road works have been constructed according to the recommendations of the Geotechnical Engineer or Engineering Geologist is to be submitted to Council prior to the issue of a Construction Certificate.

Ecologically Sustainable Development (ESD)**B14 NatHERS Rating**

The following NatHERS rating requirements shall be complied with:

- (1) no apartment shall achieve less than 3.5 stars.

Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B15 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B16 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

Health**B17 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Waste Management**B18 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 Management Policy. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Stormwater Discharge**B19 Washpool**

To ensure the Washpool is maintained as an open connected water body with the Manning River, all stormwater is to be stored as best as possible for re-use with no discharge to the Washpool. In this instance a water management plan is required to be submitted to the Certifying Authority prior to the issue of a Construction Certificate detailing how pollutants will be managed and proposed monitoring regimes to alert of pollutant exceedances in the Washpool.

Water quality**B20 Water Cycle Management Plan**

The applicant is to provide details prior to the issue of a Construction Certificate to the Certifying Authority demonstrating compliance with the 'Water Cycle Management Plan for the Dolphins at Harrington Waters Estate' report prepared by WBM Oceanics Australia, and dated 1 April 2005.

Monetary Contributions and Contributions-in-lieu**B21 Monetary Contributions**

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

(1) Amount of Contribution

Harrington	Contribution amount
Open space	\$36,845.28
Roads	\$216,160.38
Multi purpose community centre	\$15,157.26
Rural fire fighting	\$9,415.44

Finance	\$311.58
TOTAL	\$277,889.94

Greater Taree	Contribution amount
Cen Library Ser Enhancement	\$19,589.04
Library book stock	\$5,495.04
Aquatic centre	\$8,526.06
Rural fire fighting	\$17,086.68
Surf life saving facilities	\$8,524.98
Regional open space	\$17,604.00
S94 plan preparation	\$430.38
Finance	\$7,473.60
TOTAL	\$84,729.78

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Greater Taree City Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Greater Taree City Council.

Evidence of the payment to Greater Taree City Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

PART C - PRIOR TO COMMENCEMENT OF WORKS

Structural Works

C1 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

C2 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, and
- (7) flora and fauna management.

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

C3 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.

Hazardous Materials

C4 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

PART D - DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

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

Surface water and roof water is to be disposed of by a drainage system to Council's drainage network. A drainage design indicating all engineering details relevant to the site regrading and the collection and disposal of roof water and stormwater from the site is to be submitted to an approved by Council prior to the issue of a Construction Certificate. Details are to include existing site levels, finished levels, pipeline sizes and gradings. Stormwater shall be conveyed from the site to the nearest piped drainage system unless otherwise specified by Council. Drainage easements are to be acquired where necessary over any drainage structures laid within private property. All works are to be carried out prior to the issue of an occupation certificate.

Road works**D3 Damage to Roads**

The applicant is to repair any damage to existing roads and concrete foot paving caused during the construction works, in accordance with Council's requirements, prior to the issue of an Occupation Certificate.

Structural Works**D4 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 Certifying Authority certifying that structural works are in accordance with the approved development application.

Construction Management**D5 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 Certifying Authority.

D6 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.

D7 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.

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 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**D10 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;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

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

Ecologically Sustainable Development**D11 Water Conservation**

Water saving showerheads shall be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

D12 *Recycling of Concrete*

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the Certifying Authority.

PART E - PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

There are no conditions in respect of this part.

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 *Mechanical Ventilation*

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

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 to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Easements**F5 *Registration of Easements***

Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all easements required by this consent, approvals, and other consents have been or will be registered on the certificates of title.

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.

Public Access

G2 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Serviced Apartments Use and Occupancy

G3 Occupation Period

The serviced apartments approved by this consent are not to be occupied by any proprietor or occupier of the unit for longer than 42 consecutive days or an aggregate of 150 days in any 12 month period. Such periods are to be calculated from the date of the first occupation of the serviced apartment.

G4 Occupancy Register

A register is to be kept by the owner or proprietors to record the occupancies and will be available at any time for inspection by an authorised officer of Council.

G5 Occupancy Restrictions

The occupancy restrictions will be incorporated into a Management Agreement for the serviced apartments. A copy of the management agreement is to be provided to Council prior to the issue of an occupation certificate.

PART H - GENERAL TERMS

Department of Natural Resources

H1 General Terms of Approval relating to Part 3A Permit

Any amendments to the development application may void these General Terms of Approval (GTA). The approval holder must submit, to the Department of Natural Resources Hunter Region (DNR), a completed application form for a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 (RFIA) prior to the commencement of any development / works on protected land.

The permit application is required to accord with the GTA. The GTA do not constitute an approval under the RFIA.

Permit Application

The approval holder must provide the following with the permit application:

- A copy of the development consent.
- A costing based on current industry rates for all development / works that are subject to the GTA. The costing is to cover, but may not be limited to:
 - (i) construction of any stream works, stormwater outlets, associated scour protection and their re-vegetation;
 - (ii) implementation of a vegetation management plan, including monitoring, reporting and maintenance;
 - (iii) decommissioning of any temporary works on protected land, including erosion and sediment controls, other pollution controls or water diversion structures.
- Detailed stormwater design plans prepared by a person with relevant knowledge, qualifications and experience to industry standards.

Relevant Plans and Documents

The approval holder must ensure that development/works are completed in accordance with the following drawings and/or documents:

- Leigh Knight Town Planning and Environmental Design. Development Application Statement of Environmental Effect for Serviced Apartments on land at Lot 4146, DP 1045068 and part Lot 320, DP 1045068. Harrington Waters Estate Resort Precinct. (Undated - forwarded with DIPNR correspondence of 2 September 2004).
- WBM Oceanics Australia. 25-07-07. Water Cycle Management Plan. Proposed Serviced Apartments at Harrington Waters Estate 'The Dolphins'.
- The landscape plan approved by Council

Works

The approval holder must ensure that all works proposed are designed, constructed and operated to minimise:

- sedimentation, erosion and scour of the banks or bed of the Washpool, and;
- adverse impacts on aquatic and riparian environments.

The approval holder must ensure that work-as-executed survey plans, prepared to a professional standard are provided to the DNR upon request.

Site Rehabilitation

The approval holder must ensure that any restored riparian zones are made up of a diverse range of endemic native tree, shrub, groundcover and grass species, planted at appropriate densities to achieve an effective and full riparian vegetation structure to the satisfaction of the DNR.

The approval holder must ensure that restored areas are maintained for successful native plant establishment to the satisfaction of the DNR. *Note:* Maintenance may include watering, weed control, replacement of plant losses, disease and insect control, mulching, or any other action necessary for successful plant establishment.

Stormwater

The approval holder must ensure that stormwater outlets are designed, located and constructed to minimise any erosion or scour of riparian buffer zones and the bed or banks of the Washpool and receiving waters.

Advisory Notes

- For the purpose of the GTA, the term approval holder refers to the applicant for the integrated development application.
- Retrospective approval cannot be granted under the RFIA.
- A permit cannot apply to works that have already been undertaken.
- A permit will not give the approval holder the right to use and occupy any land without the consent of the registered owner/s of the property.
- A permit will not relieve the approval holder of any obligations or requirements of any other acts, regulations, planning instruments or Australian standards.

- A permit will not apply to works on Crown land, authorised under the Crown Lands Act 1989 (CLA). Note: Use and occupation of Crown land requires approval from the Department of Lands.
- 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.

Definitions under RFIA

The meanings under the RFIA for the following are:

Protected land means:

- (a) land that is the bank, shore or bed or protected waters, or
- (b) land that is not more than forty (40) metres from the top of the bank or shore of protected waters (measured horizontally from the top of the bank or shore), or
- (c) material at any time deposited, naturally or otherwise and whether or not in layers, on or under land referred to in paragraph (a) or (b).

Protected waters means:

a river, lake into or from which a river flows, coastal lake or lagoon (including any permanent or temporary channel between a coastal lake or lagoon and the sea).

River means:

any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel artificially improved, or in an artificial channel which has changed the course of the stream of water and any affluent, confluent, branch, or other stream into or from which the river flows and, in the case of a river running to the sea or into any coastal bay or inlet or into a coastal lake, includes the estuary of such river and any arm or branch of same and any part of the river influenced by tidal waters.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) 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.

AN2 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.

AN3 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's relevant Policy,
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

The Applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN4 *Use of Mobile Cranes*

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 *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.

AN6 *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.

AN7 *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*.

AN8 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*.

AN9 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's relevant Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers are required, a separate application shall be made to Council.

AN10 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.

AN11 Temporary Structures

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

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

AN12 Disability Discrimination Act

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