

**In the Land and
Environment Court
of New South Wales**

No. 11252 of 2005

**Oceanic
Developments Pty
Ltd**

Applicant

**Minister for
Planning**

Respondent

Order

The Court orders by consent that:

1. The appeal is upheld.
2. Development application No. DA321-12-2004 for the consolidation of allotments; demolition of structures; site remediation and construction and operation of a 2-storey tourist facility incorporating a hotel and refreshment room on land comprising Lots 212-217 DP 15648 is determined by the granting of development consent subject to the conditions in Annexure 'A' hereto.
3. Exhibits 5, 10 and A are retained.

Ordered: 3 October 2006

By the Court


Susan Dixon
Registrar
rjs

Annexure 'A'
Conditions of Consent
Oceanic Developments Pty Ltd v Minister for Planning
DEVELOPMENT APPLICATION No. 321-12-2004
LOTS 212 TO 217 DP 15648 MCDONALD PARADE, PRINCESS AVENUE
& PRINCES HIGHWAY BURRILL LAKE

1. GENERAL MATTERS & OPERATIONAL PHASES OF THE DEVELOPMENT/USE OF THE SITE

1.1 Development Description

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

- a) Consolidation of Lots 212 to 217 DP 15648 inclusive into one allotment;
- b) Demolition of all existing buildings on Lots 212 to 217 inclusive;
- c) Remediation of Lots 212 to 215 inclusive (service station sites) in accordance with the 'Remediation Action Plan' prepared by Coffey dated 7 July 2004;
- d) Construction and operation of a 2 storey Tourist Facility incorporating a Hotel and Refreshment Rooms comprising:-
 - (i) Basement levels 1 & 2— consisting of 108 car parking spaces accessed via a ramp down from the northern boundary of the site;
 - (ii) Ground — consisting of a tavern (incorporating a pool table area, gaming room, bar, TAB and lounge area), café, bottle shop, store rooms, cool rooms, keg rooms, office, loading dock and terrace areas; and
 - (iii) First floor - consisting of a bistro and bar with outdoor terraces and children's play area, restaurant and terrace area, store rooms, cool rooms, kitchens and plant rooms, and
- e) Operation of the Hotel component (comprising the tavern, bar and bistro) of the Tourist Facility as a place of public entertainment, subject to compliance with the permit(s) issued by Council under the Local Government Act 1993.

1.2 Approved Plans and Supporting Documentation

The development shall be in accordance with Development Application number DA 321-12-2004 submitted by the applicant to the Department on 24



December 2004 and in accordance with the following, except where amended by other conditions of this development consent:-

Urban Analysis Report and Site Analysis Plans prepared by Byrnes & Associates Pty Ltd dated February 2004			
Statement of Environmental Effects prepared by Byrnes & Associates Pty Ltd dated December 2004, Ref No 31071R2			
Consultant Studies (contained in Appendices of the Statement of Environmental Effects, or as amended/added to and submitted during development application assessment):			
Study Title	Author	Ref No	Date
Design Statement	Noel Bell Ridley Smith and Partners Pty Ltd	-	December 2004
Photo Montages	Noel Bell Ridley Smith and Partners Pty Ltd	-	26 August 2005
Shadow Diagrams, 9am 21 st December, March and June	Noel Bell Ridley Smith and Partners Pty Ltd	-	25 August 2005
Phase III Environmental Site Assessment	HLA-Envirosciences Pty Limited	J2009	13 December 2002
Remediation Action Plan	Coffey Geosciences Pty Ltd	E14501.2 AC	7 July 2004
Acid Sulfate Soil Management Plan	Coffey Geosciences Pty Ltd	E14501/2 -AD	16 June 2004
Bushfire Hazard Assessment Report	Building Code & Bushfire Hazard Solutions	-	July 2004
Bushfire - Supplementary Statement	Building Code & Bushfire Solutions Pty Ltd	-	22 December 2004
Flora and Fauna Report	Kevin Mills & Associates	03/64/2	May 2004
Cultural Heritage Assessment	Alistair Grinbergs Heritage Solutions	-	April 2004
DEC Southern Aboriginal Heritage Unit Report	National Parks and Wildlife Services	-	16 June 2004
Letter re Aboriginal Archaeological Heritage	Ulladulla Local Aboriginal Land Council	-	May 2004
Traffic Impact Assessment	Christopher Hallam & Associates Pty Ltd	2351	December 2004
Letter re supplementary Traffic	Christopher Hallam & Associates Pty Ltd	-	15 August 2005

Environmental Noise Impact Assessment	Renzo Tonin & Associates Pty Ltd	TB644-02F02(R ev 2)	17 November 2004
Assessment of the Maximum Expected Patronage under Normal Operating Conditions	Projectworx Pty Ltd	-	16 November 2004
Services Engineering Report	Jones Nicholson Pty Ltd	GJ04039 8LTR	20 December 2004
Report on Flooding Effects	Jones Nicholson Pty Ltd	GJ04039 8RPT(A)	12 April 2006
Proposed Lighting Scheme	Enginuity Pty Ltd	Rev E	17 December 2004
Waste Minimisation & Management Plan	Projectworx Pty Ltd	-	December 2004
Concept Site Management Plan and Dwgs SMP01A & SMP02A	Projectworx Pty Ltd	-	December 2004
Flood Evacuation Plan Overview	Oceanic Developments Australia Pty Ltd	-	22 June 2006
Management & Operations Plan	Oceanic Developments Australia Pty Ltd	-	19 January 2006
Architectural Drawings prepared by Noel Bell Ridley Smith & Partners dated 21 June 2006 Project No 03089			
Drawing No.	Revision	Name of Plan	Date
DA01	-	Roof/Site Plan	21 June 2006
DA02	-	Ground Floor Plan	21 June 2006
DA03	-	First Floor Plan	21 June 2006
DA04	-	Roof Plan	21 June 2006
DA05	-	Basement Level 1 Plan	21 June 2006
DA06	-	Elevations	21 June 2006
DA07	-	Elevations	21 June 2006
DA08	-	Sections	21 June 2006
DA09	-	Acoustic Requirements Plan	21 June 2006
DA10	-	Car Parking, Ground Floor Area Calculations	21 June 2006
DA11	-	Car Parking, First Floor Area Calculations	21 June 2006
DA12	-	Ground Floor Area Calculations	21 June 2006

DA13	-	First Floor Area Calculations	21 June2006
DA14	-	Second Floor Area Calculations	21 June2006
DA15	-	Landscape Area Calculations	21 June2006
DA16	-	Ground Floor Plan, Proposed Licensed Area, Tavern, Bottle Shop, Bistro and Bar	21 June2006
DA17	-	First Floor Plan, Proposed Licensed Area, Tavern, Bottle Shop, Bistro and Bar	21 June2006
DA18	-	Rear Sections	21 June2006
DA19	-	Basement Level 2 Plan	21 June 2006
Concept Stormwater Drainage Drawings prepared by Jones Nicholson Pty Ltd Job No 040398			
Drawing No.	Revision	Name of Plan	Date
DC01	H	Concept Stormwater Drainage - Ground Level	22 June 2006
DC02	H	Concept Stormwater Drainage - Basement Levels	22 June 2006
Landscape Drawings prepared by Projectworx			
Drawing No.	Revision	Name of Plan	Date
DD-01	Rev E	Concept Landscape Site Plan	September 2005
DD-02	Rev B	Concept Landscape – First and Second Floors	December 2004
DD-03	Rev C	Concept Plant Schedule	December 2004
Survey Drawings prepared by Phillip Brown Registered Surveyor			
Drawing No.	Revision	Name of Plan	Date
Ref 2530.1		Plan showing Dimensions, Areas and Spot Heights over Lots 212 – 216 DP 15648 & Lots A&B DP 387121	28 August 2003
Ref 2603.2		Plan showing elevations of adjoining Lots 212 – 216 DP 15648 Burrill Lake	2 December 2003
Ref 2758.2		Plan showing spot heights, contours and adjoining residences	22 June 2004

		over Lots 212 – 217 DP 15648 Burrill Lake	
Area Schedule		Projectworx Pty Ltd	21 June 2006
External Finishes Schedule		Noel Bell Ridley Smith and Partners Pty Ltd	31 July 2006

1.3 Car Parking on McDonald Parade

Eight (8) parking spaces shall be provided on the western side of McDonald Parade, within the road reserve (designed in accordance with the requirements of the Shoalhaven City Council Development Control Plan 18 – Car Parking Code) to satisfy the peak car parking demand of the development. Detailed designs shall be submitted with a Section 138 Roads Act application to Shoalhaven City Council. This work must be completed prior to the issue of the Occupation Certificate.

1.4 Building Work

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

1.5 Construction Certificate

A Construction Certificate must be obtained from either the Council or an accredited certifier before any building work can commence.

1.6 Approvals under Section 68 of the Local Government Act 1993

A Place of Public Entertainment Permit must be obtained from the Council pursuant to Section 68 of the *Local Government Act 1993* prior to the use of the premises as a place of public entertainment.

1.7 Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. It is the responsibility of the applicant to guarantee compliance with the requirements of the *Disability Discrimination Act 1992*.

1.8 Roadworks in Classified Roads – Requirements of the NSW Roads and Traffic Authority

All roadworks associated with this development and construction of access points to this site shall be at no cost to the Council or the RTA. All works within the road reserve are to be at the applicant's cost and all signage shall be in accordance with the Roads and Traffic Authority's 'Traffic Control at Worksites Manual'. No direct vehicle access from the Princes Highway or Princess Avenue is permissible to the subject site (including construction works) and all vehicle access to the development shall be via McDonald.

Parade. No parking is permitted along the Princes Highway (including the '15 minute parking' shown on DA 02 dated 12 April 2006).

1.9 Separate Consent required for Advertising

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not "Complying or Exempt Development". No advertising signs or structures will be permitted within the Princes Highway road reserve. The erection of advertising structures shall be in accordance with *State Environmental Planning Policy No 64 – Advertising and Signage*.

1.10 Occupation Certificate

An Occupation Certificate must be obtained from the Council or an Accredited Certifier prior to occupation of the premises.

1.11 Operation of Development during a Flood event

The development shall cease operating in the event that floodwaters reach 1.8m AHD. All patrons and staff are to be evacuated in accordance with the Flood Evacuation Plan required by Condition 2.5 of this Consent. The re-occupation of the development shall be in accordance with the provisions in the Flood Evacuation Plan .

1.12 Flood Evacuation Plan

The Flood Evacuation Plan required by Condition 2.5 of this Consent must be owned, understood and practiced by the management of the development during a flood event.

1.13 Future Road Reserve

No permanent works shall encroach on the future road reserve, as indicated on the plans referred to as DA01 to DA05 inclusive and DA19 dated 21 June 2006, including basement parking.

1.14 Consolidation of Allotments

The allotments the subject of this development consent, consisting of Lots 212 to 217 inclusive in DP 15648, must be consolidated into one allotment.

1.15 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. All fire safety measures shall be maintained in good working order at all times.

1.16 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times and all service vehicles must enter and leave the site in a forward direction. The designated loading dock shall be kept clear at all times and operated in accordance with the approved 'Loading Dock Management Plan'.

1.17 Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

1.18 Management and Operations Plan

The development must be managed and operated at all times in accordance with the 'Management and Operations Plan' prepared by Oceanic Developments Australia Pty Ltd dated 19 January 2006.

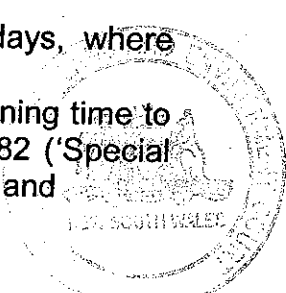
1.19 Liquor Licensing Approval

This development will require consent from the Licensing Court as required by the *Liquor Act 1982*, prior to the issue of a final occupation certificate.

1.20 Hours of Operation

To protect the amenity of the surrounding environment, the trading hours of the premises shall be restricted to the following hours:

- (i) Tavern, & Bistro/Bar – 10am to 12 midnight (Monday to Saturday); and 11am to 10pm (Sundays) except as noted at (iv) and (v);
- (ii) Bottle Shop - 10am to 9.30pm (Monday to Sunday);
- (iii) Restaurant – 12pm to 12 midnight (Monday to Saturday) and 12pm to 10 pm (Sunday);
- (iv) Tavern & Bistro/Bar – 11am to 12 midnight (Sundays, where Monday is a public holiday);
- (v) Tavern & Bistro/Bar – From the above respective opening time to as declared by the Minister under the *Liquor Act 1982* ('Special Event' days such as New Years Eve, Anzac Day, etc); and



- (vi) Cafe – 8.am to 12 midnight (Monday to Saturday) and 8 am to 10pm (Sunday).

1.21 Use of Terrace Areas

(i) There shall be no use of the terrace area adjoining the café before 8 am

(Monday to Sunday) and the use of the restaurant terrace must cease by 11pm each day;

(ii) All first floor operable windows shall be closed at 10 pm. The western glass sliding doors to the bistro seating area shall be closed at 10 pm.

1.22 Cleaning - Licensed Premises

To minimise the noise impact of the development on the surrounding environment no cleaning staff or contractors shall commence work externally or on the terraces prior to 7am on any day and shall not work beyond 1 hour after the cessation of trading.

1.23 Loading Dock Operating Hours

The operational hours of the loading dock shall be restricted to between 8am and 6pm Mondays to Saturdays, including deliveries and waste collection. When the loading dock is not in use, the roller door shall remain closed.

1.24 Amenity of the Neighbourhood

The implementation of this development shall not unduly adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise (as defined under the Protection of the Environment Operations Act, 1997), fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

1.25 Notice to Patrons - Licensed Premises

To protect the amenity the surrounding residents, a clearly visible sign shall be permanently erected immediately adjacent to the entry / exit doors of the premises indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

1.26 Noise Control

The L_{A10} noise level emitted from the premises shall not exceed the background noise level in an octave band centre frequency (31.5Hz - 8kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 Midnight

when measured at the most affected point on or within any residential property boundary, including balconies.

The L_{A10} noise level emitted from the premises shall not exceed the background noise level in an octave band centre frequency (31.5Hz - 8kHz inclusive) between 12.00 Midnight and 7.00am at the boundary of any affected residence, including balconies.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 Midnight and 7.00am.

Note: For the purposes of this condition, the L_{A10} can be taken as the average maximum deflection of the noise emission from the licensed premises.

1.27 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 L_{A90} background noise level when assessed as an $L_{Aeq,15\text{minute}}$ at any residential boundary between 10pm and 7am on any day.

1.28 Acoustic Measures

To ensure the premises do not unduly adversely affect adjoining and nearby development, the following acoustic requirements shall be implemented:

- (i) All external wall construction for the tavern area shall achieve a nominal weighted sound reduction index (R_w) 55 and a minimum R_w 48 for all other external walls;
- (ii) The roof shall achieve a nominal weighted sound reduction index (R_w) 48 and the underside of all terrace roofs are to have an acoustically absorptive treatment with a minimum Noise Reduction Coefficient (NRC) of 0.8;
- (iii) All internal ceilings are to be sound absorptive where practical with a minimum NRC of 0.8;
- (iv) Fixed windows in the tavern facing north and door systems facing west shall be double-glazed units incorporating acoustic seals where operable;
- (v) Windows and doors in the tavern's 'Fireplace Lounge' and southern façade shall be either fixed or where operable, have acoustic seals and be double-glazed units;
- (vi) All double-glazed windows within the tavern and restaurant areas shall be of laminated glass construction comprising 12.38mm/200mm air gap/10.38mm, or an alternate system of

- equivalent or better acoustic properties, designed by a suitably qualified practicing acoustic engineer;
- (vii) All remaining windows within the bistro/bar and café are to be of 10.38mm laminated glazing incorporating acoustic seals where operable windows are used;
 - (viii) All external glass doors shall be of laminated glazing (eg 10.38mm laminated) and the Tavern's external doors are to be of double set construction with an air-lock;
 - (ix) Acoustic seals are to be fitted to all external doors;
 - (x) Automatic door closers are installed to all main entrance doors to the tavern, bistro/bar and café;
 - (xi) Acoustic screens, consisting of fixed glazing (10.38mm), shall be installed along all terrace areas on the first floor. These screens shall be 1500mm high along the southern terraces and 3000mm high on the southern side of the western terrace;
 - (xii) All rooftop mechanical plant equipment shall be acoustically treated with screening;
 - (xiii) The roof mounted kitchen exhaust fans shall incorporate 2D podded silencers or similar;
 - (xiv) The plant rooms located on the mezzanine (between the ground and first floor) shall be lined with 50mm thick acoustic insulation and acoustic louvres of Fantech model number SBL2 type (or equivalent) with external acoustic screens located in front of the louvres;
 - (xv) A 2.1m high minimum height above natural surface level masonry boundary wall along the common boundary with No 5 Princess Avenue and No 59 McDonald Parade shall be provided; and
 - (xvi) The basement exhaust system (including the supply and exhaust fans) shall be fitted with silencers. The silencers are to be Fantech C2P-056 (supply) and C2P-080 types (exhaust) or equivalent. Louvers are also to be fitted to be Fantech SBL1 type (or equivalent).

1.29 Acoustic Management Measures

Permanent sound monitor devices shall be installed in the tavern, bistro/bar and the western, northern and restaurant terraces to continuously monitor sound levels and to prevent noise levels from exceeding set limits. The sound monitor devices shall be calibrated and cut-off levels set by Renzo Tonin and Associates Pty Ltd or another suitably qualified practising acoustic engineer/firm so that cut-off occurs when noise levels exceed regulations at neighbours.

Management and staff shall ensure the following procedures are implemented at all times:

- (i) When the sound levels exceed a nominal 70-75 dB(A) inside the tavern at any time, then management shall close all operable windows and doors;
- (ii) When sound levels exceed a nominal 70-75dB(A) inside the

- bistro/bar during the evening/night periods only, then management shall vacate the southern terraces and close all doors leading to them;
- (iii) During the evening/night periods only, when sound levels exceed a nominal 70-75dB(A) on the northern and western terraces, and 75-80dB(A) on the restaurant terrace, then management shall direct patrons to vacate the terraces; and
 - (iv) The north-facing window of the restaurant is to be kept closed during evening and night-time periods.

The above noted dB(A) levels are nominal only, as noted, and are subject to calibration by the acoustic engineer. The final levels are to be set after measuring the levels occurring at affected residential boundaries ensuring that the cut off limit internally at the monitors coincides with permissible maximums occurring at the adjoining residential boundaries.

1.30 Licensed Premises - Sound Level Restrictions of Live Entertainment

To minimise the noise impact of the development on the surrounding environment, all live performances shall be contracted to perform in accordance with the sound level restrictions referred to in this development consent.

1.31 Signage

All signage required by the Liquor Administration Board and the Australian Hotels Association regarding the sale of liquor and the provision of gaming facilities shall be prominently displayed within the premises.

1.32 Patron Numbers

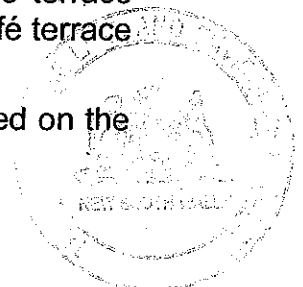
The number of patrons in the applicable area of the building at any one time must comply with the requirements of the Place of Public Entertainment permit, while being used as a place of public entertainment.

1.33 Lawn Area

There shall be no consumption of alcohol permitted on the lawn area adjoining the café on the ground floor at any time

1.34 Café Seating

- (i) The seating in the café shall not exceed 68 (including the terrace area) and no more than 30 seats are to be provided on the café terrace area;
- (ii) A glazed acoustic barrier of 1.8m in height is to be provided on the



north eastern and north western perimeter of the café terrace;

(iii) The underside of the café terrace soffit shall incorporate acoustic absorption material having a sound absorption coefficient not less than NRC 0.8;

(iv) The stairs on the north eastern side of the café are to be deleted and

(v) The café terrace area shall not be used after 10pm and not set up prior to 8 am.

1.35 Food Premises

The food premises must be registered with NSW Health or equivalent prior to the use of the building for food premises and must be maintained in accordance with the relevant Australian Standards at all times.

2. **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

2.1 Section 94 Contributions - Contributions for Additional Services and/or Facilities

This development will generate a need for additional services and/or facilities as described in *Shoalhaven City Council's Contributions Plan 1993*, as itemised in the following table.

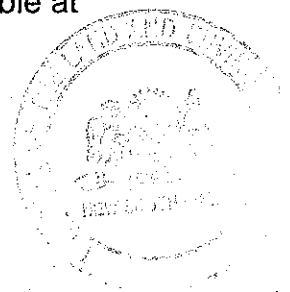
Project	Description	Rate	Qty	Total	GST	GST Incl
05 ROAD 2011	Southern Link Road	\$357.06	12.6	\$4,498.96	\$0.00	\$4,498.96
CW MGMT 0001	Project Management Costs	\$182.77	1	\$182.77	\$0.00	\$182.77

Sub Total: \$4,681.73

GST Total: \$0.00

Estimate Total:
\$4,681.73

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied will be adjusted accordingly at the time of payment. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)



A total contribution, currently assessed at the sum of **\$4,681.73** (i.e. 2006/2007 rate), or as indexed in future years, shall be paid to Shoalhaven Council prior to the issue of a Construction Certificate.

2.2 Water Authority Requirements

All conditions listed on the attached 'Shoalhaven Water Development Application Notice' dated 24 February 2005 under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water prior to the issue of a Construction Certificate. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development. For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

2.3 Design Changes

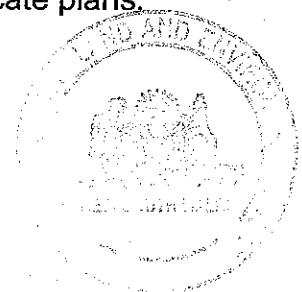
The northern section of the cantilevered terrace on drawing No 'DA03 - First Floor Plan' shall be reduced to extend no further than the outer face of the walls bordering the first floor 'box' structure. The change shall be incorporated in the construction certificate plans.

2.4 Crest and Stair Levels of the Basement

In order to comply with the revised Flood Planning Level for the site, the following basement parking levels and associated fire stairs levels must be complied with:-

- (i) The entrance driveway crest levels to the basement car park, shall be set at 2.6m AHD;
- (ii) The entry point to the fire stairs on basement levels 1 and 2 shall be set 100mm above the level of the car park to ensure people can safely evacuate via these stairs; and
- (iii) The exit point to the fire stairs (on the ground floor level of the development) from the basement levels must be set 500mm above the car park entrance crest level (i.e. at a level of 3.1m AHD) to ensure safe egress is available from the basement levels once it starts to fill. These egress points are to be adequately connected to the main building or higher ground (i.e. 3.1m or above) to ensure safe passage for people.

These requirements must be reflected on the Construction Certificate plans.



2.5 Flood Evacuation Plan

A Flood Evacuation Plan for the site must be prepared and certified by an experienced and qualified engineering hydrologist who is NPER accredited by Engineers Australia. This Plan shall be periodically updated to suit changes in flood evacuation management practices. This Plan must be in accordance with the requirements of the State Emergency Service, the NSW Floodplain Development Manual 2005 and any other relevant Policy and must include, but not limited to, the following.

- (i) The anticipated characteristics of the flood event and the possible impact of this flood event on the premises with respect to access and egress;
- (ii) The potential hazards resulting from a flood event and the interrelationship of the identified hazards with the facilities levels, layout and operation;
- (iii) Actions to be undertaken in the event of a flood (i.e. when the floodwaters reach 1.8m AHD) and after a flood event so as to mitigate against the potential loss of life and property;
- (iv) The probable duration of the evacuation operation and the likely numbers of people to be evacuated;
- (v) The amount of time available before inundation occurs or evacuation routes are cut;
- (vi) Resources necessary to meet evacuation needs (staffing, transport, supplies, equipment, communications and the security of the area to be evacuated);
- (vii) The means by which the evacuation will be carried out, taking into account the delivery of warnings, the probable extent of self-evacuation, assembly areas, transport arrangements, primary and secondary evacuation routes, refuge options, the control and timing of movement, reception and welfare needs and registration requirements;
- (viii) The role other agencies will play in managing the evacuation;
- (ix) The name of the business, names of key contact people and facility overview; and
- (x) The specific requirements outlined in the '*Flood Evacuation Management Plan Overview: Burrill Lake Tavern*' prepared by Oceanic Developments Australia Pty Ltd dated 22 June 2006.

- (xi) Actions to be undertaken prior to the development being occupied after a flood event occurring that has exceeded an RL1.8m AHD.

Prior to the issue of a construction certificate for the building works, a compliance certificate is to be issued by a qualified engineering hydrologist who is NPER accredited by Engineers Australia, to the effect that the above requirements have been addressed in the Flood Evacuation Plan. The certification shall be provided to the Principal Certifying Authority.

2.6 Structural Integrity of Development during Flooding

The submission of engineering plans and documentation from an experienced and qualified Structural Engineer, NPER accredited by Engineers Australia, to the Principal Certifying Authority is required prior to the issue of a Construction Certificate, demonstrating that the building has been designed to withstand hydrodynamic and hydrostatic loads as expected by the predicted 1% AEP flood level.

2.7 Electrical and Mechanical Services

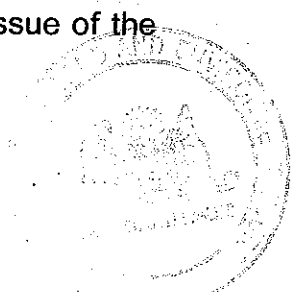
The submission of engineering plans and documentation from experienced and qualified Electrical and Mechanical Engineers, NPER accredited by Engineers Australia, to the Principal Certifying Authority is required prior to the issue of a Construction Certificate, demonstrating that the building services have been designed such that all main electrical and mechanical plant, controls and switches are located at ground floor level or higher.

2.8 Safety and Security

The development must incorporate appropriate design measures to minimise crime risk to patrons, staff and property within the development including:-

- (i) In the basement car park, mirrors, adequate lighting, closed-circuit television, alarm systems and a duress alarm system for use by Patrons are to be provided;
- (ii) Landscaping treatments which allows visibility from the roadway and other public areas throughout the development are to be provided; and
- (iii) The ceiling of the basement parking levels must be painted white to increase visibility.

Details must be provided in accordance with the 'Crime Prevention and the Assessment of Development Applications' 2001, prepared by DUAP, the 'Safer By Design' Guidelines prepared by the NSW Police Service and in conjunction with any other requirements of the NSW Police Service to the satisfaction of the Shoalhaven Local Area Command prior to the issue of the Construction Certificate.



2.9 Lighting Design

The proposed external lighting system shall provide suitable light spillage mitigation measures within the development, in order to mitigate against any adverse light spillage impacts upon surrounding properties and shall be generally in accordance with the requirements of AS 4282 – *Control of Obtrusive Effects of Outdoor Lighting*. This requirement shall be reflected on the Construction Certificate plans.

Prior to the issue of the Construction Certificate, a compliance certificate is to be submitted to the Principal Certifying Authority from a recognised lighting design engineer that the detailed design for the proposed lighting addresses the objectives and criteria in the Report prepared by Enginuity dated 17 December 2004.

2.10 Acoustic Measures

Prior to the issue of the Construction Certificate, a compliance certificate is to be submitted to the Principal Certifying Authority from a practicing acoustic engineer certifying that the detailed design in relation to acoustic treatment to the proposed building complies with the acoustic requirements set out on the Plan referred to as "DA09" prepared by Noel Bell Ridley Smith and Partners. This requirement shall be reflected on the Construction Certificate plans.

2.11 Oil and Silt Arrestor

An oil and silt removal arrestor shall form part of the stormwater and detention tank located within the basement car park. This requirement shall be reflected on the Construction Certificate plans.

2.12 Stormwater Drainage

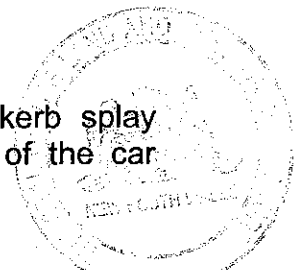
Stormwater drainage shall be generally in accordance with plans 040398/DC01 & 040398/DC02 prepared by Jones Nicholson Pty Ltd dated 22 June 2006. This requirement shall be reflected on the Construction Certificate plans.

2.13 Loading Dock Management Plan

A Loading Dock Management Plan is to be prepared and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate, with the objective of managing any potential service vehicle/patron vehicle conflicts while the loading dock is in use. Recommendations in the Plan are to be implemented during the operation of the facility. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

2.14 Parking Spaces

The car parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, and ramp widths and grades of the car



parking areas are to comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*, except where amended by other conditions of this development consent. In particular, the following requirements must be demonstrated:-

- (i) To assist with manoeuvring in and out of parking spaces, the main aisle for basement levels 1 and 2 shall be 7 metres wide with the exception of the width where the lift is located, as reflected on DA05 and DA19, 21 June 2006;
- (ii) All parking spaces are to be line marked; and
- (iii) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.

Details of such compliance shall be reflected on the Construction Certificate plans.

2.15 Disabled Access

The development must comply with the relevant provisions of AS 1428.1 – *Design for Access and Mobility*. This requirement shall be reflected on the Construction Certificate plans.

2.16 Road Design Details

The following details must be submitted to the RTA, prior to the issue of a Construction Certificate:-

- (i) Kerb & Guttering - proposed kerb and gutter along the Highway and McDonald Parade, with kerb return Radii, offsets to centrelines and profiles, including any kerb and gutter on the Highway to be a minimum 6.4m from the centre of the Highway carriageway;
- (ii) Shoulder widening - to accommodate a Basic Right Turn at the intersection of McDonald Parade (See Figure 4.5.2 in the RTA *Road Design Guide*);
- (iii) Turning templates - AUSTROADS turning templates for the Intersection of the Princes Highway and McDonald Parade, demonstrating the intersection is capable of accommodating the largest vehicle likely to utilise the junction;
- (iv) Sight lines – landscaping and fencing should not restrict vehicular sight lines on the Princes Highway; and
- (v) Parking along Princes Highway – all parking must be removed from the Princes Highway boundary of the site.



2.17 Intersection Modelling

Intersection modelling using aaSIDRA must be undertaken and submitted to the RTA for assessment of the Princes Highway and McDonald Parade junction considering the following:

- (i) AM and PM peaks volumes;
- (ii) Existing traffic volumes with development and 10 year projected volumes with the development (this must include existing local traffic on McDonald Parade).
- (iii) Closure of Princes Avenue (northern)

Following this analysis, the applicant shall provide a suitable treatment at this junction to cater for the increased traffic volumes associated with this development to the satisfaction of the RTA. The junction shall be designed in accordance with Section 4 of the RTA Road Design Guide. This requirement shall be reflected on the Construction Certificate plans

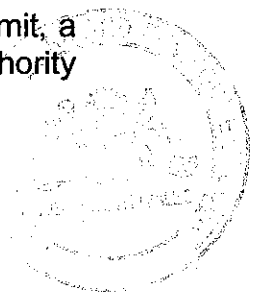
(Note: Preliminary analysis by the RTA based on the car spaces provided, the RTA Guide to Traffic Generating Developments and the RTA Road Design Guide suggests that the minimum treatment would be an AUR right turn treatment in accordance with Section 4 of the RTA Road Design Guide. However, the above analysis needs to be undertaken to determine the appropriate treatment)

2.18 Works in the Road Reserve

Prior to undertaking any works within the road reserve, the applicant must obtain the approval of the Council (with RTA concurrence) under Section 138 of the *Roads Act, 1993* prior to the issue of the Construction Certificate. The following details must be submitted to Council in order to obtain this approval:

- (i) Pavement designs;
- (ii) Kerb and gutter, footpath crossing, stormwater drainage, footpath and street landscaping designs;
- (iii) Taxi stand parking designs;
- (iv) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RTA's manual – "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan; and
- (v) Insurance details.

Should the Traffic Management Plan require a reduction of the speed limit, a Direction to Restrict shall be obtained from the relevant road authority (Council or the RTA - Traffic Operations Unit).



Note: Where works are required within a Classified Road, Council must obtain the concurrence and/or the approval of the RTA for engineering design plans, Traffic Control Plans and approvals under S138 of the Roads Act.

2.19 Vehicular Crossing Details

A heavy duty concrete (min 150 mm thick reinforced with two layers of F82 mesh) vehicular gutter layback and footpath crossing shall be constructed at the driveway entrance nine (9) metres wide at the property boundary splayed to 10.2 metres wide at the kerb line in accordance with Shoalhaven City Council's Standard Plans G202603 and G202605. Shoalhaven City Council's Subdivision Manager or his nominee shall inspect and approve the kerb line, levels and formwork prior to pouring of concrete. Any landscaping within five (5) metres of the footpath crossing in the road reserve should not exceed 1.2 metres in height at maturity. This requirement shall be reflected on the Construction Certificate plans.

2.20 Road Noise

The proposed development shall be designed such that road traffic noise from the Princes Highway is mitigated by durable materials, in accordance with EPA's 'The Environmental Criteria for Road Traffic Noise', May 1999. The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments. This requirement shall be reflected on the Construction Certificate plans.

2.21 Footpath

A two (2) metre wide footpath shall be provided for the full frontage of the development to provide for a shared footpath/cycleway. This requirement shall be reflected on the Construction Certificate plans.

2.22 Footway Encroachments

The window ledge and footway encroachments adjoining the 'Fireplace Lounge' in the western corner of the site shall be removed. This requirement shall be reflected on the Construction Certificate plans.

2.23 Taxi Pick-up/Drop-off and Bus Bay

A taxi pick-up and drop-off bay and a Bus Bay shall be provided along the McDonald Parade frontage of the development. This requirement shall be reflected on the Construction Certificate plans.

2.24 Louvre Screens

Louvre screens for the windows to the restaurant are to be constructed to ensure vision is restricted towards the adjoining residential properties to the north. This requirement shall be reflected on the Construction Certificate plans.

2.25 Materials, Colours and Finishes

External materials, colours and finishes shall be in accordance with the photomontages forming part of the development application documents and the Exterior Finishes Schedule. Any deviations from the noted are to be submitted to Council for approval.

2.26 Landscape Concept Plan

The detailed landscape plan must include dense screen planting to a height of 4 metres above the natural surface level along the northern boundary, so as to provide a privacy screen to the northern adjoining residences from the northern first floor terraces. The detail landscape plan is to be submitted to the principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the detail landscape plan is to be forwarded to Shoalhaven City Council.

2.27 Engineering Details

Full engineering details shall be provided to the Principal Certifying Authority for all excavation support, dewatering activities and protection of groundwater levels on adjoining properties prior to the issue of a construction certificate.

2.28 Pre-Construction Dilapidation Reports

The applicant shall engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of the adjoining residential dwellings and associated outbuilding at No 5 Princess Avenue and No 59 McDonald Parade, and adjoining infrastructure and roads. The report shall be submitted to the satisfaction of the Council prior to the issue of the Construction Certificate.

2.29 Soil and Water Management

Prior to the issue of a Construction Certificate, a detailed Soil and Water Management Plan, prepared by an appropriately qualified consultant, and accompanying specifications for the construction phase and operation of the development, prepared by a suitably qualified/experienced person and based on the Landcom manual "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004" and "Acid Sulfate Soil Management Plan E14501/2-AD dated 16th June 2004 prepared by Coffey Geosciences Pty Ltd" and "Remediation Action Plan no E14501.2AC dated 7th July 2004, prepared by Coffey Geosciences Pty Ltd", shall be lodged with the Construction Certificate plans. The controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have been established and in the case of operational measures for

the life of the development. The plan shall include, but not be limited to:

- (i) Provision for the diversion of runoff around disturbed areas;
- (ii) Location and type of proposed erosion and sediment control measures;
- (iii) Location of and proposed means of stabilisation of site access;
- (iv) Clearance of sediment traps on a regular basis and after major storms;
- (v) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- (vi) Standard construction drawings for proposed erosion and sediment control measures;
- (vii) Monitoring of quality of discharge waters during construction and operational phase;
- (viii) Dewatering activities;
- (ix) Water treatment devices;
- (x) Reporting.

2.30 Odour

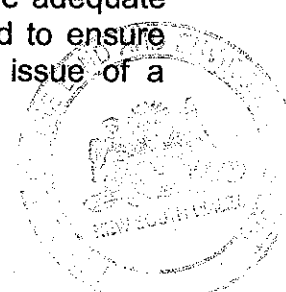
Exhaust ventilation from kitchens, garbage rooms and basement car park shall comply with AS 1668.2 - *The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control* and discharge in locations that will not cause an odour nuisance to properties in the neighbourhood. Full details of exhaust ventilation systems must be submitted to the Principal Certifying authority prior to the issue of Construction Certificate.

2.31 Food Premises

The fit out of the food premises shall be carried out in accordance with *The National Code for the Construction and Fitout of Food Premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the Council prior to the issue of a Construction Certificate.

2.32 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 - *The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control* 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 prior to the issue of a Construction Certificate.



3. PRIOR TO COMMENCEMENT OF WORK

3.1 Appointment of Principal Certifying Authority

Prior to the commencement of work, the applicant (or the person having the benefit of the Development Consent and Construction Certificate) must appoint a Principal Certifying Authority (PCA) and notify the Council in writing of the appointment irrespective of whether the Council or an Accredited Private Certifier is appointed and notify the Council in writing of their intention to commence work (at least 2 days notice is required).

3.2 Contact Details

Prior to the commencement of works, a sign must be erected in a prominent, visible position stating that unauthorised entry to the work site is not permitted, showing the name of the person in charge of the work site and a telephone number at which the person can be contacted outside working hours.

3.3 Structural Details

Prior to the commencement of works, 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:

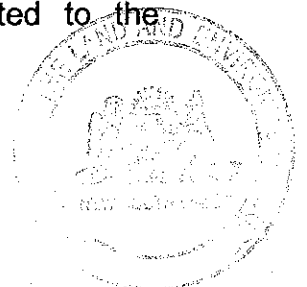
- (i) the relevant clauses of the Building Code of Australia ("BCA");
- (ii) the relevant development consent;
- (iii) drawings and specifications comprising the Construction Certificate; and
- (iv) the relevant Australian Standards listed in the BCA (Specification A1.3).

3.4 Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the PCA. No building work is to commence until the fence is erected.

3.5 Demolition Works

The demolition of the existing structures on the site shall be carried out in accordance with *Australian Standard AS 2601: The Demolition of Structures* and the requirements of the NSW WorkCover Authority. A Demolition Plan shall be provided to the PCA prepared by a suitably qualified person certifying that the demolition will comply with the safety requirements of the Standard. This plan and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.



3.6 Demolition Notice to surrounding Residents

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

3.7 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 PCA. The Plan shall address the following matters where relevant:

- (i) hours of work;
- (ii) contact details of site manager;
- (iii) traffic management;
- (iv) noise and vibration management;
- (v) waste management;
- (vi) erosion and sediment control;
- (vii) flora and fauna management.

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

3.8 Traffic & Pedestrian Management Plan

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

- (i) ingress and egress of vehicles to the site;
- (ii) loading and unloading, including construction zones;
- (iii) predicted traffic volumes, types and routes;
- (iv) pedestrian and traffic management methods.

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

3.9 Damage to Public Assets

The applicant or agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

3.10 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.

3.11 Road Occupancy Licence

The applicant shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the relevant classified road reserve. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.

3.12 Site Audit Report

A Site Audit Report, prepared by an Accredited Site Auditor, shall be submitted to the Principal Certifying Authority prior to the commencement of remediation work in relation to the Remediation Action Plan.

3.13 Remediation Works

Prior to the commencement of building works, the site is to be remediated in accordance with the 'Remediation Action Plan' no E14501.2AC dated 7th July 2004, prepared by Coffey Geosciences Pty Ltd and a Validation Report prepared by an appropriately qualified consultant, in accordance with New South Wales Environment Protection Authority 'Guidelines for Consultants Reporting on Contaminated Sites', is to be submitted to the Principal Certifying Authority.

3.14 Erosion and Sediment Controls

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, remediation, excavation or construction works on the site. These devices are to be maintained through the entire demolition, remediation, excavation and construction phases of the development.

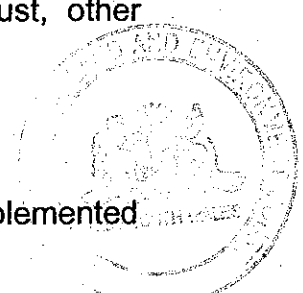
4. **DURING DEMOLITION/CONSTRUCTION**

4.1 Amenity of Area

The applicant must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust, other activity to nearby residents.

4.2 Erosion and Sediment Controls

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.

4.3 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 plans.

4.4 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.

4.5 Hours of Work

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

- (i) 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (ii) 8:00 am and 1:00 pm, Saturdays; and
- (iii) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- a) the delivery of materials is required outside these hours by the Police or other authorities;
- b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- c) 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.

4.6 Hoardings

During construction works, protection shall be afforded to users of any adjoining public places by the provision of suitable hoardings.

4.7 Construction Noise Management

The Applicant shall:

- (i) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday
- (ii) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles.

4.8 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:

- a) 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;
- b) 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;
- c) All materials shall be stored or stockpiled at the best locations;
- d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- e) 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;
- f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth;
- h) Cleaning of footpaths and roadways shall be carried out regularly.

4.9 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the applicant shall immediately notify the Department of Environment and Conservation (DEC) and obtain any necessary approvals to continue the work. The applicant shall comply with any request made by DEC to cease work for the purposes of archaeological recording.



4.10 Protection of 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. 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.

4.11 Redundant Crossings

Any vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing must be restored. This work shall be carried out by a Council approved contractor at the applicant's expense.

4.12 Asbestos Notification

A written statement must be provided to the PCA indicating whether any buildings or structures on the site contain asbestos or material containing asbestos and, if so, the following must be provided, no later than seven (7) days prior to the demolition of any building or structure:

- (i) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (ii) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

4.13 Asbestos Precautions

Precautions shall be taken in accordance with the requirements of the Work Cover Authority of NSW in respect of:

- (i) Protection of site workers and the public;
- (ii) asbestos handling and disposal where applicable.

4.14 Asbestos Removal Work – Licensed Contractors

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence and a current WorkCover Class 2 (Restricted) Asbestos Licence.

4.15 Asbestos Removal Notification

Fourteen (14) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to the PCA.

4.16 Asbestos Disposal

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts, where relevant, shall be provided to the PCA prior to any further building works being undertaken on the site.

4.17 Asbestos Clearance Certificate

Following the removal of all asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to the PCA.

4.18 Excavation and Dewatering

Excavation and dewatering of the site shall be carried out in accordance with "Acid Sulfate Soil Management Plan E14501/2-AD dated 16th June 2004 prepared by Coffey Geosciences Pty Ltd" and supervised and validated by an appropriately qualified consultant.

5. **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

5.1 McDonald Parade Car Parking

Certification must be provided that the eight (8) car parking spaces along the western side of McDonald Parade, required by this development consent, have been constructed in accordance with the approval, to the satisfaction of the Principal Certifying Authority, prior to the issue of the Occupation Certificate.

5.2 Survey of Flood Planning Levels

The submission of certification from a registered surveyor to the Principal Certifying Authority and Council certifying that the minimum floor level of RL 3.1m AHD and the relevant basement driveway entrance crest and fire stairs levels have been achieved is required prior to the issue of an Occupation Certificate.

5.3 Structural, Electrical and Mechanical Building Services Certification

The submission of certification from experienced and qualified Civil, Electrical and Mechanical Engineers, NPER accredited by Engineers Australia, to the Principal Certifying Authority and Council is required prior to the issue of an Occupation certificate. This certification shall certify that the building has been built in accordance with the engineering plans and documentation relating to the structural integrity of the building with respect to hydrodynamic and hydrostatic loads as expected by the predicted 1% AEP flood level and the

location of all main electrical and mechanical plant, controls and switches are located above ground floor level.

5.4 Construction Certification

Certification from appropriately qualified and practising Engineers shall be submitted to the PCA and the Council to verify that the following works (where applicable), have been completed in accordance with the approved construction specifications:

- (i) All clearing works and bulk earth works;
- (ii) Pipelines;
- (iii) Drainage pits, culverts, headwalls and bridges;
- (iv) Permanent stormwater quality improvement devices;
- (v) Pavement subgrade and base-course densities and thicknesses;
- (vi) Pavement to underside of kerbs and gutter;
- (vii) Pavement prior to bitumen or asphalt sealing;
- (viii) Erosion and sediment control measures;
- (ix) Final cut and trim, seeding and grassing;
- (x) Signage and other traffic control devices;
- (xi) All structural building work.

5.5 Validation report – Acid Sulfate Soils

A Validation Report confirming satisfactory compliance with the "*Acid Sulfate Soil Management Plan E14501/2-AD dated 16th June 2004 prepared by Coffey Geosciences Pty Ltd*" shall be submitted to the PCA prior to the issue of an Occupation Certificate.

5.6 Site Audit report

Prior to the issue of an Occupation Certificate, a Site Audit Statement, prepared by an Accredited Site Auditor, shall be submitted to the PCA certifying that the site has been remediated to a level commensurate with the proposed use.

5.7 Water Authority Requirements

A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice (attached to this development consent) prior to the issue of an Occupation Certificate.

5.8 Fire Safety Certificate

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate and submitted to the PCA. A copy of the Fire Safety

Certificate must be provided to the Commissioner of the New South Wales Fire Brigades and the Council and a copy of the certificate is to be prominently displayed in the building.

5.9 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 the initial Fire Safety Certificate was issued.

5.10 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:

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

5.11 Road Damage

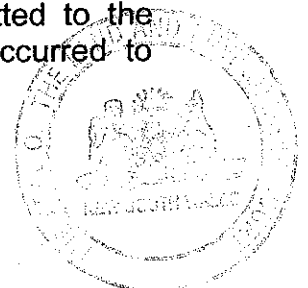
The cost of repairing any damage caused to Council or any other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant prior to the issue of any Occupation Certificate or the areas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

5.12 Registration of Easements

Prior to the issue of any Occupation Certificate, the applicant shall provide to the PCA evidence that any easements required by this development consent have been or will be registered on the certificates of title.

5.13 Post-Construction Dilapidation Report

The applicant shall engage a suitably qualified professional to prepare a post-construction dilapidation report at the completion of the construction works. This report shall ascertain whether the construction works created any structural damage to adjoining dwellings at No 5 Princess Avenue and No 59 McDonald Parade, infrastructure and roads and must be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:



- (i) compare the post-construction dilapidation report with the pre-construction dilapidation report; and
- (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

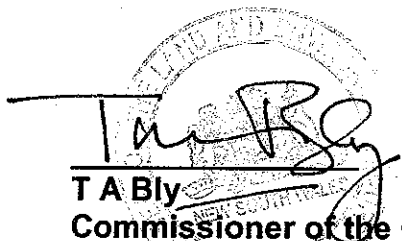
A copy of this report is to be forwarded to the Council. All structural damage caused to these adjoining dwellings, infrastructure and roads as a result of the construction of this development, must be repaired by the applicant prior to the issue of an Occupation Certificate.

5.14 Access Certification

Prior to the issue of an Occupation Certificate, certification from an accredited access consultant shall be provided certifying that the building complies with the requirements of AS 1428.1 – *Design for Access and Mobility*.

5.15 Plan of Consolidation

Prior to the issue of the Occupation Certificate, evidence must be provided to the PCA that the allotments the subject of this development consent, consisting of Lots 212 to 217 inclusive in DP 15648, have been consolidated into one allotment.


T A Bly
Commissioner of the Court
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