

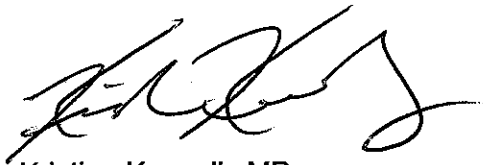
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approved the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2.

These conditions are required to:

- Adequately mitigate the environmental impact of the project;
- Maintain the amenity of the local area; and,
- Protect the visual amenity of Batemans Bay



Kristina Keneally MP
Minister for Planning

Sydney,



2009

SCHEDULE 1

PART A—TABLE

Application made by:	SPD Town Planners (the Proponent)
Application made to:	Minister for Planning
Project Application:	06_0008
On land comprising:	Lot 4 DP 585556, 3 Clyde Street, Batemans Bay, NSW
Local Government Area	Eurobodalla Council
For the carrying out of:	A 4 to 5 level development comprising 46 serviced apartments/hotel rooms, 10 permanent residential apartments, 2 ground level retail tenancies, and stratum and strata subdivision.
Estimated Cost of Works	\$15M
Type of development:	Project Application
Determination made on:	2009
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO DETERMINATION OF APPLICATION: 06_0008

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (NSW).

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (NSW).

Legal notices

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

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

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

BCA means the Building Code of Australia.

Council means Eurobodalla Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

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

Environmental Assessment means the Environmental Assessment prepared by SPD Town Planners and dated July 2008, including all Appendices.

Minister means the Minister for Planning.

Preferred Project Report means the Preferred Project Report prepared by Workshop 1 Dunn + Hillam Architects January 2009.

Project means the project as described in the Proponent's Environmental Assessment.

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

Proponent means SPD Town Planners or any party acting upon this approval

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

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

PART A—TABLE	1
PART B—NOTES RELATING TO DETERMINATION OF APPLICATION: 06_0008.....	1
RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS.....	1
APPEALS.....	1
APPEALS—THIRD PARTY	1
LEGAL NOTICES	1
PART C—DEFINITIONS	1
PART A—ADMINISTRATIVE CONDITIONS.....	1
PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE	5
DESIGN DETAILS AND CHANGES	5
FLOODING.....	6
DEWATERING AND EARTHWORKS.....	7
CONSTRUCTION	10
STORMWATER.....	11
PARKING AND SERVICING.....	12
TOURIST ACCOMMODATION	13
LANDSCAPING	14
HEALTH AND WASTE MANAGEMENT.....	14
PART C—PRIOR TO COMMENCEMENT OF WORKS	14
DEMOLITION WORKS	14
EXCAVATION WORKS.....	15
STRUCTURAL WORKS	15
HAZARDOUS MATERIALS	15
PART D—DURING CONSTRUCTION	16
SITE MAINTENANCE	16

STRUCTURAL WORKS	16
CONSTRUCTION MANAGEMENT	16
NOISE AND VIBRATION	17
ABORIGINAL WORKS.....	18
ECOLOGICALLY SUSTAINABLE DEVELOPMENT	19
PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE.....	19
ENGINEERING.....	19
STORMWATER.....	20
MONETARY CONTRIBUTIONS	21
PARKING AND SERVICING.....	22
BASIX AND ABSA.....	23
DESIGN VERIFICATION STATEMENT – RESIDENTIAL FLAT BUILDINGS.....	23
FLOODING.....	23
SECOND DILAPIDATION REPORT	24
SIGNAGE.....	24
PART F—POST OCCUPATION.....	24
FIRE SAFETY.....	24
TRAFFIC AND PARKING	24
PUBLIC ACCESS	24
PART F—PRIOR TO STRATA AND STRATUM SUBDIVISION.....	25
EASEMENTS.....	25
ADVISORY NOTES.....	26

SCHEDULE 2**RECOMMENDED CONDITIONS OF APPROVAL****MAJOR PROJECT NO. 06_0008****PART A—ADMINISTRATIVE CONDITIONS****A1 *Development Description***

Project approval is granted only to carrying out the development described in detail below:

- (1) A mixed use development comprising:
 - 46 room serviced apartments/hotel rooms – North Street building (Max FRL 20.095m AHD to ridge; GFA 3,024m²);
 - 10 permanent residential apartments – Clyde Street building (Max FRL 18.00m AHD to ridge; GFA 1,407m²);
 - Restaurant – Clyde Street building - (GFA 300m²);
 - Retail – North Street building - (GFA 105m²);
 - Conference room – North Street building - (GFA 164m²);
 - Ground level common car park comprising 58 car parking spaces;
 - 2 valet/service spaces on the site's rear driveway;
 - 1 retail employee parking on the site's rear driveway;
 - Landscaping in a central common courtyard;
 - A 4 lot stratum subdivision of the residential apartments; serviced apartments; restaurant tenancy; and retail tenancy; and
 - Strata subdivision of the residential apartments.

A2 Development in Accordance with Plans

The development will be undertaken in accordance with the Environmental Assessment dated July 2008 prepared by SPD Town Planners, including all Appendices, and the Preferred Project Report prepared by Workshop 1 Dunn + Hillam Architects, and the following drawings:

Architectural (or Design) Drawings prepared by <i>Workshop 1 Dunn + Hillam Architects</i> at Appendix D of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
SITE PLANS			
DA03-00		Cover Page	28 April 2008
DA03-01		Site Plan	28 April 2008
FLOOR PLANS			
DA03-02	Rev 1	Ground Level Plan	8 January 2009
DA03-03	Rev 1	First Floor Plan	8 January 2009
DA03-04	Rev 1	Second Floor Plan	8 January 2009
DA03-05	Rev 1	Third Floor Plan	8 January 2009
DA03-06	Rev 1	Fourth Floor Plan	8 January 2009
DA03-07	Rev 1	Roof Plan	8 January 2009
ELEVATIONS			
DA03-09	Rev 1	Street Elevations	8 January 2009
DA03-10	Rev 1	North + West Elevations	8 January 2009
DA03-11		Courtyard Elevations	28 April 2008
DA03-13		Detailed Elevations	28 April 2008
SECTIONS			
DA03-08	Rev 1	Section A-A	8 January 2009
SHADOW DIAGRAMS			
DA03-12	Rev 1	Shadow Diagrams	9 January 2009

SCHEDULE OF AREAS			
		Clyde River Motor Inn Schedule of Areas	14 January 2009
PHOTOMONTAGE IMAGES			
DA03-14		Materials and Finishes Board	28 April 2008
DA03-15		Modelling Sheet 1	28 April 2008
DA03-16		Modelling Sheet 2	28 April 2008
Landscape Drawings prepared by Ayling Drury Landscape Architecture at Appendix O of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
ADS-D0802-01		Landscape Plan	8 February 2008
ADS-D0802-02		Landscape Detail Plan	8 February 2008
Survey Drawings prepared by Lawrence Group Surveyors and Development Consultants at Appendix C of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
051130/1/A		Detail and Level	1 January 2005
051130/2/A		Detail and Level	1 January 2005

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in the *Eurobodalla Local Environmental Plan 1999* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

A3 Development in Accordance with Documents

The development will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report* prepared by SPD Town Planners on behalf of Mr Roy Syne dated July 2008;
- (2) *Preferred Project Report* prepared by Workshop 1 Dunn + Hillam Architects on behalf of Mr Roy Syne, dated January 2009;
- (3) *Statement of Commitments* prepared by Workshop 1 Dunn + Hillam Architects dated July 2008 – revised February 2009 (Appendix T to the Environmental Assessment);
- (4) *Design Verification Statement* prepared by Workshop 1 Dunn + Hillam Architects dated 7 February 2008 (Appendix E to the Environmental Assessment);
- (5) *Architectural Design Statement* prepared by Workshop 1 Dunn + Hillam Architects dated August 2006 (Appendix F to the Environmental Assessment);
- (6) *Geotechnical Report* prepared by Douglas Partners dated May 2005 (Appendix G to the Environmental Assessment);
- (7) *Traffic and Parking Assessment Report* prepared by Masson Wilson Twiney dated 21 April 2008 (Appendix H to the Environmental Assessment);
- (8) *Construction Management Plan* prepared by BDA Consultants dated 23 April 2008 (Appendix I to the Environmental Assessment);

- (9) *Stormwater Drainage Statement* prepared by Whipps-Wood Consulting, dated 19 February 2008 (Appendix J to the Environmental Assessment);
- (10) *Stormwater Concept and Sediment and Erosion Control Plans* prepared by Whipps-Wood Consulting dated December 2007 (Appendix K to the Environmental Assessment);
- (11) *Structural Report* prepared by SDA Consulting Engineers dated 4 March 2008 (Appendix L to the Environmental Assessment);
- (12) *Water Resource Management – Estuary and Groundwater Issues* prepared by Peter Spurway and Associates dated February 2008 (Appendix M to the Environmental Assessment);
- (13) *Coastal Processes and Flooding Review* prepared by Peter Spurway and Associates dated December 2007 (Appendix N to the Environmental Assessment);
- (14) *Quantity Surveyor's Report* prepared by BDA Consultants dated 20 February 2008 (Appendix P to the Environmental Assessment);
- (15) *Engineering Services Brief* prepared by GHD dated April 2008 Revision 1 (Appendix Q to the Environmental Assessment);
- (16) Correspondence prepared by *Bannermans Lawyers* to Eurobodalla Shire Council dated 8 April 2008 in relation to proposed strata and stratum subdivision of the proposed development (Appendix R to the Environmental Assessment);
- (17) *Construction Traffic Management Plan* prepared by John Condon and Associates dated 21 February 2008 (Appendix S to the Environmental Assessment); *ABSA* and *BASIX Certificates* as follows (Appendix W to Environmental Assessment);

Certificate No.	Project Name	Address	Date
<i>ABSA Certificate</i> 11613954	Clyde River Motor Inn	3 Clyde Street, Batemans Bay NSW 2536	April 2008
<i>BASIX Certificate</i> 189916M	Clyde River Motor Inn (Current)	3 Clyde Street, Batemans Bay 2536	22 April 2008

- (18) *BCA Assessment Report* prepared by BCA Logic dated 1 July 2008 (Appendix X to the Environmental Assessment); and
- (19) Memorandum prepared by Masson Wilson Twiney to Linden Thorley, Workshop 1 dated 17 July 2008 (Appendix Y to the Environmental Assessment).

A4 Inconsistency between documents

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

A5 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes**B1 *Design Modifications***

- 1) The design of the development shall be amended to provide a third parking space on the driveway to the north of the car park entry, behind the two service/valet parking spaces. The third parking space shall be used for employees of the retail lot only and shall be allocated to the retail stratum.
- 2) Plans showing the amendment shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for the development.

B2 *Reflectivity*

- 1) 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 or reflection that causes any nuisance or interference to any person or place. A report demonstrating compliance with those requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works for the development.
- 2) The design details of the proposed building facades, including all external finishes, colours and glazing shall be in accordance with the material schedule, sample boards and specifications prepared by Workshop 1 Dunn + Hillam Architects dated 28 April 2008.

B3 *Design Verification Statement – Residential Flat Buildings*

Prior to the issue of a Construction Certificate for the works, the Proponent shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the project, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

B4 *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 those requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works for the development.

B5 *BASIX*

Prior to the issuing an Construction Certificate for the development, plans and specification of all requirements listed in the relevant BASIX Certificate for the subject development shall be submitted to and approved as part of the Construction Certificate.

B6 *Disabled Access*

Access and facilities for people with disabilities shall be designed and provided to be appropriately accessible in accordance with the standards of AS1428. Details and a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority prior to the issue of an Construction Certificate for the project.

Flooding**B7 Minimum Floor Levels**

- 1) Levels to the ground floor slab shall be 2.7mAHD (Clyde Street) and 2.5mAHD (North Street), and 2.2mAHD to the parking area surface.
- 2) A surveyor's certificate verifying compliance of the slab levels with the above levels on completion of pouring of the slabs shall be submitted to the PCA and a copy provided to Council.

B8 Flood gates

- 1) Installation supports shall be provided within the development for the erection of rapid deployment, expanding flood gate on the entrances to the retail/commercial premises on the site's Clyde and North Street frontages, and across the car park entry off the access driveway. The heights of the flood gates shall be 0.9m (Clyde and North Street frontages) and 1.2m (car park entry) to achieve respective floor levels to 3.5m, 3.3m and 3.1mAHD, with respect to the maximum range sea level rise to the year 2100.

B9 Flood Emergency Response and Evacuation Plan

A Flood Emergency Response and Evacuation Plan shall be submitted to the Council for approval prior to the issue of a Construction Certificate for the project. The Plan shall be prepared by a suitably qualified person, in accordance with the Peter Spurway and Associates Coastal Processes and Flooding Review.

B10 Vehicular access

Vehicular access shall be provided in accordance with the approved architectural plans, sections and elevations, and at or above Council's 1% AEP design level of 2.2mAHD.

B11 Demolition, Excavation and Construction Works

- 1) All demolition, excavation and construction works must be undertaken in accordance with the BDA Consultants' Construction Management Plan, the John Condon and Associates Construction Traffic Plan, and the Whipps-Wood Consulting Sediment and Erosion Control Plan.
- 2) The proponent shall amend the Construction Management Plan to reflect the scope of works in the project. The amended Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- 3) Disposal of all excavated material must be in accordance with *Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes* (NSW, EPA, 1997). Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- 4) Structural details and a Structural Certificate for Design in accordance with the Building Code of Australia are submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- 5) The project must comply with the BCA. Details must be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the development.

B12 Effluent and Sewerage

The Proponent must submit designs prepared by a qualified engineer for special footing adjacent to Council's sewer main to Council for approval prior to the issue of a Construction Certificate. The design must be consistent with Council's policy "Building and Development Near Councils Sewer Main". Construction must conform to the approved design and be in accordance with Council policy.

B13 Acid Sulphate Soil Management Plan

- (1) On-site testing for Acid Sulphate Soils is to be undertaken during site works. If Acid Sulphate Soils are encountered on the site at depths shallower than 1m, 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 Council prior to the issue of a Construction Certificate for the development.
- (2) Excavations must be limited to a maximum of 2.0m of near-surface sands as detailed in the Douglas Partners Geotechnical report.
- (3) All demolition and excavation must be in accordance with the BDA Consultants' Construction Management Plan.
- (4) Disposal of all excavated material must be in accordance with DECC's requirements.
- (5) Discharge of Acid Sulphate Soil-contaminated water must not occur to the waters of Batemans Bay or McLeod's Creek.
- (6) The treatment of Acid Sulphate Soils is not to occur off site without the prior approval of Council.

Dewatering and earthworks**B14 Dewatering**

- 1) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
- 2) "G-pile" foundations are to be used on association with construction in accordance with the SDA Consulting Engineers Structural Report. Details are to be submitted to the Certifying Authority prior to a Construction Certificate being issued.
- 3) Tailwater shall not be allowed to discharge off-site (for example, adjoining roads, storm water system, sewerage system) without the controlling authorities' approval and/or owners' consent.
- 4) The licensee shall allow (subject to Occupational Health and Safety Provisions) the Department of Water and Energy (DWE) or any person authorised by it, full and free access to the works (excavation or bore/bore field), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings, and shall carry out any work or alterations deemed necessary by DWE for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage, and for the protection of the quality and prevention from pollution or contamination of the groundwater.

-
- 5) If a work is abandoned at any time the licensee shall notify DWE that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by DWE.
 - 6) The following suitable documents are to be supplied to DWE:
 - a) A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - b) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - c) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
 - d) Descriptions of the actual volume of tailwater to be re-injected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated tailwater to be re-injected.
 - e) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
 - 7) The design of the structure must preclude the need for permanent dewatering.
 - 8) The design of the structure that may be impacted by any water table must require a water proof retention system (a fully tanked structure) with adequate provision for future fluctuations of water table levels. It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided. The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
 - 9) Construction methods and material used in and for construction must not cause pollution of the groundwater.
 - 10) Groundwater quality testing must be conducted and a report supplied to DWE). Samples must be taken prior to the commencement of dewatering, (and ongoing samples to the satisfaction of DWE for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and a NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
 - 11) Discharge of any contaminated tailwater that is not to be re-injected must satisfy all requirements of any controlling authority (NSW Department of Environment and Climate Change (DECC), Eurobodalla Council and EuroWater). The method of disposal of excess tailwater (street drainage to the storm water system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed/actual quality of tailwater is acceptable, must be presented to DWE and the consent authority.
 - 12) Discharge of any contaminated tailwater, if reinjection is proposed, must satisfy all requirements of DECC and DWE. The quality of any tailwater re-injected must be
-

compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be re-injected into any aquifer. The following must be demonstrated in writing:

- a) The treatment to be applied to the tailwater to remove any contamination.
 - b) The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - c) The means to avoid degrading impacts on the identified beneficial use of the groundwater.
 - d) Written advice from DECC indicating their approval for the methodology of handling and treating the groundwater.
- 13) Written advice must be provided from the Certifying Authority to DWE to certify that the following ground settlement issues have been addressed in reports submitted by the Proponent:
- a) an assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts, such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater;
 - b) settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions;
 - c) locations of settlement monitoring points, and schedules of measurement.
- 14) An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from DWE prior to the installation of the groundwater extraction works. A plan drawn to scale is required with the application clearly identifying the location of the dewatering installations.
- 15) A licence application must be submitted to DWE under Part V of the *Water Act 1912* (NSW) and must specify the proposed volume (megalitres) of groundwater to be pumped.

B15 Geotechnical Report

Prior to the issue of a Construction Certificate for the development, a detailed geotechnical and structural engineering design report shall be prepared and submitted to the approval of the Certifying Authority. The report must address the following:

- (1) Unforeseen dewatering.
- (2) Recommendations must be made as to appropriate temporary and permanent site support and retention measures.

B16 Erosion and Sedimentation Control

- 1) 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 for the development.
- 2) The Proponent shall establish appropriate sediment control measures prior to the commencement of landscaping of the site, and shall retain such measures in all landscaped measures. Details shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

- 3) Install such measures to effectively control soil erosion on the site and prevent silt discharge into drainage systems and waterways in accordance with Council's policy, *Erosion and Sediment Control from Building Sites*. Those measures shall remain in place until the development is completed and/or disturbed areas stabilised. Warning signs (minimum of two) shall be erected to promote the importance of the maintenance of sediment control techniques. The signs are required to be attached to the sedimentation fences with wire ties on the most prominent sediment fence or erosion control device, spaced every 20m, for the duration of the project. **Note:** Clean Up Notices and/or on-the-spot fines may be imposed by Council for non-compliance with this condition.

Construction

B17 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for the development. A copy of the report is to be forwarded to Council.

B18 Construction Management Plan

Prior to the issue of a Construction Certificate for the development, the BDA Consultants' Construction Management Plan shall be amended to reflect the scope of works provided with the development, and shall be submitted to and approved by the Certifying Authority. The Plan shall address the issues, including the following, where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) site establishment,
- (4) site safety,
- (5) construction access,
- (6) noise and vibration management,
- (7) waste management and materials handling, and,
- (8) erosion and sediment control.

All loading and unloading associated with construction shall be accommodated on-site. If this is not feasible, an application may be made to Council for provision of a construction zone, during the specified hours of work.

The Proponent shall submit a copy of the approved Construction Management Plan to Council.

B19 Construction Traffic Management Plan

Prior to the issue of a Construction Certificate for the development, the John Condon and Associates Construction Traffic Management Plan shall be amended to reflect the approved works, and shall be submitted to and approved by the PCA.

B20 Construction Noise and Vibration Management Plan

Prior to the issue of a Construction Certificate for the development, a Construction Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and

approved by the Certifying Authority. All construction works shall comply with the Plan. The Plan shall address matters including the following:

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

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

B21 Road Work Bond

Prior to the release of a Construction Certificate, the Proponent shall pay a bond to Council for the use of Council roads for access. The bond shall be used by Council to repair any damage caused to its roads by construction activities, or shall be refunded upon completion of construction, subject to a satisfactory inspection by Council. The amount of bond will be determined based upon demolition and a construction management plan.

Stormwater

B22 Stormwater Management

- 1) Details of the measures proposed in the Whipps-Wood Consulting Stormwater Concept Plan must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for the development.
- 2) The storm water management measures outlined in the Peter Spurway Coastal Processes and Flooding Review, and the Whipps-Wood Consulting Sediment and Erosion Control Plan shall be implemented for the duration of construction of the project.

B23 Storm water & Site Drainage

- 1) Prior to release of Construction Certificate, plans are to be prepared by a suitably qualified person and approved by the Certifying Authority for the control of storm water from roofed and impervious areas. The final design is to be prepared in

accordance with *AS/NZS3500 Plumbing and Drainage* and principles consistent with the Eurobodalla Design Guidelines for Rainwater Tanks. The design is to include the installation of a dual water supply (rainwater and domestic supply) rainwater tank system capable of servicing each unit/dwelling.

- 2) The design should address, matters including the following:
 - a) The location of all components and their relationship to nearby buildings;
 - b) The configuration of inlet/outlet, and overflow pipes;
 - c) Details of dimensions, structural details, and proposed materials; and
 - d) The overflow is to be connected to the kerb and gutter by gravity feed or as specified by Council where this is not possible.

B24 *Drainage Plans*

Prior to the issue of a Construction Certificate, plans for drainage control shall be submitted to Council. The plans are to show consideration for the removal of gross pollutants and oil. The plans are to be certified by a qualified drainage consultant or a suitably qualified engineer for compliance with *AS/NZS3500.3 2003*.

B25 *Stormwater Disposal*

The stormwater overflow from the development shall be connected directly to Council's storm water infrastructure. Contact for an inspection is to be made with Council's Plumbing Inspector two working days prior to the expected time of backfilling (telephone 4474 1277).

B26 *Storm water Disposal Within Road Reserve*

The storm water drainage from the project is to be connected directly into Council's storm water pit adjacent to the property, within the road reserve. Contact should be made with Council's Plumbing Inspector (telephone 4474-1277), prior to making the connection.

Parking and Servicing

B27 *Valet and car stacker parking*

- 1) Prior to the issue of a Construction Certificate for the development, a Plan of Management for the 24-hour valet system and the car stacker shall be submitted to and approved by the Certifying Authority.
- 2) The 24-hour valet system and the car stacker shall be used for the serviced apartments only and operated by employees only of the serviced apartments. The Plan of Management shall address details including the operation of the valet system and the car stacker; use of the two parallel driveway spaces by the valet and general service vehicles; and arrangements for disabled drivers.

B28 *Servicing*

- 1) Two short term car parking spaces shall be provided on the driveway to the north of the car park entry for drop off and pick up of goods from service vehicles and for use by the valet parking service.

B29 *Employee parking*

One car parking space for employees only of the development shall be provided on the driveway to the north of the valet/servicing car spaces, and shall be signposted accordingly.

B30 Number of Car Spaces

- 1) A total of 61 car parking spaces are to be provided for the development. The spaces shall be allocated as follows:

Car parking allocation	Number
Permanent residential apartments	10
Serviced apartments/hotel rooms	48
Visitors (serviced apartments/hotel rooms) and service vehicles (on driveway)	2
Retail employees (on driveway)	1
Total	61

- 2) The stratum and strata subdivisions shall reflect the above allocation of parking spaces.
- 3) One parking space shall be allocated to each unit in the permanent residential apartments in the corresponding strata plan.

B31 Car Park and Service Vehicle Layout

- (1) The design of all car parking and vehicular accesses is to be in accordance with the Australian Standards AS/NZS 2890.1: 2004. Design plans are to be certified by a suitably qualified consultant.
- (2) The layout of the service vehicle areas shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details demonstrating compliance with those requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for the development.

Tourist accommodation**B32 Tourist use and operation**

- 1) The use and operation of the proposed serviced apartments/hotel rooms must comply with the requirements of Schedule 1 (Standards for Places of Shared Accommodation) of the *Local Government Orders Regulation 1999* (NSW) pursuant to the *Local Government Act 1993* (NSW), the *Public Health Act 1991* (NSW) and the Regulations thereunder. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- 2) The approved permanent residential apartments must not be used for tourist accommodation. In the event that it is proposed to change the use of those apartments to provide tourist accommodation, approval is required from the Council.

Landscaping**B33 Landscape Plan**

- (1) Details of landscaping of the site in accordance with the Ayling Drury Landscape Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- (2) Details of the maintenance of all landscaping of the site in accordance with the Ayling Drury maintenance schedule shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Health and Waste Management**B34 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 buildings and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works for the project.

B35 Storage and Handling of Operational Waste

- (1) The design and management of facilities for the storage and handling of operational waste must comply with Council's requirements. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works for the project.
- (2) Adequate provision must be made on site for the storage and disposal of solid and liquid wastes from the project, including the restaurant and retail premises. Details of the sizing of the locations and method of storing and disposing of solid and liquid wastes, including the waste collection area must be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B36 Extinguishment of Right of Way

The Proponent shall provide documentary evidence to the satisfaction of the Council prior to the issue of a Construction Certificate that the right of way (Transfer Nos. 55533 and 101326) across Lot 4 DP585556 has been extinguished.

PART C—PRIOR TO COMMENCEMENT OF WORKS**Demolition Works****C1 Statement of Compliance with Australian Standards**

The demolition work shall comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Australian Standard and the manufacturers' specifications. The work plans and the statement of compliance shall

be submitted to the satisfaction of the PCA prior to the commencement of works for each stage of the project.

All demolition works must be carried out totally within the allotment boundaries and must not extend onto footpath area, public roadway or adjoining properties.

Excavation Works

C2 Notice to be Given Prior to Excavation

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

Structural Works

C3 Structural Details

Prior to the commencement of construction for the project, the Proponent 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 project approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C4 Contact Telephone Number

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

Hazardous Materials

C5 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and 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 for the project. Details demonstrating compliance with 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.

C6 Site Audit

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

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures for each stage of the project, as designed in accordance with Condition B10, shall be effectively implemented and maintained at or above design capacity for the duration of construction works and until all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Disposal of Seepage and Stormwater

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

Structural Works

D3 Setting Out of Structures

The buildings shall be set out by a registered surveyor verifying 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 Project Approval.

Construction Management

D4 Approved Plans to be on-site

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

D5 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site to inform the public of project details, including the details of the Builder, PCA and Structural Engineer for the project. The notice(s) is to satisfy matters including the following:

- (1) Minimum dimensions of the notice of 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, weatherproof and displayed during the entire works period;
- (3) The approved hours of work, name of the site/project manager, responsible managing company (if any), its address and 24 hour contact inquiries (including construction/noise complaints) telephone number, 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 prohibited.

D6 External Lighting

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

D7 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction of the project, including the following:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or 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 be covered at all times to prevent the escape of dust or other material;
- (6) All equipment wheels before exiting the site shall be washed using manual or automated sprayers and drive-through washing bays;
- (7) Gates shall be closed between vehicle movements and with shade cloth; and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

Noise and Vibration**D8 Hours of Work**

- (1) The hours of construction, including delivery of materials to and from the site, shall be restricted as follows:
 - (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - (b) between 8:00 am and 1:00 pm, Saturdays;
 - (c) no work on Sundays and public holidays.
- (2) Works may be undertaken outside these hours where:
 - (a) the delivery of materials is required by the Police or other authorities;
 - (b) they are required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - (c) the work is approved through the Proponent's Construction Noise and Vibration Management Plan; and
 - (d) residents likely to be affected by the works are notified at least 48 hours prior to the commencement of the works of the timing and duration of those works.

D9 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{Aeq} (15minute) descriptor) so it does not exceed the rating background level by not more than 10dB(A).

Background noise levels are those identified in the Construction Noise and Vibration Management Plan referred to in Condition B14. The Proponent shall implement all feasible noise mitigation and management measures to achieve the construction noise objective.

Any activities with the potential for noise emissions exceeding the construction noise objective shall be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4, *NSW Industrial Noise Policy*, EPA 2000), 5dB(A) shall be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D10 Construction Noise Management

The Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity between the following hours only 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
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles.

D11 Vibration Criteria

Construction vibration to any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

Those limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D12 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition D11.

Aboriginal Works**D13 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects**

Should any Aboriginal archaeological objects be exposed during construction works, the Proponent shall immediately notify DECC and obtain any necessary approvals to continue

the works. The Proponent shall comply with any request made by DECC to cease work for the purposes of archaeological recording.

Ecologically Sustainable Development

D14 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 PCA.

D15 Waste Management

All demolition, construction or similar waste shall be transported to and disposed of by an approved waste facility. If alternative disposal methods are sought, written approval shall first be granted by Council.

D16 Fill

The applicant shall ensure that any fill material imported to the site for the project shall only be obtained from other fill sources with approved testing. The supplier of the fill material must certify that the material was free of contaminants, natural or otherwise, to Council upon completion of construction.

D17 Sediment and Erosion

A single all-weather access way shall be provided on the subject site extending from the adjacent kerb to the site. All construction vehicles are to enter and exit the site via the access way to minimise erosion on site and prevent the movement of soil material onto surrounding roadways (and, if required, provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. Failure to comply with this requirement may result in an on-the-spot fine being issued by an authorised officer of Council.

D18 Environmental

In the event of a pollution incident on the subject site, that has caused, is causing, or is likely to cause harm to the environment, the occupier shall report the incident to Council immediately upon becoming aware of the incident.

PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Engineering

E1 Fire Safety Certificate

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

E2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigades within 12 months after the approval authority's initial Fire Safety Certificate is received for the project.

E3 Mechanical Ventilation

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

- (1) The *Building Code of Australia*;
- (2) *Australian Standard AS1668* and other relevant codes;
- (3) The project approval and any relevant modifications; and,
- (4) Any dispensation granted by the NSW Fire Brigades.

E4 Structural Inspection Certificate

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

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

E5 Road Damage

The Proponent is to meet the total cost prior to the issue of any Occupation Certificate for the project for 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 project.

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

E6 Work Within Road Reserve

Prior to issue of an Occupation Certificate, all works within the road reserve (road, nature strip and footpath areas) shall be completed to the satisfaction of, and at no cost to Council. Earthworks adjacent to the driveway shall be grades no steeper than 12%. All service covers shall match the finished ground level within the footpath/road reserve.

Stormwater**E7 Stormwater and Drainage Works**

Certification by a qualified, practising civil engineer is to be submitted to PCA prior to the issue of any Occupation Certificate verifying that the storm water and drainage works are satisfactorily implemented and operational in accordance with the approved designs.

E8 Stormwater Plans

Prior to the issue of an Occupation Certificate, storm water construction shall conform to the approved plans. A "Works as Executed" plan of the plumbing and drainage work is to be provided to and approved by Council upon completion of the work.

E9 Rainwater tanks

Rainwater tank systems are to include:

- (a) Provision of a first flush system with minimum capacity of 0.5 litres/m² of roof area;
- (b) Tank capacity of 10kl, or a reduction may be justified based on the Probabilistic Urban Rainwater and Wastewater Reuse Simulator (PURRS) program;
- (c) An air space for additional storm water management;
- (d) A minimum availability volume to ensure water supply is always available;
- (e) Top-up technology and appropriate cross connection controls and backflow prevention in accordance with clause 2.2 of Committee on Uniformity of Plumbing and Drainage Regulations (CUPDR) Circular No. 18; and
- (f) Separate reticulation should include washing machines, toilet flushing, residential garden irrigation, washing cars and filling ornamental ponds

Detailed work as executed plans shall be provided to Council prior to the release of an Occupation Certificate.

Monetary Contributions**E10 Section 94 Monetary Contributions**

- 1) The Proponent shall pay a total monetary contribution of **\$351,606.70** to Council pursuant to Section 94 of the *Environment Planning and Assessment Act 1979* (NSW) for contributions towards the provision of public amenities or services. The contribution rates for the financial year 2008/09 are as follows:

Use	Open space	Car parking	Waste	Cycleways	Administration	Arterial road
Serviced apartments (tourist)	\$1,367.65		\$434.35	\$118.15	\$353.60	\$9,769.05
Residential apartments	\$2,328.30		\$739.70	\$201.20	\$601.70	\$16,649.60
Sub total	\$3,695.35	318,000.00	\$1,174.05	\$319.35	\$955.30	\$26,418.65
Business (conference, restaurant & retail)			\$565.50		\$478.50	
Sub-total	\$3,695.35	318,000.00	\$1,739.55	\$319.35	\$1,433.80	\$26,418.65

- 2) The above contributions shall be paid prior to the release of the Occupation Certificate, or occupation (which ever occurs first) for the project at the rate applicable at the time of payment.

Note: The contribution for car parking is based on the following breakdown:

Use	Shortfall parking requirement (spaces)	Section 94 contribution (\$)
Residential apartments	2.5	53,000.00
Restaurant	10	212,000.00
Retail	2.5	53,000.00
Total	15	\$318,000.00

3) Contribution Credit

The subject site has a Section 94 Contribution credit of 1.75 spaces based on the existing approved 29 room motel and this is accounted for in the contribution.

4) Timing and Method of Payment

The Section 94 Contribution shall be paid in the form of cash or bank cheque, made out to Eurobodalla Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council prior to payment.

Evidence of payment to Council shall be submitted to the PCA prior to the issue of the Occupation Certificate for the project.

5) Indexing

The above contributions are indexed to the Consumer Price Index.

E11 Water and Sewer Headworks

- 1) The Proponent shall pay the following monetary contributions for the project to Council pursuant to section 64 of the *Local Government Act 1993* (NSW) for headworks charges as follows:

	Equivalent tenements (ET)*	Rate	Total
Water	11.79	\$9,820.00	\$115,777.80
Sewer	11.79	\$8,550.00	\$100,804.50
Total			\$216,582.30

* Equivalent tenements (ET) = occupancy rate

2) Contribution Credit

The subject site has a Section 64 Contribution credit of 10.15ET for existing development on the site and this is accounted for in the contribution.

3) Timing and Method of Payment

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

The contributions are to be paid to Council upon issue of the Occupation Certificate or the Subdivision Certificate.

Evidence of payment shall be submitted to the satisfaction of the PCA.

4) Indexing

The above contribution rates are applicable for a period of 3 months from the date of the project approval. If not paid within this time, contributions are to be paid at the rates applicable at the time of payment.

Parking and Servicing**E12 Car Parking**

- (1) The construction of the car parking area and vehicular driveway shall be in accordance with the approved plans and *Australian Standard AS/NZS 2890.1*:

2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate for the project.

- (2) The Proponent shall apply to Council, prior to the issue of an Occupation Certificate, for a five-minute parking zone on North Street adjacent to the proposed driveway to the site.

E13 Valet and car stacker parking

- 1) Prior to the issue of an Occupation Certificate for the development, a Plan of Management for the serviced apartments' 24-hour valet system shall be submitted to and approved by the PCA.
- 2) The Plan of Management shall include details of the operation of the valet system, including the car stacker spaces, the use of the system by employees only of the serviced apartments, and details of arrangements for disabled drivers.

BASIX and ABSA

E14 BASIX

All requirements listed in the relevant BASIX and ABSA Certificates for the project shall be completed/installed prior to the PCA issuing an Occupation Certificate for the project.

E15 Disabled Access

Access and facilities for people with disabilities shall be designed and provided to be appropriately accessible in accordance with the standards of AS1428. Details and a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the PCA prior to the issue of an Occupation Certificate for the project.

Design Verification Statement – Residential Flat Buildings

E16 Design Verification Statement – Residential Flat Buildings

Prior to the issue of an Occupation Certificate for the works, the Proponent shall submit to the PCA a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the project, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

Flooding

E17 Flood gates

- 1) Installation supports shall be provided within the development for the erection of rapid deployment, expanding flood gate on the entrances to the retail/commercial premises on the site's Clyde and North Street frontages, and across the car park entry off the access driveway.
- 2) The heights of the flood gates shall be 0.9m (Clyde and North Street frontages) and 1.2m (car park entry) to achieve respective floor levels to 3.5m, 3.3m and 3.1mAHD, with respect to the maximum range sea level rise to the year 2100. Details, including a management plan addressing responsibility for the operation/maintenance, timing of erection, and management of the flood gates, must be submitted to the Council prior to the issue of an Occupation Certificate.

Second Dilapidation Report**E18 Post-construction Dilapidation Report**

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report upon completion of construction works for the project. The report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B11, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads.
- (3) A copy of the report is to be forwarded to the Council.

Signage**E19 Car parking and servicing**

- 1) The Proponent shall erect clearly visible signage at the driveway entry to the site advising that boat trailer parking is not available on-site.
- 2) The Proponent shall erect signage at the driveway entry to the site and within the car park advising of maximum clearances in the car parking area.
- 3) The Proponent shall erect signage advising that the third parking space, on the driveway, behind the two valet/service spaces, is for employees of the retail lot only.

PART F—POST OCCUPATION**Fire Safety****F1 Annual Fire Safety Certification**

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

Traffic and Parking**F2 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.

Public Access**F3 Public Way to be Unobstructed**

The public way (footpaths) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances at any time during construction.

PART F—PRIOR TO STRATA AND STRATUM SUBDIVISION

Easements

F1 Access

Documentary easements for access must be created over the appropriate lots in the strata and stratum subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to section 88B of the *Conveyancing Act 1919* (NSW).

F2 Services

- 1) Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the strata and stratum subdivision pursuant to section 88B of the *Conveyancing Act 1919* (NSW).
- 2) Certification is to be provided to the PCA by a Registered Surveyor prior to the issue of the subdivision certificate, that all services and domestic drainage lines are wholly contained within the respective lots and / or easements.

F3 Other Details Required Prior to Issue of Subdivision Certificates

The Proponent shall submit to the satisfaction of Council or the accredited certifier, the following information, prior to the issue of the Subdivision Certificates:

- 1) An Occupation Certificate, and
- 2) Documentary evidence that the property has been developed in accordance with the plans approved by Major Project 06_0008 and of compliance with the conditions of the approval, and the Statement of Commitments as applicable.

F4 Application under Section 37 of Strata Schemes (Freehold Development) Act 1973 (NSW)

An application must be submitted to the Council or accredited certifier for the issue of a strata certificate in respect of the proposed strata plan pursuant to sections 37 and 37A of the *Strata Schemes (Freehold Development) Act, 1973* (NSW).

F5 Strata or Building Management Statement

- 1) A Strata Management Statement in accordance with the *Strata Schemes (Freehold Development) Act 1973* (NSW) or a Building Management Statement in accordance with the *Conveyancing Act 1919* (NSW) must be prepared, before a subdivision certificate is issued in relation to the plan of subdivision.
- 2) The Strata Management Statement or Building Management Statement must set out the rights and responsibilities of the individual strata schemes, including the manner of their interaction, identification of shared facilities, and liability for maintenance costs and must be registered in accordance with the *Conveyancing Act 1919* (NSW).

-
- 3) The Strata Management Statement or Building Management Statement must address the following matters, as relevant:
- a) Details of the serviced apartments' valet parking system and its use by employees only of the serviced apartments;
 - b) the use of the car park by the different stratum and strata lots; and
 - c) the allocation of car parking to each use within the development in accordance with Condition B29; and
 - d) the Flood Emergency Response and Evacuation Plan in accordance with Condition E18.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

A Compliance Certificate shall be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region.

The developer shall obtain a Compliance Certificate from the water supply authority and produce this to the satisfaction of:

- (1) the Certifying Authority before release of the Construction Certificate for the project, and
- (2) the PCA prior to occupation of the project.

AN2 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Country Energy, Telstra Australia, AGL, etc) regarding the connection, relocation and/or adjustment of services affected by the construction of the project. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for the project.

AN3 Water & Sewer Inspections

The following inspections are required to be carried out by Council for the installation of plumbing and drainage works:

- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering;
- (b) Hot and cold water plumbing under pressure test prior to covering;
- (c) Internal stack work under hydrostatic test prior to covering; and
- (d) The installation of the septic tank and any sullage trenches prior to backfilling or covering.

Inspections may be arranged by contacting Council's Compliance unit. Where Council is not the PCA, an additional fee will apply

AN4 Application for Hoardings and Scaffolding

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

- (1) Architectural, construction and structural details of the design;

- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.
- (3) Compliance with the requirements of the WorkCover Authority of NSW.

The Proponent 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 for each stage of the project.

AN5 Hoardings

If the work involved in the erection or demolition of a building:

- (1) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (2) involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

AN6 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the subject site, prior to the commencement of works, and comply with the following matters 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.

AN7 Movement of Trucks Transporting Waste Material

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

AN8 Asbestos

Prior to works commencing, the Proponent shall inspect the existing buildings on the site to ensure that asbestos material is not present in roof spaces or other areas. Where asbestos materials are identified the WorkCover Authority of NSW should be contacted about removal by accredited persons.

AN9 Construction Inspections

Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* (NSW) for the construction, including 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 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 approval.

AN10 Excavation – Aboriginal Objects

Should any Aboriginal objects be unexpectedly discovered, all excavations or disturbance to the area must stop immediately, and DECC informed in accordance with section 91 of the *National Parks and Wildlife Act, 1974* (NSW). Under Section 90 of the *National Parks and Wildlife Act 1974* (NSW), it is an offence to destroy, deface or damage a relic or Aboriginal place without a 'Consent to Destroy' from the Director-General of DECC.

AN11 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered, all excavations or disturbance to the area must stop immediately, and the Heritage Council of NSW informed pursuant to section 146 of the *Heritage Act, 1977* (NSW).

AN12 Compliance with Conditions

The Proponent is required to submit documentary evidence that the property has been developed in accordance with plans approved by Major Project 06_0008 and of compliance (or a Compliance Certificate) with the conditions of the approval, prior to the issue of an Occupation Certificate for the project.

AN13 Noise Generation

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

Noise associated with mechanical plant shall not give rise to the transmission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* (NSW), to any place of different occupancy.

AN14 Stormwater drainage works or effluent systems

A Construction Certificate for works involving any of the following:

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

as defined by section 68 of the *Local Government Act, 1993* (NSW), will not be issued until prior separate approval has been granted by Council under section 68 of the Act.

AN15 Excavation

- 1) If the soil conditions require, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
- 2) Excavations to be made below the level of footings of buildings on adjoining allotments shall:
 - a) preserve and protect such buildings from damage;
 - b) if necessary, provide support to such buildings in an approved manner; and
 - c) give 7 days notice and details of works to be undertaken to the adjoining owner (in accordance with clause 34, Building Code of Australia).
- 3) Any such works are to be contained within the subject site. Works on adjoining property may be subject to a separate application.

AN16 Demolition

If damage is caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the Proponent shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.

AN17 Plumbing & Drainage Work

All plumbing and drainage (water supply, sanitary plumbing and drainage, storm water drainage and hot water) shall comply with the *Local Government (Water, Sewerage and Drainage) Regulation 1993* (NSW), and AS3500 – *National Plumbing and Drainage Code*, be installed by a licensed person only, and inspected and approved by the PCA prior to concealment.

AN18 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.

AN19 Advertising Signs

No advertising sign and/or structure, other than those which are included in this project approval and those which are permissible without consent, shall be erected until an application has been submitted to and development consent issued by Council.

AN20 Disability Discrimination Act 1992 (Cth)

The application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* (NSW). No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not covered by the minimum standards in the Building Code of Australia, which references AS 1428.1 - *Design for Access and Mobility*. AS1428

Parts 2, 3 & 4 provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth).

AN21 *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land without an approval from the Minister for the Environment, Heritage and the Arts.

The project application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979* (NSW). The determination of the project application has not involved any assessment of the Commonwealth legislation. It is the Proponent's responsibility to consult the Department of the Environment, Water, Heritage and the Arts to determine the need for Commonwealth approval, and this project approval should not be construed as notification that the Commonwealth Act is irrelevant. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN22 *Hours of Operation*

The hours of operation of the restaurant and retail premises shall comply with Council's requirements.

AN23 *Use of Retail Premises for Food Premises*

Prior development consent shall be obtained from Council for any use of the retail premises for food premises.

AN24 *Design of Food Premises*

The construction and fit-out of food premises shall comply with the construction requirements of the Food Act 2003, Food Regulation 2004, Australia New Zealand Food Standards Code and AS4674-2004 "Design, Construction and Fit-out of Food Premises".

AN25 *Discharge of Liquid Trade & Factory Waste*

Liquid trade and factory wastes, or chemical or other impurities from any business, trade or manufacturing process, other than domestic sewage is not permitted to be discharged into Council's sewerage system without application and approval by Council in accordance with Council's Liquid Trade Waste Policy.

SCHEDULE 3

MP 06_0008

MIXED USE TOURIST, RESIDENTIAL AND RETAIL DEVELOPMENT

3 CLYDE STREET, BATEMANS BAY

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

Statement of Commitments

July 08 (Revised February 2009)

3 Clyde Street, Batemans Bay

This Statement of Commitments relates to the property at No. 3 Clyde Street, Batemans Bay (the site). The Statement of Commitments is submitted in relation to Project Application No. 06_0008, which seeks approval from the Minister, for the demolition of all structures on the site, and construction of a building containing forty-six (46) serviced apartments, ten (10) permanent residential apartments, one (1) retail tenancy, a restaurant, off-street parking for fifty-nine (59) vehicles + two (2) loading/short term car spaces and stratum/strata subdivision. The proposal also incorporates the construction of a vehicular driveway along the site's western boundary.

Approved development

The development shall be carried out generally in accordance with the documentation submitted with the Project Application, as outlined below in Table 1.

Table 1: approved documentation

Document	Creator	Reference	Date
Survey plan	Lawrence Group Surveyors	Drawing Nos. 1 and 2 Issue A	1 January 2005
Environmental Assessment Report	SPD Town Planners	Project No. 05070	July 2008
Site analysis, architectural plans, sections and elevations, shadow diagrams, ESD and landscape drawing and photomontages	Workshop 1 Dunn + Hillam Architects	Drawing Nos. DA 03-00, DA 03-01, DA 03-02 rev 1 through DA 03-10 rev 1, DA 03-11, DA 03-12 rev 1, DA 03-13 through DA 03-16	28 April 2008 Revised 08 January 2009
Design Verification Statement	Workshop 1 Dunn + Hillam Architects	N/A	7 February 2008
Geotechnical Report	Douglas Partners	Project No. 40385	May 2005
Traffic and Parking Assessment Report	Masson Wilson Twiney	Reference 052849104	21 April 2008
Construction Management Plan	BDA Consultants	Reference 6862e1	8 February 2008
Stormwater Drainage Statement	Whipps-wood Consulting	N/A	19 February 2008
Stormwater Concept and Sediment and Erosion Control Plans	Whipps-wood Consulting	Drawing Nos. HDA01/P2-HAD05/P2	December 2007
Structural Report	SDA Consulting Engineers	Job No. M5036	4 March 2008

Document	Creator	Reference	Date
Water Resource Management - Estuary and Groundwater Issues	Peter Spurway & Associates	N/A	February 2008
Coastal Processes and Flooding Review	Peter Spurway & Associates	N/A	Revised December 2008
Landscape Plan	Ayling + Drury Landscape Architecture	Drawing No. ADS-D0802-01 and 02	February 2008
Engineering services report	GHD	Ref. 22/13773/80945	March 2008
Strata and stratum subdivision	Bannermans	N/A	8 April 2008
Construction Traffic Management Plan	John Condon & Associates	N/A	21 February 2008
Statement of Commitments	SPD Town Planners	Ref. 05070	April 2008
BCA Assessment Report	BCA Logic	101024-r2/jd	1 July 2008
Memorandum relating to carlifts	Masson Wilson Twiney	Ref: 052849	17 July 2008
Memorandum relating to carlifts, onsite car parking provision, service vehicle access and loading arrangements	Masson Wilson Twiney	Ref: 052849/06_revised	02 December 2008

Statement of Commitments

Table 2 includes a Statement of Commitments which has been prepared on behalf of Mr Roy Syne, in accordance with the DGRs. This Statement of Commitments imposes requirements to be met in association with the construction and ongoing management of the development proposed at the site.

Table 2: Statement of commitments

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
1. Design details	To ensure the completed building is consistent with that proposed in the Project Application.	The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Workshop 1 Architects.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
2. Construction management	To minimise adverse environmental and amenity impacts.	All demolition, excavation and construction works are to be undertaken in accordance with the Construction Management Plan prepared by BDA Consultants, the Construction Traffic Plan prepared by John Condon & Associates and the Sediment and Erosion Control Plan and associated report prepared by Whipps-wood Consulting. The Construction Management Plan is to be amended to reflect the scope of works provided with development approval prior to the construction certificate being issued.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To ensure compliance with statutory requirements.	Disposal of excavated material will be in accordance with the Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes (NSW EPA 1997).	NSW EPA	Details are to be submitted prior to a Construction Certificate being issued.
	To minimise adverse water quality impacts.	Groundwater encountered at the site shall be disposed of in accordance with the Protection of the Environment Operations Act 1997. There is to be no discharge of pumped groundwater by de-watering into Batemans Bay, either directly or indirectly via the stormwater system. Any de-watering (if required) will discharge by returning water to the water table onsite and will be on a temporary construction basis only (appropriate licences to be sought prior to construction)	NSW EPA	Details are to be submitted prior to a Construction Certificate being issued.
	To effectively manage potential Acid Sulfate Soils and minimise the requirement for excavation to a depth of greater than 1m.	Onsite testing for Acid Sulfate Soils (ASS) is to be carried out during site works. If ASS soils are encountered at depths shallower than 1m, an ASS Management Plan is to be prepared, which deals with the removal and treatment of the soils. No discharge of ASS contaminated water is to occur to Batemans Bay.	NSW EPA	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To effectively manage stormwater and sediment/erosion so as to minimise potential impacts on sea-grass beds fringing the Batemans Bay shoreline.	The stormwater management measures outlined in the Coastal Processes report prepared by Peter Spurway & Associates and the Sediment and Erosion Control Plan and associated report prepared by Whipps-wood Consulting are to be implemented for the duration of construction.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
4. Noise	To ensure compliance with noise control legislation to minimise adverse amenity impacts.	A detailed Construction Noise and Vibration Management Plan will be prepared once a builder has been engaged and before works commence. The Construction Noise and Vibration Management Plan is to provide relevant criteria with respect to construction noise and vibration and compliance with relevant Australian Standards.	Principal Certifying Authority	Prior to issue of a Construction Certificate
	To ensure compliance with noise control legislation to minimise adverse amenity impacts.	All construction works are to comply with the Construction Noise and Vibration Management Plan are required to be prepared in association with the proposed development.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To ensure compliance with noise control legislation to minimise adverse amenity impacts.	Noise associated with mechanical plant must not give rise to the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
5. Tourist accommodation	To ensure compliance with relevant legislation	The use and operation of the proposed tourist accommodation must comply with the requirements of Schedule 1 (Standards for Places of Shared Accommodation) of the Local Government Orders Regulation, 1999 under the Local Government Act 1993, the Public Health Act, 1991 and regulations there under.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
6. Traffic, access and parking	To minimise adverse impacts associated with construction traffic.	Construction traffic and access is to be managed in accordance with the Construction Traffic Management Plan prepared by John Condon and Associates. Works are no longer proposed across the council owned sewer easement adjacent to the site. An amended Construction Traffic Management plan is to be submit that reflects works approved prior to the issue of a construction certificate. The pedestrian access over the sewer easement could remain open during construction at Councils discretion.	Principal Certifying Authority	During construction
	To ensure the safe and efficient layout of parking spaces	The design of the access and car park shall be in accordance with the Traffic and Parking Assessment Report prepared by Masson Wilson Twiney and their subsequent memorandums dated 17 July 2008 and 02 December 2008.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To ensure the safe operation of parking areas associated with the proposed serviced apartments.	A 24-hour valet parking system is to be provided in association with the operation of the serviced apartments complex. Only employees of the serviced apartment complex may operate the car stackers provided in the car parking area.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To ensure the safe and efficient operation and use of the carlifts	A Plan of Management dealing with the valet parking system is to be prepared.	Principal Certifying Authority	Prior to Occupation Certificate being issued.
	To provide a drop-off/pick-up point for guests of the serviced apartments and delivery vehicles.	Two short term car parking spaces have been provided to the north of the driveway for the purposes of drop-off/pick-up of vehicles from the valet service and loading. The Applicant shall also make an application to Council for the provision of a 5-minute parking zone adjoining the North Street frontage of the site.	Principal Certifying Authority	Prior to Occupation Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To ensure the safe operation of the car park.	Signage shall be installed at the entrance to the car park, advising motorists that a maximum clearance of 2.5m is provided.	Principal Certifying Authority	Prior to Occupation Certificate being issued.
7. Flood management	To ensure appropriate management measures in the event of a flood emergency.	A Flood Emergency Evacuation Plan shall be prepared in accordance with Section 10 of the Coastal Processes and Flooding Review prepared by Peter Spurway & Associates.	Principal Certifying Authority	Details are to be submitted within twelve (12) months of the Occupation Certificate being issued.
	To mitigate against flood and wave inundation impacts.	Levels to the ground floor slab and vehicular driveway ramp shall be in accordance with the levels specified by the Coastal Processes and Flooding Review prepared by Peter Spurway & Associates.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To provide safe vehicle access in the event of a severe ocean inundation event.	Vehicle access is to be provided in accordance with the approved architectural plans, sections and elevations and in accordance with the levels specified by the Coastal Processes and Flooding Review prepared by Peter Spurway & Associates.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To reduce the impact on the development if sea levels rise in the future.	Provision is to be made within the development for the future installation of rapid deployment expanding "floodgate" frames and the development is to be designed having regard to current predicted sea level rises to the year 2100.	Principal Certifying Authority	Details are to be submitted prior to an Occupation Certificate being issued.
8. Building construction	To ensure compliance with legislative requirements.	Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA):	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To ensure compliance with legislative requirements.	Structural details and a Structural Certificate for Design in accordance with the Building Code of Australia are to be provided.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To limit the mass of the structure and associated piling/excavation requirements.	A lightweight structure (timber and steel) is to be provided where possible, to limit the overall structural mass and dimension of the built form.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To limit the requirement for bulk excavation and de-watering.	G-Pile foundations are to be utilised in association with construction at the site, in accordance with the report prepared by SDA.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
9. Reflectivity	To minimise reflection and glare impacts.	Reflectivity from building materials used on the facade of the building is not to exceed 20%.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
10. Ongoing waste management	To ensure the efficient ongoing management of waste at the site.	A waste management plan shall be prepared to detail the methods of storing and disposing of waste associated with the occupation of the premises.	Principal Certifying Authority	Details are to be submitted prior to an Occupation Certificate being issued.
11. Accessibility	To ensure adequate and equitable disabled access is provided.	The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
12. Stormwater management	To minimise adverse stormwater impacts.	Onsite detention is to be provided in accordance with the Stormwater Concept Plan prepared by Whipps-wood Consulting.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To reduce the potential for contaminants entering the stormwater system.	Pit baskets are to be installed into the stormwater drainage system.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To minimise potential for pollutants to discharge into Batemans Bay via the stormwater system.	The car park and stormwater system are to be designed to prevent direct runoff from the car park into the stormwater system.	Consent authority	Details are to be submitted prior to a Construction Certificate being issued.
13. Rainwater reuse	To increase the environmental sustainability of the complex and avoid overloading the existing Batemans Bay stormwater system.	A rainwater tank is to be provided, consistent with the plan prepared by Whipps-wood Consulting. Rainwater is to be used to irrigate the common landscaped areas and for toilet flushing within the site.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To minimise the potential for contaminants entering the rainwater storage system.	Leaf guards and first flush devices are to be installed in rainwater collection facilities.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
14. ESD	To increase the environmental sustainability of the complex.	Where possible, recycled materials are to be used in association with construction at the site.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To reduce life-cycle costs and embodied energy of light fittings.	High quality, efficient and long-life lamps (such as compact fluorescent and LED lamps) are to be used in the serviced apartment complex.	Principal Certifying Authority	Details are to be submitted prior to an Occupation Certificate being issued.
	To optimise lighting efficiency.	Fluorescent lamp fixtures are to be utilised where possible. LED fixtures are to be used where possible, for decorative lighting.	Principal Certifying Authority	Details are to be submitted prior to an Occupation Certificate being issued.
	To optimise lighting efficiency.	Daylight sensors and automatic dimming facilities are to be used where possible.	Principal Certifying Authority	Details are to be submitted prior to an Occupation Certificate being issued.
	To optimise lighting efficiency.	Motion-detectors and timer-devices are to be used in commercial tenancies and common areas.	Principal Certifying Authority	Details are to be submitted prior to an Occupation Certificate being issued.
	To optimise water heating efficiency.	Evacuated tube solar collectors and heat pump boost on low thermal days are to be utilised to heat domestic water supply.	Principal Certifying Authority	Details are to be submitted prior to an Occupation Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To optimise plant efficiency.	Natural ventilation of tourist and permanent residential apartments is to be provided and shall incorporate ducted relief air vents to improve cross-flow ventilation.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To optimise plant efficiency.	Economy cycle ventilation on ducted air-conditioning plant shall be used in commercial areas to provide free cooling during cooler ambient conditions and control via BMS using enthalpy sensors. HVAC plant is to be sized appropriately. Air-conditioning units with an EER of greater than 4.0 are to be used where possible. Central desiccant wheel dehumidifiers are to be used where possible to remove humidity from the outside air supply and reduce latent loads on the VRV plant to improve efficiency.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
15. Landscaping	To ensure materials are resistant to corrosion and building elements are protected against corrosion.	Plant equipment is to achieve acceptable level of corrosion resistance. Contractors installing plant and associated equipment are to ensure that materials are not left on metal roofs, to minimise potential corrosion.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To minimise initial and ongoing costs.	Plant and associated equipment are to be selected on the basis of their efficiency, both in terms of maintenance and operation.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To ensure compliance with approved documentation.	Landscaping is to be provided in accordance with the Landscape Plan prepared by Ayling + Drury Landscape Architects.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To ensure the ongoing maintenance of landscaped areas.	All landscaped areas are to be maintained in accordance with the maintenance scheduled prepared by Ayling + Drury Landscape Architects.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To provide suitable landscaping and public domain works in the vicinity of the site.	The specific provision of street trees, pavement works and street furniture, as indicated on the Landscape Plan prepared by Ayling + Drury Landscape Architects, is to be resolved to the satisfaction of Council prior to installation.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To minimise water usage associated with landscape maintenance.	Low-water plant species are to be planted at the site. Rainwater is to be used for irrigation of landscaped areas.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To minimise sediment impacts associated with landscaped areas.	Appropriate sediment control measures are to be established prior to the commencement of landscaping at the site. Appropriate sediment control measures are to be retained in landscaped areas.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
	To minimise sediment/erosion impacts associated with landscaped areas.	Landscaping materials are to be screened from wind impacts. During landscape installation works, all loose materials are to be covered to minimise the potential for materials to be affected by the wind.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
	To avoid harm to humans and the environment.	All materials associated with landscaping and maintenance of landscaped areas are to be stored, used and disposed of in accordance with the manufacturer's recommendations.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
16. Visual amenity	To minimise the visual impact of plant and associated equipment.	Where possible, plant and associated equipment are to be located within plant rooms. Any roof-mounted equipment is to have a low-profile to minimise its visibility from the public domain.	Principal Certifying Authority	Details are to be submitted prior to a Construction Certificate being issued.
17. S94 Contributions	To ensure an acceptable public benefit associated with the proposed development.	S94 Contributions payable on the Application are to be offset, with the Applicant to undertake works-in-kind, to achieve a public benefit of an equivalent value. Agreement between the Applicant and Eurobodalla Shire Council is to be reached in this regard.	Principal Certifying Authority and Eurobodalla Shire Council	Details are to be submitted prior to a Construction Certificate being issued.

SUBJECT	OBJECTIVE	COMMITMENT	APPROVED BY WHOM	TIMING
18. Compliance	To ensure compliance with approval documentation	The approved permanent residential apartments are not to be used for tourist accommodation. In the event that it is proposed to change the use of the permanent residential apartments to provide tourist accommodation, a Development Application will be required to be submitted to and approved by the relevant consent authority.	N/A	Ongoing