

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0186

(FILE NO. S06/00162/2)

**6-STOREY MIXED-USE RESIDENTIAL, MOTEL AND RETAIL DEVELOPMENT
85-87 OCEAN PARADE, COFFS HARBOUR**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project referred to in the attached Director-General's Environmental Assessment Report, by **giving of approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Appendix C and the Proponent's Statement of Commitments in Appendix B, subject to the conditions of approval in the attached Schedule 2.

Frank Sartor MP
Minister for Planning

Sydney, 1 March 2007

SCHEDULE 1

PART A—TABLE

Application made by:	KAS Developments Pty Ltd PO Box 239 CAMPELLTOWN NSW 2560
Application made to:	Minister for Planning
Major Project Application:	MP 06_0186
On land comprising:	Lots 1 & 2 Section E DP 17053, 85-87 Ocean Parade COFFS HARBOUR NSW 2450
Local Government Area	Coffs Harbour City Council
For the carrying out of:	6-storey mixed-use motel and residential development
Estimated Cost of Works	\$9.5 million
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	1 March 2007
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0186

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents 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* (as amended).

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* (as amended).

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* (as amended).

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

Council means Coffs Harbour City 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 and **EA** means the Environmental Assessment prepared by Kann Finch Group dated August 2006.

Minister means the Minister for Planning.

MP No. 06_0186 means the Major Project described in the Proponent's Environmental Assessment and lodged with the Department on 28 August 2006.

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

Proponent means KAS Developments Pty Ltd or any party acting upon this approval.

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

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

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0186

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

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

- (1) Demolition of all existing buildings and structures on site; and
- (2) Construction of a six-storey building (Max height RL 26.5m AHD, to top of lift overrun, RL 25.6m AHD to top of building) with a total FSR of 2.57:1 (total GFA 5241.1 m²) comprising the following:
 - (a) 22 motel suites/studios (1,169 m² GFA);
 - (b) 28 residential apartments (3,836.1 m² GFA);
 - (c) 3 retail tenancies at ground level (213 m² GFA);
 - (d) 2 levels of basement car parking for 78 cars;
 - (e) recreational amenities including gym (23 m² GFA), lap pool and spa;
 - (f) landscaping; and
 - (g) servicing for the site.

A2 Development in Accordance with Plans

The development will be undertaken in accordance with the Environmental Assessment dated August 2005 prepared by Kann Finch Group including all Appendices and the following drawings, amended as received on 2 February 2007:

Architectural (or Design) Drawings prepared by <i>Kann Finch Group</i> at Appendix B of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
5262 – DA00		Location Plan	January 2007
5262 – DA01		Basement 2	January 2007
5262 – DA02		Basement 1	January 2007
5262 – DA03		Ground	January 2007
5262 – DA04		Level 1	January 2007
5262 – DA05		Level 2	January 2007
5262 – DA06		Level 3	January 2007
5262 – DA07		Level 4	January 2007
5262 – DA08		Level 5	January 2007
5262 – DA09		Roof Plan	January 2007
5262 – DA11		North Elevation	January 2007

5262 – DA12		South Elevation	January 2007
5262 – DA13		East Elevation	January 2007
5262 – DA14		West Elevation	January 2007
5262 – DA15		Section 01	January 2007
Landscape Drawings prepared by King & Campbell Pty Ltd at Appendix F of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
LC01	B	Landscape Concept Design – Ground Floor Layout	13.07.05
LC02	B	Landscape Concept Design – Second Floor Layout	13.07.05
Survey Drawings at Appendix B of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
02		Detail Survey	May 2004
Materials and Finishes prepared by Kann Finch Group at Appendix B of the Environmental Assessment dated August 2005			

except for:

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

A3 Inconsistency Between Documents

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

A4 Prescribed Conditions

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

A5 Exclusion – Retail Uses

The three (3) approved retail tenancies located with the Subject Site require a development application to be submitted to Council for fitout and hours of operation.

A6 Signage

A separate development application to Council for any proposed signs (other than exempt or complying signs under Council's exempt and complying DCPs) which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Reflectivity

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

B2 Outdoor Lighting

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

B3 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate for above ground works, the Proponent shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications for the residential component of the approved development achieve or improve the design quality of the development, 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 Disabled Access

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

B5 Landscaping

A detailed landscaping plan must be prepared by a suitably qualified architect, landscape designer/ architect or professional landscape consultant and approved by Council prior to the issue of a Construction Certificate for above ground works. The plan is to comply with Council's Landscaping Guidelines and is to incorporate measures to ensure the maintenance and survival of the landscaping. The plan is to include vegetation species that will achieve the total building height. The plan is the detail proposed street tree planting.

B6 Swimming Pool and Spa

All wastewater is to be connected to Council's sewer main via a suitable 100mm diameter gully trap. A minimum air gap of 100mm is to be provided between the discharge outlet and the gully gate.

Remediation / Demolition / Earthworks

B7 Remediation of Land

Prior to the issue of a Construction Certificate for below ground works, the Proponent shall submit a detailed Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

B8 Acid Sulfate Soil Management Plan

The Acid Sulfate Soil Management Plan prepared by Coffey Geosciences Pty Ltd and submitted with the EA shall be implemented in full, with consideration to the following:

- (1) Consideration shall be given to impacts on adjacent areas of Potential Acid Sulfate Soils with regard to dewatering activities during earthworks and construction.
- (2) Any stormwater collected within the bunded treatment area must not be discharged to the stormwater system without the results of quality testing which demonstrates that the water satisfies ANZECC and NEPM Guidelines, particularly with regard to suspended solids, pH, aluminium and related parameters (the water must not contain any visible sediments).
- (3) All work undertaken on the site and with regard to implementing the Management Plan shall be undertaken in accordance with the sediment and erosion plan (Condition B10 of this approval).
- (4) Approval for any variations/ deviations from the Management Plan is to be sought from Council prior to implementation.

B9 Erosion and Sedimentation Control

An erosion and sediment control plan, together with a management strategy, detailing soil erosion and sediment control measures, shall be prepared by a qualified environmental or engineering consultant 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 below ground works.

B10 Pre-Construction Dilapidation Report

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 within 50m of the Subject Site. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Director and Council.

B11 Demolition Report

Prior to the issue of a Construction Certificate for any works, the Proponent shall submit a detailed Demolition Report in consultation with and to the satisfaction of Council and covering containment of waste materials, dust, handling of asbestos and noise control monitoring.

Construction Management

B12 Construction Management Plan

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

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic and pedestrian management (see also B13 below),
- (4) noise and vibration management (see also B14 below),
- (5) waste and recycling management (see also B15 below),
- (6) erosion and sediment control (see also B19),
- (7) flora and fauna management, and
- (8) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

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

B13 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

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

B14 Noise and Vibration Management Plan

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this approval,
- (4) The construction vibration criteria specified in the conditions of this approval,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,

- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this approval.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) 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 the Department and Council.

B15 Construction Waste Management Plan

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant waste policy. The Proponent shall submit a copy of the plan to the Department and Council.

B16 Stormwater and Drainage

- (1) Prior to the issue of a Construction Certificate for below ground works, details of the proposed stormwater disposal and drainage from the development, must be submitted to and approved by Council. Any requirements of Council must be complied with. The stormwater is to be drained to Council's piped drainage system.
- (2) Groundwater must be tested and written approval granted prior to discharge to the Council stormwater system, with relevant approvals obtained from the Department of Natural Resources/ Council as applicable.
- (3) Evidence of satisfaction of this condition is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate for below ground works.
- (4) All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (5) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Access and Services

B17 Utility Services

To ensure that utility authorities are advised of the development:

- (1) The development must be provided with underground reticulated electricity and telephone cables. The Proponent shall provide a letter from Country Energy and Telstra stating that satisfactory arrangements have been made for the supply of electricity and telecommunications infrastructure in the development. These letters must be provided to Council and the Certifying Authority prior to the issue of a Construction Certificate for below ground works. Not: the developer is to

provide an area on the site for an electrical substation if required by Country Energy, outside the approved deep soil zones.

B18 Access Works

Sealed driveways being constructed over the footpath, at right angles to the road, must be in accordance with Council's Standard Drawings. Any existing driveways which are not required for the development are to be removed and the footpath and kerb reinstated.

B19 Waste Storage Area

- (1) A waste storage area management plan must be prepared and submitted to Council for approval. This plan is to be in accordance with Council's *Waste Management Development Control Plan* and is to allow for the collection and pick up of three waste streams (recycling, organics and general garbage) and provide details as to waste generation, storage space, storage location and access for residents and waste collectors and separation of the domestic and commercial bins. (Note that a waste storage arrangement that involves the use of 1.5 m³ and 3m³ bulk storage bins requires separate contract arrangements for collection as these bin sizes are not serviced by Council's general waste collection service).
- (2) Evidence of compliance with this condition is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

B20 Separate Water Meters

Individual water meters are to be provided to all units and common areas. A water reticulation plan is to be submitted to Council for approval prior to water fitting work commencing and prior to the issue of a Construction Certificate.

Traffic Management

B21 Traffic Control Devices

In order to ensure that vehicles exit the site and manoeuvre around the site in a safe manner, a suitable traffic control device eg, signage, speed hump, line marking, traffic signals, etc shall be installed and shall be clearly visible at the upper threshold of the driveway and a suitable traffic control system to allow 2-way use of single-lane aisles within the basement levels taking into account vehicle manoeuvring requirements at turns must be incorporated. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

B22 Number of Car Spaces

The maximum number of car spaces to be provided for the development in the two basement car parking levels shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works. Any future strata subdivision of the building shall comply with the allocation below.

Car parking allocation	Number
Residential Car parking spaces	49
Number of these residential car spaces to be disabled spaces	(2)

Retail car parking spaces for staff only	6
Motel Spaces	23
Number of these commercial car spaces to be disabled spaces	(2)
TOTAL	78

B23 Number of Bicycle Spaces

A minimum of 8 bicycle spaces are to be provided for the development. Details and location shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

B24 Number of Loading Bays

A minimum of 1 loading bay is to be provided for the development in Park Beach Road east of the laneway and must be capable of accommodating a 12 metre long truck, to provide for service vehicles, waste removal and other commercial vehicles servicing the development. Details of the loading arrangements shall be in accordance with the requirements of Council and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B25 Car Park and Driveway Layout

- (1) The layout of the car park, including vehicle manoeuvring areas, shall comply with Council's relevant controls and Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The car park is to be designed such that it is flood proofed to 4.7m AHD including a weir to this level in the driveway entry.
- (3) Car park and laundry ventilation must comply with the provisions of Australian Standard AS 1668.2.
- (4) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

B26 Safety

In order to improve safety for drivers and pedestrians using the development and provide adequate sight distance, the following traffic management works must be incorporated into the development, in accordance with the recommendations of the Proponent's Traffic Study:

- (1) The northern wall of the access driveway must be curtailed 2.5m from the kerb line in the laneway;
- (2) Either a 1.5m splay or 2.7m radius curve to the driveway/pool wall on the southern side of the driveway must be provided;
- (3) A shared traffic zone must be created in the laneway and must incorporate suitable traffic calming measures, to the satisfaction of Council's local traffic committee.
- (4) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

Health

B27 Mechanical Ventilation

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

Operational Waste Management

B28 Storage and Handling of Operational Waste

Prior to the issue of a Construction Certificate for below ground works, an application must be made to Council for approval to discharge trade waste to sewer and contain relevant details of trade waste generation and proposed pre-treatment of trade waste (where required). Discharge of trade waste to Council's sewer will not be permitted until formal approval for the discharge has been received from Council.

Monetary Contributions and Contributions-in-lieu

B29 Monetary Contributions

The Proponent shall pay to Council a total Section 94 contribution of \$193,742.29 (at the rate current at the time of payment) towards the provision of the following public services or facilities:

(1) Amount of Contribution:

	20 motel units (\$)	2 small apartments (\$)	28 large apartments (\$)	Total (\$)
Coordination and Administration	2,426.19	404.37	8,806.18	11,636.73
Coffs Harbour Road Network	11,877.54	1,979.53	43,111.09	56,968.22
Surf Rescue Equipment	687.00	114.50	2,493.54	3,295.03
Regional Libraries	1,557.85	259.64	5,654.43	7,471.92
Beach Protection Works	814.51	135.75	2,956.38	3,906.64
Regional Open Space	2,619.21	436.54	9,506.76	12,562.51
District Open Space	9,502.87	1,583.81	34,491.90	45,578.58
Traffic Facilities	2,805.90	467.65	10,184.37	13,457.91
Open Spaces	18,471.10	3,078.52	67,043.25	88,592.86
Sub Total	50,762.17	8,460.36	184,247.88	243,470.41
Less credit for 17 motel units	43,147.84		6,580.28	

and 1 large apartment				
Totals	7,614.33	8,460.36	177,677.60	193,742.29

- (2) Contributions have been imposed under the following plans:
- Regional, District and Neighbourhood Facilities 2004;
 - Coffs Harbour Road Network 2003;
 - Surf Rescue Equipment 2003; and
 - Park Beach Area 2006.

These Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's website, www.coffsharbour.nsw.gov.au.

- (3) The contributions must be paid prior to the release of any Construction Certificate unless other arrangements acceptable to Council are made. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate any works.
- (4) The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contribution Plans. The Proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

B30 Developer Contributions – Car Parking

The Proponent shall pay to Council a total Section 94 contribution of \$110,767.50 (at the rate current at the time of payment) towards the provision of off-street public car parking for 27 car spaces.

This calculation of 27 spaces is based on a total GFA of the convenience store (Tenancy 1) of 66 sqm GFA and the two café/ restaurant tenancies (Tenancy 2 and 3) of 147 sqm GFA in total. For the two café/ restaurant tenancies, this rate restricts the outdoor seating to a total of 70 seats for the two tenancies. Should the future applications to Council for the fitout of these tenancies result in total seating of more than 70 seats for the two tenancies combined, further Section 94 contributions will be payable towards the provision of off-street public car parking, prior to the issue of the Occupation Certificate.

- (1) Contributions have been imposed under the following plans:
- Park Beach Area 2006.

This Contribution Plan may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's website, www.coffsharbour.nsw.gov.au.

- (2) The contributions must be paid prior to the release of any Construction Certificate unless other arrangements acceptable to Council are made. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate any works.
- (3) The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contribution Plans. The Proponent is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually. The current rate is \$4,102.50 per car space.

B31 Water and Sewerage Services

A Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development, including payment of developer contributions applicable to the development at the time of the application for Certificate of Compliance (contact Council at time of payment for developer contributions payable at the time). This Certificate must be submitted to the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

For your information, the developer contributions applicable at the date of the development approval are as follows:

	20 motel units (\$)	2 small apartments (\$)	28 large apartments (\$)	Total (\$)
Water Headworks	41,879.79	6,514.63	130,292.67	178,687.09
Water Reticulation	15,885.46	2,417.07	49,421.43	67,777.96
Sewer Headworks	13,806.40	2,147.66	42,953.23	58,907.29
Sewer Reticulation	25,640.46	3,988.52	79,770.33	109,399.31
Sub Totals	97,212.10	15,121.88	302,437.65	414,771.64
Less credit for 17 motel units and 1 large apartment	82,630.25		10,801.34	
Totals	14,581.82	15,121.88	291,636.31	321,640.01

	General store (\$)	Restaurant 1 (\$)	Restaurant 2 (\$)	Total (\$)
Water Headworks	3,024.65	5,793.37	4,885.98	13704.00
Water Reticulation	1,147.28	2,197.49	1,853.30	5,198.07
Sewer Headworks	997.13	1,909.88	1,610.75	4,517.76
Sewer Reticulation	1,851.81	3,546.93	2,991.39	8,390.13
Sub Totals	7,020.87	13,447.67	11,341.42	31,809.96
Less credit for 75 sqm restaurant		12,151.51		
Totals	7,020.87	1,296.16	11,341.42	19,658.45

- (1) The developer contributions are reviewed from time to time and are also subject to annual adjustment in accordance with the Consumer Price Index for Sydney (All Groups).

Consolidation

B32 Consolidation

Evidence of lodgement of a plan of consolidation of the lots with the Registrar General is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

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 Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

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.

Structural Works

C3 Structural Details

Prior to the commencement of construction, 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 development 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, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works. Adjoining property owners are to be advised of the relevant liaison officer prior to the commencement of works.

Hazardous Materials

C5 Removal of Hazardous Materials

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

C6 Site Audit

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

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition B9, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

No clearing or stripping works are to be undertaken on the site until the Erosion and Sediment Control Plan has been implemented.

D2 Disposal of Seepage and Stormwater

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

Structural Works

D3 Setting Out of Structures

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

Construction Management

D4 Approved Plans to be On-site

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

D5 Site Notice

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

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

D6 Contact Telephone Number

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

D7 External Lighting

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

D8 Protection of Trees – Street Trees

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

D9 Dust Control Measures

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

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

D10 Lighting of site outside of standard construction hours

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the Department, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

D11 Loading and Unloading during Construction

The following requirements apply:

- (1) all loading and unloading associated with construction must be accommodated on site;
- (2) the structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development;
- (3) if, during excavation, it is not feasible for loading and unloading to take place on site, a construction zone on the street may be considered by Council;
- (4) in addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level;
- (5) if a construction zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such a facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D12 Excavated Material

No excavated material is to leave the site until Council has been provided with the following information for approval:

- (1) Complete list of all destination sites for excavated material;
- (2) a report providing details as to how material will be transported such that there is no dust nuisance and material is not deposited along road surfaces;
- (3) a transport route for cartage vehicles; and
- (4) any other information requested by Council.

D13 Waste and Contamination

The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Department of Environment and Conservation's *Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the PCA.

Noise and Vibration

D14 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted in accordance with the Proponent's Statement of Commitments #8 (**Appendix B of DG Report, Tag B**).

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;

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

D15 Construction Noise Objective

The construction noise objective is to comply with AS 2436-1981 *Guide to Noise Control on Construction*.

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

D16 Construction Noise Management

The Proponent shall:

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

D17 Vibration Criteria

Vibration caused by construction at 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.

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

D18 Vibration Management

Vibratory compactors must not be used closer than 50 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Public Access

D19 Public Way to be Unobstructed

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

Compliance

D20 General

All works are to be carried out in accordance with the approved Construction Management Plan including but not limited to identification of hours of work, construction noise and vibration management, soil erosion and sediment control plan, air quality and dust control procedures, waste management plan, storage and handling of material, protection of trees and emergency procedures.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

There are no conditions of approval relevant to this section.

Note: separate development consent from Council will be required for any future strata subdivision.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Treatment of Vehicular Entry

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

Engineering

F2 Fire Safety Certificate

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

F3 Annual Fire Safety Statement

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

F4 Mechanical Ventilation

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

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

F5 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact 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 is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F6 Access

The following works:

- (1) Reconstruction of the rear lane adjoining the site, full width, including widening to 5.1m with kerb, gutter and footpath;

must be provided to serve the development with the works conforming with the standards and requirements set out in Council's Technical Guidelines for Subdivision and Development. These works are to be completed prior to occupation of the development unless other arrangements satisfactory to Council for their completion at some other time are made.

No engineering works are to be undertaken until plans and specifications have been approved by Council.

Plans and specifications submitted later than six (6) months from the date of the development approval shall comply with the Technical Guidelines for Subdivision and Development current at a date six (6) months prior to such submission.

F7 Road Damage

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

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

Second Dilapidation Report**F8 Post-construction Dilapidation Report**

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to 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 B10, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

F9 Bushfire Evacuation Plan

Prior to the issue of the Occupation Certificate, a Bushfire Evacuation Plan, in accordance with the requirements of the relevant legislation and the Bushfire Risk Assessment submitted with the EA, shall be prepared by an accredited bushfire risk assessor and submitted to the PCA.

Compliance

F10 Landscaping

All landscaping is to be carried out and maintained in accordance with the plan approved in Condition B5 of this approval at all times.

All landscaping works are to be completed, with certification of satisfactory completion from the same qualified landscape consultant submitted to the PCA prior to the issue of the Occupation Certificate.

F11 BASIX

Written certification is to be submitted to the PCA prior to occupation inspection to confirm that all BASIX commitments specified on Certificate Number 92842M, issued on 11 September 2006, have been implemented.

If required, an amended BASIX Certificate will need to be obtained to reflect amendments made to the proposal as shown on the approved plans in Condition A2 on this approval.

F12 Splay Corner Dedication

The splay corner is to be dedicated as public road (the dedication area covers the south-eastern corner of the site, to include the curved footpath) to Council at no cost and prior to the issue of the Occupation Certificate.

Health

F13 Swimming Pool and Spa

- (1) The swimming pool and spa shall be maintained and operated in accordance with the *Public Swimming Pool and Spa Pool Guidelines (NSW Health 1996)* and the *Swimming Pools Act 1992*.
- (2) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing (Section 7 *Swimming Pools Act 1992*).
- (3) Swimming pool water quality is to be maintained to a standard in accordance with the provisions of the *Public Health (Swimming Pools and Spas) Regulation 2000*.
- (4) A resuscitation poster must be permanently displayed in close proximity to the swimming pool, as per section 17 of the *Swimming Pools Act 1992*.
- (1) The pool is not to be filled with water until a safety fencing inspection has been carried out and an approval granted by the PCA.
- (2) All skin penetration activities shall comply with the *Skin Penetration Guidelines (NSW Health 1999)*.

PART G—POST OCCUPATION

Fire Safety

G1 Annual Fire Safety Certification

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

Traffic and Parking

G2 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.

G3 Unobstructed Driveways and Parking Areas

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

Noise

G4 Noise Control – Plant and Machinery

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

ADVISORY NOTES

AN1 Sanitary Plumbing and Drainage

A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site. All water supply, sanitary plumbing and drainage works are to comply with the relevant provisions of the *Local Government (Water, Sewerage and Drainage) Regulation 1993*.

Please note that recent changes in State regulations require that suitable temperature control devices be provided in conjunction with any new hot water installations.

AN2 Requirements of Public Authorities for Connection to Services

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

AN3 Compliance with Building Code of Australia

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

AN4 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 Application for Hoardings and Scaffolding

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

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

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.

AN6 Use of Mobile Cranes

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

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:

- (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN7 Movement of Trucks Transporting Waste Material

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

AN8 Construction Inspections

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

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

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

AN9 Noise Generation

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

AN10 Excavation – Aboriginal Objects

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

AN11 Excavation – Historical Relics

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

AN12 Street Numbering

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

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

AN13 Stormwater drainage works or effluent systems

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

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

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

AN14 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.

AN15 Disability Discrimination Act

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