

Project Approval

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

I approve the project application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Anthony (Tony) Kelly MLC
Minister for Planning

24 NOV 2010

Sydney

2010

SCHEDULE 1

Application No.:	MP 09_0121
Proponent:	Tesrol Ettalong Pty Ltd
Approval Authority:	Minister for Planning
Land:	Memorial Avenue and The Esplanade, Ettalong Beach Lots 111, 112, 113, 114, 115 and 116 DP 10650
Project:	Mixed Use Residential Development over two stages, including: • Stage 1 – Construction of a 7 storey mixed use residential building; and • Stage 2 – Construction of a 2 storey commercial/retail building.

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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.

BCA means the Building Code of Australia.

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

Council means Gosford City Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department or his nominee.

Environmental Assessment (EA) means the Environmental Assessment prepared by the Kann Finch Group Pty Ltd. and dated April 2010.

Minister means the Minister for Planning.

MP No. 09_0121 means the Major Project described in the Proponent's Preferred Project Report.

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

Preferred Project Report (PPR) means the Preferred Project Report prepared by the Kann Finch Group Pty Ltd and dated 3 September 2010.

Proponent means Tesrol Ettalong 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.

End of Section

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

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

Construction of a mixed use Residential Development over two stages including:

- Stage 1- construction of a 7 storey mixed use residential building; and
- Stage 2- Construction of a 2 storey commercial/ retail building.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 08_0121 and the Environmental Assessment dated April 2010, prepared by Kann Finch Group Pty Ltd, except where amended by the Preferred Project Report dated 3 September 2010, prepared by Kann Finch Group Pty Ltd., and the following drawings:

Architectural Drawings prepared for the Environmental by Kann Finch Group Architects				
Drawing No.	Revision	Name of Plan	Drawn By	Date
A003	A	Ground Floor & B1 Revised Envelope	Kann Finch Group	04.11.10
A004	A	Levels 1 & 2 Revised Envelope	Kann Finch Group	04.11.10
A005	A	Level 3 – 5 Plans Revised Envelope	Kann Finch Group	04.11.10
A006	B	Level 6 Plan Revised Envelope	Kann Finch Group	04.11.10
A007	B	Sections Revised Envelope	Kann Finch Group	04.11.10
A008	A	South & West Elevation	Kann Finch Group	04.11.10
A009	A	East & North Elevation	Kann Finch Group	04.11.10
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
101	B	Ground Floor Landscape Plan	Site Image	13.01.10
501	A	Typical Details, Schedule and Specification notes	Site Image	13.01.10

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- 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, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. Construction Certificate

Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

A6. Further Approvals

The following shall be the subject of the following separate approvals (except where exempt and complying development applies):

- a) A separate application for a vehicular access crossing, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges shall be submitted to Council. The application form can be obtained by contacting Council's Customer Service Staff or visit Council's web site www.gosford.nsw.gov.au.
- b) Separate application being made for connection to Council's sewerage system.
- c) Advertising signs
- d) Retail and commercial fit out – the Proponent shall seek development consent (including hours of operation) prior to occupation and use of individual tenancies, where required.

End of this Section

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1. Modification of details of the development

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) Adequate lighting to AS1158 is to be provided to common areas.
- b) Landscaping adjacent to mailboxes and footpaths must not provide for the concealment opportunities for criminal activity.
- c) The development must be designed to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
- d) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- e) The driveway, vehicle manoeuvring area and 93 car parking spaces as shown on the approved plans must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- f) The development shall incorporate a stormwater retention system consisting of either rainwater tanks and/or stormwater tanks (as defined in DCP 165 -Water Cycle Management) with a minimum total capacity of 10,000 litres, capturing water from at least 90% of the total roof area. The water collected is to be suitably treated and connected to an external tap, all toilet cisterns and cold washing machine tap(s). Overflow from the rainwater tanks and/or stormwater tanks are to be directed by a piped drainage line to an inter-allotment drainage line.
- g) Impervious surface areas including pathways and driveways are to be graded and drained to prevent water run-off affecting adjoining properties.
- h) Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
- i) Nutrient/pollution control measures must be designed in accordance with Council's DCP165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
- j) The secondary stormwater flow path as shown on the approved plans (located between the Laneway and The Esplanade on the eastern side of the development) shall be capable of conveying 50% of the 1% AEP flood flow shall be designed in accordance with Council's 'GCC Design Specification for Survey, Road and Drainage Works' & 'Civil Construction Specification'.
- k) The minimum floor level of all habitable rooms in the development must be 500mm above the 1% AEP flood level associated with the laneway secondary stormwater flow path located between the laneway and The Esplanade.
- l) The location of all electronic fixtures and/or gas outlets on the ground floor are to be at a minimum height of 500mm above the 1%AEP flood level associated with the laneway secondary stormwater flow path located between the laneway and The Esplanade.

B2. Climate Change

A revised Climate Change Statement that includes further investigation of impacts of potential sea level rise on rising groundwater levels, shall be submitted to and approved by the Department of Planning prior to the release of a Construction Certificate.

B3. S94 Contributions

The following contributions are payable under Section 94 of the Environmental Planning and Assessment Act 1979 in accordance with the relevant Council Contribution Plan No 31A, 31B, 31C & 31D - **Peninsula** as amended and are subject to quarterly review as detailed in the Contribution Plan.

Roadwork - Capital	B	(Key No 789)	\$22,022.00
Open Space - Land	C	(Key No 791)	\$83,790.00
Open Space - Embellishment	C	(Key No 790)	\$188,773.00
Community Facilities - Land	D	(Key No 793)	\$4,357.00
Community Facilities - Capital	D	(Key No 792)	\$56,420.00
Drainage - Land	A	(Key No 787)	\$17,324.00
Drainage - Capital	A	(Key No 788)	\$55,574.00
TOTAL AMOUNT			\$428,260.00

The total contribution amount of \$428,260.00 is to be paid prior to the issue of a Construction Certificate.

The basis of the calculation and the total contribution amount is subject to quarterly review. An adjustment amount will become payable if the contribution is not paid prior to the next review.

A copy of the Contribution Plan may be inspected at the office of Gosford City Council, 49 Mann Street, Gosford NSW or on Council's website www.gosford.nsw.gov.au/customer/document_gallery/contribution_plans

B4. Contribution Plan No. 72 Car Parking Ettalong Beach- Stage 1

A cash contribution of \$117,666.00 (Account No D9072.837 - Key 715) in lieu of the provision of 18 car parking spaces generated by the proposed development under Contribution Plan No 72 Car Parking Ettalong Beach, prior to the issue of the Construction Certificate. This amount reflects the contribution at the date of consent only.

The actual amount to be paid prior to the issue of a Construction Certificate is to be adjusted with the current quarterly review.

A copy of the Contribution Plan may be inspected at the office of Gosford City Council, 49 Mann Street, Gosford NSW or on Council's website www.gosford.nsw.gov.au/customer/document_gallery/contribution_plans

B5. Waste Management

Full and comprehensive details of proposed waste management, including bulk excavation and disposal, must be submitted to the Department and Council and approved by Council prior to issue of a Construction Certificate. Details to be accompanied by a Waste Management Plan completed and signed in accordance with Council's DCP No. 106 - Site Waste Management. Details shall include driveway grades, waste enclosure dimensions, details of any garbage chutes etc.

B6. Dilapidation Report

A dilapidation report is to be prepared by a practising structural engineer at no cost to Council or adjoining property owners, detailing the structural adequacy of adjoining properties, including Council's property, and their ability to withstand the proposed excavation. This report must include any measures required to be incorporated to ensure that no damage will occur during the course of works. The report must be submitted to the Department and Council and relevant adjoining property owners prior to the issue of a Construction Certificate.

B7. Road to the Public Road Reserve

All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy 'D6.46 Erosion Sedimentation Control'".

The required works to be designed are as follows:

- a) Reconstruction of the laneway including kerb and guttering (both sides), subsoil drainage, drainage and a minimum 6m wide road pavement for the length of the laneway immediately adjacent to the development site. The reconstruction laneway is to accommodate a traffic loading of 2×10^6 ESA's. The final levels of the reconstructed laneway are not to obstruct stormwater from adjoining properties or divert stormwater into adjoining properties.
- b) The design of Stage 2 shall accommodate the swept turning path of the AS2890.2:2002 Heavy Rigid Vehicle to reverse into the north-south section of the laneway from the east west laneway, and then exit in a forward direction out into the east-west laneway to the east (towards Picnic Parade).
- c) Reconstruction of the kerb and gutter across the frontages of the site in Memorial Avenue and The Esplanade where it was not previously reconstructed as part of the road works associated with the development on the western side of Memorial Avenue.
- d) Replacement of the existing concrete footway with full width pavers across the full frontage of the site in The Esplanade. The theme of the new paving is to reflect the Ettalong CBD master plan. The footway formation is to be graded at +2.5% from the top of kerb to the property boundary.
- e) Replacement of the old paving in Memorial Avenue with full width pavers across the full frontage of stage 1 of the site in Memorial Avenue. The theme of the new paving is to reflect the Ettalong CBD master plan. The footway formation is to be graded at +2.5% from the top of kerb to the property boundary.
- f) Replacement of the concrete footpath in Memorial Avenue with full width pavers across the full frontage of stage 2 of the site in Memorial Avenue. The theme of the new paving is to reflect the Ettalong CBD master plan. The footway formation is to be graded at +2.5% from the top of kerb to the property boundary.
- g) Reconstruction of a new heavy-duty vehicular access crossing in Memorial Avenue at the intersection of Memorial Avenue and the laneway. The width of the new access crossing is to accommodate the swept turning paths of an AS2890.2:2002 Articulated Vehicle entering the laneway from both the northbound and southbound lanes in Memorial Avenue.
- h) Construction of a heavy-duty vehicle crossing on the southern boundary of the laneway that has a length along the laneway of 44m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- i) Construction of a heavy-duty vehicle crossing on the northern boundary of the (east-west) laneway that has a length along the laneway of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- j) Stormwater pipe (minimum 375mm diameter) within Memorial Avenue from the frontage of stage 2 to the other side of the road. A kerb inlet pit is to be provided in the kerb line on both sides of the road.
- k) All redundant dish crossings and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.
- l) The piping of stormwater from within the site to Council's drainage system located in Memorial Avenue.

- m) Roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RTA and Australian Standards.
- n) Signage and line marking. The signage and line marking plan for the proposed one-way movements in the laneway across the frontage of the site shall be approved by the Council Traffic Committee.
- o) Pram ramps on both sides of the laneway at the intersection of the laneway with the footway in Memorial Avenue.
- p) Removal of the proposed street trees and landscaping areas within the road pavements in Memorial Avenue and The Esplanade. Any proposed street trees are to be provided within the footways adjacent to the kerbs in accordance with the landscape master plan for the Ettalong Beach CBD.

The engineering plans must be approved by Council prior to the issuing of a Construction Certificate required under this consent.

B8. Pavement Report

A pavement report for works within a public road reserve shall be prepared by a practising Geotechnical Engineer. This report must be submitted with the engineering plans and approved by Council under the Roads Act, 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Laneway from Memorial Avenue to Picnic Parade	2x10 ⁶
North-South laneway	3x10 ⁵

B9. Dilapidation Report

A dilapidation report must be submitted to the Department and Council prior to issue of a Construction Certificate and/or approval of engineering plans under the Roads Act. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development in Memorial Avenue, Picnic Parade, The Esplanade, and the laneways.

B10. Security Deposit- Council Assets

A security deposit of \$50,000 must be paid into Council's trust fund prior to the issue of a Construction Certificate. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.

B11. Stormwater/ Watercourse Work

All public stormwater/watercourse work to be carried out must be approved by Council under Section 68 of the Local Government Act.

Engineering plans for the work must be prepared and designed by a suitably qualified professional in accordance with Council's 'Civil Construction Specifications', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

The required works to be designed are as follows:

- a Secondary stormwater flow path capable of conveying 50% of the 1% AEP flood flow. The secondary flow path is to be constructed within the eastern side of the