

File No: 16-2013-550-1

Telephone Inquiries:

MS A K STONE

File No: 16-2013-550-1

Parcel No: 20389

Det Code: ac

MR A J TINDALE
CARE ACROPLAN PTY LTD
PO BOX 398
MAITLAND NSW 2320

Dear Sir/Madam,

Re: NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Environmental Planning and Assessment Act, 1979.

Pursuant to section 80(1) of the Environmental Planning and Assessment Act, notice is hereby given of the determination by the consent authority of the Application No. 16-2013-550-1.

Date of Determination & Date from which Consent operates: 28 July, 2014

Proposed Development: **Tourist Accommodation, Four (4) Lot Community Title Subdivision,**

Property Description: **LOT: 1 DP: 774965**
686 Marsh Road BOBS FARM

The Application has been determined by granting consent including other approvals as detailed in Schedule 1 and subject to conditions in Schedule 2. The reasons for the imposition of such conditions are set out in Schedule 4.

Should you wish you may seek to have this Consent reviewed by Council. Arrangements for this review must be made within six (6) months of determination date.

If you have any further inquiries regarding this consent, please contact Council's Development Services Group at your convenience.

NOTE: THIS IS NOT AN APPROVAL TO COMMENCE WORK. BUILDING WORKS CANNOT COMMENCE UNTIL A CONSTRUCTION CERTIFICATE IS ISSUED BY COUNCIL OR AN ACCREDITED CERTIFIER.

Yours faithfully



Amy Stone | Senior Development Planner
Port Stephens Council
116 Adelaide Street Raymond Terrace

SCHEDULE 1

APPROVAL UNDER SECTION 78A(3)

1. Nil required.

SCHEDULE 2

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Stamped plans prepared by Acroplan Pty Ltd, project no. 10159, numbered DA00 to DA36 inclusive, revision "B" dated 22 April 2014
--

Stormwater Plan prepared by Forum Consulting Engineers Revision "B" dated 3 April 2014
--

Stormwater Drainage Report prepared by Forum Consulting Engineers dated 28 June 2013
--

BASIX Certificates numbered 440423M_02 and 360991M_02 dated 4 September 2013, and dated 4 September 2013
--

Waste Water Management Report prepared by BMT WBM Pty Ltd, dated October 2012

Acid Sulphate Soil Management Plan Acroplan Pty Ltd, dated August 2013
--

2. The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.
3. Consent is not granted for horse trails over adjoining properties. Horse riding in the National Park can only be undertaken with the direct permission of and any conditions imposed by the National parks and Wildlife Service.
4. The development has been granted approval under the following relevant authority/s;
 - NSW Rural Fire Service dated 22 October 2013; and
 - Department of Primary Industries (Office of Water) dated 1 July 2014.

Where conditions are imposed by the authority the development shall comply with the General Terms of Approval listed in Schedule 5.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

GENERAL

5. Prior to issue of the Construction Certificate, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to the Accredited Certifier.
6. A fire safety schedule pursuant to Section 168 of the Environmental Planning & Assessment Amendment Regulation 2000 must be attached to the construction certificate, which specifies the fire safety measures that should be implemented in the building premises.
7. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94A Development Contributions Plan, a contribution of the cost of development shall be paid to Council, as determined in accordance with clause 25j of the Environmental Planning and Assessment Regulation 2000 and as outlined in Table 1 below.

Development Type	Levy Rate
Proposed cost of carrying out the development is up to and including \$100,000	Nil
Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000	0.5% of that cost
Proposed cost of carrying out the development is more than \$200,000	1.0% of that cost

A Cost Summary Report Form (attached) setting out an estimate of the proposed cost of carrying out the development in accordance with Schedule 1 of the Port Stephens Section 94A Development Contributions Plan, must be approved by Council and the applicable calculated fee paid prior to issue of the Construction Certificate. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors."

8. Prior to the issue of the Construction Certificate, a Construction Management Plan shall be submitted and approved by Council. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties.
9. Prior to the issue of the Construction Certificate, a plan shall be submitted and approved by Council's Vegetation Management Officer, which demonstrates all necessary clearing for the Asset Protection Zone, to achieve the requirements of Planning for Bushfire Protection and conditions imposed by the NSW Rural Fire Service.

The boundary of the Asset Protection Zone for bushfire protection shall be marked with permanent metal stakes with appropriate signage to prevent the encroachment of fuel reduction activities and vegetation clearing beyond the designated area.

ON-SITE SEWAGE MANAGEMENT

10. Prior to the issue of any Construction Certificate, approval shall be obtained under Section 68 of the *Local Government Act 1993*, for the installation of an on-site sewage management system on Lots 2, 3 and 4 in accordance with the approved Wastewater Management Report prepared by BMT WBM Pty Ltd, dated October 2012.

The application shall be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.

Following installation of the approved on-site sewage management system, an "application to operate" the system, under the provisions of section 68 of the *Local Government Act 1993*, shall be submitted to and approved by Council, prior to use of the system.

DISABILITY ACCESS

11. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS1735.12.

12. Prior to the issue of the Construction Certificate plans and details of the disabled toilet(s) complying with the relevant Australian Standards, the Building Code of Australia (National Construction Code) and with regard to the *Disability Discrimination Act 1992*, shall be provided to and approved by the Principal Certifying Authority.

STORMWATER

13. The stormwater detention system shall be designed and built in accordance with the approved concept plan. Detailed engineering plans shall be submitted and certified by a suitably qualified and practising drainage engineer, and approved by the certifying authority prior to issue of the construction certificate.

The construction detail shall include details of the location and type of detention system, orifice, pipes, pits, major overland flow path and the discharge point to the public drainage system.

14. A Water Quality Management Strategy prepared by a suitably qualified person shall be submitted to Council for approval prior to issue of the construction certificate. The Water Quality Management Strategy shall identify measures to control nutrient runoff from the proposed animal enclosure and equestrian centre. The Water Quality Management Strategy shall comply with Councils Urban Stormwater and Rural Water Quality Management Plan.

CIVIL WORKS

15. A Construction Certificate cannot be issued until full details of required bus stops, on both sides of Marsh Road adjacent to the development driveway, have been provided to Council for assessment and determined to be satisfactory by Council.

ACCESS - INTERNAL

16. The Internal road within the proposed common land shall have a minimum 7 meters width consisting of a granular pavement having a minimum compacted depth of 200 mm.

The Construction Certificate cannot be issued until full details of driveway access are provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

FLOODING

17. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.

ECOLOGY

18. Details of fencing are to be provided prior to issue of Construction Certificate. Any fencing associated with the development should not compromise the potential for safe movement of koalas across the site. The preferred option for minimising restrictions to safe koala movement is that there be no fencing, however suitable fencing may include:
 - a. fences where the bottom of the fence is a minimum of 200 mm above ground level that would allow koalas to move underneath;
 - b. fences that facilitate easy climbing by koalas; for example, sturdy chain mesh fences, or solid style fences with timber posts on both sides at regular intervals of approximately 20m; or
 - c. open post and rail or post and wire (definitely not barbed wire on the bottom strand).

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

PREScribed CONDITIONS

19. Building work that involves residential building works (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) In the case of work to be done by a licensee under that Act:
 - (i) Has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) Is satisfied that the licence has complied with the requirements of Part 6 of that Act, or
 - (b) In the case of work to be done by any other person:
 - (i) Has been informed in writing of the person's name and owner-builder permit, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, is sufficient evidence that the person has complied with the requirements of that part.

GENERAL

20. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
21. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
- * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.
22. It is the responsibility of the applicant to erect a PCA sign and to ensure the PCA sign remains in position for the duration of works.
23. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced.

24. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.

25. The development shall be carried out in accordance with the Building Sustainability Index (BASIX) certificate number 440423M_02 and 360991M_02. Where minor changes to the development occur (eg colours and the like) these changes shall be referred to Council **prior to the changes being made.**

Where approved, a copy of the amended/new BASIX Certificate shall be submitted to Council within fourteen days and will be considered sufficient to satisfy this condition.

26. The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.

SITE MANAGEMENT

27. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

28. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
29. The recommendations contained in the approved Acid Sulphate Soils Management Plan prepared Acroplan Pty Ltd, dated August 2013 shall be complied with during construction.

ACCESS – MARSH ROAD

30. A Type AUL intersection in Marsh Rd at the existing access to the development shall be constructed in accordance with "Guide to Traffic Engineering Practice - Part 5: Intersections at Grade."
31. 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 'Infrastructure Design and Construction Specification – AUS Spec', and Section B of Development Control Plan 2007.

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

32. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
- a) Roads Act Approval has been issued; and
 - b) All conditions of the Roads Act Approval have been complied with to Council's satisfaction.

FLOODING

33. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is RL 2.7 metres AHD. Flood Compatible Building Materials are listed in the attached Schedule 6.

The following design precautions must be adhered to;

- a) The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.
- b) In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.
- c) No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
- d) All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.
- e) All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
- f) All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
- g) All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
- h) Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and

movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.

- i) All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

MANAGEMENT PLANS

- 34. The following occupancy restrictions shall be incorporated into a Management Agreement for the Tourist Facility.
 - a. The tourist facility shall not be occupied by any proprietor or occupier for longer than forty two (42) consecutive days or an aggregate one hundred and fifty (150) days in any twelve (12) month period. Such periods are to be calculated from the date of the first occupation of the tourist facility.

A copy of the Management Agreement shall be provided to Council for approval prior to the issue of the occupation certificate.

- 35. A Flood Management Plan which covers evacuation and the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council and included in the Community Title Management Plan prior to the issue of the Subdivision Certificate or any Occupation Certificate issued for the development.

ON-SITE SEWAGE MANAGEMENT

- 36. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, the on-site sewage management system shall be completed and inspected by Council. An "approval to operate" the on-site sewage system must be issued. By Council and provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

ECOLOGY

- 37. Prior to the issue of an Occupation Certificate any koala food trees (Eucalyptus Robusta) removed as a result of the development must be replaced according to the ratio detailed in Table 1, or, at Council's discretion the applicant may conduct enhancement works which improve the integrity and viability of koala food trees, habitat and movement corridors on the subject site.

Table 1

Koala food tree size class (dbhob)	Replacement Ratio (loss:gain)
<100 mm	1:5
100-300 mm	1:8
>300 mm	1:10

The location of compensatory plantings will be either:

- a. Where there is sufficient land on the subject site
- b. At Council's discretion at the cost of the applicant, in cases where it is not feasible to plant replacement plantings on site, all or a portion of the replacement trees may be planted on receiving land off the subject site either:
 - i. On Council-owned land; or
 - ii. On some other land approved by Council for use as receiving land

Replacement food trees must be:

- a. of the same species
- b. sourced from local provenance seed stock
- c. planted in a cluster and, where feasible, in the vicinity of any retained food trees
- d. protected, nurtured and maintained until the trees have reached a mature size of 5 metres – at the cost of the applicant.
- e. Any replacement trees that die before maturity must be replaced by the applicant and at their cost.

- 38. All environmental weeds and noxious and invasive plants (Bitou Bush *Chrysanthemoides monilifera* and Lantana *Lantana* sp.) are to be removed prior to the issue of Occupation Certificate and continually suppressed using appropriate bush regeneration methods.
- 39. Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

ENGINEERING

- 40. The applicant shall restore, replace or reconstruct any sections of footpath, cycleway, kerb and guttering, road pavement, storm water, or any other public infrastructure located within the Road Reserve that occur as a result of construction activities, as determined by Council's Development Engineers or Civil Assets Engineer, prior to issue of the Occupation Certificate. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

GENERAL

- 41. For endorsement of the subdivision certificate, the person having the benefit of the development consent shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies;

- a. the endorsement fee current at the time of lodgement;
- b. the 88B instrument plus six (6) copies;
- c. A Community Title Management Plan prepared in accordance with the provisions of Community Land and Development Act 1989;
- d. all surveyor's and/or consulting engineers' certification(s) required under the subdivision consent;
- e. the Section 50 (Hunter Water) Compliance Certificate for the subdivision; and
- f. Proof of payment of Section 94 contributions.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay enforcement of the linen plan and may require payment of rechecking fees.

42. The use of the proposed allotments is restricted pursuant to Clause 12(b) of Local Environmental Plan 2000 and accordingly no dwelling or duplex can be built on any proposed Lot. The title of the relevant property shall be endorsed under Section 88B of the Conveyancing Act to give effect to this condition. In this regard Council shall be nominated as the sole authority permitted to alter/remove the endorsement.

ACCESS – MARSH ROAD

43. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council (with a letter of practical completion issued) prior to issue of the Subdivision Certificate. All works associated with the Roads Act Approval shall be at no cost to Council.

ACCESS - INTERNAL

44. Construction of the internal road serving shall be completed to the satisfaction of the Council prior to issue of the Subdivision Certificate.

CONDITIONS TO BE SATISFIED AT ALL TIMES

GENERAL

45. The Management Agreement, inclusive of occupancy restrictions, shall be complied with at all times.
46. A register shall be kept by the owner or proprietors to record the occupancies and shall be available at any time for inspection by an authorised officer of Council.
47. All outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and 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
48. There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment*

Operations Act 1997, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

49. All deliveries (including waste collection) must not occur prior to 7am or after 8pm every day.
50. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
51. To minimise the opportunity for crime and in accordance with Safer by Design Principles, the development shall incorporate the following measures, to the satisfaction of the Certifying Authority, prior to the issue of an Occupation Certificate;
 - b. Security sensor or automated lighting provided to all entry/exit points;
 - c. Restricted access garbage room, and other private use spaces; and
 - d. The parking areas shall be adequately lit.
52. The applicant shall restore, replace or reconstruct any sections of footpath, cycleway, kerb and guttering, road pavement, storm water, or any other public infrastructure located within the Road Reserve that occur as a result of construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.
53. Hours of operation for the Interactive Animal Farmyard and Horse Riding will be restricted to the following times;
Monday to Sunday – 9am to 5pm

ECOLOGY

54. Fifty (50) Koala Feed trees, either *Eucalyptus Robusta* (Swamp Mahogany), *Eucalyptus parramattensis* (Parramatta red gum), or *Eucalyptus tereticornis* (Forest Red Gum) (or a combination of these species), are to be planted on proposed lot 2 at a location suitable to the applicant and outside the building envelope. These trees are to be a minimum of 25 litre pot size and appropriate height. The replacement trees are to be maintained to maturity through use of watering and mulch as required to achieve natural height.
55. Landscaping and associated plantings onsite must include koala feed tree species. Koala feed trees include *Eucalyptus Robusta* (Swamp Mahogany), *Eucalyptus tereticornis* (Forest Red Gum), *Eucalyptus parramattensis* (Parramatta red gum), and *Melaleuca quinquenervia* (Broad-leaved Paperbark). Selection of species must be appropriate for the vegetation existing or previously existing onsite.

SWIMMING POOLS

56. Access to the swimming pool must be restricted by fencing or other measures as required by the Swimming Pools Act 1992.
57. Noise levels associated with spa/pool pumping units shall not exceed 5db (A) at the boundaries of the site.
58. Devices or structures used for heading swimming pool water must not be placed where they are visible from a public place.
59. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement, or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Hunter Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Hunter Water prior to the emptying of any pool into the sewer.
60. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

ADVICES

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) This approval relates to Development Consent only and does not infer any approval to commence excavations or building works upon the land. A Construction Certificate should be obtained prior to works commencing.
- c) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- d) Development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage.

SCHEDULE 4

REASONS FOR CONDITIONS

The conditions to approval are made in accordance with Section 80A of the Environmental Planning and Assessment Act, 1979; and are consistent with the aims and objectives of: Council's Tree Preservation Order; and the provisions of the Port Stephens Local

Environmental Plan 2000 and ensure compliance with the Local Government Act and Building Code of Australia.

FEES AND CHARGES

The fees and charges relating to this application are outlined on the attached sheet. **All** payments must be accompanied by this sheet.

RIGHT OF APPEAL

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court. This right of appeal is only valid for six (6) months from the date of the consent.

NOTES:

- (1) To ascertain the date upon which the consent becomes effective refer to Section 83 of the Act.
- (2) To ascertain the extent to which the consent is liable to lapse refer to Section 95 of the Act.

SCHEDULE 5
GENERAL TERMS OF APPROVAL

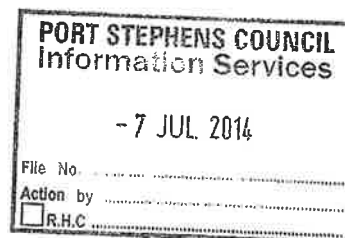


**Department of
Primary Industries**
Office of Water

Contact: Brendan Mee
Phone: 02 4904 2524
Email: brendan.mee@water.nsw.gov.au
Our ref: ERM 2014/0546
Your ref: 16-2013-550-2

The General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Attention: Stephanie Wood



1 July 2014

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: 16-2013-550-2
Description of proposed activity: Tourist accommodation, Lot 1 DP 774965, 686 Marsh Road, Bobs Farm

I refer to your recent letter dated 5 May 2014 regarding an integrated Development Application (DA) proposed for the subject property. Construction dewatering is deemed to be an aquifer interference activity in accordance with the definition in the *Water Management Act 2000*. It is expected that any dewatering associated with the excavation and construction at the property will be conducted in accordance with the principles of the *Aquifer Interference Policy* (available on-line at <http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference>).

An authorisation for the take of groundwater as part of the anticipated dewatering of the site is required. As such, General Terms of Approval appropriate to the proposed aquifer interference activity are provided as required by s.91A (2) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

The Office of Water also notes that there is an existing dam on the site. It is requested that the proponent provide information regarding the dam to the Office of Water to determine whether the dam requires an approval or licence under the *Water Management Act 2000*.

Please note Council's statutory obligations under section 91A (3) of the EPA Act which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works

- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities.
- The Office of Water requests notification of any legal challenge to the consent.

The attached GTA do not provide authorisation to extract groundwater. The applicant must apply (to the Office of Water) for authorisation **after consent** has been issued by Council **and before** the commencement of any work or activity involving extraction of groundwater.

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Brendan Mee
Water Regulation Officer
Office of Water - WR Operations South

GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING

**These terms do not represent any form of authorisation
for the extraction of groundwater**

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall not cause pollution of the groundwater.
4. Construction design and methods should seek to avoid excavation of soil and dewatering as much as possible and disturbance of Potential Acid Sulphate Soils should be minimised.

Prior to excavation

5. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
6. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
7. A report must be provided to the NSW Office of Water demonstrating that there will be minimal potential for adverse impacts on existing licensed extraction and high priority groundwater dependent ecosystems.
8. The Acid Sulphate Soils Management Plan (Acroplan, August 2013) shall be updated to provide further information on extent of soil disturbance and specific details on the management measures proposed for mitigating any impacts associated with acid sulphate soils.
9. A copy of a valid development consent for the project shall be provided to the NSW Office of Water.

10. Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and a National Association of Testing Authorities certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
11. The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
12. Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

13. Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
14. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
15. Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
16. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
17. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
18. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

19. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

END OF GENERAL TERMS OF APPROVAL

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142



Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

PORT STEPHENS COUNCIL
Information Services

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

30 OCT 2013
File No. 167758
Action by
<input type="checkbox"/> R.H.C.

Your Ref: 16-2013-550-1
Our Ref: D13/2134

ATTENTION: Amy Stone

22 October 2013

Dear Sir/Madam

Integrated Development for 1/774965 686 Marsh Road Bobs Farm 2316

I refer to your letter dated 13 September 2013 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the *Environmental Planning and Assessment Act 1979*.

This response is to be deemed a bush fire safety authority as required under section 100B of the *Rural Fires Act 1997* and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity, the land surrounding Cabins 1 to 8 on proposed Lot 2, to a distance of 60 metres on the eastern, southern and western elevations, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
2. At the issue of subdivision certificate and in perpetuity, the land surrounding the Manager's residence on proposed Lot 2, to a distance of 20 metres on the eastern and southern elevations, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

3. At the issue of subdivision certificate and in perpetuity, the land surrounding Cabins 1 to 3 on proposed Lot 3, to a distance of 60 metres on the eastern, southern western elevations, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.
4. At the issue of subdivision certificate and in perpetuity, the land surrounding Cabins 4 to 6 on proposed Lot 3, to a distance of 60 metres on the eastern and southern elevations, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.
5. At the issue of subdivision certificate and in perpetuity, the land surrounding Cabins 7 to 10 on proposed Lot 3, to a distance of 60 metres on the southern elevation, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.
6. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing shark and ray centre shall have the following distances of;
 - 20 metres on the northern and eastern elevations
 - 10 metres on the southern elevation and
 - the distance between the centre and property boundary on the western elevation shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- In recognition that an unreliable reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes on proposed Lots 2 and 3.
- A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water supply.
- A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- If an above ground tanks is to be installed they shall be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.

- If an underground tanks is to be installed they shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
- All associated fittings to the tank shall be noncombustible.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

7. Property access roads shall comply with section 4.1.3 (2) of *Planning for Bush Fire Protection* 2006 except for the the acceptable solution of providing at least one alternative access road as this solution is not required.

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

8. Internal roads shall comply with section 4.2.7 of *Planning for Bush Fire Protection* 2006.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

9. Arrangements for emergency and evacuation are to comply with section 4.2.7 of *Planning for Bush Fire Protection* 2006.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

10. New construction on Cabins 1 to 8 within proposed Lot 2 and Cabins 1 to 7 within proposed Lot 3 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone Areas and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection* 2006.
11. New construction on the Manager's residence within proposed Lot 2 on the northern and western elevations shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone Areas* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection* 2006.

12. New construction on the Manger's residence within proposed Lot 2 on the eastern and southern elevations shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone Areas* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection* 2006.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Nika Fomin

Acting Manager Customer Service Centre - Glendenning

SCHEDULE 6
FLOOD COMPATIBLE MATERIALS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL	BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor Structure	Concrete slab-on-ground construction Suspension reinforced concrete slab	Doors	Solid panel with water proof adhesives Flush door marine ply filled with closed cell foam Painted metal construction Aluminium or galvanised steel frame
Floor Covering	Clay tiles Concrete, precast or in situ Concrete tiles Epoxy, formed-in-place Mastic flooring, formed-in-place Rubber sheets or tiles with chemical-set adhesives Silicone floors, formed-in-place Vinyl sheets or tiles with chemical-set adhesives Ceramic tiles, fixed with water resistant adhesive Asphalt tiles, fixed with water resistant adhesive	Wall and Ceiling Linings	Fibro-cement board Brick, face or glazed Clay tile glazed in waterproof mortar Concrete Concrete block Steel with waterproof applications Stone, natural solid or veneer, waterproof grout Glass blocks Glass Plastic sheeting or wall with waterproof adhesive
Wall Structure	Solid brickwork, blockwork, reinforced, concrete or mass concrete	Insulation	Foam (closed cell types)
Roofing Structure (for situations where the relevant flood level is above the ceiling)	Reinforced concrete construction Galvanised metal	Windows	Aluminium frame with stainless steel rollers or similar corrosion and water resistant material
		Nails, Bolts, Hinges and Fittings	Brass, nylon or stainless steel Removable pin hinges Hot dipped galvanised steel wire nails or similar

SCHEDULE 2**Registered* Quantity Surveyor's Detailed Cost Report
[Development Cost in excess of \$500,000]**

*An Associate member and above of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.:
COMPLYING DEVELOPMENT APPLN NO:
CONSTRUCTION CERTIFICATE No:
APPLICANT'S NAME:

DATE:**APPLICANT'S ADDRESS:****DEVELOPMENT NAME:****DEVELOPMENT ADDRESS:****DEVELOPMENT DETAILS:**

Gross Floor Area – Commercial	m2	Gross Floor Area – Other	m2
Gross Floor Area – Residential	m2	Total Gross Floor Area	m2
Gross Floor Area – Retail	m2	Total Site Area	m2
Gross Floor Area – Car Parking	m2	Total Car Parking Spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$/m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site area	\$
Cost per square metre of site area	\$/m ²	Cost per space	\$/space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per square metre of site area	\$/m ²	Cost per m2 of commercial area	\$/m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per square metre of residential area	\$/m ²	Cost per m2 of residential area	\$/m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per square metre of retail area	\$/m ²	Cost per m2 of retail area	\$/m ²

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: _____

Date: _____

Name: _____

Position: _____

AIQS Membership grade and ID Number _____

CPD Certificate No _____