

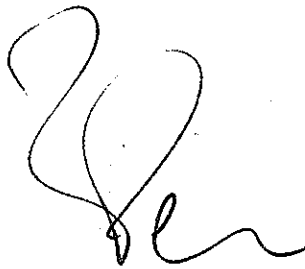
# Project Approval

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

I, the Deputy Director-General of the Department of Planning, as delegate of the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the proponent's Statement of Commitments in the attached Schedule 3.

These conditions are required to:

- (1) To ensure the site is appropriately managed for the proposed uses;
- (2) To adequately mitigate the environmental and construction impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To adequately mitigate traffic impacts of the development.



Richard Pearson  
Deputy Director-General

Sydney, 5<sup>th</sup> June 2010

## SCHEDULE 1

### PART A—TABLE

Application made by:	Armstrong Jones Retail Fund (ING Real Estate)
Application made to:	Minister for Planning
Project Application:	05_0134
On land comprising:	1-3 Bay Street, Port Macquarie Lot 2 DP 702484, Lot 4 DP 1018087 and Lot 109 DP 1083464
Local Government Area	Port Macquarie-Hastings
For the carrying out of:	Partial demolition and refurbishment of exiting buildings and expansion of Settlement City Shopping Centre including additional retail space, public amenities, a cinema, recreational facilities, commercial premises, infrastructure works, additional car parking and two new private streets.
Type of development:	Project Application
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination unless works have physically commenced in accordance with Section 75Y of the Act.

### PART B—NOTES RELATING TO THE DETERMINATION OF APPLICATION 05\_0134

#### ***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*.

#### ***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*.

#### ***Legal notices***

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

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## PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act 1979*.

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

**BCA** means Building Code of Australia

**Council** means Port Macquarie-Hastings Council.

**CPI** means Consumer Price Index.

**Department** means the Department of Planning or its successors.

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

**Environmental Assessment** means the *Environmental Assessment, Settlement City Shopping Centre – Port Macquarie, Environmental Assessment proposed Stage 1* report prepared by Manidis Roberts and dated June 2009.

**Minister** means the Minister for Planning.

**Project** means the project as described in Condition A1 to this approval.

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

**Preferred Project Report** means the *Settlement City Shopping Centre – Port Macquarie, Environmental Assessment proposed Stage 1 Preferred Project Report* prepared by ING Real Estate and dated December 2009.

**Proponent** means Armstrong Jones Retail Fund (ING Real Estate) or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Settlement City Structure Plan**, Lake Macquarie-Hastings Council, 2009

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

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## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 05\_0134

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1 Project Description**

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

- 1) The demolition, refurbishment and construction of retail, commercial, entertainment and car parking space resulting in the following:
  - (a) Net increase of 4,117 m<sup>2</sup> of retail space including but not limited to, speciality retail, food outlets and restaurants;
  - (b) 971 m<sup>2</sup> leisure/gym/health spa;
  - (c) 2,924 m<sup>2</sup> commercial space;
  - (d) 3,202 m<sup>2</sup> cinema complex;
  - (e) 1,050 m<sup>2</sup> bowling alley;
  - (f) Net increase of 345 car parking spaces.
- 2) Construction of 2 new private streets through the site including bus parking and taxi ranks;
- 3) Landscaping; and
- 4) Associated infrastructure works.

##### **A2 Staging**

The project is to be constructed in 2 stages only generally as follows:

- (1) Stage 1a comprises:
  - (a) The opening out of the existing shopping mall along the north-south axis of the site through the partial demolition of existing buildings and the refurbishment and construction of speciality retail space along this axis.
  - (b) Construction of the two new streets through the site.
  - (c) Reconfiguration of the existing multi-level car park in the southern corner of the subject site.
  - (d) Landscaping and infrastructure works associated with this stage.
- (2) Stage 1b comprises:
  - (a) A new multi-deck car park surrounded by additional speciality retail, leisure and commercial space.
  - (b) Landscaping and infrastructure works associated with this stage.

It is noted that interim sub stages are likely to be completed in phases to facilitate the ongoing centre operations and staging of construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

### **A3 Project in Accordance with Plans**

The project is to be undertaken generally in accordance with the following drawings:

Architectural (or Design) Drawings prepared by The Buchan Group			
Drawing No.	Revision	Name of Plan	Date
ASK 145	2	Proposed Stage 1 Plan	November 2009
ASK 120	5	Proposed Level Ground Floor Plan	November 2009
ASK 121	5	Proposed Level Mezzanine Floor Plan	November 2009
ASK 122	5	Proposed Level 1 Floor Plan	November 2009
ASK 123	5	Proposed Level 2 Floor Plan	November 2009
ASK 125	6	Section AA	November 2009
ASK 126	6	Section BB	November 2009
ASK 127	6	Section CC	November 2009
ASK 128	6	Detailed Sections	November 2009
ASK 129	6	Detailed Sections	November 2009
ASK 141	3	Maximum Building Height Diagram	December 2009
ASK 143	2	Retail Stage 1 Locality Plan	November 2009
ASK 144	2	Proposed Level Roof Plan	November 2009
ASK 146	1	3D Elevation & Materials. Entertainment Street	January 2010
ASK 147	1	3D Elevation & Materials. Leisure Street	January 2010
ASK 148	1	3D Elevation & Materials. Bay Street	January 2010
ASK 149	1	3D Elevation & Materials. Park Street	January 2010
ASK 150	1	3D Elevation & Materials. Governors Way	January 2010
ASK 151	1	3D Elevation & Materials. Dolphin Keys	January 2010
Landscape Drawings prepared by Site Image Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
102	J	Waterfront Precinct	December 2009
103	J	Internal Streetscapes	December 2009
104	J	Primary Streetscapes	December 2009

### **A4 Project in Accordance with Documents**

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

- (1) *Environmental Assessment Report* prepared by Manidis Roberts on behalf of ING Real Estate, dated June 2009; and,
- (2) *Preferred Project Report/Response to Submissions* prepared by ING Real Estate, dated December 2009.

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**A5      *Inconsistency between documents***

- (1) In the event of any inconsistency between:
  - (a) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
  - (b) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
  - (c) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.
- (2) If there is any inconsistency between this concept plan approval and any project approval or development consent, this concept plan approval shall prevail to the extent of the inconsistency.

**A6      *Building Code of Australia***

- (1) All work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) Any existing sections of the shopping centre building forming part of this project are to be upgraded to meet the requirements of the Building Code of Australia, as in force at the time of lodging the construction certificate for the alterations to that building, except for Parts J1, J2 and J3 of the Building Code of Australia. This condition does not relate to the Port Macquarie Panthers Building except for the fire wall that separates that building from the building the subject of this approval.

**A7      *Prescribed Conditions***

The prescribed conditions of development consent under section 80A(11) are incorporated as conditions of this approval, where relevant."

**PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

***Design Details and Changes***

**B1      *Additional Details***

In order to ensure integrated development, additional details in regard to the following matters shall be submitted to and approved by the Council prior to the issue of a Construction Certificate:

- (1) Construction details at the Bay Street & western/southern driveway showing integration of construction plans with conceptual plans for the Ashton Street/Bay Street & Warlters Street roundabout.
- (2) The proposed on-site parking/aisle configurations at the ramp terminals and queuing area for the existing petrol station. Detailed construction plans shall be required to address the following:
  - Adequate pedestrian and trolley linkages on all levels between the proposed lifts locations and parking locations within the "existing carpark".
  - Adequate vehicle manoeuvring and circulation at the ramp terminals within the "existing carpark".
- (3) A detailed landscape plan.



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- (4) Proposed upgrades to the existing pedestrian crossing to the north of the site.
  - (5) Compliance with the Council's Interim Flood Policy and the NSW Sea Level Rise Policy Statement (October 2009). Section 16.8 of Council's Policy requires basement (or depressed) car parks to be protected from the inundation from the 100 year flood level.

## **B2 Active Frontage**

Prior to the issue of a Construction Certificate, the Proponent shall submit details to Council confirming compliance with the Settlement City Structure Plan of the design of the Bay Street elevation at the corner of Bay Street and Park Street at ground floor level.

## **B3 Disabled Access**

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, an appropriately qualified person is to certifying compliance with this condition and provide to the Certifying Authority.

## **Remediation / Demolition / Earthworks**

### **B4 Earthworks**

The Proponent is to submit detailed design plans for earthworks, including filling of the land for flood protection in accordance with AUSPEC Design Specification D6, Port Macquarie-Hastings Council current version, to the PCA prior to the issue of a Construction Certificate

### **B5 Demolition**

The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: The Demolition of Structures. No demolition materials shall be burnt or buried on site.

### **B6 Asbestos**

Should asbestos be present its removal shall be carried out in accordance with the National OH&S Committee – Code of Practice for Safe Removal of Asbestos and its Code of Practice for the Management and Control of Asbestos in the Workplace.

### **B7 Construction Management Plan**

Prior to the issue of a Construction Certificate for each stage of the project, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. 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 in accordance with Condition B8;
- (4) noise and vibration management in accordance with Condition B9;
- (5) construction waste management; and
- (6) erosion and sediment control in accordance with Condition B17.

### **B8 Traffic & Pedestrian Management Plan**

Prior to the issue of a Construction Certificate for each stage of the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RTA publication 'Traffic

Control at Works Sites' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. 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 Council.

### **B9 Noise and Vibration Management Plan**

A Noise and Vibration Management Plan to detail measures to minimise noise emissions associated with the construction of the project shall be submitted for approval as part of the Construction Management Plan required under condition B7. The Plan must include, but not necessarily be limited to:

- (1) identification of all major sources of noise that may be emitted as a result of the Construction of the project;
- (2) specification of the noise criteria as it applies to a particular activity;
- (3) identification and implementation of best practice management techniques for minimisation of noise and vibration emissions;
- (4) procedures for the monitoring of noise emissions;
- (5) procedures for out of hours construction if required, including obtaining pre-approval from Council for such works; and
- (6) description of the procedures to be undertaken if any non-compliance is detected.

### **Traffic & Parking**

#### **B10 Number of Car Spaces**

The maximum net number of car spaces to be provided as part of the project is 345. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

#### **B11 Number of Bicycle Spaces**

A minimum of 100 bicycle spaces are to be provided for the project. Details of design and confirming numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

#### **B12 Car Park and Service Vehicle Layout**

- (1) The design and construction of the carpark and accesses shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be line marked.
- (2) The layout of service vehicle areas shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.

Detailed design plans demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

#### **B13 Section 138 Approval**

- (1) Notwithstanding the issue of this project approval, separate consent from Council under section 138 of the Roads Act 1993, must be obtained prior to any

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works taking place on a public road including the construction of new driveway access (or modification of access) kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths. Applications for consent under section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee. Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the subject site.

- (2) The Proponent is to provide, at no cost to Council, concrete foot paving on development street frontages. For Bay Street and Park Street a variable width footpath, conceptually consistent with Buchan architectural plans titled Proposed Stage 1 Level Ground Floor Plan (Project 307050) is required with design details in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.

#### **B14 Access**

- (1) A detailed engineering plan showing driveways, parking areas, and the means of access from the road to the proposed development in accordance with Council's adopted AUSPEC Design and Construction Guidelines are to be submitted to the Certifying Authority for approval. Plans are to include site conditions affecting the access, pavement levels in relation to floor levels, and should nominate levels in relation to the kerb (or nominated fixed datum) and grades.
- (2) Driveways, access aisles and parking areas shall be constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

#### **B15 Pedestrian Refuge**

A pedestrian refuge shall be provided along Park Street north of Bay Street connecting the Entertainment Street with existing pedestrian facilities on the eastern side of Park Street. Pedestrian refuge areas shall conform with AUS-SPEC standards and ASD 109 (Port Macquarie Hastings Council version). Details of the refuge are to be provided to Council prior to issue of a Construction Certificate

#### **B16 Bus Facilities**

- (2) Prior to the issue of any Construction Certificate, the Proponent shall make appropriate arrangements with Busways to accommodate bus operation during construction phases of the project. Proposed facilities and signage located on public road reserves shall require Local Traffic Committee (LTC) approval prior to the issue of a Construction Certificate
- (3) The following temporary and permanent bus servicing facilities are to be provided at locations to be specified:
  - (a) During Stage 1 construction (temporary)
  - (b) Upon completion of Stage 1 construction (permanent)

The design plans must be approved by Council prior to the issue of a Construction Certificate.

#### **B17 Erosion and Sediment Control Plan**

Prior to the issue of a Construction Certificate for each stage of the project, an Erosion and Sediment Control Plan in accordance with AUSPEC D6 and D7, Port Macquarie-Hastings Council current version is to be submitted to and approved by the Certifying Authority. The Proponent shall submit a copy of the approved plan to Council.

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## **Health**

### **B18 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.

### **B19 Design of Food Premises**

The fitout of the food premises shall be carried out in accordance with the Food Premises and Equipment Standard 3.2.3 of the Australia New Zealand Food Standards Code. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **Stormwater**

### **B20 Stormwater and Drainage Works Design**

- (1) Final design plans of the stormwater drainage systems within the subject site, prepared by a qualified practicing Civil Engineer and in accordance with Council's Development Control Plan No 17 and AUSPEC Specifications D5 and/or D7 where relevant, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate.
- (2) The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.
- (3) Where the details relate to the erection of a building, approval pursuant to Section 68 of the Local Government Act is to be obtained from Council.
- (4) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption or deterioration of any other property is not permitted

### **B21 Stormwater Quality Improvement Devices**

Council requires that stormwater quality improvement devices (SQIDs) be installed on all new stormwater systems servicing the site, prior to discharge. Prior to issue of any construction certificate, detailed design plans and hydraulic calculations for SQIDs and rainwater reuse system shall be approved by Council. The Proponent is advised to undertake water-balance type modelling (supply vs. demand) of any proposed rainwater reuse system to enable the most cost efficient system to be implemented.

## **Water and sewer**

### **B22 Water Authority**

Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water and sewer services to the subject site. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.

### **B23 Sewerage System**

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- (1) Final design plans of the sewerage reticulation systems within the subject site in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate.
  - (2) The Proponent is to upgrade the sewage pumping stations and associated rising mains located on the subject site to cater for the increased load (if required) to the satisfaction of the Council.
  - (3) Any extension or modification of the town sewerage system where necessary to serve the project, is to be at no cost to Council.

#### **B24 Water Supply**

- (1) The Proponent is to submit detailed design plans for water supply hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies, to the Certifying Authority prior to the issue of a Construction Certificate.
- (2) Details of rainwater harvesting and reuse are to be provided with the Section 68 application. Connection to Council's reclaimed water supply will be required for use in toilet flushing and irrigation or for rainwater top up.
- (3) Final water service sizing for the proposed developments will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and backflow protection requirements.

#### **B25 Fire Safety Measures**

A schedule of existing and proposed fire safety measures is to be submitted with the application for the Construction Certificate.

#### **B26 Cinema**

- (1) The maximum occupancy of the cinema shall not exceed the maximum capacity the cinema has been designed to accommodate in accordance with the relevant performance criteria of the Building Code of Australia and as assessed under the Construction Certificate. A sign must be displayed in a prominent position in the cinema stating the maximum number of persons that are permitted in the cinema.
- (2) The provisions of Schedule 3A of the Environmental Planning and Assessment Regulation 2000 are to be complied with in relation to the use of part of the building as an entertainment venue (cinema).

#### **B27 Crime Risk Prevention**

Prior to the issue of a Construction Certificate, a Crime Risk Prevention Strategy shall be prepared to the satisfaction of Council. Crime risk prevention measures may include but not be limited to:

- (1) Painted car parking ceiling and pillars white to increase reflective light.
- (2) Appropriate night-time/evening lighting to the private Leisure and Entertainment Streets.
- (3) Electronic surveillance equipment in consultation with the local area Police Command and Shopping Centre operations.
- (4) Ramp corrugations and other traffic calming devices to prevent driving offences and skateboard activity.
- (5) The screening of the pedestrian bridge from the level 1 car park to commercial suites.

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## **B28     Security Bond**

The Proponent shall provide security to the Council for the payment of the cost of the following:

- (1) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the approval relates;
- (2) completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the approval;
- (3) remedying any defects in any such public work that arise within twelve(12) months after the work is completed.

Such security shall be provided to Council prior to the issue of the Construction Certificate.

The security is to be for such reasonable amount as is determined by Council, being an amount that is the estimated cost plus 30% for building development of public works of carrying out the project, by way of:

- a) deposit with the Council, or
- b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

## **Monetary Contributions**

### **B29     Settlement City Road Network Contributions**

The Proponent shall pay a cash contribution towards the provision of road infrastructure generally as identified in the Traffic Report - Settlement City Precinct Road Network Study Port Macquarie (TTM Consulting Pty Ltd - Nov 2009).

The contribution shall be paid to the Settlement City Road Infrastructure Precinct Trust Fund prior to the issue of any Occupation Certificate for each stage of the project.

The following schedule of contribution rates apply for this project:

- Retail:     \$73.66 per m<sup>2</sup> Gross Leasable Floor Area (GLFA)
- Cinema:    \$294.65 per seat
- Bowling:    \$44.20 per m<sup>2</sup> GLFA
- Commercial: \$29.47 per m<sup>2</sup> GLFA

The contribution rate will be indexed quarterly (commencing with the December quarter 2009) in line with movements in the Producer Price Index (Output of the General Construction Industry – Road and Bridge Construction) for NSW as published by the Australian Bureau of Statistics

### **B30     Section 64**

A Development Servicing Plan (DSP) enables Council, under Section 64 of the Local Government Act 1993, to levy contributions where the anticipated development will or is likely to increase the demand for water supply and sewerage services.

Section 64 Development Servicing Plans:

- Port Macquarie-Hastings Development Servicing Plan: Water Supply Schemes 2006
- Port Macquarie-Hastings Development Servicing Plan: Sewerage Services 2005
- Hastings water Supply Administration Levy Development Servicing Plan Version 2, 2006

Prior to the endorsement of a Construction Certificate for each stage of the project, the Proponent must pay, in proportion to the additional development created by that stage, the following contributions to Council pursuant to Section 64 of the *Local Government Act 1993*.

Table 1: Section 64 Contributions

STAGES	Water Supply Services			Sewerage Services		
	Units	Cost	Total	Units	Cost	Total
Total: Stage 1A & 1B	27.83 ET	\$8,927	\$248,438.40	28.63 ET	\$3,715	\$106,360.40
Admin Water Levy	1.6% of Water Contribution		\$3,975.00			N/A
<b>TOTALS</b>			<b>\$252,413.40</b>			<b>\$106,360.40</b>

Note: The above rates apply to 30 April 2010. Contribution amounts are adjusted quarterly in accordance with the *Consumer Price Index All Groups Index Number for Sydney* as published by the Australian Bureau of Statistics.

## PART C—PRIOR TO COMMENCEMENT OF WORKS

### Notification Requirements

#### C1 Notice to be Given Prior to Commencement / Excavation

- (1) The Council and the PCA (if not the Council) shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.
- (2) The PCA is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the PCA via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

### Structural Works

#### C2 Structural Details

Prior to the commencement of construction at each stage of the project, the Proponent shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (3) the relevant clauses of the BCA,
- (4) the relevant project approval,
- (5) drawings and specifications comprising the Construction Certificate, and
- (6) the relevant Australian Standards listed in the BCA (Specification A1.3).

#### C3 Retaining Walls

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Prior to commencement of works for any stage of the project a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the Certifying Authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

### ***Pollution Control***

#### ***C4 Erosion and Sediment Control***

Prior to commencement of work on the site for each stage of the project, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Certifying Authority.

### ***Services***

#### ***C5 Existing Services***

The Proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Certifying Authority advised of its location and depth prior to commencing works for each stage of the project and ensure there shall be no conflict between the proposed project and existing infrastructure prior to start of any works.

#### ***C6 Sewer Manholes***

Where a sewer manhole exists within the subject site, access to the manhole shall be made available at all times. Before, during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

### ***Contact Details***

#### ***C7 Contact Telephone Number***

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

## **PART D—DURING CONSTRUCTION**

#### ***D1 Hold Points***

Works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. The construction certificate number and property description are to be quoted to ensure the inspection is confirmed:

- (1) at completion of installation of erosion control measures;
- (2) at completion of installation of traffic management works;
- (3) at the commencement of earthworks;
- (4) when the sub-grade is exposed and prior to placing of pavement materials;



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- (5) when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - (6) at the completion of each pavement (sub base/base) layer;
  - (7) before pouring of kerb and gutter;
  - (8) prior to the pouring of concrete for sewerage works and/or works on public property;
  - (9) on completion of road gravelling or pavement;
  - (10) prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

Council will undertake random audits of work sites to verify compliance of public works as required.

## ***Construction Management***

### ***D2 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.

### ***D3 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:

- (1) Details of the Builder, PCA and Structural Engineer for all stages of the project;
- (2) The approved hours of work;
- (3) 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) A statement that unauthorised entry to the site is not permitted.

### ***D4 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 of any stage of the project, shall be replaced, to the satisfaction of Council.

### ***D5 Protection of Trees – On-site Trees***

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction of any stage of the project.

## ***Structural Works***

### ***D6 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

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registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved project approval.

#### **D7     *Batters***

The slope of the cut/fill batter shall not exceed 1:6. The batter shall be stabilised with plantings and maintained in a neat state. The batter to any stormwater control device shall not exceed 1:8 unless provided with adequate safety fencing in accordance with Council's adopted AUSPEC Design and Construction Guidelines.

#### ***Site Maintenance***

#### **D8     *Erosion and Sediment Control***

- (1) All erosion and sediment control measures, as designed in accordance with the approved plans, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, 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.
- (2) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. Where necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.

#### **D9     *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.

#### **D10    *Waste Management***

A garbage receptacle for the reception of all construction waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

#### **D11    *Building Equipment***

Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific prior written approval has been obtained from Council.

#### **D12    *Dust Control Measures***

All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from leaving the site, including traffic-generated dust. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during demolition.

#### ***Noise and Vibration***

#### **D13    *Hours of Work***

The hours of construction for all stages of the project, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Saturday inclusive;

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- (2) no work on Sundays and public holidays.

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 referred to under (5) are notified of the timing and duration of these works at least 48 hours prior to the commencement of these works.

#### **D14 Construction Noise**

All construction noise management measures, in accordance with the approved plans, are to be effectively implemented and maintained for the duration of the construction works for each stage of the project.

#### **D15 Construction Noise Management**

For all construction stages of the project, 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 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 Management Plan.

#### **D16 Vibration Criteria**

For all construction stages of the project, vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide (DEC, 2006)*.

#### **Heritage**

#### **D17 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects**

If during the course of future works of any stage of the project, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological consultant. The DECCW must be informed and will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the DECCW.

#### **D18 Fire Safety Provisions**

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The existing fire separation, egress provisions and fire safety measures provided to the shopping centre building are to be retained for the duration of construction as described in the Preliminary BCA Assessment Report prepared by Blackett Maguire + Goldsmith Project No: 90393 Revision 2 and dated 18/12/2009.

## **PART E—PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **E1     *Fire Safety Certificate***

A Fire Safety Certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) 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 (or interim occupation certificate). A copy of the Fire Safety certificate must be submitted to the Commissioner of the New South Wales Fire Brigade by the PCA and a copy is to be prominently displayed in the building.

### **E2     *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. A copy is to be prominently displayed in the building.

### **E3     *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 project approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

## ***Certifications***

### **E4     *Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the 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 Council after the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings.

### **E5     *Floor Levels***

A certification by a Registered Surveyor which demonstrates that all floor levels have been constructed to the design RLs specified in the approved plans shall be submitted to the PCA prior to issue of an Occupation Certificate.

### **E6     *Section 138***

Prior to the issuing of the Occupation Certificate provision to the PCA of documentation from Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

#### **E7 Car Parks and Internal Access**

Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses has been constructed in accordance with Australian Standard 2890.1 prior to issue of the Occupation Certificate.

#### **E8 Stormwater**

- (1) At the completion of works on private property certification is to be provided to Council from a practising civil or structural engineer that all stormwater works have been undertaken in accordance with the approved plans and Australian Standard 3500.
- (2) Prior to the issuing of any Occupation Certificate a Water Authority and/or Section 68, Sanitary Plumbing and/or Stormwater Drainage Final Certificate issued by Council is to be provided to the PCA.
- (3) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the PCA confirming:
  - (a) All drainage lines have been located within the respective easements,
  - (b) Any other drainage structures are located in accordance with the Construction Certificate,
  - (c) All stormwater has been directed to a Council approved drainage system, and
  - (d) All conditions of approval / construction certificate approval have been complied with.

#### **E9 Water**

- (1) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act 2000* must be obtained prior to the issue of any Occupation Certificate.
- (2) Prior to the issue of any Occupation Certificate, submission of relevant documentation from the Water Authority confirming its acceptance of infrastructure works, including work as executed plans in accordance with Council's current version of AUSPEC.

#### **E10 Public Infrastructure**

All works shall be certified by a practicing Chartered Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC Quality Initiatives for Provision of Public Infrastructure, prior to release of the security bond to guarantee completion of public works.

Council will undertake random audit of work sites to verify compliance of public works as required.

#### **E11 Landscaping**

Landscaped areas in accordance with the required approved landscape plan being completed prior to issue of the Occupation Certificate.

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## **Traffic and Access**

### **E12 Car Parks**

Vehicle ramps, driveways, turning circles and parking spaces must be paved, sealed and line marked prior to the issue of the Occupation Certificate.

### **E13 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 project, is to be met in full by the Proponent 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.

### **E14 Bonds**

Prior to the release of any bond securities held by Council for infrastructure works associated with the project, a formal written application is to be submitted to Council specifying detail of works and bond amount.

### **E15 Registration of Easements / Restrictions to use / Right of carriageway**

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
  - (a) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
  - (b) Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.
- 4) Prior to the issue of any Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

## **Services**

### **E16 Utilities –Telephone and Electricity Services**

Prior to the issue of an Occupation Certificate, written advice is to be submitted to the PCA confirming that the electricity authority's requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or the telecommunications authority's requirements for the provision of telecommunication services (including fibre optic

cabling where required) have been satisfied. Any alterations to or relocation of street lighting is to be approved in writing from Council.

## **PART G—DURING OCCUPATION**

### ***Fire Safety***

#### **G1     *Annual Fire Safety Certification***

The Proponent 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.

Note: The 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 project 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 project.

### ***Noise***

#### **G4     *Hours of Operation***

The hours of operation of the project shall be restricted to between:

Day	Retail	Entertainment precinct
Monday	9am–5.30pm	9am – Midnight
Tuesday	9am–5.30pm	9am – Midnight
Wednesday	9am–5.30pm	9am – Midnight
Thursday	9am–9.00 pm	9am – Midnight
Friday	9am–5.30pm	9am – Midnight
Saturday	9am–4pm	9am – Midnight
Sunday	10am–4pm	9am – Midnight

#### **G5     *Noise Control – Licensed Premises***

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00am and 12 midnight and 12 midnight to 7:00am at the boundary of any affected residence.

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Notwithstanding the requirements of this condition, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

**G6      *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.

***Hazardous Materials***

**G7      *Storage of Hazardous or Toxic Material***

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

***Public Access***

**G8      *Public Way to be Unobstructed***

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

**ADVISORY NOTES**

**AN1      *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, 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 Certifying Authority prior to the issue of the Construction Certificate.

**AN2      *Compliance with Building Code of Australia***

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

**AN3      *Structural Capability for Existing Structures***

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

**AN4      *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.

#### **AN5 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 (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and,
- (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.

#### **AN6 Engineering**

Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Engineering Development Section within Infrastructure Division to discuss the extent and scope of all works and details required on the design plans to conform to Council's Development Control Plans, Codes, Policies and AUSPEC Specifications. Some of the issues to be discussed and incorporated in the design plans include, but are not limited to, the following:

- Sewer

#### **AN7 Water Meter**

Submission to Council of an application for water meter hire is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.

#### **AN8 Hydraulic Information**

In respect of applications for other than separate Class 1 buildings, the Proponent is required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:

- (a) Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
- (b) A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided

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including air gap requirements, overflow pipe arrangement and any booster pumps.

- (c) Complete details of any fire service, booster pump or irrigation system installation.

### **AN9 Water Connections**

A 450mm water main runs along the south side of Bay Street opposite part of the road frontage of the subject site and along the western side of Park Street. A 200mm water main crosses Bay Street to the site. There are several water meters servicing the subject site.

It is unlikely that the project will place undue strain on the existing 450mm water main. An upgrade for the 200mm water main across Bay Street to the site is also unlikely; however the capacity of this main will depend on any additional requirements requested by the Proponent's hydraulic consultant. The harvesting and reuse of rainwater as well as the requirement to connect the project to Council's reclaimed water supply could reduce the effective demand from the expanded development on this main

### **AN10 Works as Executed**

Submission of a Compliance Certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

### **AN11 Adjoining Public Land**

Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

### **AN12 Temporary Structures**

An approval under State Environment Planning Policy (Temporary Structures) 2007 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 to certify the structural adequacy of the design of the temporary structures.

### **AN13 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 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.

This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act with respect to the provision of access and facilities for people with disabilities.

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**AN14 Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

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

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

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**SCHEDULE 3**

**PROJECT NUMBER**

**PROJECT DESCRIPTION**

**PROJECT ADDRESS**

**STATEMENT OF COMMITMENTS**

**(SOURCE: PREFERRED PROJECT REPORT)**

**Table 1** Revised statement of commitments

Objective	Ref #	Commitment	Timing
Visual impact			
Improve the appearance of the site from surrounding developments.	V1	Detailed landscape plans to include appropriate larger tree species for the corner of Shopping Street and Entertainment Street that would ultimately grow above the proposed roof heights of the development and therefore break down the mass of the roof when viewed from elevated and distant views.	Prior to issue of a construction certificate
	V2	Preparation of detailed landscape plans to include the following: <ul style="list-style-type: none"> <li>a review of the existing trees on the Park and Bay Street frontages to determine which might best be kept and which should be removed or replaced. Where these trees lie outside the property line of the development this may be a matter to be recommended to Council to undertake as general streetscape improvement.</li> <li>Upgrade of landscaping along the southern edge of the existing multideck carpark (Bay Street frontage).</li> </ul>	Prior to issue of a construction certificate
Sustainability			
Improve sustainability outcomes at the site by reducing energy and water use, and reducing waste.	S1	Energy and water use, and waste at the site will be reduced by undertaking specific sustainability measures including the use of light colours to reflect heat, the use of insulation, sensor lighting, water efficient fittings, rainwater harvesting, and landscape design to ensure that tree and shrub species that require minimal water are provided.	Construction and operation
	S2	An appropriate construction waste management plan will be prepared with the selected builder for that component of work Waste during construction would be managed in accordance with the waste hierarchy set out in the <i>Waste Avoidance and Recovery Act 2001</i> .	Prior to issue of a construction certificate
	S3	An appropriate operational waste management plan will be prepared with centre management.	Prior to issue of the occupation certificate
Choose appropriate construction materials based on prescribed sustainability criteria.	S4	Materials will be selected based on their recyclability, low transport costs, and minimal environmental impact. Materials will be sourced from local suppliers where possible and recycled wherever possible.	Design
Infrastructure provision			
Ensure that an appropriate level of infrastructure is provided at the site to service the site and surrounding needs.	I1	A full assessment of all utilities will be conducted prior to construction to ensure site is adequately serviced.	Pre-construction
Increase the efficiency of stormwater treatment at the site.	I2	The existing stormwater treatment system on site will be upgraded as part of the project, to improve the stormwater system in accordance with ecologically sustainable development principles.	Construction

Objective	Ref #	Commitment	Timing								
Traffic and access											
Develop urban edge along Bay & Park Street	T1	Upgrade verge landscaping within the Stage 1B component of the project in a manner broadly consistent with the principles contained within Section 5.4 of the Settlement City Precinct Structure Plan December 2008 and outlined on plan 1 attached to this SoC.	Construction								
Maintain public access to the foreshore along The Governors Way promenade.	T2	Upgrade of open space to maintain and improve public access along The Governors Way promenade within the Stage 1 project area as identified within Section 5.5 of the Settlement City Precinct Structure Plan December 2008 and outlined on plan 1 attached to this SoC. Maintain existing ownership and public access arrangements.	Construction								
Maintain & improve pedestrian access across Bay Street	T3	Upgrade of existing pedestrian crossing on Bay Street as identified in Section 5.4 in the Settlement City Precinct Structure Plan December 2008 and outlined on plan 1 attached to this SoC.	Construction								
Minimise impact of construction traffic on local community.	T4	An appropriate construction traffic management plan will be prepared with the selected builder for that component of work.	Prior to issue of the construction certificate								
Infrastructure contribution.	T5	<p>Payment of a cash contribution towards the provision of road infrastructure generally as identified in the Traffic Report - Settlement City Precinct Road Network Study Port Macquarie (TTM Consulting Pty Ltd - Nov 2009) which assumed 20,430 m<sup>2</sup> of retail, commercial and entertainment uses as follows:</p> <p>12,650 m<sup>2</sup> of Retail 3,000 m<sup>2</sup> of Commercial 1,280 m<sup>2</sup> Bowling Alley 1,050 seat Cinema (approx. 3,500 m<sup>2</sup>).</p> <p>The contribution shall be paid to the Settlement City Road Infrastructure Precinct Trust Fund prior to the issue of any Occupation Certificate for each stage of the development, based upon the following schedule of contribution rates:</p> <table><tr><td>Retail:</td><td>\$73.66 per m<sup>2</sup> Gross Leasable Floor Area (GLFA)</td></tr><tr><td>Cinema:</td><td>\$294.65 per seat</td></tr><tr><td>Bowling:</td><td>\$44.20 per m<sup>2</sup> GLFA</td></tr><tr><td>Commercial:</td><td>\$29.47 per m<sup>2</sup> GLFA</td></tr></table> <p>Should the development include additional GLFA or seats beyond that originally assessed (20,430 m<sup>2</sup>) additional contributions shall be required in accordance with the above schedule of contribution rates.</p> <p>The contribution rate will be indexed quarterly (commencing with the December quarter 2009) in line with movements in the Producer Price Index (Output of the General Construction Industry - Road and Bridge Construction) for NSW as published by the Australian Bureau of Statistics.</p>	Retail:	\$73.66 per m <sup>2</sup> Gross Leasable Floor Area (GLFA)	Cinema:	\$294.65 per seat	Bowling:	\$44.20 per m <sup>2</sup> GLFA	Commercial:	\$29.47 per m <sup>2</sup> GLFA	Prior to issue of a occupation certificate for each stage of the project.
Retail:	\$73.66 per m <sup>2</sup> Gross Leasable Floor Area (GLFA)										
Cinema:	\$294.65 per seat										
Bowling:	\$44.20 per m <sup>2</sup> GLFA										
Commercial:	\$29.47 per m <sup>2</sup> GLFA										

Objective	Ref #	Commitment	Timing
<b>Hazards</b>			
Minimise impact of acid sulphate soils on the project.	H1	Works that could lower the groundwater table will be avoided wherever possible. An ASS management plan will be prepared if ASS is encountered.	Pre-construction and construction
Minimise impact of the project on the groundwater table.	H2	A dewatering plan will be prepared in the event that the groundwater table is intercepted.	Construction
Ensure geotechnical stability of ground prior to construction.	H3	A detailed geotechnical investigation of the site will be undertaken prior to construction in order to develop strategic engineering remedies for any identified stability issues.	Pre-construction
<b>Climate change</b>			
Minimise impacts of sea level rise on the project.	C1	Ground floor levels are designed to be above the worst-case scenario level of 1.9m AHD for sea level rise.	Design
Minimise production of greenhouse gas during construction and operation of the project.	C2	Greenhouse gas reducing measures will be implemented during construction and operation of the project, including providing the option of greenpower to tenants, using insulation, energy-saving light fixtures, modular heating and cooling systems.	Construction and operation
<b>Water cycle management</b>			
Prevent contamination of waterways from fuel, oil, or chemical spills.	W1	Bunded areas will be established where required, and spill kits will be provided. An Environmental Management System and Construction Environmental Management Plan will be developed and implemented prior to construction and include procedures for the containment and clean up of spills and any necessary reporting.	Prior to issue of the construction certificate
Minimise impacts of sedimentation and erosion during construction of the project.	W2	Sedimentation control measures will be implemented during construction of the project. A construction environmental management plan will be prepared and implemented prior to construction. All sediment controls will be implemented in accordance with Landcom's <i>Soils and Construction, managing urban stormwater</i> guidelines (Landcom's Blue Book).	Prior to issue of a construction certificate
Minimise impacts of the project on existing waste water system.	W3	A detailed site analysis will be undertaken in order to confirm sewage system capacity prior to construction of the project.	Prior to issue of a construction certificate

Flora and fauna			
Minimise disturbance to fauna during construction and operation of the project.	F1	<p>The project will be focused within areas of low ecological constraint where possible. Traffic calming devices and signage will be provided to warn drivers of koala populations. All construction fencing will be positioned outside of high constraint areas, and have sufficient gap along the base of the fence to allow koala passage.</p> <p>The koala corridor along the western edge of the site will remain as existing and will not be disturbed during the development.</p>	Construction and operation
No net loss of terrestrial habitat as a result of project.	F2	Compensatory planting will be provided for any anticipated loss of vegetation. Existing wildlife corridors will be preserved and enhanced, and strategic compensatory plantings will be undertaken where required.	Construction and operation
Minimise impacts on aquatic/estuarine environment as a result of the project.	F3	Appropriate stormwater and water cycle management measures will be undertaken to ensure stormwater, erosion, and sedimentation impacts are minimised.	Construction and Operation
Noise			
Minimise impacts of construction noise on the community.	N1	<p>Noise management plan (NMP) will be prepared prior to construction. Noise levels will comply with NSW DECC construction noise criteria. Standard engineering treatment methods such as temporary barriers, hoardings, enclosures and silencers will be used to mitigate noise and vibration impacts.</p> <p>The NMP will nominate specific works required to be undertaken outside of trading hours. These works will relate to the existing centre. The works will be nominated on the basis they are critical to maintain trade and tenant quite enjoyment.</p>	Prior to issue of a construction certificate
Minimise noise impacts on the local community from increase site activation/opening hours.	N2	Appropriate signage will be installed requesting visitors to leave quietly and consider residents. Loading dock hours of operation will be maintained in accordance with current approvals.	Operation
Minimise noise impacts on the local community resulting from operation of the project.	N3	Noise-producing equipment, in particular air conditioning units, will be encased in acoustic housing to minimise noise levels. Equipment will be assessed for compliance with established criteria at the detailed design stage of the project in order to meet construction certificate requirements, and ongoing monitoring will be undertaken.	Construction and Operation