

## PROJECT APPROVAL

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

DETERMINATION OF CONCEPT PLAN NO. 06\_0133

(FILE NO. 9042756)

### BLUE DOLPHIN REDEVELOPMENT, YAMBA ROAD, YAMBA

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

- (i) Construction of the construction of 55 residential apartments (GFA 8,920m<sup>2</sup>), basement car parking, ancillary infrastructure and landscaping;
- (ii) Strata subdivision of Stage 1 residential apartments;
- (iii) Community Title subdivision of the entire site creating one common lot and 3 development lots.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, the Preferred Project Report prepared by Planning Workshop Australia on behalf of the Blue Dolphin Development Joint Venture (dated 16 February 2007) and the Proponent's Statement of Commitments in Schedule 3, subject to the modifications in the attached Schedule 2.



Frank Sartor MP  
Minister for Planning

Sydney,

6/7/2007

## SCHEDULE 1

### PART A—TABLE

Application made by:	Blue Dolphin Development Joint Venture
Application made to:	Minister for Planning
Major Project Application:	MP 06_0133
On land comprising:	Yamba Road, Yamba Lots 1 & 2 DP 706628
Local Government Area	Clarence Valley
For the carrying out of:	(i) Construction of Stage 1 of the Blue Dolphin Concept Plan, including two 4 storey residential buildings, comprising 55 apartments, basement car parking, ancillary infrastructure, landscaping; (ii) Strata subdivision of Stage 1 residential apartments; and, (iii) Community title subdivision of the entire site creating 1 common lot and 3 development lots
Estimated Cost of Works	\$170,000,000
Type of development:	Concept Plan
S.119 Public Inquiry held:	No
Determination made on:	6 July 2007
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0133

#### Responsibility for other consents / agreements

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

#### Appeals

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

#### Appeals—Third Party

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

#### Legal notices

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

### PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

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

**Council** means Clarence Valley Council.

**CPI** means Consumer Price Index.

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

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

**Environmental Assessment** means the Environmental Assessment prepared by Planning Workshop Australia and dated 14 November 2006.

**Minister** means the Minister for Planning.

**MP No. 06\_0133** means the Major Project described in the Proponent's Environmental Assessment.

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

**Proponent** means Blue Dolphin Development Joint Venture or any party acting upon this approval.

**Public** means the general public and is not limited to the residents of the community title subdivision

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

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



## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06\_0133

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1 Development Description**

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

- (1) Stage 1 of the development being the construction of 2 residential flat buildings (Buildings 1 and 2) comprising 55 apartments of height of 4 storeys:
  - (a) 4 one bedroom units,
  - (b) 33 two bedrooms units, and
  - (c) 18 three bedroom units;
- (2) Strata subdivision of Stage 1 residential flat buildings;
- (3) Internal road servicing Stage 1;
- (4) Infrastructure and services ancillary to Stage 1;
- (5) Single level basement car park including storage areas for individual strata units;
- (6) Landscaping; and,
- (7) Community title subdivision of the entire Blue Dolphin site into 1 Community Property Lot and 3 Community Development Lots under the provisions of the *Community Land Development Act 1989* to create a Community Scheme

##### **A2 Approved Gross Floor Area and Floor Space Ratio**

Based the site area of 7,620 sq metres, and an approved Gross Floor Area of 8,920 sq metres the approved development has a maximum FSR of 1.18:1.

##### **A3 Development in Accordance with Plans**

The development shall be undertaken in accordance with the Environmental Assessment (dated 14 November 2006) and the Preferred Project Report (dated 16 February 2007), both prepared by Planning Workshop Australia, including all Appendices and the following drawings, except as modified by conditions of this approval:

Architectural (or Design) Drawings prepared by <i>Woodhead Architects</i>			
Drawing No.	Name of Plan	Revision	Date
CPAD03C	Concept Plan_February 2007	A	1/3/07
CP004-1	Concept Plan	F	14/6/07
CP004-2	Concept Plan – Showing Public Access and Setback 8-10 metres	F	14/6/07
CP004-4	Dolphin Blue Concept Plan Road Section	F	14/6/07
CP005	Community Subdivision Plan	B	15/2/07
CP006	Concept Car Park Plan	A	27/10/06

CP007	Concept Elevations & Sections	B	1/2/07
CP008	Sun Shadow Diagram 1	B	1/2/07
CP009	Sun Shadow Diagram 2	B	1/2/07
CP010	Perspective Views	B	8/2/07
CP011	Sun Shadow Diagram 1	B	1/2/07
CP012	Sun Shadow Diagram 2	B	1/2/07
CP013	Sun Shadow Diagram 3	B	1/2/07
CP014	Sun Shadow Diagram 4	B	1/2/07
CP015	Addendum 1 Sunshadow Diagram 5	B	1/2/07
CP016	Addendum 1 Sunshadow Diagram 6	B	1/2/07
CPAD02	Proposed Emergency Egress	A	1/3/07
CP102	Stage 1 Basement Plan	B	8/2/07
CP103	Stage 1 Ground Floor Plan	B	8/2/07
CP104	Stage 1 First & Second Floor Plan	B	8/2/07
CP105	Stage 1 Third Floor & Roof Plan	B	8/2/07
CP106	Stage 1 Elevations and Sections	B	8/2/07
CP107	Stage 1 Elevations & Materials 1	A	27/10/06
CP108	Stage 1 Elevations & Materials 2	A	27/10/06
CP109	Stage 1 Materials Board	A	27/10/06
CP110	Stage 1 Perspective Views	A	14/11/07

**Landscape Drawings prepared by Woodhead Architects**

Drawing No.	Name of Plan	Revision	Date
LDA001	Stage 1 DA	E	Feb 07
LSK001	Site Internal Concept	E	Feb 07
LSK003	Site Concept	F	Feb 07
LSK004	Landscape Principles	D	Feb 07

**Survey Drawings prepared by Gulaptis & Smith P/L at Appendix 28 of the *Environmental Assessment***

Drawing No.	Name of Plan	Revision	Date
Fig 14	Identification and Contour Plan "The Blue Dolphin Holiday Resort"	1	July 2005

**Traffic Drawings prepared by ARUP at Appendix 11 of the *Preferred Project Report***

Drawing No.	Name of Plan	Revision	Date
SK(T)017	Proposed Road Layout and Cross Section	A	16 Feb 2007

**Engineering Drawings prepared by ARUP at Appendix 6 & 7 of the *Preferred Project Report***

Drawing No.	Name of Plan	Revision	Date
DA1.01	Stormwater Management and Water Reuse Plan	C	19/10/06
DA1.02	Erosion and Sediment Control Plan and Details	A	19/10/06

Strata Plan Forms prepared by Tasy Moraitis			
Drawing No.	Name of Plan	Revision	Date
Sheet No.2 of 12	Location Plan	3	5/2/07
Sheet No.3 of 12	Basement	3	5/2/07
Sheet No.4 of 12	Basement	3	5/2/07
Sheet No.5 of 12	Ground Level Building 1	3	5/2/07
Sheet No.6 of 12	Level 1 Building 1	3	5/2/07
Sheet No.7 of 12	Level 2 Building 1	3	5/2/07
Sheet No.8 of 12	Level 3 Building 1	3	5/2/07
Sheet No.9 of 12	Ground Level Building 2	3	5/2/07
Sheet No.10 of 12	Level 1 Building 2	3	5/2/07
Sheet No.11 of 12	Level 2 Building 2	3	5/2/07
Sheet No.12 of 12	Level 3 Building 2	3	5/2/07

#### **A4 Development in Accordance with Documents**

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

- (1) *Environmental Assessment Report* prepared by Planning Workshop Australia on behalf of Blue Dolphin Development Joint Venture, dated 14 November 2006;
- (2) *Preferred Project Report* prepared by Planning Workshop Australia on behalf of Blue Dolphin Development Joint Venture, dated 16 February 2007;
- (3) *Proposed Community Subdivision Plan* prepared by Planning Workshop Australia and dated 15 February 2007 (Appendix 1 to *Preferred Project Report*);
- (4) *Economic Benefit Assessment* prepared by Urbis JHD and dated May 2006 (Appendix 8 to *Environmental Assessment*);
- (5) *Bushfire Hazard Assessment Revised Based on Concept Plan* prepared by GHD and dated October 2006 (Appendix 9 to *Environmental Assessment*);
- (6) *Flora Assessment* prepared by Anne Clements & Associates Pty Limited and dated 2 November 2006 (Appendix 10 to *Environmental Assessment*);
- (7) *Fauna Survey and Assessment* prepared by Ambrose Ecological Services Pty Ltd and dated 30 October 2006 (Appendix 11 to *Environmental Assessment*);
- (8) *Addendum to Coffey Geosciences Pty Ltd Report CH1613/2-AC* prepared by Coffey Geotechnics and dated 23 October 2006 (Appendix 12 to *Environmental Assessment*);
- (9) *Transport and Traffic Impact Study* prepared by ARUP Pty Ltd and dated November 2006 (Appendix 14 to *Environmental Assessment*);
- (10) *Dolphin Blue Design Statement* prepared by Woodhead and dated 1 November 2006 (Appendix 15 to *Environmental Assessment*);
- (11) *SEPP 65 Residential Flat Design Code Compliance Table* prepared by Planning Workshop Australia and dated 7 November 2006 (Appendix 16 to *Environmental Assessment*);
- (12) *Infrastructure Provisions* prepared by Norman Disney & Young and dated 26 October 2006 (Appendix 17 to *Environmental Assessment*);
- (13) *Report on Sustainable Water Management* prepared by ACOR Consultants Pty Ltd and dated 1 November 2006 (Appendix 18 to *Environmental Assessment*);

- (14) *Dolphin Blue Development Dewatering Management Statement* prepared by Coffey Geotechnics and dated 18 October 2006 (Appendix 20 to *Environmental Assessment*);
- (15) *Project ESD Framework* prepared by Sustainable Futures Australia and dated October 2006 (Appendix 22 to *Environmental Assessment*);
- (16) *Noise Impact Assessment* prepared by Norman Disney Young and dated 15 January 2007 (Appendix 8 to *Preferred Project Report*);
- (17) *Waste Management Plan* prepared by ACOR Consultants Pty Ltd and dated 13 February 2007 (Appendix 9 to *Preferred Project Report*);
- (18) *Mosquito Control Report* prepared by Woodhead and undated (Appendix 25 to *Environmental Assessment*);
- (19) *Access Report* prepared by Woodhead and dated 31 October 2006 (Appendix 27 to *Environmental Assessment*);
- (20) *BCA Assessment Report* prepared by Steve Watson & Partners and dated October 2006 (Appendix 29 to *Environmental Assessment*);
- (21) BASIX Certificates dated February 2007 as follows:

Certificate Number	Project Name	Address
114345M	683.1 – Stage 1	Lot 1 & 2 Yamba Road, Yamba 2464

- (22) *Assessment of Category of Vegetation in Clarence Estuary Nature Reserve adjoining the northern boundary of the Blue Dolphin Holiday Resort*, prepared by Anne Clements & Associates Pty Limited and dated 16 March 2007;
- (23) Correspondence regarding *Design of Dewatering and Off-Site Drawdown Mitigation Measures* from Coffey Geotechnics to Jones Lang Lasalle dated 9 March 2007.
- (24) *Aboriginal Cultural Heritage Sites Assessment* prepared by Ron Heron with the assistance of Gareth Charleton and dated April 2007.

#### **A5 Inconsistency between documents**

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

#### **A6 Prescribed Conditions**

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

#### **A7 Signage**

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



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

### ***Design Details and Changes***

#### ***B1 Design Modifications***

In order to facilitate public access to the Yamba Bay Foreshore Reserve the design of the development shall be amended as follows:

- (1) A minimum of 10 at grade car spaces for use by the public shall be constructed to the north of residential Building 1 adjacent to the Yamba Bay Foreshore Reserve as part of Stage 1 works on Community Property Lot 1 and part Community Property Lot 4 in accordance with Drawing No.CP004-1 Revision F dated 14 June 2007. These spaces are to provide parking for the general public.
- (2) The south-western site access shall be constructed to allow for public vehicular, bicycle and pedestrian access from Yamba Road to the Stage 1 public car park. This access must be publicly accessible 24 hours a day. The access road must be a minimum of 10.5 metres wide in accordance with Drawing No.CP004-4 Revision F dated 14 June 2007. All roads shall be designed in accordance with the relevant requirements of Clarence Valley Council.
- (3) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be line marked.
- (4) A landscaped area, a minimum width of 1 metre, shall be sited between the northern boundary of the Stage 1 car park and the residential villas.
- (5) Design details for all of the above works shall be submitted to and approved by Clarence Valley Council prior to the issue of a Construction Certificate for below ground works.

#### ***B2 Reflectivity***

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

#### ***B3 Outdoor Lighting***

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

#### ***B4 Design Verification Statement – Residential Flat Buildings***

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

### **B5      *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 for below ground works, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

### **B6      *Habitable Flood Levels***

Habitable floor levels are to be not less than 2.7 metres above Australian Height Datum in accordance with Council's Flood Plain Management Policy.

### ***Remediation / Demolition / Earthworks***

### **B7      *Remediation of Land***

- (1) Prior to the issue of a Construction Certificate for below ground works, the Proponent shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Department of Environment and Conservation to issue site audit statements.
- (2) Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Department of Environment and Conservation to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

### **B8      *Acid Sulphate Soil Management Plan***

An Acid Sulphate Soil Management Plan (ASSMP) shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). In preparing the plan the number of ASS profiles that would be required is determined by the area of ASS affected, including the combined area of proposed excavations and the local area of groundwater drawdown. The ASSMP shall be submitted to and approved by the Certifying Authority and the Department of Natural Resources prior to the issue of a Construction Certificate for below ground works.

### **B9      *Flood Evacuation and Flood Management Plan***

A Flood Evacuation Plan and Flood Management Plan are to be submitted to Council for approval prior to the issue of Construction Certificate for above ground works.

### **B10    *Erosion and Sedimentation Control***

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* by Landcom and Council's Sediment and Erosion Control DCP. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

### **B11    *Pre-Construction Dilapidation Reports***

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the owners of the

adjoining Moby Dick Motel and be prepared to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

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

## **B12 Groundwater Monitoring**

- (1) An effective Groundwater Monitoring Program is to be prepared with an aim to ensure that any negative impacts on groundwater that might arise from works associated with the project are identified at a stage that allows effective prevention, remediation or restoration actions to be taken prior to the issue of a Construction Certificate for below ground works. The program is to collect data on water levels and aquifer chemistry, sampled over space and time, at a frequency and in a manner that enables changes in the groundwater system to be detected. The monitoring program is to address the following matters, as a minimum:
  - (a) Monitoring bores or wells - Monitoring sites are to be located with consideration of spatial variation both in the existing groundwater and in the likely impacts from the works. Monitoring sites should not be located in an area where future development will either obstruct or destroy the bore or well, unless suitable measures are taken to secure the site for on-going monitoring purposes. All monitoring bores or wells should be constructed to a minimum depth of at least two metres into the existing regional water table. All monitoring bores or wells require a license under Part 5 of the *Water Act 1912*.
  - (b) Sampling frequency and duration - A clear statement of the intended duration of monitoring, including both pre and post operational phases, is to be provided. Representative sampling is to be undertaken with consideration of seasonal variation.
  - (c) Monitoring criteria - Performance and cut-off criteria based on the *National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 1995)* are to be stated.
  - (d) Contingency actions - Contingency actions are to be prescribed in the event that monitoring shows performance standards have not been met. These actions are to occur in two phases:
    - remedial actions to be undertaken to modify failed or ineffective management and mitigation strategies;
    - if remediation actions fail, operations are to cease and actions commence to restore the site to a condition equivalent to that existing before the operation began.
  - (e) Reporting - The duration and frequency of reporting is to be stated and an outline provided of the data to be provided in the reports. Reports are to be prepared by a suitably qualified person and forwarded to the Certifying Authority and the Department of Natural Resources for review. A copy shall be forwarded to Council if it is not the Certifying Authority.
- (2) Groundwater Monitoring Plans are to provide for the following:
  - (a) Monitoring of on-site piezometers;
  - (b) Installation and monitoring of additional off-site piezometers to track dewatering impacts;
  - (c) Establishment and regular monitoring of settlement at the site boundary and at various points beyond the site boundary to provide a basis for assessment of impacts and allow timely intervention if needed;
  - (d) Control of groundwater dewatering operation; and,

- (e) During the construction works and dewatering, a regular review of monitoring results of on-site and off-site piezometers carried out by an appropriately qualified groundwater expert.

### **B13 Dewatering Management**

- (1) In order to fully assess the impacts of any proposed dewatering activity, a Dewatering Management Plan is to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for below ground works. That Plan is to be developed in conjunction with an Acid Sulfate Soil Management Plan. The Plan is to be based on site specific data and address the following matters:
  - (a) A determination is to be made of the extent of the cone of depression resulting from any dewatering required for the depth of the excavation. All parameters used must be provided for review. If the cone of depression extends beyond the development site boundaries, or the dewatering impacts significantly on the environment, then restrictive "curtains" may be required to reduce groundwater drawdown in the local vicinity.
  - (b) If extracted water is not to be disposed of in Council's sewerage treatment system, a water quality management plan is to be developed outlining any water quality parameters to be measured, threshold values, frequency of sampling, proposed treatment of water outside the threshold values, and reporting procedures. Typical parameters requiring testing include, as a minimum: pH, turbidity and DO; with higher ASS areas requiring additional regular testing of iron and aluminium.
  - (c) An exact depth of the required dewatering level, as well as the depth of the base of the excavation, should be provided, relative to the surface level.
  - (d) The proposed dewatering pumping rate and total volume in megalitres of groundwater to be extracted is to be provided, with justifications for this rate and volume.
  - (e) An assessment is to be provided of the potential for saltwater intrusion as a consequence of dewatering.
  - (f) An assessment is to be provided of the potential impacts of dewatering on local vegetation, groundwater dependent ecosystems and other groundwater uses, including impacts from the oxidation of acid sulfate soil or intrusion of saltwater. Mitigation measures are to be provided to adequately address those impacts, according to their likelihood of occurrence and severity of impact.
- (2) Dewatering Management Plans are to provide for the following:
  - (a) How groundwater will be managed during dewatering;
  - (b) Disposal and quality of discharge water;
  - (c) Impact of dewatering on the adjoining nature reserve and the built environment;
  - (d) An assessment of the drawdown from the dewatering event likely to cause the most water level impact on the western boundary;
  - (e) Mitigation measures based on this event;
  - (f) A water level and water quality monitoring program to ensure that mitigation measures are working suitably;
  - (g) Impacts of expected salinity changes on local vegetation, groundwater dependent ecosystems and other groundwater users. If negative impacts are likely, an adequate management plan needs to be prepared that establishes clear thresholds, contingency responses and monitoring actions to be undertaken to ensure that negative impacts from saltwater intrusion are minimised;

- (h) Details of the chosen option for the disposal of extracted groundwater (i.e. disposal to sewer, re-injection to adjacent bores, etc);
- (i) A monitoring program for discharged water, including details of water quality parameters to be measured, threshold values to be used, frequency of sampling, proposed storage and treatment of water outside those thresholds, and reporting procedure; and,
- (j) Regular visual monitoring of vegetation in the adjoining Clarence Valley Nature Reserve and reporting of those observations to the Department of Environment and Conservation.

#### ***B14 Geotechnical Investigation***

A detailed geotechnical investigation of subsurface conditions across the Stage 1 portion of the site shall be undertaken prior to the issue of a Construction Certificate for below ground works. The results shall inform the construction certificate and be approved as part of the construction certificate for below ground works. The investigation is to include the following:

- (1) Shallow and deep boreholes to further assess the geotechnical model;
- (2) An assessment of design parameters for road pavements;
- (3) Level 1 monitoring and testing during construction; and,
- (4) Detailed acid sulphate soil investigation and assessment.

#### ***Construction Management***

#### ***B15 Construction Management Plan***

- (1) Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
  - (a) hours of work,
  - (b) contact details of site manager,
  - (c) traffic management (see also B15 below),
  - (d) noise and vibration management (see also B19 below),
  - (e) waste management (see also B20 below),
  - (f) erosion and sediment control (see also B11), and,
  - (g) flora and fauna management.
- (2) The Construction Management Plan shall document the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve must be submitted to and approved by Council prior to the issue of the civil construction certificates. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.
- (3) The Proponent shall submit a copy of the approved plan to Council.

### **B16 Traffic & Pedestrian Management Plan**

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

- (1) proposals for reducing any impact of the construction site on the adjacent traffic network;
- (2) traffic management of short term activities such as delivery of materials
- (3) accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks, tradesmen work vehicles and the like;
- (4) loading and unloading, including construction zones,
- (5) predicted traffic volumes, types and routes, and,
- (6) pedestrian and traffic management methods.

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

### **B17 Occupation of Road Reserve**

During the course of work on the development should it become necessary to occupy the road reservation for any reason not included in the approved Traffic Management Plan, even short term, then a specific Traffic Control Plan for the event or events, prepared by a person authorised by the RTA to prepare Traffic Control Plans, must be submitted to and approved by Council prior to the occupation. The submission must include the reasons that the occupation is required and any revision of the Construction Management Plan and/or Traffic Management Plan to accommodate the change in the construction methodology.

### **B18 Traffic Control Plan**

A Traffic Control Plan must be prepared by a person authorised by the RTA to prepare Traffic Control Plans and must be approved by Council prior to the occupation of the road reserve. The Plan shall address, but not be limited to, the following matters:

- (1) how vehicle and pedestrian traffic will be safely managed within the road reserve where occupation of the road reserve is proposed;
- (2) proposed methods to ensure safe vehicle access into and out of the general traffic stream;
- (3) pedestrian control; and,
- (4) safe transfer of materials from road reserve to construction site.

### **B19 Encroachment on Council Land**

Where long term (exceeding 24 hours) occupation of the road reserve is proposed a Construction Activity Application - Encroachment / Use of Council Land - must be approved by Council and appropriate fees paid prior to any occupation of the road reserve by construction equipment.

### **B20 Noise and Vibration Management Plan**

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall be in accordance with the EPA's *Environmental Noise Control Guidelines* and shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,

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

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

#### ***B21 Construction Waste Management Plan***

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Construction Waste Management Plan (CWMP) prepared by a suitably qualified person in accordance with Clarence Valley Council's *Development Control Plan – Development in Residential Zones*, and Section 3 of the Waste Management Plan prepared by ACOR Consultants, dated 13 February 2007. The Proponent shall submit a copy of the Plan to Council. The CWMP must be regularly monitored and reviewed during construction.

#### ***B22 Caravan Park***

During the course this construction, all provisions of the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 are to be complied with. In this regard full details of the amended Caravan Park layout facilities, services etc. are to be submitted to Council prior to the approval of a Construction Certificate, particularly detailing the separation of the Caravan Park from the Construction Site and the measures proposed to minimise any impact of construction on Park visitors and residents.

#### ***Traffic & Parking***

#### ***B23 Traffic Control Devices***

In order to ensure that vehicles exit the site in a safe manner, the following traffic control devices must be installed:

- (1) Appropriate signage and line marking that is clearly visible at the upper threshold of the driveway; and,

- (2) New 2.5m wide concrete shared pedestrian / cycle path along the length of the Yamba Road site frontage, together with pram/wheelchair crossing points at the Stage 1 access.

Details of the type, location and operation of the devices are to be submitted for the approval of the Council and to satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

#### **B24 Bus Stops**

All-weather paving and bike parking is to be provided at the eastbound and westbound bus stops on the Yamba Road frontage. Details of the paving and parking are to be submitted for the approval of Council and to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

#### **B25 Number of Car Spaces**

A minimum of 120 car spaces are to be provided for the development and shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works. The strata subdivision certificate must show an allocation of 110 spaces.

Car parking allocation	Number
Residential car parking spaces	82
Number of residential car spaces to be disabled spaces	5
Visitor Spaces	28
Number of visitor car spaces to be disabled spaces	2
Public car parking spaces	10

#### **B26 Number of Bicycle Spaces**

In addition to car parking spaces in Condition B24, the number of bicycle spaces provided for the development is to be in accordance with AUSTROADS Guidelines. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

#### **B27 Car Park and Service Vehicle Layout**

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

### **Health**

#### **B28 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure



adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### **Monetary Contributions**

#### **B29 Section 94 Monetary Contributions**

In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions:

##### **(1) Amount of Contribution**

<b>Contribution Category</b>	<b>Rate of Contribution</b>	<b>Amount</b>
Open Space Regional	\$80.00 per 0.68 persons	\$2,992.00
Open Space Passive	\$54.30 per 0.68 persons	\$2,030.80
Open Space Active	\$479.70 per 0.68 persons	\$17,940.78
Community Amenities Regional	\$57.00 per 0.68 persons	\$2,131.80
Community Amenities Local	\$340.90 per 0.68 persons	\$12,749.66
Urban Bypass & Urban Intersections	\$442.00 per 0.68 persons	\$16,530.80
<b>TOTAL</b>		<b>\$54,375.84</b>

##### **(2) Contribution Credit**

The subject site has a Section 94 Contribution credit based on 235 existing tourist sites. Contributions for Stage 1 are calculated on the difference being tourist site occupancy rates (1.32) and residential density development occupancy rates (2.0).

##### **(3) Timing and Method of Payment**

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

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

In the event of any subsequent amendment to the Contributions Plans of the Plans, the calculated contribution amounts may vary and if so will become the contribution payable.

All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and Prince Street, Grafton.

##### **(4) Indexing**

The contribution for land will be adjusted in accordance with the latest annual valuations. The contribution(s) as assessed will apply for 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this notice **will be adjusted** in accordance with CPI.

#### **B30 Section 64 Sewer and Water Head Works Charges**

Payment to Council of the following contributions pursuant to Section 68 of the *Local Government Act, 1993* is required:

- a. Water Headworks - Nil
- b. Sewer Headworks - Nil

The present water connection points will require further upgrades in size in order to meet the increased demand on the site. Any increase in metre size will be subject to Council's Schedule of Fees and Charges current at the time.

### ***Infrastructure and Services***

#### ***B31 Stormwater and Drainage Works Design***

Final design plans of the stormwater drainage systems within the proposed development prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Clarence Valley Council (NR2 and the relevant DCP) shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for below ground works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

#### ***B32 Road Design***

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (median islands etc.) and paved footpaths shall be constructed along the full length of the new roads within the development site. All roads shall be designed in consultation with the relevant requirements of Clarence Valley Council. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

### ***Access***

#### ***B33 Access***

- (1) The development must not have more than 2 access points to Yamba Road.
- (2) The provision of access to Yamba Road must comply with the requirements of the Roads and Traffic Authority of NSW (RTA)
- (3) The design of the access point/s to be in accordance with NR2 and Austroads and subject to approval from the RTA.
- (4) Yamba Road must be upgraded to accommodate the access from the development at full cost to the developer. The upgrading is to limit the access point/s to left in and left out only.

#### ***B34 Costs***

The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development and to construct, at own cost, all works required for the development and in accordance with the Civil Construction Certificate issued by Council and under the supervision of an engineer or surveyor approved by the Director of Engineering Services.

### ***Voluntary Planning Agreement***

#### ***B35 Voluntary Planning Agreement***

The Proponent shall enter into a Voluntary Planning Agreement (VPA) with Council, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Council on 12 January 2007 by the Proponent, prior to the issue of a Construction Certificate for below ground 1 works for this Stage 1 approved development. The VPA is to be in

accordance with or as otherwise agreed by the parties named in the VPA marked at **Annexure A**.

## **PART C—PRIOR TO COMMENCEMENT OF WORKS**

### ***Demolition Works***

#### **C1      *Statement of Compliance with Australian Standards***

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### ***Excavation Works***

#### **C2      *Notice to be Given Prior to Excavation***

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

### ***Structural Works***

#### **C3      *Structural Details***

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

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

#### **C4      *Contact Telephone Number***

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

### ***Hazardous Materials***

#### **C5      *Removal of Hazardous Materials***

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

## **C6      *Site Audit***

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

## ***Facilities***

### **C7      *Toilet Facilities***

Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed on the site. Each toilet provided must be:

- (1) A standard flushing toilet, connected to a public sewer, or
- (2) An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

### **C8      *Waste Management***

A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

### **C9      *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.

### **C10      *Movement of Trucks Transporting Waste Material***

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

## **PART D—DURING CONSTRUCTION**

### ***Site Maintenance***

#### ***D2 Erosion and Sediment Control***

- (1) All erosion and sediment control measures, as designed in accordance with Condition B7, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- (2) All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling.
- (3) All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
- (4) Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.
- (5) On completion of the roof area of a building, guttering and downpipes are to be connected to the stormwater system. Inspection of the frame will not be carried out until this is completed.
- (6) All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
- (7) All disturbed areas are to be made erosion resistant by revegetation, turfing or stabilised by paving on completion of the works.
- (8) A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown.

#### ***D3 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.

#### ***D4 Site Safety Preparation and Management***

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 written approval has been obtained from Council beforehand.

### ***Structural Works***

#### ***D5 Setting Out of Structures***

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

## **Construction Management**

### **D6 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.

### **D7 Site Notice**

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

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

### **D8 External Lighting**

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

### **D9 Protection of Trees – Street Trees**

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

### **D10 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.

### **D11 Dust Control Measures**

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

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,

- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

### ***D12 Hoarding / Fencing***

Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:

- (1) A hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

### ***D13 Geotechnical***

- (1) Following excavation to design level, the exposed natural in-situ materials should be proof rolled to identify any wet, excessively deflecting or other deleterious material. Any such areas should be over-excavated and backfilled with a clean select material. All topsoil should be stripped and stockpiled for re-use as landscaping materials only;
- (2) Approved fill beneath roads should be placed in layers not exceeding 300mm loose thickness and be compacted to a minimum density index of 65%;
- (3) The top 300mm of natural sub-grade or sub-grade fill below pavements should be compacted to a minimum density index of 85%;
- (4) Approved fill beneath structures should be placed in layers not exceeding 300mm loose thickness and be compacted to a minimum density index of 70%. All filling beneath structures should be carried out under Level 1 construction monitoring and testing as defined in AS3798-1996;
- (5) Earthworks should be carried out in accordance with the recommendations in AS3798-1996, 'Guidelines for Earthworks for Commercial and Residential Developments'.

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

#### ***D14 Hours of Work***

The hours of construction, 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 Fridays inclusive;

- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

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

### **D15 Construction Noise Objective**

The construction noise objective for the Project is to manage noise from construction activities (as measured by a  $L_{A10}$  (15minute) descriptor) so it does not exceed the background  $L_{A90}$  noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5<sup>th</sup> week to the 26<sup>th</sup> week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the Noise Impact Assessment prepared by Norman Disney Young (Appendix 23 to the *Environmental Assessment*) or otherwise identified in the approved Construction Noise and Vibration Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

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

### **D16 Construction Noise Management**

The Proponent shall:

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



### ***D17 Vibration Criteria***

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

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

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

### ***D18 Vibration Management***

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

### ***Heritage***

#### ***D19 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects***

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and approval from the NSW Heritage Office may be required before further works can continue in that area.

#### ***D20 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects***

- (1) A suitably qualified Aboriginal Cultural Heritage Consultant must be appointed to undertake a further consultative process and watching brief to assist during the site excavation monitoring and recording process in the event that sites are identified.
- (2) If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the Department of Environment and Conservation (DEC) and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the DEC to cease work for the purposes of archaeological recording.

### ***Ecologically Sustainable Development***

#### ***D21 Recycling of Concrete***

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

### ***Infrastructure and Services***

#### ***D22 Inspections***

At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:

- (1) Plumbing work prior to covering/lining walls
- (2) Sewer drainage work prior to back filling/lining
- (3) Final inspection

### **D23 Sewer Drainage**

A fully dimensioned and notated work as executed sewer drainage plan is to be submitted to Council upon completion of all drainage lines.

## **PART E—PRIOR TO COMMUNITY TITLE SUBDIVISION OF ENTIRE SITE**

### **E1 Subdivision**

The Community Title Subdivision is to be undertaken generally in accordance with the details contained in the letter from Denny Linker & Co dated 15 February 2007 in the *Preferred Project Report*.

### **E2 Subdivision Design Amendment**

In order to facilitate public access to the Yamba Bay Foreshore Reserve the Community Title Subdivision Plan shall be amended as follows:

- (1) A minimum of 10 at grade car spaces for use by the public shall be constructed to the north of residential Building 1 as part of Stage 1 on Community Property Lot 1 and part Community Property Lot 4 in accordance with Drawing No.CP004-1 Revision F dated 14 June 2007. These spaces are to provide parking for the general public to facilitate public access to the Yamba Bay Foreshore Reserve.
- (2) Documentary easements for public access must be created over the eastern part of Community Property Lot 1 to provide public access from Yamba Road to the Clarence River and foreshore via an 88B Instrument under the *Conveyancing Act 1919*. The easement is to permit vehicle, pedestrian and bicycle access 24 hours a day and must be created prior to the occupation of the Stage 1 residential apartments. Details are to be submitted to the satisfaction of the Director-General prior to the issue of a Subdivision Certificate for the community title subdivision.
- (3) The community title subdivision plan is amended such that the at grade visitor parking between Buildings 1 and 2 for the Stage 1 residents is part of Community Development Lot 2.

The amended Community Title Subdivision Plan shall be submitted to the Director-General for approval.

### **Easements**

### **E3 Recreational Access**

Documentary easements for recreational access will permit residents of the strata schemes within Stage 1 and Stage 3 respectively to access each others pathways and walkways for recreational purposes.

### **E4 Services**

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the community title subdivision, must be created over the Community Property Lot 1 in the community title subdivision, in favour of the adjoining Developments Lots 2, 3 and 4.

## **Management**

### **E5 Community Management Statement**

- (1) A Community Management Statement setting out the by-laws which control the operation and management of the development must be prepared in accordance with the *Community Land Development Act 1989*, to facilitate the registration of the community subdivision to the satisfaction of the Certifying Authority. The Statement must deal with the management of all community property
- (2) The Community Management Statement is to include the following:
  - (a) Material dealing with the management of all Community property;
  - (b) Material dealing with additional items which allow for the effective development, staging and management of the community scheme;
  - (c) Necessary documentation for the creation of Open Access ways and Statutory Service Easements, together with Concept plans identifying community facilities and Restricted Community Property;
  - (d) Security and related operational issues in respect of Common Property Lot 1.
  - (e) Restrictions on the use of the apartments in Buildings 13, 14 and 15 to long term residential only. Documentation that ensures tourist uses is prohibited in these buildings.
  - (f) A by-law that extinguishes the restricted community property on Community Property Lot 1 where it lies adjacent to the north-western boundary of Community Development Lot 2 and ensures that public access rights (for vehicles, pedestrians and bicycles) to the Clarence River foreshore are granted across Community Property Lot 1 prior to occupation of the Stage 1 residential apartments.
  - (g) A by-law that extinguishes the restricted community property on Community Property Lot 1 where it lies across the north-western access way and ensures that public access rights (for vehicles, pedestrians and bicycles) to the Clarence River foreshore are granted across Community Property Lot 1 prior to occupation of the Stage 2 tourist and residential apartments.
  - (h) A by-law that extinguishes the restricted community property on Community Property Lot 1 where it lies adjacent to Community Development Lot 4 and ensures that public access rights (for vehicles, pedestrians and bicycles) to the Clarence River foreshore are granted across Community Property Lot 1 prior to occupation of the Stage 3 residential apartments.
- (3) The Community Management Statement is to include the following plans:
  - (a) An Emergency Evacuation Plan prepared by a suitably qualified person in the event of bushfire to include:
    - (i) Delineation of the method of advising residents/guests/staff of the approaching danger;
    - (ii) Identifying indicators for requiring evacuation of the site and detailing how this need is to be communicated to residents/guests/staff;
    - (iii) Identifying evacuation routes and places for assembly off site;
    - (iv) Requiring the plan to be prepared in consultation with the appropriate authorities, including the State Emergency Service Rural Fire Service and Police.
  - (b) An Asset Protection Zone Maintenance Plan prepared by a suitably qualified bushfire assessment expert to include:

- (i) Identification of the necessary works required to maintain the Asset Protection Zone;
  - (ii) Identification of the frequency and timing of maintenance works;
  - (iii) Identifying the Community Association is responsible for the cost of the works;
  - (iv) Identifying protection measures required, if any, such as clearing of gutters and storage of materials within proximity of buildings within each strata lot and indicating that individual owners are responsible for these works; and,
  - (v) Identifying a list of suitable species of replacement vegetation and separation distances for planting within the Asset Protection Zone.
- (c) An Inspection and Maintenance Plan for Roads and Footpaths to be prepared by a suitably qualified civil engineer, to include:
- (i) Identification of the frequency of inspection of the stormwater devices within the land covered by the Community Management Statement;
  - (ii) Identification of the frequency and type of water quality monitoring, to specify suitable water quality outcomes and amelioration works to be carried out in the event of unsuitable outcomes;
  - (iii) Identification of categories of damage to each type of device and specifying timeframes for repair based on the level of impact upon the efficiency of the system;
  - (iv) Identifying specific timeframes for maintenance of each type of structure, such as mowing of swales or removal of siltation;
  - (v) Identifying specifications for suitable repairs, including identifying suitable species for replacement planting; and,
  - (vi) Identifying that the Community Association is responsible for the cost of the works.
- (d) A Mosquito Management Plan to be prepared by a suitably qualified expert, to include:
- (i) Identification of the method of management of mosquito populations;
  - (ii) Identification of the frequency of carrying out treatments;
  - (iii) Identifying that the Community Association is responsible for the cost of works.
- (e) A Green Travel Plan is to be prepared by a suitably qualified expert.

#### **E6 Part 4A Certificate**

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

#### **E7 Services**

Certification is to be provided to the Certifying Authority by a Registered Surveyor prior to the issue of the subdivision certificate, that all services and domestic drainage lines are wholly contained within the respective lots and / or easements.

## **PART F - PRIOR TO STRATA SUBDIVISION OF STAGE 1**

### ***Easements***

#### ***F1 Access***

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

#### ***F2 Services***

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the community title subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

#### ***F3 Car parking restrictions***

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
- (2) restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* to all lots comprising in part or whole car parking spaces, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Proponent.

#### ***F4 Common areas and facilities***

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the prior consent of the relevant Council.

These requirements are to be made, at no cost to Council, and to the satisfaction of Council and a restrictive covenant placed on title pursuant to Section 88E of the *Conveyancing Act, 1919*.

#### ***F5 Services***

Certification is to be provided to the Principal Certifying Authority by a Registered Surveyor prior to the issue of the subdivision certificate, that all services and domestic drainage lines are wholly contained within the respective lots and / or easements.

## **F6 Other Details Required Prior to Issue of Subdivision Certificate**

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

- (1) An Occupation Certificate, and
- (2) Documentary evidence that the property has been developed in accordance with the Stage 1 plans approved by Major Project No. MP06\_0133 and of compliance with the conditions of that approval.

## **F6 Application under Section 37 of Strata Schemes (Freehold Development) Act, 1973**

Section 37 and 37A of the *Strata Schemes (Freehold Development) Act, 1973* require an application to be submitted to the Council or accredited certifier for approval prior to the issue of the certified strata plan of subdivision.

## **PART G—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Design Verification Statement – Residential Flat Buildings**

#### **G1 Design Verification Statement**

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

#### **Traffic and Access**

#### **G2 Treatment of Vehicular Entry**

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

#### **G3 Yamba Road Access**

Prior to the issue of any Occupation Certificate, auxiliary acceleration and deceleration lanes must be constructed at the proposed eastern (residential) site entrance, all other existing kerb lines are maintained.

#### **G4 Pedestrian / Cycle Path**

Prior to the issue of any Occupation Certificate, a new 2.5m wide concrete shared pedestrian / cycle path must be constructed along the length of the Yamba Road site frontage. Details and design of the path are to be submitted to and approved by Council.

#### **G5 Public Access to Clarence River Foreshore**

Prior to the issue of an Occupation Certificate for the Stage 1 residential apartments the following works must be completed to the satisfaction of the PCA:

- (1) A sealed roadway a minimum width of 10.5 metres must be constructed along Community Property Lot 1 and Community Property Lot 4 in accordance with Drawing No.CP004-4 Revision F dated 14 June 2007, and must provide

unrestricted public access (for vehicles, pedestrians and bicycles) 24 hours a day to the Yamba Bay Foreshore Reserve.

- (2) An at-grade car park for 10 vehicles adjacent to the north-eastern site boundary between Building 1 and the residential villas. This car park must be available for use by the general public.

#### **G6 Signposting of Public Access to Clarence River Foreshore**

Prior to the issue of any Occupation Certificate for the Stage 1 residential apartments, signs must be erected visible from the public domain on Yamba Road indicating that public vehicle, bicycle and pedestrian access is invited through the development 24 hours a day to the Yamba Bay Foreshore Reserve, along the sealed roadway on Community Property Lot 1 and part Community Property Lot 4.

### **Engineering**

#### **G7 Fire Safety Certificate**

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

#### **G8 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.

#### **G9 Mechanical Ventilation**

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

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

#### **G10 Structural Inspection Certificate**

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

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

### ***G11 Remediation and Validation Report***

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Environmental Protection Agency accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the approval authority prior to occupation of the building.

### ***G12 Landscaping***

All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.

### ***G13 Services***

The development is to be connected to all available services (water, sewerage, electricity and telephone) prior to issue of the Occupation Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the development/applicant.

### ***G14 Road Damage***

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

### ***G15 Swimming Pool***

- (1) Details of the pool fence construction are to be submitted to and approved by the Principal Certifying Authority.
- (2) Pool waste water is to be disposed of to Council's sewer via a gully and incorporate an air gap.

### ***G16 BASIX***

Prior to the Principal Certifying Authority issuing an Occupation Certificate, completion of all requirements listed in the relevant BASIX Certificate for the subject development shall be completed/installed.

### ***Easements***

#### ***G17 Registration of Easements***

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.

### ***Heritage***

#### ***G18 Aboriginal Cultural Heritage***

Prior to the issue of any Occupation Certificate, the Proponent shall prepare and erect a storyboard of the Reedy Creek Campsite in a location to the satisfaction of Council in consultation with the Birrigan Gargle Local Aboriginal Land Council.



## ***Second Dilapidation Report***

### ***G19 Post-construction Dilapidation Report***

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B10, and
  - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Council.

## **PART H—POST OCCUPATION**

### ***Fire Safety***

#### ***H1 Annual Fire Safety Certification***

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

### ***Traffic and Parking***

#### ***H2 Loading and Unloading***

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

#### ***H3 Unobstructed Driveways and Parking Areas***

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

### ***Noise***

#### ***H4 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***

### ***H5 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.

## ***Landscaping***

### ***H6 Maintenance***

The on-site landscaping is to be maintained on a regular basis, to comply with the approved plans.

## ***Public Access***

### ***H7 Public Way to be Unobstructed***

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

## **ADVISORY NOTES**

### ***AN1 Long Service Levy***

All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a construction certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act, 1986. Value of works must be included on Construction Certificate Application form.

### ***AN2 Construction Certificate***

- (1) No construction is to be commenced until a Construction Certificate has been issued. Note that separate construction certificates will be required for the building works (including internal works) and civil works external to the site and civil works affecting Council infrastructure and other properties.
- (2) The *Environmental Planning and Assessment Act 1979* now makes it possible for applicants seeking the issue of a construction certificate to obtain these documents from either Council or a private certifier who is accredited as a Principal Certifying Authority.
- (3) A private certifier acting as a Principal Certifying Authority who issues a construction certificate must forward a copy of the certificate along with a copy of the plans to which the certificate relates, to Council at least two days before work commences on the development.
- (4) The construction certificate application must include the following information:
  - (a) Structural Engineer's design for all footings, floor slabs, concrete walls, columns, roof and stairs.
  - (b) Details for wind bracing and tie down for the building.

### **AN3 Engineering Standards**

- (1) The development civil works will be required to be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to Engineering Design to comply with standards current at that date. The design to be undertaken by a suitable qualified and experienced consultant acceptable to the Director of Engineering Services for the work involved.
- (2) The current Engineering Standards are :
  - The Northern Rivers Local Government Development and Design Manual Version 2 (AUSSPEC)
  - The Northern Rivers Local Government Construction Manual Version 2 (AUSSPEC)
  - The Northern Rivers Local Government Handbook of Stormwater Drainage Design – Draft Version 1.

In these consent conditions the above documents are referred to as NR2.

### **AN4 Affected Property Owners**

It is the developer's responsibility to make satisfactory arrangements with other property owners affected by the development and to meet all costs associated therewith.

### **AN5 Commencement of Works**

Prior to work commencing on a development the applicant must notify Council of the name of the Principal Certifying Authority and give notice to Council of their intention to commence work on the development. Such notice shall be in the form of Form 7 of the Regulation and must be submitted to Council at least two (2) days before work commences. Separate Form 7 forms may be submitted for the building works and the civil works.

### **AN6 Inspections**

If Clarence Valley Council is chosen as the Principal Certifying Authority the applicant must give Council 24 hours notice to permit an inspection of the following components of the building process:

- a. Pier holes prior to pouring concrete;
- b. Footing trenches or concrete pads when reinforcement is in position and prior to pouring concrete;
- c. Floor slab when reinforcement is in position and prior to pouring concrete;
- d. Framework with roof covering in position and prior to internal linings being installed;
- e. Ant capping and termite protection prior to flooring being laid;
- f. Sanitary drainage lines when laid and under water test;
- g. On completion of the building and prior to occupation.

For civil works:

- a. 2 business days notice to commence work
- b. each hold point in NR2 or as directed by the Development Engineer during the course of the project.

### **AN7 Environmental Management**

Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, waste water products and the like at all times.

### **AN8 Disability Discrimination Act 1992**

- (1) The *Environmental Planning and Assessment Act 1979* now makes it possible for applicants seeking the issue of a construction certificate to obtain these. The design and construction of the buildings shall comply with the requirements of the Disability Discrimination Act, 1992. The legislation makes it illegal to discriminate against a person on the grounds of disability in the provision of goods, service and facilities. In many cases the requirements of this legislation are more onerous than those of the Building Code of Australia and applicants are advised to ensure that the requirements of the Disability Discrimination Act, 1992 have been considered in the design and construction of the development.
- (2) This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **AN9 Disabled Access**

- (1) Access to the buildings for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1.
- (2) Facilities for the use of the disabled shall be provided as specified in Clause F2.4 of the Building Code of Australia and shall be constructed to the requirements of AS 1428.1.
- (3) Car parking spaces for people with disabilities are to be provided as required by Part D3.5 of Building Code of Australia.
- (4) In every building required to be accessible, clear and legible Braille and tactile signage complying with Spec D3.6 and AS 1428.1 is to be provided in accordance with Part D3.6 of Building Code of Australia.
- (5) Tactile ground surface indicators are to be provided as a warning for people with vision impairment in locations and as required by Part D3.8 of Building Code of Australia.

### **AN10 Advertising Signs**

No advertising signs are to be erected, painted or displayed without obtaining any necessary approval from Council. This should be discussed with Council's Town Planner.

### **AN11 Wind Rating**

All construction and components must comply with the Wind Rating for the site which has been assessed at N3.

### ***AN12 Plumbing & Drainage***

All plumbing and drainage work to be in accordance with AS 3500.2 and the Committee for Uniform Plumbing and Drainage Regulation (CUPDR) requirements.

### ***AN13 Vehicular Crossings***

Council's Development Engineer must be notified before commencement of any vehicular crossing.

### ***AN14 Wet Area Flashing***

Provide wet area flashing to the requirements of AS 3740 or manufacturer's certification.

### ***AN15 Demolition***

Demolition of existing buildings is to be carried out in accordance with the provisions of AS 2601.

### ***AN16 Services***

Services, including plumbing, associated with the functioning of the building shall comply with the relevant portions of Clause C3.12, C3.13 (Type A Construction) and C3.15 of the Building Code of Australia.

### ***AN17 Fire Safety***

- (1) Hose reels must be installed in the building in accordance with AS 1221, AS 2441 and Pt E1.4 of Building Code of Australia.
- (2) A fire hydrant system must be installed in accordance with AS 2419.1 and Part E1.3 of the Building Code of Australia.
- (3) Two (2) copies of Hydraulic Plans of the water services are to be forwarded to North Coast Water for approval before installation commences.
- (4) Portable fire extinguishers, installed in accordance with AS 2444, are to be provided (E1.6).
- (5) The buildings are to be fire separated to ensure that the fire compartments do not exceed the areas and volumes specified in Table C2.2 of the BCA for Class 7b buildings of Type C construction and Details of fire separation are to be included in Construction Certificate details.
- (6) Sprinkler systems may be required for fire compartments, dependant on volume and type of goods stored (See Table E1.5 of the BCA).
- (7) Class 2-9. The stairs shall comply with the design criteria of (Clauses D2.13) of the Building Code of Australia.
- (8) The space below the stairs must not be enclosed to form a cupboard or other enclosed space unless-
  - (a) the enclosing walls and ceilings have a FRL of not less than 60/60/60; and
  - (b) any access doorway to the enclosed space is fitted with a self-closing /60/30 fire door.

### ***AN18 Finished Floor Levels***

- (1) The floor level of habitable rooms is to be a minimum of 2.7 metres Australian Height Datum.

- (2) A Certificate indicating the height of habitable floors on the ground floor (related to Australian Height Datum) is to be forwarded to the Principal Certifying Authority:
  - (a) In the case of timber floors, on completion of the floor framing;
  - (b) In the case of concrete slabs when formwork is in place but prior to pouring concrete.

This Certificate is to be provided by a Licensed Surveyor, Certified Engineering Surveyor or Engineering Surveyor approved by the Director of Engineering Services or the District Health & Building Surveyor.

No further work is to be carried out on the building until such Certificate is provided to the Principal Certifying Authority.

### **AN19 Balustrades**

- (1) Any window which is more than 4m above the surface beneath and through which it is possible for a person to fall when it is open, is to be provided with a balustrade:
  - (a) of minimum height of 865mm;
  - (b) in which any opening does not exceed 125mm;
  - (c) in which any horizontal or near horizontal elements between 150mm and 760mm above the floor do not facilitate climbing.
- (2) Where balcony height exceeds 1 metre above finished ground level, balustrades are to be provided in accordance with the following:-
  - (a) height is to be a minimum of 1 metre;
  - (b) any opening is not to exceed 125mm;
  - (c) timber rails are to be fixed with galvanised bolts.
- (3) Where the floor is more than 4 metres above the ground, any horizontal or near horizontal elements within the balustrade between 150mm and 760mm above the floor must not facilitate climbing.
- (4) A continuous balustrade is to be provided to the stairs and mezzanines in the units as required by D2.16 of the BCA.

### **AN20 Erosion and Sediment Control**

The control of erosion and silt discharge will involve works and measures on site, and possible additional silt retention works. Details of proposed control works are to be submitted to and approved by Council prior to the issue of the building construction/subdivision construction certificate.

### **AN21 Subdivision Certificate Fee**

A subdivision certificate fee is charged for the endorsement of linen plans. Fees for the 2006/07 financial year are \$55.00 per lot (minimum \$110.00).

### **AN22 Swimming Pools**

The swimming pool and fencing are to be installed in accordance with the *Swimming Pools Act, 1992*.

### **AN23 Emergency Lighting**

An emergency lighting system is to be provided throughout the building to comply with the requirements of Part E4.2 of the Building Code of Australia and AS 2293.1.

### **AN24 Exit Sign**

An exit sign must be clearly visible to persons approaching the exit, and must be installed on, above or adjacent to each:

- a) door providing direct egress from a storey to:
  - (i) an enclosed stairway, passageway or ramp serving as a required exit; and
  - (ii) an external stairway, passageway or ramp serving as a required exit; and
  - (iii) an external access balcony leading to a required exit; and
- b) door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space; and
- c) horizontal exit
- d) door serving as, or forming part of, a required exit in a storey required to be provided with emergency lighting in accordance with E4.2.

### **AN25 Hydraulic Plans**

Hydraulic Plans of the sanitary plumbing and water services for the development are to be forwarded to the Principal Certifying Authority for approval prior to a construction certificate being issued.

### **AN26 Subterranean Termites**

- (1) The buildings are to be protected from attack by subterranean termites. The termite barrier system must comply with AS 3660.1.
- (2) Clause B1.3(i) of the Building Code of Australia requires that a durable notice must be permanently fixed to the building in a prominent location, such as in a meter box or the like, indicating:
  - (a) the method of protection;
  - (b) the date of installation of the system;
  - (c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (d) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.
    - (i) For physical and chemical barriers, the building and/or pest control installer is to supply the Principal Certifying Authority with a compliance certificate or other form of documentary evidence confirming compliance with the requirements of 3660.1 and AS 2870.1 residential slab and footings. If this slab is part of the barrier, this certification is to include the placement and curing of the slab in accordance with AS 2870.1.
    - (ii) Council has resolved that hand spraying to the underside of the floor slab is not permitted. Any chemical system shall be capable of being maintained to the requirements of AS2870.1 and AS 3660.1.

### **AN27 Windows**

Every window located 3 or more storeys above ground level, shall be so constructed that the exterior face of the window can be cleaned entirely from the interior of the building without

any part of the window cleaners body except one arm being required to project beyond the frame in which the window is set, or alternatively; provision is made to clean the windows which complies with the Construction Safety Act 1912 and Regulations.

#### **AN28 Electrical Plans**

Electrical plans to indicate the position of all exit signs and emergency lighting must be submitted to the Principal Certifying Authority for approval prior to issuing a construction certificate.

#### **AN29 Car Park Ventilation**

Car parks are to be ventilated to the requirements of AS1668.2, details to be submitted to the BCA with the Construction Certificate Application.

#### **AN30 Structural Engineers Details**

Structural Engineers details for the units, car parks and swimming pool are to reflect the issues raised in Part 7.4.4 of the *Environmental Assessment* regarding the Geotechnical Investigation of the site.

#### **AN31 Obstruction of Traffic**

Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:

- a) A hoarding or fence must be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

#### **AN32 Garbage**

A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

#### **AN33 Road Reserve**

Occupation of the road reservation is to be minimised and where absolutely necessary the appropriate approvals for traffic management pedestrian access and construction traffic shall be obtained and shall be in accordance with the consent conditions of this approval. Any approval shall be in accordance with Section 138 of the Roads Act.

#### **AN34 Compliance Certificate, Water Supply Authority Act, 2000**

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

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



- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

### ***AN35 Requirements of Public Authorities for Connection to Services***

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

### ***AN36 Compliance with Building Code of Australia***

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

### ***AN37 Structural Capability for Existing Structures***

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

### ***AN38 Application for Hoardings and Scaffolding***

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

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

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### ***AN39 Construction Inspections***

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

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

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

#### ***AN40 Street Numbering***

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

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

#### ***AN41 Stormwater drainage works or effluent systems***

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

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

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

#### ***AN42 Temporary Structures***

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

#### ***AN43 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 New South Wales 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 proponents responsibility to consult Environment Australia 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.