

MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT THE MACLEAN OFFICE OF THE CLARENCE VALLEY COUNCIL ON WEDNESDAY 13 OCTOBER, 2010 AT 4:00 PM

PRESENT: Garry West Chair
Pamela Westing Panel Member
John Griffin Panel Member
Stuart McPherson Panel Member
Cr Richie Williamson Panel Member

IN ATTENDANCE

Des Schroder Deputy General Manager (Environment & Economic),
Clarence Valley Council
Cheryl Sisson Development Assessment Officer, Clarence Valley Council
Clem Rhoden Manager Development Services, Clarence Valley Council

The meeting commenced at 4.11 pm. The Chair welcomed everyone to the meeting of the Panel.

1. Declarations of Interest - Nil

2. Business Items

ITEM 1 2010NTH009 – Clarence - DA 2010/0264 - Redevelopment and refurbishment of hotel and addition of 8 new residential units and 24 hotel accommodation rooms/units, 16 Pilot Street, Yamba

3. Public Submissions

Doug MacKenzie, Pilot Street Resident Conditional support in favour of the item
Kevin Snell, architect for the applicant Addressed the panel **in favour** of the item

4. Business Item Recommendations

2010NTH009 – Clarence - DA 2010/0264 - Redevelopment & refurbishment of hotel & addition of 8 new residential units & 24 hotel accommodation rooms/units, 16 Pilot Street, Yamba

Moved Cr Williamson, **seconded** Dr John Griffin

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, with amendments to conditions:

- Condition 4, amendments to the first sentence so it reads:

The northern wall of the new northern section of the development is to be built to the boundary, and is to have no openings.

- Condition 6 to be deleted and replaced with the following:

A solid wall is to be provided to the northern side of the balconies, set back 50mm, and to extend from floor to roof line. Details of the wall are to be provided to Council for approval prior to issue of the building Construction Certificate.

- Condition 12, 'and public holidays' to be added so it reads:

'No work permitted on Sundays and Public Holidays'

- Condition 39, amendments to the third paragraph so it reads:

'Prior to the issue of an Occupation Certificate, an Operation Plan, detailing how the valet parking will be managed and will function, must be submitted to and endorsed by Council. Generally, this Plan must be in accordance with details provided within the Car Parking & Traffic Management Plan prepared for Redvat Pty Ltd by Michael Samms & Associates Pty Ltd (submitted to Council 16 June 2010).'

- Condition 48, amendments to the first paragraph so it reads:

'A landscape plan, prepared by a person competent in the field, is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall be generally in accordance with the landscape plan submitted with the application, and is to indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program'.

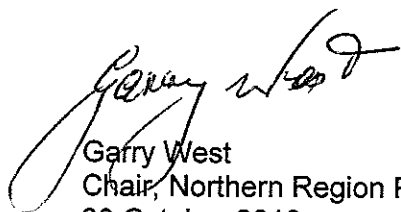
- Addition of a new Condition 49:

'The eight (8) residential units are to function in accordance with the definition of a 'tourist facility' (as defined in the Maclean LEP2001); that is, they are to be 'serviced apartments' managed as part of the hotel accommodation complex'.

The amended conditions of consent are in the attached schedule

MOTION CARRIED UNANIMOUSLY

The meeting concluded at 5.00 pm.



Garry West
Chair, Northern Region Planning Panel
20 October 2010

Schedule 1
Draft Advices and Conditions of Consent for DA2010/0264

Advices

The applicant should be advised of the following:

1. Building: The class 2 portion of the development will be subject to Basix requirements and a Basix certificate for each unit or multi unit will need to be obtained in respect to that part of the development.
2. The class 3, 6 and 7a portions of the development will need to satisfy the energy efficiency requirements of Building Code of Australia Part J and the applicant is advised to engage a suitably qualified energy efficiency consultant to coordinate the detailed design of the various components of the building affected by Building Code of Australia part J.
3. A suitably accredited private certifier may be engaged to undertake the role of Principal Certifying Authority for all or part of the civil engineering works associated with this development other than water supply and sewer works. Accreditation of private certifiers for sewer and water supply works is not available under the Building Professionals Act 2005.

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. 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.
5. Where Clarence Valley Council is the Principal Certifying Authority for Civil Engineering works the applicant must give Council 24 hours notice to permit an inspection of the construction process in accordance with Councils' current engineering standards.
6. Before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, Principal Certifying Authority, builder and license number, civil engineering contractor and emergency telephone contact numbers.
7. No civil construction works, including the removal of vegetation or topsoil, can be commenced until a Construction Certificate for civil works has been issued and a supervising engineer or surveyor acceptable to Council has been engaged to supervise the works. The name of the supervising engineer or surveyor (including details of qualifications, accreditations and insurances where these have not been submitted to Council within the 12 months prior to the work commencing or these details have changed) must be submitted to and approved by Council prior to commencement of the work.
8. A Civil Construction Certificate will not be issued until detailed engineering plans of the civil development works have been submitted to and approved by the Principal Certifying Authority. A civil construction certificate will be required for any work affecting the water and sewer main, roads, public property and for any stormwater infrastructure outside the property boundary.

The payment to Council of the schedule fee for development construction certificate/supervision is required in accordance with the adopted fees and charges current at the time of making application for the Construction Certificate.

9. The civil works including sewer and water supply must be designed and constructed in accordance with Council's Engineering Standards current at the time of submission in the case of sewer and water supply works. Three copies of the engineering plans for the construction certificate are required in hardcopy and one electronic copy in PDF format saved to PDF at the original drawing size.
10. The current Engineering Standards applied by Council are ;
 - The Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
 - The Northern Rivers Local Government Construction Manual (AUS-SPEC)
 - The Northern Rivers Local Government Handbook of Stormwater Drainage Design
 - Sewerage Code of Australia (WSA 02 – 2002)
 - Water Supply Code of Australia (WSA 03 – 2002)

Hereafter, these documents are referred to as NRDC.

The current version of NRDC can be obtained from the Lismore City Council webpage as hosting Council for the specification at:

<http://www.lismore.nsw.gov.au/cmst/lcc002/lp.asp?cat=240>

or via the Clarence Valley Council webpage at

<http://www.clarence.nsw.gov.au/cmst/cvc009/lp.asp?cat=216>

11. Throughout the advices and conditions civil works shall mean, where applicable to the development :
 - a) Earthworks
 - b) Roadworks
 - c) Drainage
 - d) Structures
 - e) Water & Sewerage Reticulation
 - f) Parking areas
 - g) Provision of Services
12. The design of internal civil infrastructure shall consider the effects of the development on adjacent properties and on Council owned and maintained infrastructure. With respect to stormwater design this shall include the effects of the major and minor stormwater flows upstream of the development site, adjacent to the development site, within the development site, through the development site and flowing from the development site.
13. Water Sensitive Urban Designs using current engineering 'best practice' are encouraged by Council. Acceptable design guidelines may be found at :

<http://www.brisbane.qld.gov.au/planning-building/common-building-projects/residential-projects/subdivision/subdivision-development-guidelines/water-sensitive-urban-design/index.htm>

The design of Water Sensitive Urban Design facilities must take into account the maintenance of the facilities. Council has limited resources to maintain or inspect these facilities so they must be designed for care by the property owner using normal domestic equipment with a normal degree of effort that could be expected in the domestic situation.

14. 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.
15. 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.
16. 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. The total value of works must be included on the Construction Certificate Application form.
17. Existing trees adjacent to the work site must be identified prior to work commencing including trees on the nature strip or in parks adjacent to the site.

Trees that may threaten the proposed building in the future are to be identified and assessed in conjunction with Council for pruning, removal or relocation or reconsideration of building placement.

Council trees located adjacent to the site and not approved for removal are to be protected during the construction work to avoid damage to the health of the tree that may lead to its removal at a later date.

18. Prior to preparing a Management Plan for Stormwater, Sewerage or Water reticulation the applicant shall obtain advice from Clarence Valley Council to determine the requirements for connecting / discharging to any existing system.
19. When application is made for the building Construction Certificate, details of changes to kitchen facilities should be identified and contact should be made with Council's Environmental Health Officer to ascertain approvals required.
20. Construction Certificates for both building works and civil works will be required for this development.
21. The access track from Queen Street to Main Beach, the Yamba Surf Club and the eastern side of the Pacific Hotel site is known as Marine Parade. Marine Parade is situated on Crown reserve between Queen Street and the southern boundary of the Pacific Hotel site. Approval for any use of Marine Parade for the construction of the development must be obtained from Council and the NSW Land and Property Management Authority prior to any occupation of Marine Parade.

Any use of Marine Parade for the development will be subject to specific conditions issued when any such approval is granted. These will include but are not limited to;

Geotechnical assessment and control
 Restricted to winter months and outside school holidays
 Developer to be responsible for maintenance of Marine Parade
 Developer to bond maintenance of Marine Parade (\$600,000)
 Steel track vehicles to use timber protection strips if walked
 Survey of the control pins
 Agreement from other stakeholders
 Use to cease if orange or red alert is triggered
 Public liability insurance
 Licence fees

The applicant should discuss the requirements and conditions for use of Marine Parade with Council prior to planning for such use.

Conditions of Consent

1. The development being completed in conformity with the Environmental Planning & Assessment Act 1979, the Regulations thereunder, the Building Code of Australia, and being generally in accordance with the approved plans, as amended in red, or where modified by any conditions of this consent. The approved plans are:
 - Drawings DA1201 Issue A, Floor level 01, dated June 2010, drawn by Snell
 - Drawings DA1207 Issue B, Floor level 07, dated 15/06/2010, drawn by Snell
 - Drawings DA1202 – DA1206 Issue A, Floor levels 02 - 06, dated June 2010, drawn by Snell
 - Drawings DA1208 Issue A, Floor level 08, dated June 2010, drawn by Snell
 - Drawings DA1501 Issue A, West Elevation, dated Jan 2009, drawn by Snell
 - Drawings DA1601 Issue A, sections 01, dated Jan 2009, drawn by Snell
 - Drawings DA1602 Issue A, East elevation, dated Jan 2009, drawn by Snell
 - Drawings DA1602 Issue A, sections 02, dated Jan 2009, drawn by Snell
 - Drawings DA1603 Issue A, north & south elevations, dated Jan 2009, drawn by Snell
 - DA3002 Project 418, height levels section 01, dated Sept 2010, drawn by Snell
 - DA3032 Project 418, part front elevation, dated Sept 2010, drawn by Snell

2. Section 64 Charges

1. Payment to Council of the following contributions pursuant to Section 68 of the Local Government Act, 1993:

Water Headworks \$4,606 x 9.24 ET's = \$42,559.44

Sewer Headworks \$9,184 x 12.85 ET's = \$118,014.40

(payment shall be made prior to the release of the Occupation Certificate).

2. The obtaining from Clarence Valley Council of a certificate stating that the development complies under Part 3 Clause 16 of Section 64 of the Local Government Act 1993, the Local Government (Water Services) Regulation 1999, in regard to water and/or sewerage; and

The contribution(s) as assessed will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be adjusted in accordance with the adopted schedule of fees and charges current at the time of payment.

3. Section 94 contributions

Payment to Council of the contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:

(a) *Open Space/Recreation Facilities Contribution Plan 1993*

Regional \$89.00 x 1.32 persons x 20*: \$2,349.60 GL S94OpenSpaceReg

Passive \$61.00 x 1.32 persons x 20 : \$1,610.40 GL S94OSYambaPas

Active \$541.00 x 1.32 persons x 20 : \$14,282.40 GL S94OSYambaAct

***note:** there is an increase of 7 residential units & 13 accommodation units in the tourist facility = 20

(b) *Community Amenities & Services Contributions Plan 1993*

Regional \$63.00 x 1.32 persons x 20 : \$1,663.20 GL S94CFRegional
Local \$385.00 x 1.32 persons x 20: \$10,164.00 GL S94CFYamba

- (e) *Yamba Urban By-pass and Urban Intersections Contributions Plan 2000*
Yamba Town Centre \$268.00 x 1.32 persons x 20 : \$7075.20 GL
S94YBPYambaTownCt

N.B.

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 the adopted Schedule of Fees and Charges current at the time of payment.

The contributions are to be paid to Council prior to issue of Building Construction Certificate.

In the event of any subsequent amendment to the approved Development 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. **The northern wall of the new northern section of the development is to be built to the boundary, and is to have no openings. Amended plans, to reflect this change must be submitted with the application for building Construction certificate.**
5. No access has been permitted by the Land and Property Management Authority to the Crown reserve to the east of the Hotel. Unless that Authority grants access to the reserve, and evidence of such approval is provided to Council in writing, any constructed access onto that area (eg, pathways, stairways, etc) is to be deleted from the plans when these are submitted for the Construction Certificates.
6. **A solid wall is to be provided to the northern side of the balconies, set back 50mm, and to extend from floor to roof line. Details of the wall are to be provided to Council for approval prior to issue of the building Construction Certificate.**
7. Prior to issue of any building Construction Certificate, a document is to be provided to Council, signed by the Land and Property Management Authority, confirming that a long term lease (minimum 20 years) has been issued to the Hotel, for use of the land to the south of the Hotel used for delivery of services to the facility.
8. Details of the colour palette for the new buildings, including roofing, is to be provided when application is made for the building Construction Certificate. Colours of the buildings are to be sympathetic to the natural surroundings, and roofing is not to be of a reflective material.
9. Approval under section 68 of the Local Government Act for plumbing drainage and stormwater shall be obtained from Council prior to issue of the building construction certificate. Full hydraulic details prepared and certified by a hydraulic engineer must be submitted with those applications.

A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council upon completion of all drainage lines.
10. At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:

- plumbing work prior to covering/lining walls
- sewer drainage work prior to back filling/lining
- final inspection

11. Access for people with disabilities must be provided to and within the building by means of a continuous path of travel in accordance with AS 1428.1:
- a) from the allotment boundary at a point of entry from a road to the doorway at the entrance floor; and
 - b) from any carparking space on the allotment (whether within or outside the building) provided in accordance with D3.5 BCA; and
 - c) from any other building on the allotment to which access for people with disabilities is required

12. Working hours on the construction project being limited to the following:

7.00 am to 6.00 pm 6 days per week
No work permitted on Sundays and Public Holidays

The builder to be responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

13. Waste materials must not be burnt on site but are to be disposed of to an approved recycling service or waste depot.

All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

14. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
15. A dilapidation report, containing internal and external photographs, shall be submitted to Council for buildings located adjacent and within direct close proximity to the development site prior to demolition/construction works commencing. This will provide a basis for comparison should any damage occur to these buildings as a result of the demolition/construction works.
16. A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
- Preserve and protect the building from damage; and
 - If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

17. The Energy efficiency requirements in Part J of the Building Code of Australia (BCA) apply to this building. Sufficient written documentation shall be submitted with the Construction Certificate application to indicate compliance with Part J in the following areas:
- Building fabric
 - External glazing

- Building sealing
- Air movement
- Air conditioning and ventilation
- Artificial lighting and power
- Hot water supply
- Access for maintenance

A certificate of conformity from a suitably qualified building professional shall be submitted to the Principal Certifying Authority with the Construction Certificate application to confirm that the proposed building will comply with Part J of the BCA.

18. A detailed Waste Management and Minimisation Plan shall be submitted to and approved by Council prior to demolition work commencing. The plan shall include, but shall not be limited to, the identification of the materials to be re-used, the quantities of waste to be managed as part of the demolition process, and the proposed destination of materials for re-use, recycling or disposal.
19. Upon completion of demolition works the demolition contractor shall submit to Council a certificate indicating that all removed asbestos products were handled and disposed of in accordance with WorkCover and EPA guidelines.
20. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - a. has been informed in writing of the licensee's name and contract licence number; and
 - b. is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - c. has been informed in writing of the person's name and owner builder permit number, or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act.

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

21. The developer shall construct all civil works, at own cost, in accordance with NRDC, the approved, dated and stamped Engineering Plans and Construction Certificate issued by the Principal Certifying Authority and under the supervision of a suitably qualified and experienced engineer or land surveyor approved by the Deputy General Manager Civil & Corporate.

The developer shall be responsible for any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

22. The supervising engineer / surveyor shall determine when the development works have been completed to a hold point stage and are ready for the hold point inspections. The supervising engineer / surveyor shall arrange for the hold point inspection and accompany the Principal Certifying Authority's inspection staff on the inspection unless alternative arrangements are agreed by The Principal Certifying Authority.
23. The development is to be connected to all available services (water, sewerage, electricity and telephone) to the satisfaction of Council 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 applicant.

- 24.** Approval for any use of Marine Parade for the construction of the development must be obtained from Council and the NSW Land and Property Management Authority prior to any occupation of Marine Parade.

Please note that any use of Marine Parade for the development will be subject to specific conditions issued when any such approval is granted by Council. The applicant should discuss the requirements for use of Marine Parade with Council prior to planning for such use.

- 25.** A Construction Management Plan, documenting 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 and building 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.

An estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles is to be included in the Construction Management Plan.

The Construction Management Plan must provide details of how legal and practical access to, around and through the site for vehicles, personnel and plant will be managed as the project progresses. The Construction Management Plan may be varied with Council approval during the course of works.

- 26.** A Traffic Management Plan showing the proposals for reducing any impact of the construction site on the adjacent traffic network must be submitted with the Construction Management Plan, for prior approval by the Principal Certifying Authority.

This plan will also include traffic management of short term activities such as delivery of materials; accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks, tradesmen work vehicles and the like. The Traffic Management Plan should include Traffic Control Plans detailing proposed methods to ensure safe vehicle access into and out of the general traffic stream, pedestrian control and safe transfer of materials from road reserve to construction site.

The Traffic Management Plan should be, and any associated Traffic Control Plans must be, prepared by a person authorised by the RTA to prepare Traffic Control Plans. An estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles is to be included in the Traffic Management Plan.

Where long term (exceeding 24 hours) occupation of the road reserve is proposed for areas additional to the areas approved for works under the civil construction certificate, 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.

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.

- 27.** The applicant is to provide water supply infrastructure to service the development from a Council approved connection point and / or water meter, in accordance with the requirements and specifications of Clarence Valley Council, the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.

A detailed Water Reticulation Management Plan shall be submitted for assessment and approval by Clarence Valley Council, prior to the issue of a Construction Certificate. This shall include consideration of the approved bushfire management plan and an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including fire fighting flows.

The water supply infrastructure should be completed prior to issue of the subdivision certificate and must be available and operational prior to issue of any occupation certificate or other arrangements made to Council's satisfaction for the provision of water services.

Any additional water service or upgrade to the existing water service to the property will be subject to the costs outlined in Council's list of fees and charges. Detailed plans of the connection to existing infrastructure will be required.

- 28.** The applicant is to provide sewerage reticulation infrastructure to service the development from a Council approved connection point, in accordance with the requirements and specifications of Clarence Valley Council, the relevant parts of the applicable Clarence Valley Council Development Control Plans, Clarence Valley Council's Pressure Sewerage Policy and NRDC. Sewerage must be available prior to issue of the Occupation Certificate.

A detailed Sewerage Reticulation Management plan shall be submitted for assessment and approval by Council, prior to the issue of a Construction Certificate. This Plan should also demonstrate that any liquid trade wastes are controlled in accordance with Council's Liquid Trade Waste policy.

- 29.** Special footing / sewer main protection works in accordance with Council's Policy for Building in close proximity to sewers will be required for buildings or any other works over or within the zone of influence of sewer mains. It is recommended that, prior to commencement of design, the matter be discussed with Council's Water Cycle Section.
- 30.** Any alterations to the road pavement in Pilot Street are to have full road construction, and 40mm minimum depth of compacted asphaltic concrete surface and kerb and guttering. The AC mix shall be designed in accordance with the estimated maximum traffic loading or the ESAs specified in NRDC whichever is the greater. A concrete road pavement suitable for the intended design loadings may be used.
- 31.** The road re-construction plans shall include design calculations for and any necessary upgrade of, existing stormwater drainage and affected services / utilities.
- 32.** All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.

Detailed plans of site drainage and a Stormwater Management Plan for the site and adjacent areas affected by the development shall be submitted for assessment and approval by the Principal Certifying Authority prior to issue of a Civil and /or Construction Certificate (whichever is lodged first). The Stormwater Management Plan shall consider the effect of stormwater on overland flowpaths (natural and diverted) and consider the effects on adjacent drainage flows / infrastructure. Building pads and structure designs

shall consider stormwater overland flows and be located clear of defined gullies and 1 in 100 year ARI flow widths. Details of the local stormwater catchments and flow widths are to be provided in accordance with NRDC.

The Stormwater Management Plan must consider water quality, provide systems to control water quality and demonstrate that the water quality for water leaving the site complies with the sustainable water provisions in the DCP. Stormwater must be managed for quantity and quality.

Control of stormwater quality may require treatment and discharge under Council's Liquid Trade Waste Policy subject to the merits of the situation and control of flow volumes which may be by first flush devices and/or roofing of potential polluting areas.

33. Submission of a completed asset register works return is required prior to the issue of the Occupation Certificate.
34. Certification is to be provided to the Principal Certifying Authority by a Registered Surveyor, prior to the issue of the Occupation Certificate, that all infrastructure (including services, pipelines access ways and drainage paths) is wholly contained within the respective lots and easements.
35. Council's Development Engineer shall be notified before commencement of any vehicular crossing. Driveways are to be constructed in accordance with NRDC standard drawings.
<http://www.lismore.nsw.gov.au/cmst/lcc002/view doc.asp?id=4464&cat=240>

Any existing vehicular crossings rendered unnecessary by this development are to be removed and the kerb restored to upright kerb where the adjacent kerb is upright at the applicant's expense prior to the issue of the compliance certificate.

36. Car parks, driveways, garages and vehicular accesses for the development shall be provided in accordance with the requirements of the Roads and Traffic Authority, AS2890, the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC

The adequacy of parking, car parks, driveways, garages and vehicular accesses for the development are to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890, to clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by the Principal Certifying Authority prior to the issue of the building or civil Construction Certificates.

37. Any enclosed parking spaces situated less than 6 metres from the property boundary are to be provided with remote control gates or doors which must be in an operational condition whenever closed.
38. Vehicular accesses provided for the development shall satisfy safe intersection sight distance requirements for the speed zone of the road servicing the development in accordance with NRDC and AS2890. Sight distance diagrams prepared by a suitably qualified and experienced engineer or land surveyor approved by the Deputy General Manager Civil & Corporate are required.
39. **Valet parking is accepted as a means of parking vehicles for patrons of the hotel accommodation rooms/units.**

Prior to issue of an Occupation Certificate, it is to be demonstrated to Council that an approved and constructed off-site parking area exists to accommodate a minimum of thirteen (13) vehicles. In conjunction with the 13 off-site parking spaces; three (3) additional spaces are to be available in the basement area of the Hotel to assist in management of valet parking. These 3 spaces are exclusive of

the thirteen spaces available to occupants of residential units 1 – 8.

Prior to the issue of an Occupation Certificate, an Operation Plan, detailing how the valet parking will be managed and will function, must be submitted to and endorsed by Council. Generally, this Plan must be in accordance with details provided within the Car Parking & Traffic Management Plan prepared for Redvat Pty Ltd by Michael Samms & Associates Pty Ltd (submitted to Council 16 June 2010).

Valet parking must always be available to hotel guests, in accordance with the endorsed plan.

- 40.** Thirteen (13) onsite parking spaces must be available for residents of the eight new residential units to be provided at levels 1 and 2 of the development. These 13 spaces must be marked for the exclusive use of those units.
- 41.** All earthworks are to be designed and detailed in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans, NRDC and the relevant Australian Standards.

Detailed plans of earthworks including an Earthworks Management Plan shall be submitted to the Principal Certifying Authority for assessment and approval prior to the issue of a Construction Certificate.

The Earthworks Management Plan shall include a program of testing and documentation for the whole of the earthworks at the time of application for the Civil Construction Certificate. The program of testing and documentation must be set out in detail in the plan but may be amended during the course of the project with approval by the Principal Certifying Authority and must be completed to the Principal Certifying Authority's satisfaction as applicable and in accordance with the plan prior for each administrative stage of the work, that is generally prior to the works commencing and prior to the issue of the Occupation Certificate.

The Earthworks Management Plan to be completed and the works certified in accordance with Council's draft Geotechnical Risk management policy.

The Earthworks Management Plan must include;

- The site is in a known geotechnical hazard zone and a detailed site assessment will be required examining both the proposed construction works and access to the site. This is to be provided by a competent specialist Geotechnical Authority.
- Detailed site inspection and verification of an appropriate preparation of the foundation for cut or placement of fill, provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site.
- The detailed site inspection report is to include certification that the land created by the development will be suitable for its intended purpose (e.g. residential buildings) including any parts of the land that will be left in its natural state or once suitably modified by the development.
- The detailed site inspection report should identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.
- An assessment of the geotechnical status and also the road pavement condition of Marine Parade. Access to the site is subject to physical limitations due to the narrow

pavement width. Marine Parade is also in the geotechnical hazard zone and is currently subject to a 14 tonne load limit.

- A program for attendance at the site of a suitably qualified and experienced specialist geotechnical engineer setting out the activities/events that require the specialist geotechnical engineer to be on site.
- A list of the geotechnical hold points and details of the inspections required.
- Details on the selection of fill type(s), the source/s of the fill, suitability for the intended use and its appropriate handling, placement and compaction, the area of the development to be filled and depth to be filled.
- Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of each fill type.
- Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.
- The acid sulfate status of the development land and where the development is subject to acid sulfate soils, the appropriate treatment of the works in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements.
- Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- Certification of the completed earthworks (including cut, fill, earth retaining structures as far as the geotechnical aspects) that the work is suitable for the intended use.

Should there be any change in the source of fill material from that previously approved for the development, the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

- 42.** Where earthworks are proposed for the site, professional details of the geotechnical authorities who will be involved in the project are to be submitted to the Principle Certifying Authority for approval. Details of the geotechnical authorities involved in the design must be submitted prior to the issue of the construction certificate whilst details of the geotechnical authorities involved in the construction must be submitted prior to the commencement of works but preferably prior to the issue of the construction certificate. The details to include NATA accreditation, qualifications and accreditations of the principle geotechnical professionals who will be certifying the design and construction, insurances held and any other relevant material.

The geotechnical authority is to be engaged by the developer or supervising engineer/surveyor on behalf of the developer.

43. Any fill earthworks to be undertaken on the site shall be carried out in accordance with the placement and compaction of fill described in AS 3798 and NRDC.

Should there be any change in the source of fill to the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

44. Submission of satisfactory Work as Executed Plans for all works covered within this consent and a certification from the supervising professional engineer or land surveyor that the works have been constructed in accordance with the approved plans and specifications, are required prior to the issue of the Occupation Certificate. The submission shall include both original levels and finished surface levels after filling material has been placed and compacted; and sewer junction sheet records in accordance with the requirements of Clarence Valley Council where sewer works are involved.
45. The applicant must ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become untrafficable for other road users particularly during wet weather. Any such damage is to be rectified immediately.
46. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
47. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.

A detailed Erosion and Sediment Control Management Plan for the development or subdivision shall be submitted for assessment and approval by the Principal Certifying Authority, prior to issue of a Construction Certificate. This shall include procedures for clean-up and restoration of public / private property and infrastructure, affected by any earthworks operations. All such remedial works are to be completed to the satisfaction of Council.

48. **A landscape plan, prepared by a person competent in the field, is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall be generally in accordance with the landscape plan submitted with the application, and is to indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.**

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

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

49. **The eight (8) residential units are to function in accordance with the definition of a 'tourist facility' (as defined in the Maclean LEP2001); that is, they are to be 'serviced apartments' managed as part of the hotel accommodation complex.**

