

<b>JRPP No:</b>	2010NTH022
<b>DA No:</b>	1294/10
<b>PROPOSED DEVELOPMENT:</b>	Commercial Premises (Three Storeys with Basement Carpark)
<b>APPLICANT:</b>	Geoff Smyth
<b>REPORT BY:</b>	Gilbert Blackburn, Senior Development Planner, Coffs Harbour City Council

## Assessment Report and Recommendation

### **DEVELOPMENT APPLICATION NO. 1294/10 – BUSINESS PREMISES LOT 9, SECTION 18, DP 758258, 218 HARBOUR DRIVE, COFFS HARBOUR**

#### **PURPOSE:**

This report provides an assessment of Development Application No. 1294/10 for a four level multi storey 'business premises' to be built on Lot 9, Section 18, DP 758258, 218 Harbour Drive, Coffs Harbour. The application is to be determined by the Joint Regional Planning Panel – Northern Region.

Approval of the application subject to conditions is recommended.

#### **THE PROPOSAL**

The proposed development is a multi storey commercial building.

The development has four levels; a basement car park and three levels of office space to be used as Business Premises. Thirty seven car parking spaces are proposed in total.

- Basement level consists of 26 car parking spaces, stairwell, lift and waste storage area.
- Ground floor consists of eleven car parking spaces, a second waste storage area and 340 m<sup>2</sup> of office space.
- The first floor has 490 m<sup>2</sup> of office space
- The second floor has 460 m<sup>2</sup> of office space
- On the roof will be air conditioning plant, a plant room and roof stair well.

The building is a total of 17.3 metres high although the main bulk of the building is approximately twelve metres in height. The additional building height is an area housing a plant room and stair well, and a raked roof which falls south from Harbour Drive. The building is 20.2 metres wide (only half the site is being built on).

The basement will be constructed from the front property boundary to the rear property boundary. For the first and second floor the main part of the building is 3.4 metres from the front property boundary while awnings extend to the boundary. A ground floor awning

is proposed over the front of the building and over the footpath. The rear of the building is 19 metres from the rear property boundary.

All vehicular access will be from the lane. An existing kerb layback at the front of the site will be reinstated. This will provide an additional two on-street car parking spaces.

#### **THE SITE:**

The site is 2023 m<sup>2</sup> in area with a 40.235 metre frontage to Harbour Drive and a site depth of 50.28 metres. At the rear of the site is a constructed lane (although the constructed surface is uneven).

The development is only for the western half of the site leaving the remainder of the site vacant for development at a later date.

The site is on the eastern end of the main Coffs Harbour business area. It is zoned Business 3A (City Centre) under Council's Local Environmental Plan and is within the NSW Coastal Zone.

An aerial photograph of the site is shown below.



## **CONSULTATION:**

### **Advertising and Notification**

The application was advertised and notified in accordance with the provisions of Council's Notification Development Control Plan on 5 August 2010 with a submission period from 6 August 2010 to 19 August 2010. One submission has been received.

### **State Government Referrals**

The application was referred to the NSW Police Service for comment on safer by design in accordance with Council's protocol for referral of relevant applications. A number of issues were raised. These matters have been addressed by imposition of the recommendations as conditions of development consent.

### **Council Departments**

Council internal departments have provided comment on the development proposal and their recommended conditions/actions have been incorporated into the evaluation process. No comments were provided that prevent approval of the application.

## **STATUTORY MATTERS:**

The following Environmental Planning Instruments are relevant to assessment of this application.

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy 71 – Coastal Protection
- City of Coffs Harbour Local Environmental Plan 2000
- Coffs Harbour City Centre Local Environmental Plan 2010 (Draft)

The following Development Control Plans are relevant to assessment of this application.

- City Centre Development Control Plan
- Business Lands Development Control Plan
- Off-Street Parking Development Control Plan
- Access and Mobility Development Control Plan
- Waste Management Development Control Plan
- Coffs Harbour City Centre Development Control Plan 2010 (Draft)

The application is identified as "regional development" under State Environmental Planning Policy (Major Development) 2005 and as a consequence the application is to be determined by the Joint Regional Planning Panel (Northern Region).

Section 79C of the Environmental Planning & Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined. All of the planning instruments and development control plans specified above are considered in detail in the Section 79C Evaluation provided as Appendix A to this report.

The proposed development will require an *Aquifer Interference Approval* under s 91 of the Water Management Act 2000 (NSW). The applicant has elected to obtain this approval separate to the development application process and as a result the development is not *integrated development*.

## **ISSUES:**

### **Acid Sulfate Soils:**

Clause 23 of City of Coffs Harbour Local Environmental Plan 2000 requires testing for acid sulfate soils for developments that will result in excavation below certain depths. Council's acid sulfate soil mapping indicates that acid sulfate soils may be encountered at depths below two metres as the site is mapped as class 4 Acid Sulfate Soils.

The proposal will involve excavations to a depth of 2.3 metres. Testing for acid sulfate soils has been provided and they indicate that it is unlikely that acid sulfate soils will be encountered during excavations for this development.

### **Height of the development:**

As the height of the development (over 13 metres) is the reason why the application has come before the panel for determination, height is a matter for consideration.

The City Centre Development Control Plan allows development to a height of eight storeys. The Draft City Centre Development Control Plan 2010 allows a maximum development height of 17 metres or four storeys for this area. So the proposed development easily meets the current controls and exceeds the draft provision by 30 centimeters.

The main bulk of the building is twelve metres in height and the development will appear as a three storey building. The higher parts of the building do not add to the overall bulk of the building and on these grounds the height of the building is considered acceptable.

### **Groundwater Impacts:**

The statement of environmental effects indicates that groundwater will be encountered with excavations for the development. These works require an Aquifer Interference Approval under s 91 of the *Water Management Act 2000* (NSW) which the applicant will obtain separate to the development application process. As a result the development is not integrated development.

The applicant has consulted with the NSW Department of Office and Water and provided Council with a copy of the departments 'general terms of approval'. Their comments are a typical response.

Provided the development occurs as described in the development application and in accordance with all directions of the NSW Department of Office and Water there should be no adverse groundwater impacts.



**Flooding:**

The site is flood prone. This has been addressed in the development by a minimum floor level that is above the 1 in 100 year flood level and by providing an appropriate weir level to the basement car park. These matters have also been reinforced by imposition of conditions of development consent.

**Construction / Excavation Noise:**

One public submission has raised construction noise from the development as a concern.

The applicant has advised that they do not expect to encounter rock or hard material during excavations so that there will be no requirement for jack hammers, blasting or impact rock breakers. There will be generators on site (as required), pumps for dewatering, excavator equipment and trucks. Sheet piling will be required for excavations and these are installed by 'pile drivers' which create some noise. These will be used for a limited time at early stages of the developments construction phase.

Other than these noises the development will result in typical construction noise.

A number of conditions of consent are proposed to address the issue of potential nuisance and impact during construction and they include requirement for

- Appointment of a Liaison person
- Construction only during specific hours.
- Compliance with Noise Criteria

It is considered that, with imposition of these conditions and given that the period of this impact will be limited (to during the period of construction only) that the proposed development will be acceptable with respect to noise impacts.

**Draft Coffs Harbour City Centre Local Environmental Plan & Development Control Plan**

These two planning controls were placed on exhibition on 12 August 2010 and will be on exhibition until 8 October 2010. These documents are a consideration in the assessment process but compliance or non compliance with any particular provision is not a determinative matter. These documents are considered in detail in the Section 79C Evaluation Report provided as appendix A to this report. The proposal does not comply with one provision of the Local Environmental Plan and one provision of the Development Control Plan but these are considered minor issues.

## **SUMMARY:**

The proposed development represents a significant construction for the city centre of Coffs Harbour.

While the reason for the Joint Regional Planning Panel being the consent authority (as opposed to Coffs Harbour City Council) is the development's heights (that is the development being over 13 metres in height) this is not considered to be a significant issue for the proposal.

The proposed development is consistent with all current planning controls that apply to the site. Matters of public concern can be appropriately be dealt with by conditions of development consent.

The application is considered suitable for conditional approval.

## **RECOMMENDATION:**

- 1. That Development Application No. 1294/10 for a Business Premises at Lot 9, Section 18, DP 758258, 218 Harbour Drive, Coffs Harbour, be approved subject to conditions specified in Appendix B.**
- 2. That persons who have made submissions on the application be informed of the determination.**

**Section 79C Evaluation  
Development Application 1294/10**

**a. the provisions of,**

**i. any environmental planning instrument, and**

- ***Mid North Coast Regional Strategy***

The Mid North Coast Regional Strategy identifies Coffs Harbour as a major regional centre. The proposed development is one which will tend to reinforce the role of Coffs Harbour (and its town centre) as a regional centre.

- ***North Coast Regional Environmental Plan***

Most provisions of the North Coast Regional Environmental Plan relate to plan preparation.

Clause 32B *Development Control-Coastal Lands* requires consideration.

This clause requires consideration of the following documents due to location of the site with the NSW Coastal Policy 1997 zone.

- (a) the NSW Coastal Policy 1997,
- (b) the Coastline Management Manual, and
- (c) the North Coast: Design Guidelines.

There are no matters of any of these documents that are of specific relevance to this development either by its location or by its development type.

- ***State Environmental Planning Policy (SEPP) No 71 - Coastal Development***

The proposed development is considered to be consistent with the aims of the policy and satisfies the relevant matters for consideration and development control provisions. Clauses of particular relevance are discussed further below:

*Clause 7 – Application of Clause 8 Matters*

Clause 7 of the SEPP requires Council to take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposal is considered to meet the aims of the Policy.
- The proposal will not impede or diminish public access to and along the coastal foreshore.
- Matters pertaining to Aboriginal cultural heritage significance have been assessed via a relevant Archaeological report, management plan and consent conditions.



- The site does not contain any known items of heritage, archaeological or historic significance.
- The proposed development will not adversely impact upon the scenic quality of the surrounding locality.
- The development is unaffected by issues of coastal hazards.
- The proposed development, in terms of type, location and design, is considered to be compatible with its locality.
- The proposal will not result in significant impacts to flora and fauna present.

#### *Clause 16 – Stormwater*

Clause 16 specifies that Council must not grant consent to development where stormwater will, or is likely to, be discharged untreated into the sea, a beach, an estuary, a coastal lake, a coastal creek or other similar body of water.

Stormwater will be directed to Council's reticulated stormwater system and the proposed development is considered satisfactory on the grounds that all stormwater will be 'clean' stormwater.

- ***State Environmental Planning Policy – Major Development***

The application comprises a building (other than minor alterations or minor additions to existing buildings or structures) that is greater than 13 metres in height for a site that is within the NSW Coastal Zone. Consequently the application is *Regional Development* pursuant to Clause 13C(b) of this policy and the Joint Regional Planning Panel is the consent authority.

- ***Coffs Harbour City Local Environmental Plan (LEP) 2000***

#### *Zoning*

The subject site is zoned Residential 3A Business (City Centre) under Coffs Harbour City Local Environmental Plan. The proposed development is defined as 'business premises, under this plan. This use is identified as permissible with consent in this zone.

#### *Clause 14 - Services*

Satisfactory water supply, sewerage and drainage will be available for the proposed development.

#### *Clause 23 (1) to (8) - Potential Acid Sulfate Soils*

The subject land is mapped as Class 4 acid sulfate soils; therefore some likelihood that acid sulfate soils will be encountered at excavations greater than two metres in depth. Testing for acid sulfate soils has been carried out as required by this provision and there was no evidence of acid sulfate soils.

## **ii. The provisions of any draft environmental planning instrument**

- ***Coffs Harbour City Centre Local Environmental Plan 2010***

Coffs Harbour City Centre Local Environmental Plan 2010 is currently a draft plan and currently on exhibition. The weight to be given to these controls is less than must be given to an existing and in force planning instrument.

**Clause 2.3 – Zone objectives and Land Use Table.** The proposed development is a permitted use within the B3 Commercial Core Land Use Table. The proposed development is also consistent with the objectives of this zone.

**Clause 4.3 - Height of buildings.** The height of buildings map specifies a height of 17 metres for this site. The proposed development is a maximum of 17.3 metres. The minor departure from this provision is considered acceptable given the nature of that part of the building that exceeds 17 metres (only a small roof point of the building), the fact that this document is a draft and the fact that the development complies with the current height requirements specified in Council's City Centre Development Control Plan.

**Clause 4.4 - Floor space ratio.** The floor space ratio for this site is specified in the Floor Space Ratio Map is 2.25:1 and the development is within the maximum ratio. The 'reduced' floor space ratios specified in clause 4.4(2A) and 4.4(2B) are not relevant to this development as the site is greater than 1500 m<sup>2</sup> in area.

**Clause 6.1 - Acid sulfate soils.** The provisions of this plan relating to acid sulfate soils mirror the requirements in Council current Local Environmental Plan. There are no further matters to consider under this issue.

**Clause 6.3 - Essential services.** The objective of this clause is to maintain the primacy of the Coffs Harbour Central Business District as the principal business, office and retail hub of the city centre. It is considered that the proposed development will maintain the primacy of the CBD as the principal business, office and retail hub.

**Clause 6.4 - Design Excellence.** This clause requires consideration of a number of matters specified in Clause 6.4(3)(a) to (f) that the proposed development represents design excellence. On consideration of all these issues the proposed development is considered to satisfactorily provide design excellence.

**Clause 6.11 - Minimum Building Street Frontage.** This clause contains a number of objectives. The proposed development is considered to meet these objectives. Subclause (2) requires that development sites in the B3 zone are to have a street frontage of not less than 20 metres. The proposed development site meets this requirement.

There are no other provisions of this plan that require consideration.

- **Coffs Harbour City Centre Development Control Plan 2010**

Coffs Harbour City Centre Development Control Plan 2010 is currently a draft plan and is on exhibition. The proposed development meets all the requirements contained in this development control plan with the exception of one control in 3.3 **Building Depth and Bulk.**

These provisions are designed “to allow good internal amenity and access to natural light and ventilation and to encourage building designs that meet the broadest range of occupants’ needs possible”.

While the proposed development meets the maximum gross floor area per floor and maximum depth of buildings of 25 metres it does not meet the requirement contained in Control (d)

*All points on an office floor should be no more than 10 metres from a source of daylight (eg windows, atria or light wells)*

The ground floor meets this requirement.

The maximum distance of any point in an office on the first and second floor is 12 metres.

This variation is considered acceptable given the significant amount of natural light provided at the northern and southern parts of the building (from full length windows) and the limited height of the building.

### **iii. any Development Control Plan (DCP)**

- **City Centre DCP**

The proposal satisfies all the requirements of this plan. The maximum height permitted under this plan is eight storeys of development.

- **Business Lands DCP**

The proposal satisfies all the requirements of this plan.

- **Off Street Car Parking DCP**

The proposal satisfies the car parking requirements of this plan in that the required number of car parks, based on the proposed use, will be provided with the development.

- **Access and Mobility DCP**

The proposal satisfies all the requirements of this plan.

- **Waste Management DCP**

The proposal satisfies all the requirements of this plan. A condition of development consent also addresses relevant issues of this plan. The proposed development will be satisfactory with provision of a waste management area as required by the condition.

- **Notification DCP**

The development application was advertised and notified in accordance with the provisions of this Plan. One public submission was received. The submission raised concern about amenity and disturbance. These issues are addressed in other parts of this report.

**iv. the regulations (to the extent that may prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

There are no matters as required by the regulations and that relate to the proposed development that require consideration under this section.

**b. the likely impacts of that development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality,**

**1. The natural and built environment**

The development has potential to impact on the environment during construction. A number of conditions of development consent are proposed to address potential 'during construction' impacts

There are proposed conditions that address

- Sediment and Erosion
- Groundwater impacts
- Structural impacts on existing buildings
- Waste Management
- Stormwater Drainage
- Construction Impacts
- Appropriate disposal of Excavated Material
- Appropriate procedures in the event Aboriginal Objects are found during construction
- Treatment for Acid Sulfate Soils:

It is considered that with imposition of these conditions the proposed development will not result in unacceptable impacts on the natural or built environment.

**2. Social Impacts**

There are a number of proposed conditions that will address issues relating to potential social impacts including impacts relating to

- Construction Noise
- requirements for Site notification and construction contact persons
- Dust Control
- Car Parking
- Crime Risk
- Loading and Unloading:
- External Lighting impacts:
- Operational Noise:

With respect to construction noise impacts the applicant has advised that they do not expect to encounter rock or hard material during excavations so that there will be no requirement for jack hammers, blasting or impact rock breakers. There will be generators on site (as required), pumps for dewatering, excavator equipment and trucks. Sheet piling will be required for excavations and these are installed by 'pile drivers' which create some noise. These will be used for a limited time at early stages of the developments construction phase.

Other than these noises the development will result in typical construction noise.

It is considered that, with imposition of these conditions that the proposed development will not result in unacceptable social impacts.

**c. the suitability of the site for the development,**

The site is considered well suited to the proposed development.

**d. any submissions made in accordance with this Act or the regulations,**

The application has been reviewed by the following sections within Council and recommended conditions/actions have been incorporated into the evaluation process and consent conditions.

- City Services (subdivision, coastal processes and landscaping);
- Land Use Management (design controls and geotechnical considerations);
- Health (waste management and acoustic impacts);
- Corporate Business (developer contributions).

The application was also referred to the NSW Police Service for their comments with respect to safer by design issues. They made a number of recommendations for the development. These have been incorporated into conditions of development consent.

One public submission was received following notification of the development in accordance with the requirements of Council's Notification Development Control Plan. The submissions raised construction noise from the development as a concern.

The applicant has advised that they do not expect to encounter rock or hard material during excavations so that there will be no requirement for jack hammers, blasting or impact rock breakers. There will be generators on site (as required), pumps for dewatering, excavator equipment and trucks. Sheet piling will be required for excavations and these are installed by 'pile drivers' which create some noise. These will be used for a limited time at early stages of the developments construction phase.

Other than these noises the development will result in typical construction noise.

A number of conditions of consent are proposed to address the issue of potential nuisance and impact during construction and they include requirement for

- Appointment of a Liaison person
- Construction only during specific hours.
- Compliance with Noise Criteria

It is considered that, with imposition of these conditions and given that the period of this impact will be limited (to during the period of construction only) that the proposed development will be acceptable with respect to noise impacts.

**e. the public interest:**

The proposed development does not present any issues that are contrary to the public interest.

**Schedule of Conditions**

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**PART A – ADMINISTRATIVE CONDITIONS**

**Prescribed Conditions:**

1. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

**Development is to be in accordance with approved plans:**

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent (Development Consent No. 1294/10).
  - Plans 162 DA1, 162 DA2, 162 DA3, 162 DA4, 162 DA5, 162 DA6 of Richard Van Dorp Architects.
  - Statement of Environmental Effects dated 12 June 2010 prepared by Geoff Smyth Consulting, except where amended.
  - Traffic Impact Study of June 2010 prepared by de Groot & Benson Pty Ltd.
  - Correspondence of 17 September 2010 from Geoff Smyth Consulting.
  - Correspondence of 30 August 2010 from de Groot & Benson Pty Ltd.

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.



## PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Construction Certificate:

3. Construction work on site must not commence until such time as a Construction Certificate has been obtained.

### Sediment and Erosion Control:

4. Submission to Council, **prior to issue of the Construction Certificate**, of an Erosion and Sediment Control Plan, together with a management strategy, certified by a qualified Environmental or Engineering Consultant to be in accordance with the Landcom publication *"Managing Stormwater; Soils and Construction"* (the *"Blue Book"*, 4th Edition, 2004). Erosion and sedimentation controls to be implemented, managed and maintained during all development construction works.

During the construction stage a qualified Environmental or Engineering Consultant is to ensure that the erosion and sedimentation controls are appropriate for the site and current stage of construction.

No clearing or stripping works to be undertaken on the site until the Erosion and Sediment Control Plan has been implemented.

### Aquifer Interference:

5. No work that will involve aquifer interference is to occur on this site unless authorised to do so by an approval/licence from the NSW Office of Water for aquifer interference under the Water Management Act 2000. . All works that involve aquifer interference are only to occur in accordance with the approval and any conditions to which the approval is subject.

A copy of the relevant approval/licence being forwarded to Council **prior to release of any Construction Certificate** or the commencement of site excavation works.

### Waste Management:

6. Details of the waste bin area are to be submitted to Council and approved **prior to release of the construction certificate**. The waste bin area is to be enclosed by a roof and screen in accordance with the provisions of Council's Waste Management Development Control Plan. The enclosure is to accommodate a minimum of 2 x 660 litre bulk waste bins and 1 x 240 litre bulk waste bin (see Waste Management Development Control Plan for dimensions). The enclosure is to be graded and drained to the sewer via a dry basket arrestor. A hose cock is to be provided in the enclosure. The design and materials of the enclosure are to be compatible with the development.

### **Pre-Construction Dilapidation Report:**

7. The proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads within 25 metres of the subject site as well as Park Avenue lane between Earl and Gordon Streets. The report shall be submitted to the satisfaction of the Certifying Authority **prior to the issue of the Construction Certificate.**

### **Stormwater Drainage Details**

8. Design details for the acceptance and the disposal of the stormwater drainage to and from the property being submitted to Council and approved **prior to issue of the Construction Certificate.**

Design details are to include consideration of the impact of concentration of stormwater on receiving land parcels.

All works are to be completed by the developer OR other satisfactory arrangements for their completion are to be made with Council prior to occupation of the building.

No work is to be carried out on the Public Road until an application has been made and approval given in writing from Council.

### **Construction Management Plan:**

9. A Construction Management Plan shall be submitted to Council and approved **prior to issue of the Construction Certificate.** The Plan shall address the following matters:
  - Contact details of site manager;
  - Traffic and pedestrian management including parking of vehicles;
  - Waste and recycling management;
  - Loading and unloading, including construction zones;
  - Measures to ensure sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - Hoardings and scaffolding, to include as necessary applications under Section 68 of the Local Government Act 1993 to erect same in a public place;
  - Traffic movements and routes, particularly for vehicles transporting spoil from excavation of site and vehicles supplying the site with major concrete pours.

The approved plan shall be implemented during construction of the project at all times.

### **Dust Control**

10. Effective measures shall be taken to suppress dust emissions during the course of development, with details of dust control being submitted to Council for approval **prior to issue of the Construction Certificate.**

### **Water and Sewerage Services:**

11. The Construction Certificate (not including the Construction Certificate for demolition) not being released until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

### **Disability Access and Facilities:**

12. Access and facilities for disabled persons being provided in accordance with the Building Code of Australia provisions. The developer's attention is drawn to the provisions of the Disability Discrimination Act 1992.

Details are to be submitted **with the application** for the construction certificate.

### **Sanitary Plumbing and Drainage:**

13. A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site and **prior to release of the construction certificate**.

All water supply, sanitary plumbing and drainage works are to comply with the relevant provisions of the Local Government (Water, Sewerage and Drainage) Regulation 1993.

Please note that recent changes in State regulations require that suitable temperature control devices be provided in conjunction with any new hot water installations.

## **PART E – Prior to Issue of Occupation Certificate**

### **Occupation Certificate:**

14. The building not being occupied unless authorised to do so by issue of an occupation certificate.

### **Car Parking:**

15. Thirty seven (37) car parking spaces being provided for the development **prior to occupation** of any part of the building. All car parking spaces are to be available for parking at all times during operation of the development.

All car parking and vehicular manoeuvring areas being constructed in accordance with Council's Off-Street Carparking Development Control Plan. Carparking areas are to be maintained in a serviceable condition at all times.

## Access & Services:

16. The following works:

- Traffic calming incorporating pedestrian safety measures at the intersection of Park Avenue Lane and Gordon Street;
- Full width footpath for the Harbour Drive frontage of the site;
- Lane construction to full width with kerb, gutter and drainage for the rear frontage of the site;
- Removal of driveway crossover at Harbour Drive and the kerb and gutter being re-instated,
- Line-marking of two car parking spaces at Harbour Drive,

being provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction Specifications. These works are to be completed **prior to occupation** of the development unless other arrangements satisfactory to Council for their completion at some other time are made.

No engineering works are to be undertaken until plans and specifications have been approved by Council.

All work is to be at the developer's cost.

Plans and specifications submitted later than six (6) months from the date of development approval shall comply with the Council's Development Design and Construction Specifications current at a date six (6) months prior to such submission.

## Post-Construction Dilapidation Report:

17. (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 Principal Certifying Authority (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 this consent, and
  - b) have written confirmation from the relevant authority that there is no structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Council prior to **issue of the occupation certificate**.

### **Crime Risk Assessment – Safer By Design:**

18. Installation of CCTV to cover the front, rear and underground car park of the. The system is to be installed by persons with appropriate qualifications to undertake the work.
19. Lighting in and around the development is to comply with the provisions of AS 1158 Lighting. Light covers should be of a type to reduce opportunity for damage (vandalism).
20. Installation of appropriate directional signage at entry points and driveways (e.g. “employees only”, “warning these premises are under electric surveillance”).
21. Implementation of a graffiti rapid removal control maintenance program.
22. Installation of magnetic door locking systems linked to fire alarms for fire exits.
23. Implementation of access control for the below ground carpark.

### **PART D DURING CONSTRUCTION**

#### **Flooding – Minimum Floor Level & Basement Entry**

24. 20.The finished level of the ground floor of the building is to be a minimum of 4.6 metres Australian Height Datum. The basement car parking is to have weir protection at 4.2 metres Australian Height Datum. A registered surveyor's certificate certifying such levels are to be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level. Note: Steel inspections and floor timber inspections will not be passed without submission of this required certificate.

#### **Approved Plans – onsite:**

25. A copy of the approved plans, specifications and documents incorporating conditions of approval and certifications shall be kept on site at all times during construction.

#### **Liaison Person:**

26. The proponent is to appoint a liaison person to consult with affected property occupiers before, and during demolition, excavation and construction activities. A 24 hour contact telephone number is to be provided to adjoining property occupiers at least 48 hours prior to the commencement of any site works.

#### **Hours for Construction:**

27. 117.Construction works are to be limited to the following hours:

Monday to Friday	7.00 a.m. - 6.00 p.m.
Saturday	7.00 a.m. - 1.00 p.m. if inaudible from adjoining residential properties, otherwise 8.00 a.m. - 1.00 p.m.

No construction work is to take place on Sunday and Public Holidays.

#### **Construction Noise:**

28. Any noise generated during construction of the development is to comply with Australian Standard AS 2436-1981 Guide to Noise Control on Construction and shall not exceed the limits specified in any relevant noise management policy and prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site.

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.

**Excavated Material:**

29. No site excavation works are to commence until the relevant Construction Certificate has issued. All excavated material is to be deposited at an approved landfill site unless separate Council approval has been obtained for an alternative site.

The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Department of Environment and Conservations Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes.

Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

**Excavation – Aboriginal Objects:**

30. Should any aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the NPWS shall be informed in accordance with Section 91 of the National Parks & Wildlife Act 1974.

**Construction Signage:**

31. A sign indicating the name, address and telephone number of the Principal Certifying Authority, and the name and telephone number of the principal contractor (if any) must be erected in a prominent position on the site and maintained until the building work has been completed. The sign must also state that unauthorised entry to the site is prohibited. The signage must be erected prior to commencement of work.

**Acid Sulfate Soils Management:**

32. All recommended acid sulfate soils management actions, as specified in the report of the de Groot and Benson Pty Ltd dated 30 August 2010, are to be carried out at all times during excavation works for the proposed development. Records of all testing that are carried out during excavations and of monitoring that has been carried out are to be kept.

## **PART G – Operational Matters**

### **Loading and Unloading:**

33. 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. Waste bins may be serviced from the lane.

### **External Lighting:**

34. External lighting shall not spill over onto adjoining properties.

### **Operational Noise:**

35. Any noise generated during operation of the development shall not exceed the limits specified in any relevant noise management policy and prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site. This includes noise from all mechanical systems installed in the building.

### **Separate Development Consent for Each Use:**

36. Separate development consent being obtained from Council for the use and fitout of any of the separate tenancies in the building prior to use and prior to any fitout work commencing.
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