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**DEFERRED MATTER:**

- A. This consent shall not operate until such time as a Remedial Action Plan, prepared in accordance with the NSW Office of Environment and Heritage – Contaminated Sites Guidelines has been submitted to and endorsed by Council in writing.

The Remedial Action Plan shall provide:

- An appropriate remediation strategy to address the hydrocarbon impacted groundwater identified within the Cavvanba Consulting Pty Ltd's "Groundwater Investigation – Part Beach Plaza, Arthurs Street, Coffs Harbour – September 2011 (Ref: 11116R01)" to ensure the site is suitable for commercial purposes; and
  - Any requisite Environmental Management Plan, Occupational Health and Safety Management Plan, and other Risk Management Plans relevant to the remediation works and any construction works associated with the proposed development.
- B. In the event that the requirements of the deferred matter listed in "A" above, are not completed within three (3) years from the date of this consent, then the consent shall lapse and become inoperative.
- C. Upon the completion of the requirements set out in the deferred matter listed in "A" above, within a period of three (3) years from the date of this consent, then this consent becomes operative subject to the following conditions:

**ADMINISTRATIVE CONDITIONS**

**Development Description:**

1. Development consent is granted only to carrying out the development described in detail below:
  - ***Alterations and additions to Shopping Centre – Park Beach Plaza – comprising shops (additional 14,447 m<sup>2</sup> GLFA), carparking (additional 1050 approximate car spaces), advertising signage, demolition works, hours of operation (retail 7am – 10pm, deliveries 24 hours, 7 days per week)***

**Prescribed Conditions:**

2. 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.

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

3. 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. 574/11).

Plan No. / Supporting Document(s)	Prepared by
2235-124 DA-01/A, 02/A, 03/B, 04/C, 05/C, 06/C, 07/C, 08/C, 09/B, 10/B, 11/B, 12/B, 13/A, SD-55/C, SD-62/C, SD-69/A, SD-70/A, SD-71/A, SD-74, SD-75, SD-76, SD-77/A	Reddog Architects Pty Ltd
DA 01/P1 - stormwater management plan and C-100-preliminary bulk earthworks plan	de Groot & Benson Pty Ltd
Plan 1256/001 and 1256/002A	Geolink Environmental Management and Design

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.

#### Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:

##### Planning Documentation

- *Statement of Environmental Effects (SEE) prepared by de Groot & Benson dated April 2011.*

##### Environmental Assessment Documentation

- *Correspondence from de Groot & Benson dated 3 August 2011 – June request for further information.*
- *Correspondence from de Groot & Benson 2 August 2011 – Assessment of Existing Building Compliance with Building Code of Australia 2011.*
- *Correspondence from de Groot & Benson of 29 July 2011 – SEPP 55 Stage 1 report and Groundwater Investigation – Park Beach Plaza, Arthur Street Coffs Harbour – September 2011 (Ref: 11116R01 prepared by Cavvanba Consulting Pty Ltd.*

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#### Inconsistency between Documents:

5. In the event of any inconsistency between:
- (1) The conditions of this approval and the drawings/documents referred to in conditions 3 and 4, the conditions of this approval prevail; and
  - (2) Any drawing/document listed in conditions 3 and 4 and any other drawing/document listed in conditions 3 and 4, the most recent document shall prevail to the extent of inconsistency.

#### Staging of Development:

6. This development consent acknowledges that the construction of the project will be staged, generally in accordance with the following:

##### **Stage one works to comprise:**

- *part multi deck carpark construction;*
- *circulation road adjustments;*
- *services;*
- *temporary use of Department Store (Myer) floor plates for parking;*
- *site works.*

##### **Stage two works to comprise:**

- *Construction of the Department Store.*
- *Construction of walls and retail tenancies south of the Department Store.*

##### **Stage three works to comprise:**

- *Construction of mall and retail tenancies east of the Department Store.*

##### **Stage four works to comprise:**

- *Construction of the northern dining precinct.*

The staging arrangement is not bound by the sequence of staging detailed in this condition, however any changes to the above described sequence must be agreed to in writing by Coffs Harbour City Council.

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#### **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

##### **Contaminated Land:**

7. Site remediation is to be undertaken at the site in accordance with the Remediation Action Plan required to satisfy the Deferred Matter. This includes the implementation of any approved Environmental Management Plan, Occupational Health and Safety Management Plan, or other Risk Management Plans, prepared as part of the Remedial Action Plan.

Site remediation, validation and reporting is to be undertaken in accordance with NSW Office of Environment and Heritage Contaminated Sites Guidelines, National Environment Protection (Assessment of Site Contamination) Measure 1999, State Environmental Planning Policy No. 55 – Remediation of Land, and relevant legislation.

A Validation Report shall be prepared detailing the remedial actions and validation sampling results in accordance with NSW Office of Environment and Heritage Contaminated Sites Guidelines. The Validation Report is to be submitted to Council and be approved **prior to the issue of any Occupation Certificate for the site.**

##### **Construction Certificate:**

8. No construction work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.
9. The following fire services serving the existing building and identified in Clarence Consultants Building Code of Australia Compliance Assessment dated 22 July 2011 as being “Not Fully Compliant” are to be upgraded to comply with the relevant provisions of the Building Code of Australia 2011:
  - Fire hydrants;
  - Fire hose reels;
  - Sprinklers;
  - Fire control centre.

A Certificate of Compliance prepared by a suitably qualified and experienced consultant to the effect that the design of the above fire services conform to the relevant provisions of the Building Code of Australia 2011 shall accompany the first Construction Certificate application, with a copy of this certificate of compliance being provided to Council **prior to the issue of the first Construction Certificate.**

Details of proposed fire safety upgrading works of the building’s smoke hazard management system, prepared by a suitably qualified and experienced consultant, being submitted to Council for approval **prior to issue of the first Construction Certificate.**

10. Notwithstanding any other conditions in this approval a Construction Certificate to construct a new “Shopping Centre” pylon sign at the Arthur Street entry and to alter the existing two “Shopping Centre” pylon signs (on the Pacific Highway frontage and at the Park Beach Road entry) can be issued at any time.

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#### Landscape Plan:

11. A detailed landscaping plan for all unbuilt-on areas of the site being submitted to and approved by Council **prior to issue of the first Construction Certificate**.

The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping.

**Note:** The submitted concept landscape plan has not been approved for the purposes of this condition.

#### New Building-Access and Facilities for persons with a disability:

12. The building is to be provided with access and facilities for people with disabilities.

The applicants' attention is directed to the Disability (Access to Premises - Buildings) Standards 2010 and the Building Code of Australia.

Details indicating compliance must be submitted and approved by the certifying authority **prior to the issue of the relevant Construction Certificates**.

Particular attention is directed to compliance with the relevant standards for directional signage to bus and taxi services and to contrasting colours to identify the location of accessible amenities throughout the Shopping Centre.

#### Stormwater Management Plan:

13. A Stormwater Management Plan complying with the relevant controls of Council's Water Sensitive Urban Design Policy being submitted to and approved by Council **prior to issue of the first Construction Certificate**.

Please refer to the WSUD Information Sheet, Policy and Guideline available on Council's web site [www.chcc.nsw.gov.au](http://www.chcc.nsw.gov.au).

#### Road Design and Services:

14. The following works:
- a) Private Sewer Pump Station;
  - b) Line marking in Arthur Street;
  - c) Indented bus bay in Arthur Street east of the Wongala entrance (this work is to include relocation of the bus shelter to the new bus bay and making the shelter accessibility compliant);

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- d) 1.2m wide footpaths in the following locations:
  - From San Francisco Avenue to the internal pedestrian network of the Shopping Centre.
  - Continuation of the existing footpath in Arthur Street west then southward on the northern and western frontages respectively to No. 14 Arthur Street and connecting with the proposed internal pathway system.
  - From the north side of Arthur Street, opposite the opening in the concrete median (approximately 34m west of the Wongala access intersection) through to the shareway within the Wongala Village.
- e) Closure of the gap in the landscaped garden bed adjacent to the highway approximately 170m north of the Highway / Park Beach Road intersection with compatible landscaping.
- f) Bicycle racks at all entries to the Shopping Centre.
- g) Loading dock drainage.
- h) Trade waste works.
- i) Taxi rank (7 taxi capacity) and storage lanes for vehicles using the Service Station.

shall be provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

Plans and specifications are to be submitted to Council and approved **prior to the issue of the relevant Construction Certificates**. Plan submissions are to be accompanied by payment of prescribed fee.

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

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

#### Interim Façade Treatments:

- 15. Where the "Myer" retail floor plates are used for temporary parking, details of interim building façade treatments to this part of the structure being submitted to Council for approval **prior to issue of the relevant Construction Certificate**.

#### Waste Management:

- 16. Compliance with the provisions of Council's Waste DCP in terms of the design of the waste storage area. All waste is to be stored within the loading dock area. Waste management is to include separation of organic waste as a separate stream – including food waste and other putrescibles. Details of the proposed waste area being submitted to and approved by Council **prior to issue of the relevant Construction Certificate covering the loading dock construction**.

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#### Manoeuvring Areas – Loading Dock:

17. Details of loading dock turning areas (to include turning areas for waste service vehicles and bin lifting clearance heights) being submitted to and approved by Council **prior to issue of the Construction Certificate for the loading dock construction.**

#### Car Parking Plan:

18. A car parking plan providing for all new car parking spaces, designed in accordance with Council's Off Street Car Parking Development Control Plan and the provisions of Australian Standard 2890.1 "*Parking Facilities: Off-Street Car Parking*" being submitted with the relevant Construction Certificate Applications.

#### Trade Waste:

19. *An Application for Approval to Discharge Liquid Trade Waste* under Section 68 of the Local Government Act, being submitted and approved by *Coffs Harbour Water* **prior to release of the Construction Certificate for those parts of the project requiring trade waste arrangements. Note, trade waste arrangements are required to the waste storage/collection area in the loading dock.**

All trade waste discharges are to conform with effluent acceptance criteria as stipulated in Coffs Harbour Water's Trade Waste Policy (Schedule A) and or any standards applied by the NSW Department of Environment, Climate Change and Water for the discharge.

Please Note: Depending upon your individual circumstances, some trade waste pre-treatment equipment may need to be incorporated into the building work.

Coffs Harbour Water (Trade Waste Section) should be contacted for the issue of a Liquid Trade Waste Application Form. Please note once all the relevant information has been supplied, up to 30 days is required for approval.

#### Erosion and Sedimentation Control:

20. An erosion and sediment control plan, together with a management strategy, detailing soil erosion and sediment control measures, shall be prepared by a qualified environmental or engineering consultant in accordance with the document Management Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details being submitted and approved by the Certifying Authority **prior to issue of the first Construction Certificate.**

#### Water Management Act 2000:

21. **The Construction Certificate for any retail parts of the project 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.

	Amount/m <sup>2</sup> \$	Total \$
The current contribution rate is:		
Works to satisfy increased demand within the area for 14,447 square metres of gross leasable floor area of commercial development		
Water	27.38	395,522.49
Sewer	26.18	378,231.65
<b>TOTAL AMOUNT PAYABLE</b>		<b>773,754.14</b>

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#### Boundary Fencing:

22. Details of fencing / balustrades located between the western circulation road and the Pacific Highway boundary being submitted to and approved by Council **prior to issue of the relevant Construction Certificate**. Note, fencing / balustrade design and materials shall integrate with landscape treatment in this location.

#### Reflectivity:

23. The visible light reflectivity from building materials used on the western façade of the building 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 being submitted to Council **prior to the issue of the relevant Construction Certificate**.

#### Private Sewer Pump Station and Private Sewer Line:

24. The private sewer pump station and private sewer line being designed by a hydraulic engineer with design details of the system being submitted to Coffs Harbour Water for approval **prior to issue of the relevant Construction Certificate**.

The private sewer pump station is to be:

- Provided with a holding well/tank that has a minimum storage capacity of 1 day estimated total effluent.
- Designed to prevent an odour nuisance.
- Fitted with an alarm system to indicate an electrical or pump failure. The alarm system shall comprise audible and visible alarms with a muting facility for the audible alarm. The muting facility shall reset to audible after 2 hours.
- The grinder pump in the sewer pump station shall be fitted with float and/or pressure switches to ensure small volumes of sewage are pumped at regular intervals. The small diameter pressure line to the sewer shall be fitted with a backflow prevention device.
- All metal fittings and components within the sewer pump station shall be of non-corroding material and shall have a service life of at least fifteen (15) years. All mechanical and electrical parts shall have a minimum service life of five (5) years and a minimum warranty period of twelve (12) months.

#### Loading Dock Drainage:

25. The loading dock area is to incorporate pollution controls to prevent pollutants from entering the stormwater drainage system, with details of the system being submitted to and approved by Council **prior to issue of the relevant Construction Certificate**.



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#### Construction Management Plan:

26. **Prior to the issue of the first Construction Certificate** a Construction Management Plan shall be submitted to and approved by Council. The Plan shall address the following matters as they relate to the various construction stages:

- Contact details of site manager;
- Traffic and pedestrian management;
- Maintenance of vehicular and pedestrian access to the operational part of the shopping centre;
- Waste and recycling management;
- Construction Noise Management;
- Loading and unloading, including construction zones within the shopping centre site;
- Measures to ensure sediment and other materials are not tracked onto the public roadway by vehicles leaving the site;
- Hoardings and scaffolding;
- Interim bus, taxi arrangements (to include details of consultation with the bus and taxi industry);
- Interim parking arrangements to ensure maximum possible parking retention for the users of the operational part of the Shopping Centre for each stage of the development.
- Traffic movements and routes, particularly for vehicles transporting spoil from excavation of site and vehicles supplying the site with major concrete pours.
- Any Council endorsed Environmental Management Plan, Occupational Health and Safety Management Plan and other Risk Management Plans associated with the site remediation works.

#### Construction – Engineering:

27. Where driven piles are adopted in the engineering design for the development the proponent is to prepare a Noise and Vibration Management Plan, to be submitted and approved by Council **prior to the issue of the relevant Construction Certificate**.

The Plan shall address, but not be limited to:

- 1) Identification of the specific activities that will be carried out and associated noise sources.
2. Identification of all potentially affected sensitive receivers.
- 3) The construction noise objectives.
- 4) The construction vibration criteria.
- 5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.
- 6) Noise and vibration monitoring, reporting and response procedures.
- 7) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction.

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- 8) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency.
- 9) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration; and
- 10) Contingency plans to be implemented in the event of non-compliance and/or noise complaints.

#### **Safer by Design:**

28. The development incorporating the following safer by design provisions:

- The deck carpark and the loading dock are to be designed so as to be secured by lockable gates or other measures when the development is closed.
- Lighting in and around the development being designed to Australian Standard – Lighting AS 1158. Particular attention is to address remote areas, eg plant and loading docks.
- Mechanical surveillance via a CCTV coverage of the carpark, lifts, plant, travelators, Centre entries, toilet entries, loading dock, bus stop, taxi rank and other risk areas.
- Extension of the security system.
- Warning signs.

Details of the above provisions are to accompany the relevant application for Construction Certificate.

### **PRIOR TO COMMENCEMENT OF WORKS**

#### **Liaison Person:**

29. 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 Council and adjoining and nearby property occupiers (to include Wongala Estate, 17-21 Arthur Street, 3-13 San Francisco Avenue, 41-61 Park Beach Road) at least 48 hours prior to the commencement of any site works.

#### **Site Notice:**

30. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
- (1) Details of the Principal Contractor and Principal Certifying Authority for all stages of the development;
  - (2) The approved hours of work;
  - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
  - (4) To state that unauthorised entry to the site is not permitted.

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#### **Notice to be Given Prior to Commencement / Earthworks:**

31. The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site;
32. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

#### **Erosion and Sediment Control:**

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

#### **Sanitary Plumbing and Draining:**

34. 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.

### **DURING CONSTRUCTION**

#### **Demolition:**

35. All works including the handling and disposal of materials containing asbestos are to be undertaken in accordance with the relevant requirements of WorkCover NSW, the Occupational Health and Safety Act and Australian Standard AS 2601-2001 “*The Demolition of Structures*”.
36. All demolition material, soil, wastes, etc shall be assessed in accordance with NSW EPA Waste Classification Guidelines (2009) prior to being removed from the site. Materials classified as waste shall only be disposed of to an appropriate NSW EPA licensed facility.
37. All waste building materials shall be recycled or disposed of to an approved waste disposal depot. No burning of materials is permitted on site.
38. The Target “pylon sign” being demolished within 14 days of the completion of new “Shopping Centre” pylon signs works.

#### **Approved Plans to be On-Site:**

39. A copy of the approved and certified plans, specifications and documents incorporating the 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 Council or the Principal Certifying Authority.

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#### **Protection of Trees On-Site:**

40. All trees on site that are to be retained are to be suitably protected in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction of any stage of the project.

#### **Excavated Material:**

41. Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- Council has been advised in writing of the destination site(s); and
- Council has been advised of the quantity and makeup of the material; and
- Council has issued written approval for disposal to the alternate location(s).

Note: The exportation of fill or soil from the site shall comply with the terms of any approval issued by Council.

Note, no site excavation works are to commence until the relevant Construction Certificate has issued.

#### **Waste and Contamination:**

42. 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 1997* and the Department of Environment Climate Change and Water "*Waste Classification Guidelines*".

Any new information that comes to light during remediation, demolition or 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.

#### **Construction Management Plan and the Noise and Vibration Management Plan:**

43. Compliance with the terms of the approved Construction Management Plan and the Noise and Vibration Management Plan at all times.

#### **Disposal of Stormwater and groundwater:**

44. Any groundwater or rainwater collected during construction shall not be pumped to the stormwater system or sewerage system unless prior written approval is provided by Council.

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#### **Dust Control Measures:**

45. 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) All materials shall be stored or stockpiled at the best locations;
  - (2) When required construction areas should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
  - (3) 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 materials;
  - (4) Cleaning of footpaths and roadways shall be carried out regularly;
  - (5) Rumble grids being installed at access points to the construction area.

#### **Hours of Work:**

46. The hours of construction for all stages of the development, including delivery of materials to the site, shall be restricted as follows:
- (1) Between 7:00am and 6:00pm , Mondays to Fridays inclusive;
  - (2) Between 7:00am and 1:00pm, Saturdays if inaudible from adjoining residential properties, otherwise between 8.00 a.m. and 1.00 p.m;
  - (3) No construction work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required by the Police or other authorities; and/or
- (2) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and/or
- (3) The work is approved through the Noise and Vibration Management Plan; and
- (4) 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 works.

#### **Impact of Sub-surface Works – Aboriginal Objects:**

47. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment and Heritage (DEH), Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of DEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

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#### **Acid Sulfate Soils Management:**

48. All work shall accord with ASSMAC 1998 "Acid Sulfate Soils Manual", relevant legislation and relevant best environmental management practices regarding acid sulfate soils.

Work shall be undertaken in accordance with the Acid Sulfate Soil Management Plan dated 22 February 2011, prepared by de Groot & Benson Pty Ltd, and the following:

For any acid sulfate soil materials that are exposed during the proposed development of the property, the following mitigation measures are to be implemented.

- Samples of the acid sulfate soil material are to be forwarded to a registered laboratory to determine the Oxidisable Sulphur levels.
- The acid sulfate soil is to be placed in shallow layers (up to 0.5 metre thick) within a bunded area, or in-situ.
- The acid sulfate soil is to be fully mixed with lime at a minimum rate of 0.15 tonnes of lime per 100 tonne of soil per 0.03% Oxidisable Sulphur to ensure neutralisation of the acid sulfate soil material.
- Additional sampling is to be carried out to ensure full neutralisation of the acid sulfate soil material has occurred.
- The neutralised material can then be re-used for fill, if required, within the property.

Mitigation measures are also to be implemented to prevent the release of acid waters generated from the oxidation of acid sulfate soil material from both within the trenches / excavations and any bunded neutralisation areas. The pH level of all discharges from the site is to be greater than or equal to the lesser of the background pH level or a pH level of 6.5. If the pH levels of onsite waters does not satisfy the discharge criteria, then the water will need to be dosed with hydrated lime, soda ash or sodium bicarbonate and retained onsite for seven (7) days to allow disturbed material to settle and the water chemistry to stabilise prior to discharging offsite.

Work shall be supervised by a suitably qualified and experienced professional proficient in the management of acid sulfate soils.

Receipts for any required neutralisation products shall be retained by the proponent.

#### **Height of Development:**

49. The height of the development is not to exceed the design height as specified in the approved plans.

The 3 pylon signs shall not exceed 17m, measured from adjacent ground level.

Written certification from a registered surveyor is to be submitted to the Principal Certifying Authority at the following stages:

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- a) upon installation of and alteration to the 3 pylon signs;
- b) upon completion of ground floor to upper most floor formwork, prior to placement of concrete;
- c) upon completion of the building and **prior to issue of the Final Occupation Certificate.**

The certification is to address the height and location of the formwork to achieve the approved design height. Construction work is not to proceed beyond these stages until authorised to do so by the Principal Certifying Authority.

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE**

#### **Stormwater Management Certification:**

50. **Prior to the issue of an Occupation Certificate** the consultant design engineer shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

#### **Road Design and Services:**

51. The following works:

- a) Private Sewer Pump Station;
- b) Line marking in Arthur Street;
- c) Indented bus bay in Arthur Street east of the Wongala entrance (this work is to include relocation of the bus shelter to the new bus bay and making the shelter accessibility compliant);
- d) 1.2m wide footpaths in the following locations:
  - From San Francisco Avenue to the internal pedestrian network of the Shopping Centre.
  - Continuation of the existing footpath in Arthur Street west then southward on the northern and western frontages respectively to No. 14 Arthur Street and connecting with the proposed internal pathway system.
  - From the north side of Arthur Street, opposite the opening in the concrete median (approximately 34m west of the Wongala access intersection) through to the shareway within the Wongala Village.
- e) Closure of the gap in the landscaped garden bed adjacent to the highway approximately 170m north of the Highway / Park Beach Road intersection with compatible landscaping.
- f) Bicycle racks at all entries to the Shopping Centre.
- g) Loading dock drainage.
- h) Trade waste works.
- i) Taxi rank (7 taxi capacity) and storage lanes for vehicles using the Service Station.

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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, relevant policies and conditions of this consent.

These works are to be completed **prior to the issue of the relevant Occupation Certificate**.

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

#### Landscaping Works:

52. **Prior to the issue of an Occupation Certificate** a works as executed plan is to be submitted to the Principal Certifying Authority certifying that all landscape works have been carried out in accordance with the approved plan. This plan shall also cover the fencing / balustrade works adjacent to the Pacific Highway.

#### Fire Safety Upgrading Works:

53. All fire safety upgrading works as specified under condition 9 of this consent including the approved upgrading of the smoke hazard management system is to be completed **prior to the issue of the Final Occupation Certificate**.

#### Noise Attenuation:

54. An acoustic report being submitted to Council within 3 months of the issue of the Final Occupation Certificate indicating the noise impacts at the 5 assessed properties in the Noise Impact Assessment Report No. 11-328 prepared by Indigo Acoustics dated 23 February 2011 have been satisfied. This assessment report shall include the assessment of the noise impacts of night time (10.00pm - 7.00am) deliveries to the new loading dock.

#### Car Parking Spaces:

55. The agreed number car parking spaces as shown on the approved plans being provided on the development site **prior to the issue of the relevant Occupation Certificate**. All car parking and manoeuvring areas being constructed in accordance with Council's Off Street Car Parking Development Control Plan and the provisions of Australian Standard 2890.1 "Parking Facilities: Off-Street Car Parking". Car Parking areas are to be maintained in a serviceable condition at all times.

A works as executed parking plan detailing the number of car spaces provided on the site for the entire Shopping Centre, including accessible spaces, motor cycle spaces and bicycle parking being submitted to Council **prior to issue of the Final Occupation Certificate**.

#### Occupation Certificate:

56. A person must not commence occupation or use any sections of the new building extensions **prior to obtaining a relevant Occupation Certificate** from the Principal Certifying Authority.



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#### Liquid Trade Waste Approval:

57. Certification from Council's Trade Waste Section that a Liquid Trade Waste Approval has been granted and the pre-treatment equipment has been installed in accordance with the conditions of the approval is to be provided to the Principal Certifying Authority **prior to issue of the relevant Occupation Certificate**.

#### Survey Report:

58. Submission of a survey report describing the completed development, prepared by a registered surveyor, to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate**.

#### Road Damage:

59. The cost of repairing any damage caused to Council 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 **prior to the issue of the Final Occupation Certificate**. The proponent is to consult with Council's City Services Section concerning the requirements of this condition.

#### Private Sewer Pump Station:

60. Application being made to Council (Health Section) **prior to issue of the relevant Occupation Certificate** to licence the private sewer pump station as an on-site sewage management system.
61. A certificate is to be submitted to the Principal Certifying Authority and to Council from the licensed plumber/installer/hydraulic engineer **prior to issue of the relevant Occupation Certificate** to the effect that the private sewer pump station has been installed in accordance with the approved plan.
62. The land owner or his representative is to enter into a 6 monthly service contract with the pump station supplier/agent, with a copy of this contract being submitted to Council (Health Section) and the Principal Certifying Authority **prior to issue of the relevant Occupation Certificate**.

#### Waste Management:

63. The waste area being completed in accordance with the approved details **prior to issue of the relevant Occupation Certificate**.

### OPERATIONAL MATTERS

#### Use:

64. Separate applications shall be submitted to Council for the use / fitout of the individual tenancies.

## **Development Application No. 574/11**

### **Schedule of Conditions**

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#### **Noise:**

65. Noise emanating from the premises shall at all times be in accordance with the provisions of the *Protection of the Environment (Operations) Act 1997* and the *Industrial Noise Policy (EPA)*.

All mechanical plant, delivery operations and associated equipment is to be maintained and operated to comply with the Noise Impact Assessment Report No. 11-328 prepared by Indigo Acoustics dated 23 February 2011.

#### **Landscape Works:**

66. Landscaping is to be maintained in accordance with the approved landscape plans at all times.

#### **Hours of Operation - retail:**

67. The approved retail hours for the development the subject of this consent are 7.00am to 10.00pm, 7 days per week.

#### **Hours of Operation – loading dock:**

68. The approved loading dock hours for the development the subject of this consent are 24 hours, 7 days per week.

#### **Private Sewer Pump Station:**

69. A service record is to be maintained for the private sewer pump station, to detail servicing of the facility. The record is to be maintained and retained by the land owner or his representative.
70. A copy of the 6 monthly service records are to be forwarded to Council (Health Section) within 7 days following each service of the facility.

#### **Safer by Design:**

71. Implementation of a rapid removal of graffiti program for the development and landscaping is to be maintained so as not to cause the potential for entrapment.
72. The loading dock and deck carpark being secured when the Shopping Centre is closed.

### **INTEGRATED TERMS OF APPROVAL CONDITIONS**

73. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the NSW Office of Water (NOW). The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

## Development Application No. 574/11

### Schedule of Conditions

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An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.

When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

74. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.

The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.

The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

75. If and when required by the Department, suitable devices must be installed to accurately measure the quality of water extraction or diverted by the works.

All water measuring equipment must be adequately maintained. It must be tested as and when required by the department to ensure its accuracy.

The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

76. The licensee must allow authorised officers of NOW and its authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:

- inspecting the said work;
- taking samples of any water or material in the work and testing the samples.

77. The licensee shall within 2 weeks of being notified install to the satisfaction of NOW in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by NOW. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to NOW upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.

## Development Application No. 574/11

### Schedule of Conditions

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78. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the Protection of the Environment Operations Act (POEO) 1997. A copy of the licence to discharge is to be provided to NOW.
79. The maximum term of this licence shall be twelve (12) months.
80. The volume of groundwater extracted from the work authorised by this licence shall not exceed 10 megalitres for the term of the licence.
81. The authorised work shall not be used for the discharge of water unless the PH of the water is between 6.5 and 8.5, or the water has been treated to bring the PH to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the Council's sewerage treatment system.
82. The licensee shall test the PH of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the PH testing is to be returned with the form "AG".
83. The work shall be managed in accordance with the constraints set out in an Acid Sulfate Soil Management Plan and Dewatering Management Plan approved by the Department.

### **ADVISORY NOTES**

#### **Disability Discrimination Act:**

84. This application has been assessed in accordance with the NSW *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.

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

85. 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.
86. A water reticulation plan, to include details of water metering arrangements for individual uses, being submitted to Council for approval prior to water fitting works commencing on site. Note fire services are to be metered but provided on a separate main from the regular water supply.

#### **Carparking Assessment:**

87. Carparking demand for the development is assessed at 4.1 spaces per 100m<sup>2</sup> GLFA. The GLFA for the entire Centre is detailed as 56,897m<sup>2</sup>, requiring 2,333 car spaces.

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Our ref: DA 574/11

(enter date)

Name and Address

Dear Sir/Madam

**Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000  
Development Consent No. 574/11 for alterations and additions to Shopping Centre –  
Park Beach Plaza – comprising shops (additional 14,447 m<sup>2</sup> GLFA), carparking  
(additional 1050 approximate car spaces), advertising signage, demolition works,  
hours of operation (retail 7am – 10pm, deliveries 24 hours, 7 days per week)**

Council refers to the attached Notice of Determination of development application and in particular to the requirement that a Certificate of Compliance pursuant to the above Act be obtained.

When you apply for a Certificate of Compliance, your application must be accompanied by:

1. Evidence that,
  - a) stormwater, water supply, sewerage, drainage and interallotment drainage has been supplied to the development; or
  - b) arrangements satisfactory to Council have been made for the provision of all such services; and
2. Payment (preferably by way of bank cheque) of Council's developer contributions applicable at the time of the application for the Certificate of Compliance.

For your information, the developer contributions applicable at the date of the development consent are:

The current contribution rate is:

	<b>Amount/m<sup>2</sup> \$</b>	<b>Total \$</b>
Works to satisfy increased demand within the area for 14,447 square metres of gross leasable floor area of commercial development		
Water	27.38	395,522.49
Sewer	26.18	378,231.65
<b>TOTAL AMOUNT PAYABLE</b>		<b>773,754.14</b>

The developer contributions are reviewed from time to time and are also subject to annual adjustment in accordance with the Consumer Price Index for Sydney (All Groups).

Prior to making your application for the Certificate of Compliance, you should ascertain the level of developer contributions then payable from Council's Corporate Resources Section, telephone (02) 6648 4000.

Please find attached Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 Explanatory Notes.

Yours faithfully

CD Chapman  
Director  
Land Use, Health and Development

Per:

MSH:njj

Encl