

AMENDED DRAFT CONDITIONS

DEVELOPMENT APPLICATION NO. 0332/14

ADMINISTRATIVE CONDITIONS

A001.01 Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - **hardware and building supplies premises**
 - **alterations to existing vehicle sales premises**
 - **subdivision (boundary adjustment)**
 - **demolition**
 - **stormwater drainage infrastructure**

A001.02 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.

A001.03 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. 0332/14).

Plan Title	Reference	Prepared by	Dated
Site Plan	A02	Williams River Steel	16 April 2014
Floor Plan	A03	Williams River Steel	11 October 2013
Elevations	A04	Williams River Steel	11 October 2013
Section	A05	Williams River Steel	11 October 2013
Construction Traffic Plan	A06	Williams River Steel	11 October 2013
Signage Details	A10	Williams River Steel	11 October 2013
Development Application Boundary Alteration	DA02A	Geoff Slattery and Partners Pty Ltd	3 October 2013
Development Application Stormwater Surcharge	DA08A	Geoff Slattery and Partners Pty Ltd	3 October 2013
Development Application Stormwater Culvert	DA09	Geoff Slattery and Partners Pty Ltd	3 October 2013

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Geoff King Motors Pacific Highway Coffs Harbour: Demolition Plan	A.02	Geoff Slattery and Partners Pty Ltd	3 February 2014
Geoff King Motors Pacific Highway Coffs Harbour: Site Plan	A.01-G	Geoff Slattery and Partners Pty Ltd	3 February 2014
Development Application Hurley Drive and Farrow Close Works	DA07C	Geoff Slattery and Partners Pty Ltd	31 March 2014

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.

A004.01 Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:
- (1) Statement of Environmental Effects of Geoff Smyth Consulting and dated October 2013
 - (2) Flood Assessment of Bewsher Consulting Pty Ltd October 2013
 - (3) Traffic Impact Assessment of Roadnet Pty Ltd dated October 2013
 - (4) Water Management Plan of Geoff Slattery and Partners Pty Ltd dated October 2013
 - (5) Acoustic Assessment of RCS Acoustics dated October 2013
 - (6) Fire Safety Advice of RAWfire
 - (7) Site Waste Management & Minimisation Plan of Williams River Steel dated 17 January 2014
 - (8) Waste Management Plan of Hydrox Nominees Pty Ltd dated January 2014
 - (9) Amendment to Traffic Impact Assessment of Roadnet Pty Ltd dated 17 February 2014

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A005.01 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.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B002.01 Construction Certificate:

6. No building 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.

Note: Separate Construction Certificates are to be obtained for the **building works** and any **civil works**.

B004.01 Landscape Plan:

7. A detailed landscaping plan for all unbuilt-on areas of the development site being submitted to Council and approved **prior to issue of the Construction Certificate for building works**.

The plan is to include details of street tree planting along the Hurley Drive and Farrow Close frontages where appropriate. The Plan is to include details of the proposed tree pits within the car park.

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.

B007.01 Equitable Access (New Building - Access and Facilities):

8. 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 a Construction Certificate for building works**.

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B011.01 Stormwater Management Plan(1):

9. 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 Construction Certificate**.

Please refer to the WSUD Information Sheet, Policy and Guideline available on Council's web site www.coffsharbour.nsw.gov.au.

The design is to incorporate a detention system that achieves compliance with the Coffs Harbour City Council WSUD Policy targets. Design details are to include calculations showing the effect of the proposed development on design stormwater run-off flow rates and the efficiency of proposed measures to limit the flows.

The design shall be accompanied by an Operation and Maintenance Plan for the system.

B015.01 Road Design and Services (Building):

10. The following works:

- (a) Road works including;
 - i) Upgrade of the Farrow Close / Hurley Drive intersection in accordance with the plan titled 'Development Application Hurley Drive and Farrow Close Works', dated 31 March 2014 and prepared by Geoff Slattery and Partners; and
 - ii) Reconstruction of Farrow Close in accordance with the plan titled 'Development Application Hurley Drive and Farrow Close Works', dated 31 March 2014 and prepared by Geoff Slattery and Partners.
- (b) Footpaths;
- (c) Water supply;
- (d) Sewerage;
- (e) Flood mitigation works;
- (f) Rebuilding of Council's stormwater system (channel);
- (g) Pacific Highway intersection upgrade works to enable:
 - i) Extension of the right turn bay from the Pacific Highway into Hurley Drive to 100m storage length; and
 - ii) Provision of 2 lanes 42m in length on the Hurley Drive approach to the traffic signals.

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 a separate Civil Works Construction Certificate issued **prior to the issue of a Construction Certificate for the building works or at some other time acceptable to Council**. Plan submissions are to be accompanied by payment of prescribed fee.

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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.

B028.01Property Title Alterations:

11. All property title alterations (including lot consolidation) as shown on the plan of Geoff Slattery and Partners Pty Ltd titled 'Development Application Boundary Alteration' and dated 3 October 2013, are to be registered with the Land Titles Office. Evidence of lodgement of a plan of title being submitted to Council and the certifying authority **prior to issue of the Construction Certificate**.

B029.01Trade Waste:

12. *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 issue of the Construction Certificate**.

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 Environment Protection Authority 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.

B031.01Erosion and Sedimentation Control Plan:

13. 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 Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details being submitted and approved by the Certifying Authority **prior to issue of a Construction Certificate**.

B032.01Fill:

14. Contour plans indicating the location of proposed fill areas in the development being submitted and approved by Council **prior to issue of the Construction Certificate**.

Contour plans are to include a clear description of impact of changes proposed on water movement both to and from the site on all adjacent land and to show stormwater discharge points.

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B044.01Water Management Act 2000:

15. **The Construction Certificate 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.

B047.01Outdoor Lighting:

16. All outdoor lighting shall comply with, where relevant, AS/NZ 1158.3:1999 *"Pedestrian Area (Category P) Lighting"* and Australian Standard AS 4282:1997 *"Control of the Obtrusive Effects of Outdoor Lighting"*. Details demonstrating compliance with these requirements being submitted to the satisfaction of Council or the accredited certifier **prior to issue of the Construction Certificate.**

PRIOR TO COMMENCEMENT OF WORKS

C001.01Site Notice:

17. 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.

C002.01Notice to be Given Prior to Commencement / Earthworks:

18. The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site.
19. 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.

C003.01Contact Telephone Number:

20. Prior to the commencement of the works for each stage of the development, the proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

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C004.01Erosion and Sediment Control:

21. 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.

Hoardings and Site Security (Demolition):

22. Appropriate hoardings shall be installed around the perimeter of the buildings to be demolished **prior to commencement of demolition works**.

DURING CONSTRUCTION

D001.01Approved Plans to be On-Site:

23. 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.

D004.01Excavated Material:

24. 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 must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage “*Waste Classification Guidelines*” and shall comply with the terms of any approval issued by Council.

D008.01Fill:

25. All fill is to be placed in accordance with the requirements of Council’s Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

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D008.02 Importation of Fill:

26. The only fill material that may be received at the development is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations (POEO) Act);
- b) Any other waste-derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material, excluding waste tyre.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

D010.01 Erosion and Sediment Control(1):

27. All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbance by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D013.01 Dust Control Measures(1):

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

- (1) Physical barriers being erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (3) All materials shall be stored or stockpiled at the best locations;
- (4) The work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs;
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (8) Cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle.

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D015.01Hours of Work(1):

29. 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 Construction 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.

D018.01Cultural Heritage:

30. 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 Office of Environment and Heritage (OEH), 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 the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

D021.01Finished Floor Level:

31. The finished floor level of the ground floor of the building is to be a minimum of 4.2 metres Australian Height Datum and a registered surveyor's certificate certifying such level is to be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level.

Contractors parking and loading/unloading arrangements:

32. All persons associated with construction works are to park on site. All loading and unloading activities are to occur within the site.

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Demolition:

33. 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 Work Health and Safety Act 2011 and Australian Standard AS 2601-2001 *"The Demolition of Structures"*.

All demolition material and wastes shall be assessed in accordance with NSW Environment Protection Authority Waste Classification Guidelines (2009) prior to being removed from the site. Materials classified as waste shall only be disposed of to an appropriate NSW Environment Protection Authority licensed facility. All waste building materials shall be recycled or disposed of to an approved waste disposal facility.

No waste materials shall be crushed or processed on the site.

No demolition materials shall be sold from the site.

No burning of materials is permitted on site.

Waste stockpiles shall be positioned a minimum of 20 metres from site boundaries and incorporate appropriate sediment and erosion controls or to alternate locations to Council's satisfaction.

The sewer drainage system shall be appropriately sealed to prevent ingress of water and debris into the Council's main.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

E016.01Occupation Certificate:

34. A person must not commence occupation or use of the new building **prior to obtaining an Occupation Certificate** from the Principal Certifying Authority.

E001.01Access Works:

35. Sealed driveways being constructed over the footpath at right angles to the road in accordance with Council's standard drawings. Any existing driveways which are not required for the development are to be removed and the footpath reinstated. All such work is subject to a separate driveway application, fees and approval by Council.

These works are to be completed **prior to the issue of an Occupation Certificate** for the development.

E005.01Stormwater Management Certification:

36. **Prior to the issue of an Occupation Certificate** the consultant design engineer / landscape architect 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.

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E007.01 Road Design and Services:

37. The following works:

- (a) Road works including;
 - i) Upgrade of the Farrow Close / Hurley Drive intersection in accordance with the plan titled 'Development Application Hurley Drive and Farrow Close Works', dated 31 March 2014 and prepared by Geoff Slattery and Partners; and
 - ii) Reconstruction of Farrow Close in accordance with the plan titled 'Development Application Hurley Drive and Farrow Close Works', dated 31 March 2014 and prepared by Geoff Slattery and Partners.
- (b) Footpaths;
- (c) Water supply;
- (d) Sewerage;
- (e) Flood mitigation works;
- (f) Rebuilding of Council's stormwater system (channel);
- (g) Pacific Highway intersection upgrade works to enable:
 - i) Extension of the right turn bay from the Pacific Highway into Hurley Drive to 100m storage length; and
 - ii) Provision of 2 lanes 42m in length on the Hurley Drive approach to the traffic signals.

Note:

- (1) Consultation with relevant affected property owners is to be carried out prior to work commencing.

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 and relevant policies (WSUD).

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

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

E010.01 Landscaping Works:

- 38. All landscaping works, in accordance with the approved plan, are to be completed, with certification of completion (by a works as executed plan) being provided to Council and the Principal Certifying Authority, **prior to issue of an Occupation Certificate.**

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E013.01 Noise Attenuation:

39. Noise attenuation methods specified in the acoustic report of RCA Acoustics titled 'Proposed Masters Home Improvement Store; Lot 2, DP 607441, Lot 31, DP 716368 & Lot 1, DP 616809, Pacific Highway, Coffs Harbour, NSW' and dated October 2013 being implemented in the development and the completed works subsequently certified by an acoustic consultant **prior to issue of an Occupation Certificate**. A copy of the certification being provided to Council and the Principal Certifying Authority **prior to issue of an Occupation Certificate**.

E015.01 Car Parking Spaces:

40. All 290 car parking spaces as shown on the plan approved in accordance with condition number three of this consent being provided on the development site **prior to the issue of an Occupation Certificate**.

All car parking and manoeuvring areas being constructed in accordance with the provisions of Australian Standard AS 2890.1 "Parking Facilities: Off-Street Car Parking" and the provisions of AS/NZS 2890.6:2009 "Parking Facilities: Part 6: Off-Street parking for people with disabilities".

E018.01 Liquid Trade Waste Approval:

41. Certification from the 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 Occupation Certificate**.

E027.01 Rainwater Tanks:

42. A separate application being submitted to Coffs Harbour Water for assessment and registration of the proposed rain water tank(s) and associated plumbing works, prior to their installation. Evidence of registration is to be confirmed by the Principal Certifying Authority **prior to the issue of Occupation Certificate**.

Note: A testable backflow prevention device is required with underground water storage tanks.

Note: an application form may be downloaded from Council's web site www.coffsharbour.nsw.gov.au

Anti-Graffiti Treatment - Eastern Boundary:

43. The eastern boundary fence on the development (precast panels) adjoining the drainage swale is to be finished in a recessive anti-graffiti treatment. This is to be completed **prior to issue of an Occupation Certificate** unless other arrangements acceptable to Council have been made.

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Easement to Drain Water:

44. An easement to drain water in favour of Council, being created over the stormwater drainage works and registered with the Land Titles Office prior to **prior to issue of an Occupation Certificate**.

Fencing to Boundary:

45. Solid fencing to a height of 1.8m is to be provided to the eastern boundary of the new development **prior to issue of an Occupation Certificate**.

Acoustic Fencing:

- 45A. Submission of details to Council for approval **prior to issue of the Construction Certificate** for construction of an acoustic barrier, to be erected on the eastern boundary of the site from the south eastern corner of the site for the length of the loading dock and turning area. The acoustic barrier is to be designed by a suitably qualified acoustic consultant and is to be constructed **prior to issue of an Occupation Certificate**.

OPERATIONAL MATTERS

G001.01 Loading and Unloading:

46. All loading and unloading activities associated with the use of the premises being carried out wholly within the site at all times.

G002.02 Car Parking Areas:

47. All car parking spaces and manoeuvring areas, approved in accordance with condition number three, are to be maintained in a serviceable condition at all times.

G010.01 Noise:

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

G010.04 External Lighting:

49. External lighting shall comply with *Australian Standard AS 4282: 1997 Control of Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to Council evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

G011.01 Landscape Works:

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

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G015.01Waste Management(Operational):

51. Provision being made on the site (*or within the premises*) for the separation of recycling and organic waste, including food waste and other putrescible wastes from the general waste stream in accordance with Council's requirements. The waste management practices of the premises should provide for the continued separation of recycling and organic waste from the general waste stream.

Days and Hours of Operation:

52. The development is only to operate during the hours:

- 6:00 AM to 9:00 PM Monday to Sunday

Days and Hours for Deliveries:

53. Deliveries are only to occur during the hours:

- 7:00 AM to 6:00 PM Monday to Saturday.
- 8:00 AM to 6:00 PM Sundays and Public Holidays

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

F001.01Part 4A Certificate:

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

ADVISORY NOTES

N016.01Other Approval Permits:

55. The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993.
56. The applicant shall (as required) enter into a works authorisation deed (WAD) with Roads and Maritime Services for the extension of the right turn lane on the Pacific Highway, prior to the works commencing.
