

## **JOINT REGIONAL PLANNING PANEL REPORT**

### **DEVELOPMENT ASSESSMENT REPORT DEVELOPMENT APPLICATION NO. 0209/16**

#### **Residential Flat Building (44 Units) and Strata Subdivision, including Demolition of Existing Building**

**123 Park Beach Road (Lot 10, DP 264205 and Lot 25, Sec E, DP 17053), Coffs Harbour**

#### **PURPOSE:**

This report provides an assessment of Development Application 0209/16 for a residential Flat Building (44 Units) and Strata Subdivision, including demolition of existing building and consolidation of land.

Approval of the application, subject to conditions, is recommended.

#### **THE PROPOSAL**

The proposed development involves:

- Demolition of existing motel building;
- Consolidation of land;
- Construction of 44 residential units, 66 car parking spaces, swimming pool and associated landscaping and infrastructure; and
- Strata Subdivision.

The proposal includes: 3 studio apartments; 1 one bedroom apartment; 1 two bedroom apartments; 24 two bedroom and ensuite apartments; 1 two bedroom, ensuite and study apartments; 12 three bedroom and ensuite apartments; and 2 three bedroom ensuite and study apartments. The apartments range in size from 41m<sup>2</sup> to 129m<sup>2</sup>.

The building takes the form of a podium, consisting of the ground floor to the third floor, and a tower consisting of a fourth to the eleventh floor with a plant room, lift overrun, stairway, mechanical plant and sprinkler tank sitting above this. Apartments are spread over all floors, with associated parking spread over the ground, first, and second floors, contained within the podium. On top of the podium the development includes common recreational and utility facilities such as clothes drying areas, a pool, steam room, shower and toilet facilities, barbeque area and garden areas.

Pedestrian access is from Park Beach Road through a main access point. Some apartments have direct access at ground level. All vehicles access to the development is via the lane, adjoining the eastern boundary of the site, through a single access point. Garbage from the development will be stored in an enclosed area adjoining the lane and will also be collected from this point.

#### **THE SITE:**

The site consists of two lots, with a total land area of approximately 1,966m<sup>2</sup> in size. The land is irregular in shape and generally flat. The property is bound by the lane to the north and east, Park Beach Road to the south and the Hogbin Drive road reserve to the west. Existing medium and high density residential and tourist development surrounds the site to the east, south and west. The site is located within close proximity to services and facilities located within the Park Beach area.

The site currently accommodates a motel, established landscaping and an electrical switching station.

The site is zoned R1 General Residential under the Coffs Harbour Local Environmental Plan 2013.



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**Lot 10 DP 264205 & Lot 25 Sec E DP 17053**

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SCALE @ B5 (182x257mm) 1:1500

0 10 20 40  
Metres

Coordinate System: GDA 1994 MGA Zone 56  
Projection: Transverse Mercator  
Datum: GDA 1994



## **CONSULTATION:**

### **Statutory Advertising and Notification**

The application was advertised and notified in accordance with the provisions of Council's Notification Development Control Plan 2013 between 8 October 2015 and 21 October 2015.

Sixty submissions were received. Fifty-three of these submissions were in support of the development, with the remaining seven raising objections to the proposed development. The matters raised in these submissions are discussed in detail in the Section 79C Evaluation appended to this report.

### **State Government Referrals**

The application was referred to the NSW Rural Fire Service (RFS) for review and comment as 'integrated development'. The NSW RFS has issued a conditional Bushfire Safety Authority. The General Terms of Approval from the RFS have been incorporated into recommended conditions of consent. The application was also referred to the NSW Police for advice in relation to 'Safer by Design'. The NSW Police has not responded to this request. Regardless, an assessment of the development against 'Safer by Design' principles has been undertaken for the development and is discussed elsewhere in this report.

### **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.

### **Further Consultation**

No further consultation was undertaken.

## **STATUTORY MATTERS:**

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

- State Environmental Planning Policy No 55 - Remediation of Land;
- State Environmental Planning Policy (SEPP) No.65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy No 71 - Coastal Development;
- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy (SEPP) Building Sustainability Index: BASIX 2004; and
- Coffs Harbour Local Environmental Plan 2013.

Coffs Harbour Development Control Plan 2013 and Coffs Harbour Development Control Plan 2015 are also relevant to the assessment of this application.

The application is identified as "regional development" under State Environmental Planning Policy (State and Regional Development) 2011 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 appended to this report.

## **ISSUES:**

### ***Context and Setting***

The relationship of the development to its context has been raised in submissions. The development site is located in an established urban area and is surrounded by a mix of medium to higher density residential and tourist land uses. The development site is also located within close proximity to various commercial land uses such as a hotel, restaurants and shops.

Whilst the development is a higher density development, it is not dissimilar in scale and form to nearby apartment developments, with the closest being the recently constructed 'Equinox' apartments. The Park Beach locality is a precinct, which is currently in transition from lower density development to higher density developments that capitalise on the topography of the precinct and its proximity to the coastline.

It is considered that the development is consistent with the desired character of the area.

### ***Amenity impacts***

Potential amenity impacts relating to privacy and overshadowing have been raised in submissions. The development site, being an island site, affords the development with adequate separation to existing adjoining development. In this regard, the habitable rooms of the development are located adequate distances from those of adjoining developments. The proposed development does not directly overlook adjoining developments. The development complies with the design principles contained within 'SEPP 65 Design Quality of Residential Apartment Development' and the associated 'Apartment Design Guide' with regard to privacy.

The application is accompanied by solar diagrams, which have been prepared for 9am, 10am, 11am, midday, 1pm, 2pm and 3pm on the 22<sup>nd</sup> of June. These diagrams show that the development complies with the requirements of the DCP 2013, the DCP 2015 and the Apartment Design Guide, which require that the development provide for two hours of sunshine upon indoor living areas and private open space (both within the development site and on surrounding development) between 9.00am and 3:00pm on the 22<sup>nd</sup> of June of any given year.

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

The proposed development is expected to result in additional traffic movements in the locality.

In this regard, the application considers potential traffic impacts as a result of additional traffic movements on the surrounding road network. In particular, Hogbin Drive, Park Beach Road, Ocean Parade and relevant nearby intersections, including the intersections of Hogbin Drive and Park Beach Road roundabout, the lane and Park Beach Road and Ocean Parade and Park Beach Road.

The submitted information states that the development is likely to result in 23 vehicle movements at peak hour and concludes that the existing road network can satisfactorily accommodate these additional movements without the level of service for these roads changing. Similarly, the submitted information indicates that the intersections of Hogbin Drive/Park Beach Road roundabout, the lane/Park Beach Road and Ocean Parade/Park Beach Road will continue to perform at satisfactory levels.

The development provides 66 on-site car parking spaces, which exceeds number of spaces required to be provided for the development. Developments are not required to provide for on-street car parking.

Given the number of spaces to be provided by the development, it is considered that the development is unlikely to exacerbate or cause additional significant car parking impacts in the locality. The development is not expected to result in any significant traffic impacts in the locality.

The proposed development is not expected to result in any significant adverse impacts.

**SUMMARY:**

The proposal represents a significant residential development in the Park Beach locality.

The proposed development is consistent with current planning controls that apply to the site. The main issues for the development are context and setting, traffic and parking, amenity issues. The application is considered suitable for approval subject to conditions.

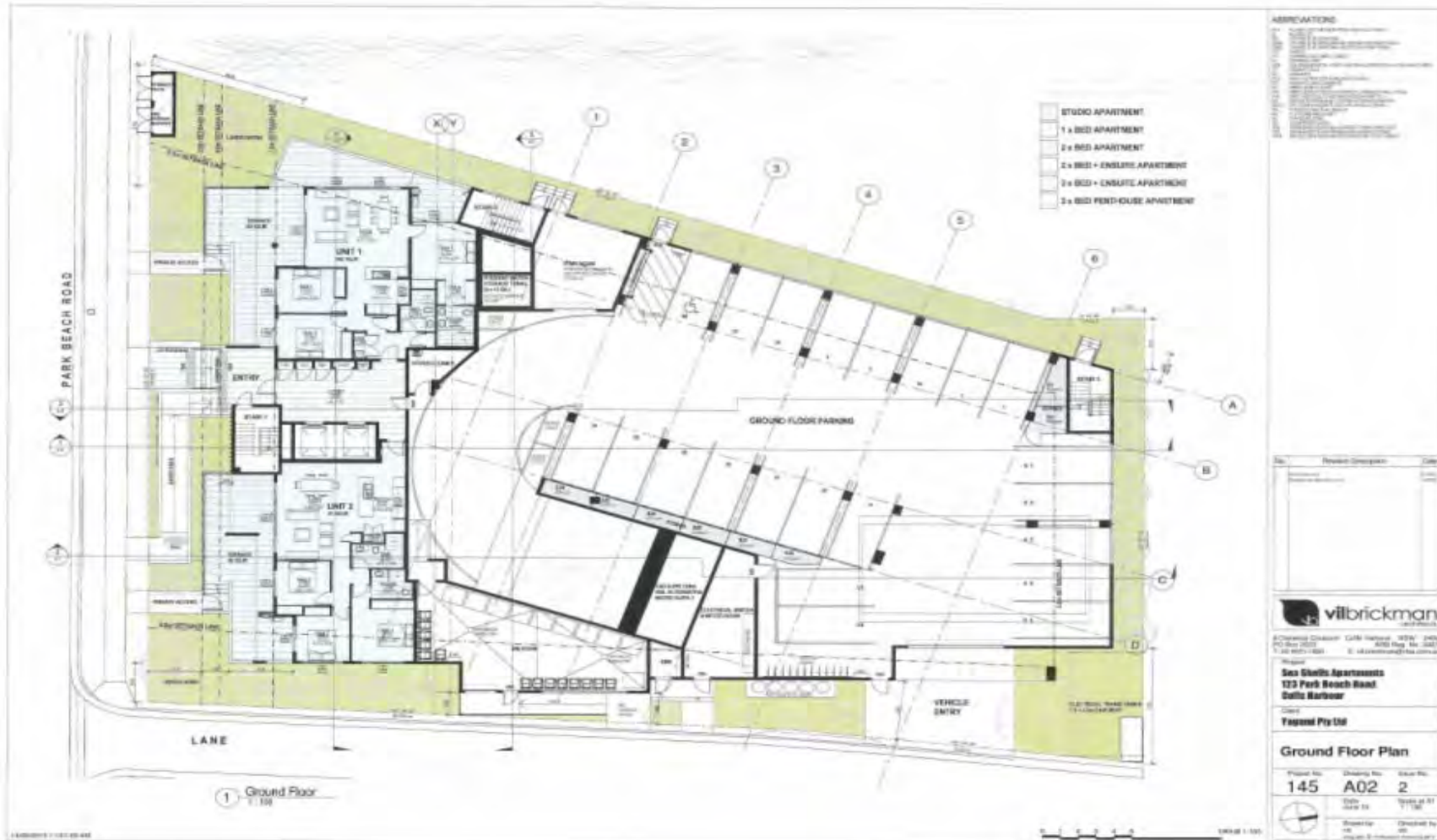
**RECOMMENDATION:**

- 1. That Development Application No. 0209/16 for 'Residential Flat Building (44 Units) and Strata Subdivision, including Demolition of Existing Building' be approved, subject to conditions as appended to this report.**

## Plans of Proposed Development

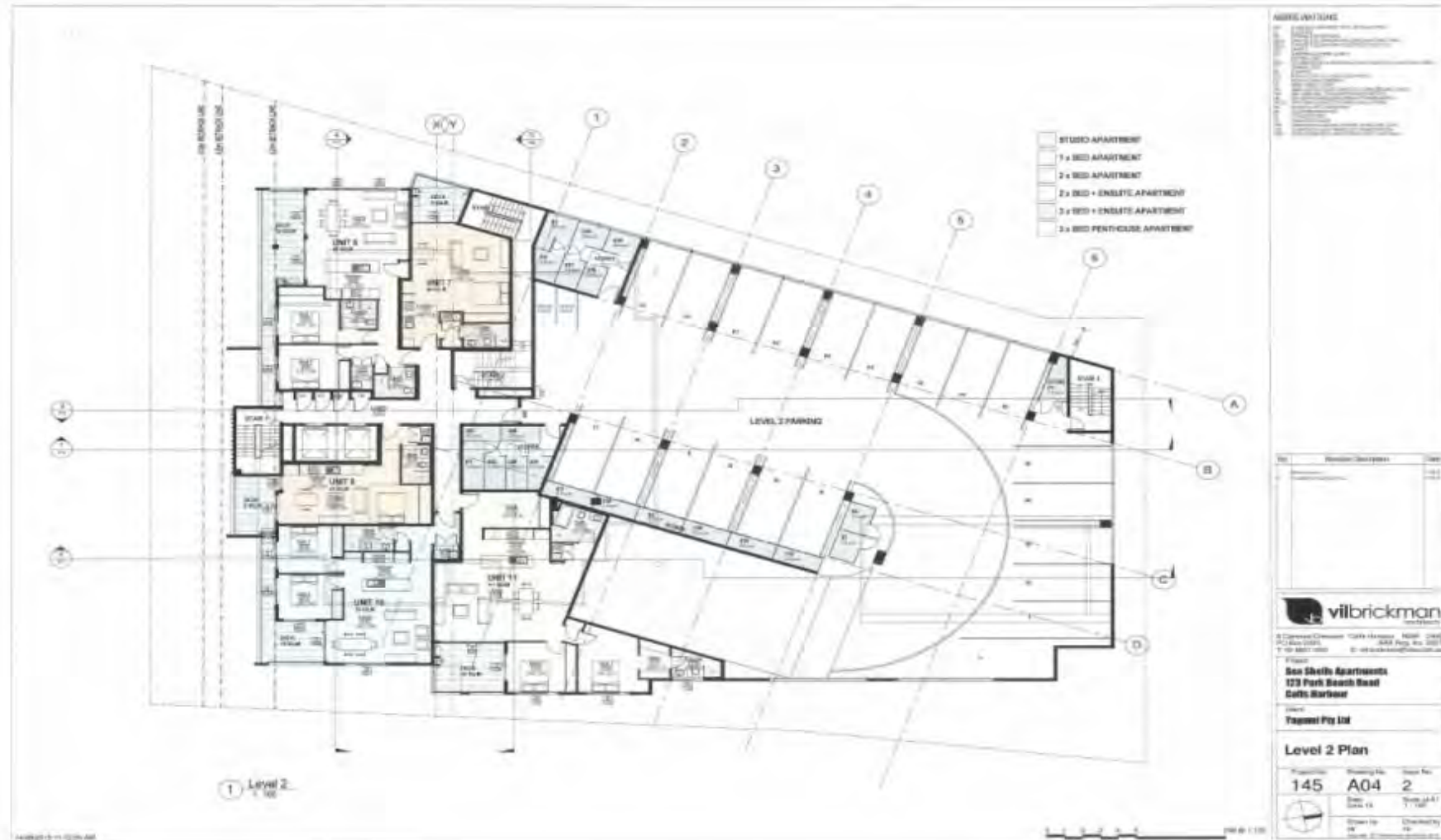




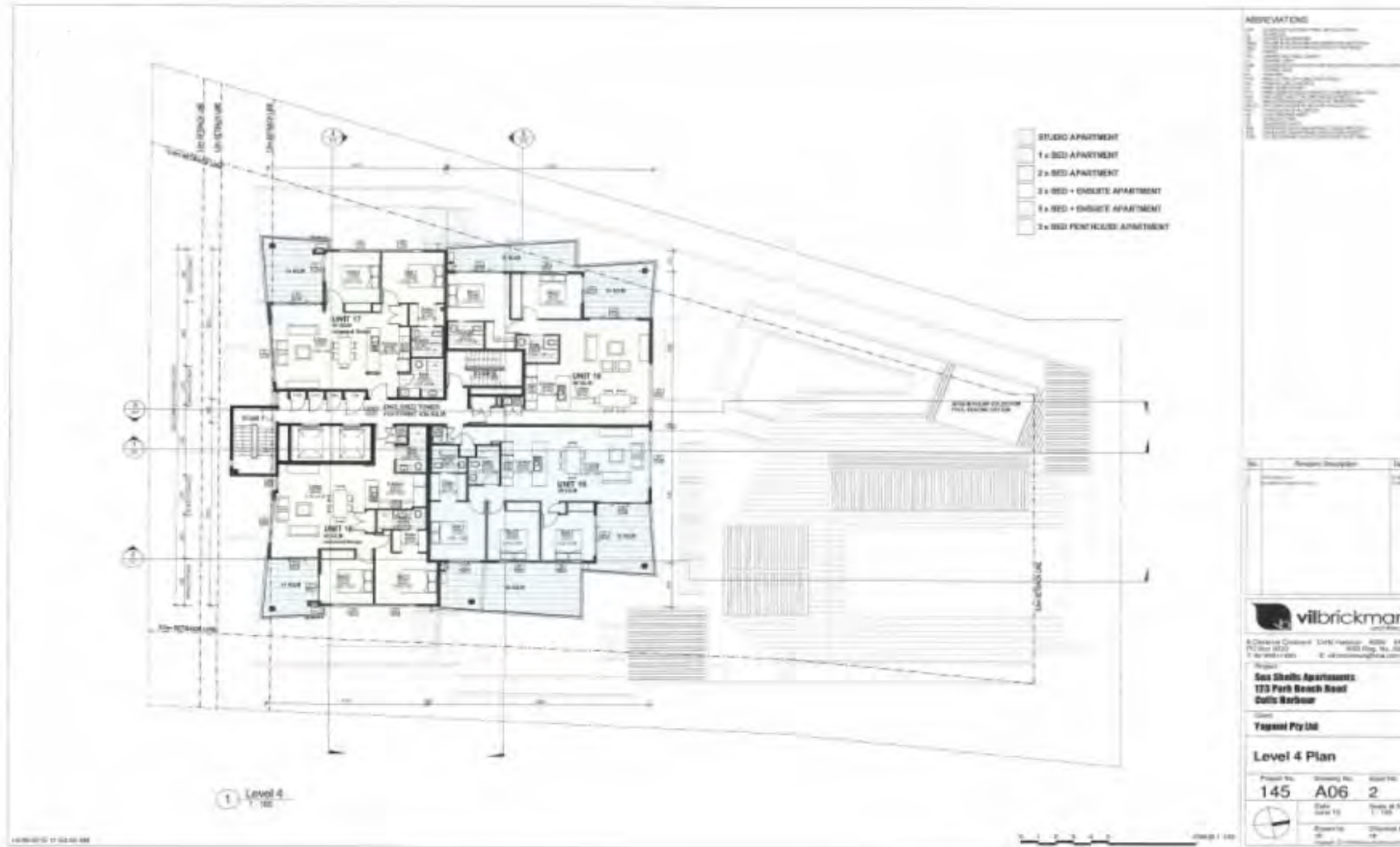




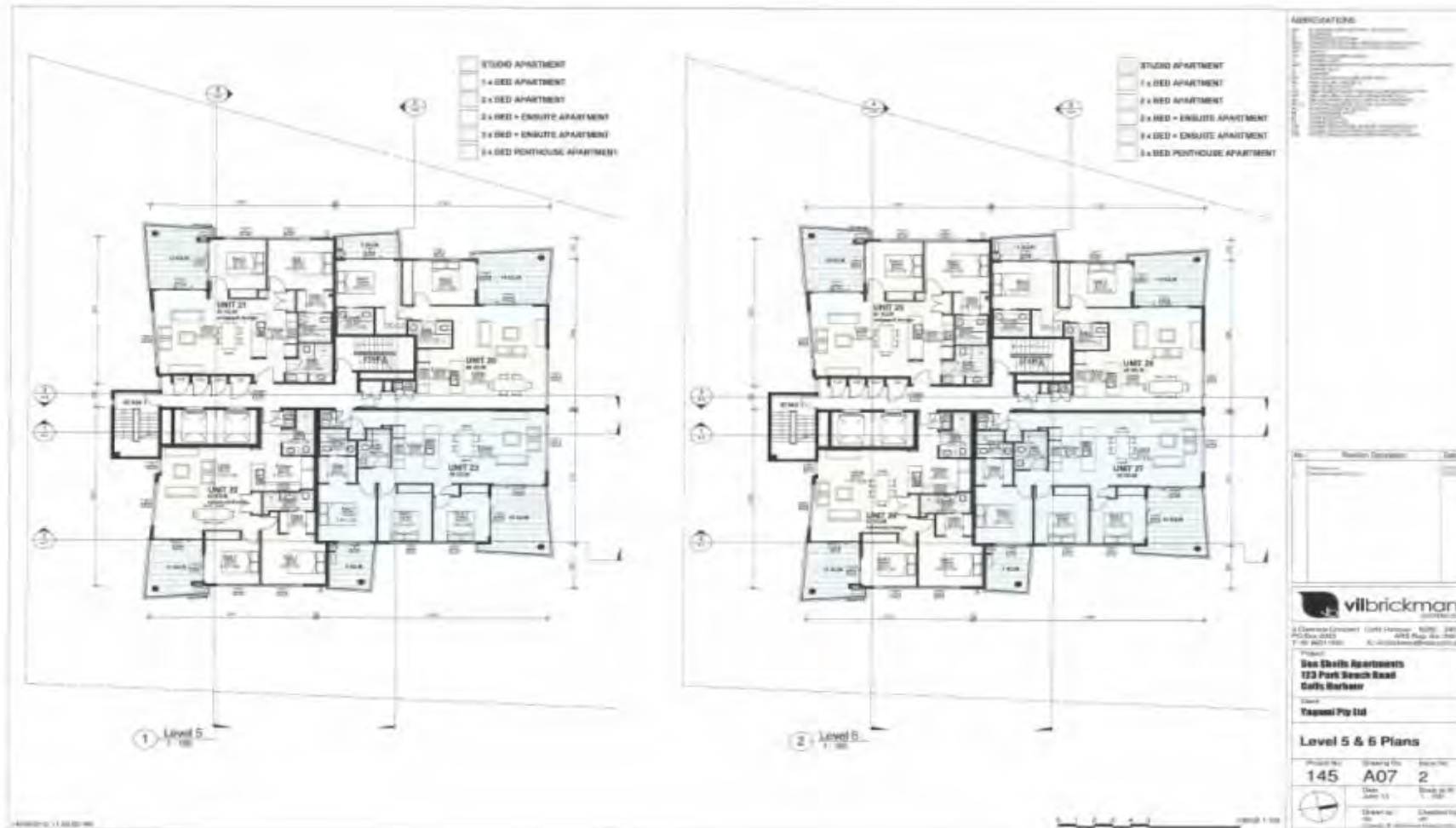


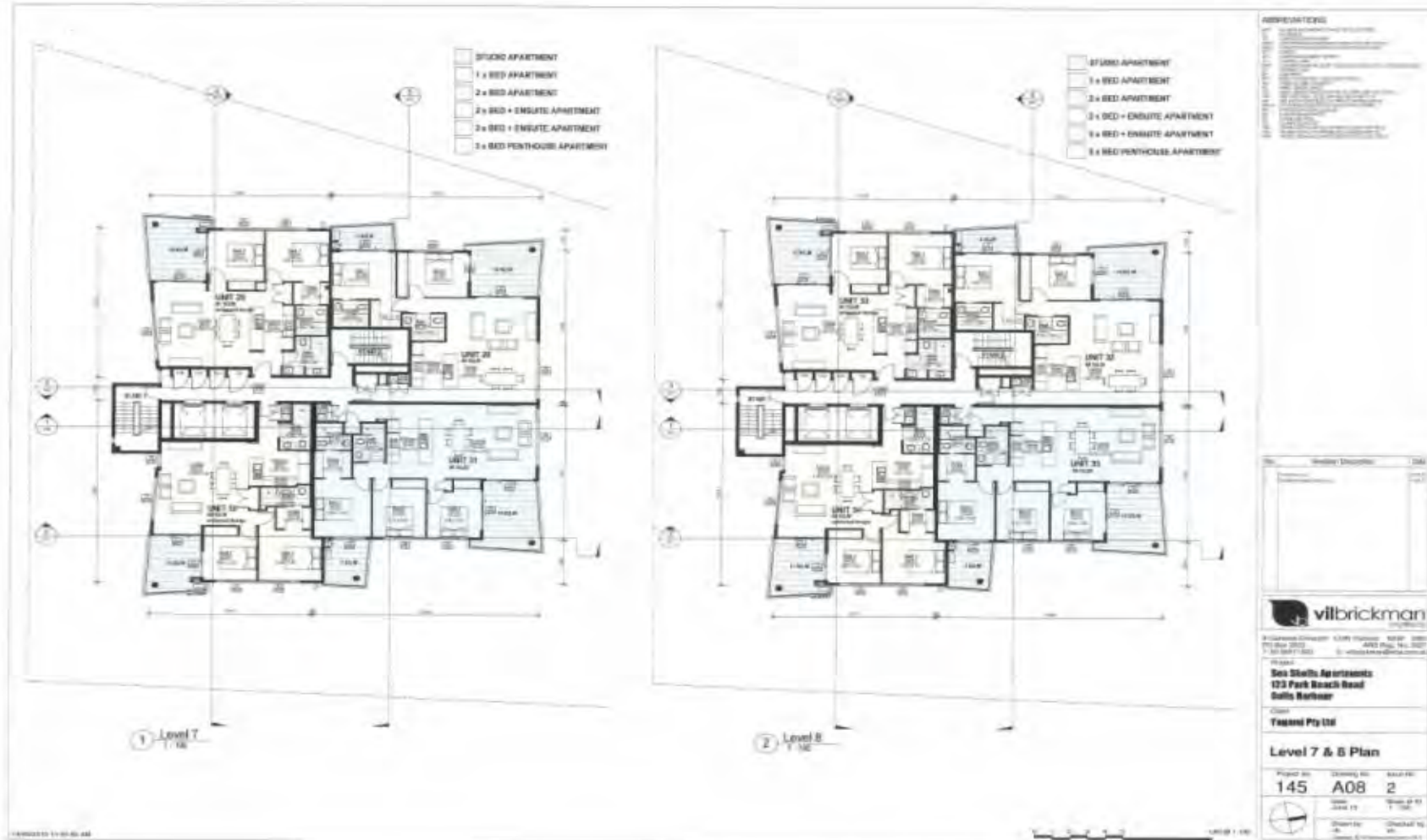








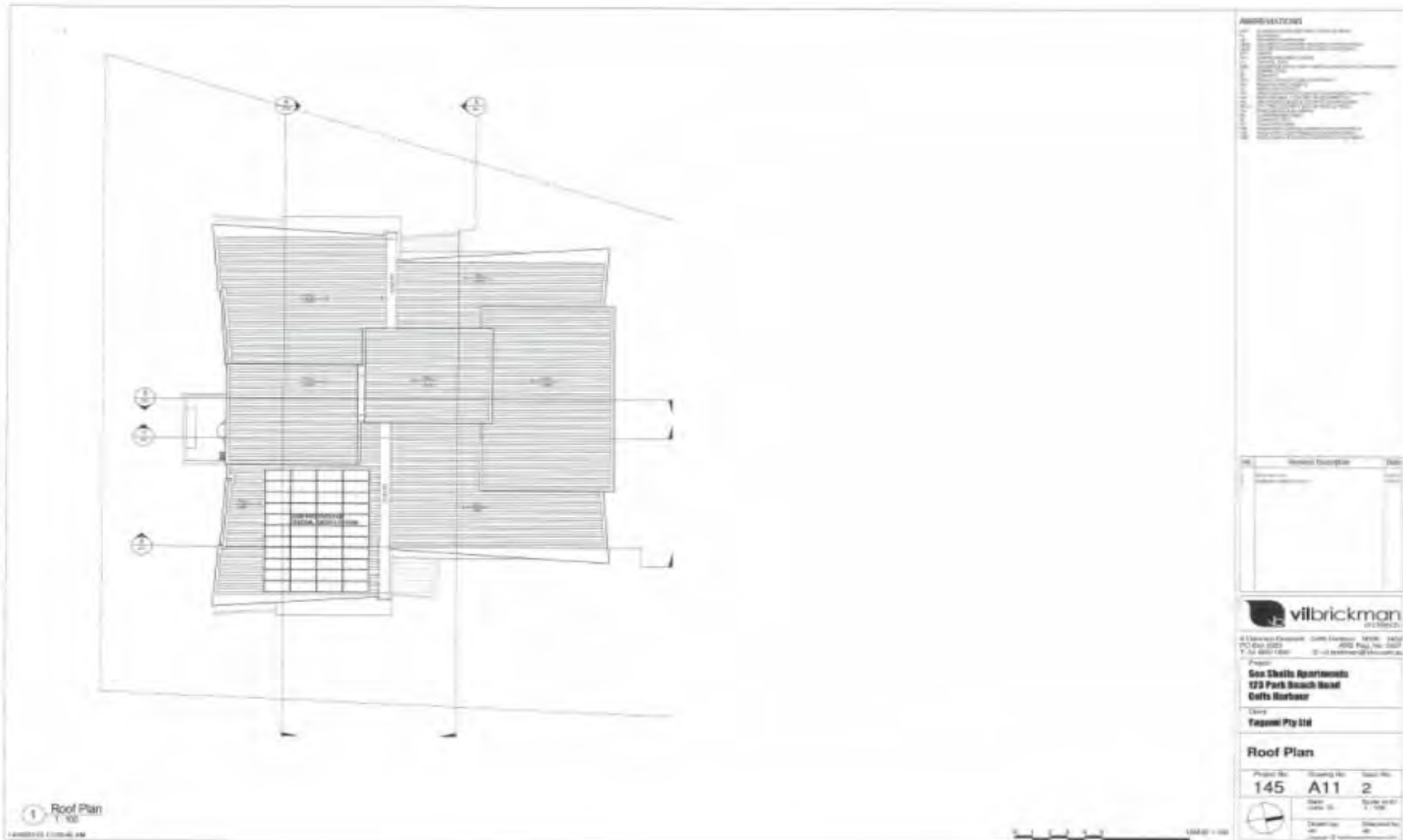








































Rev	Description	Date
1	Initial Design	10/1/2014



**San Shells Apartments**  
125 Park Beach Road  
Coffs Harbour

Client:  
**Tropics Pty Ltd**

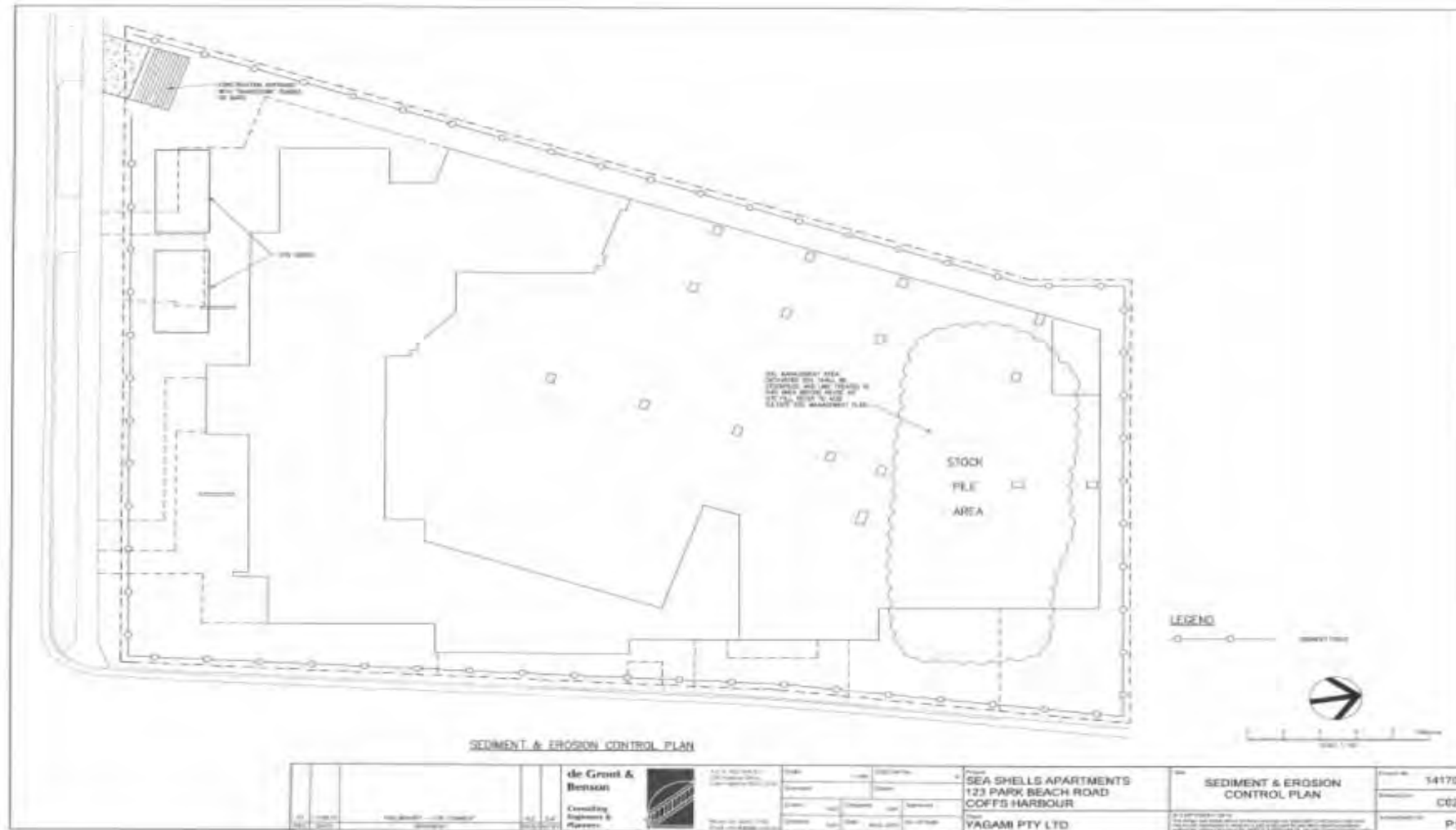
**Detail Sections & Plan**

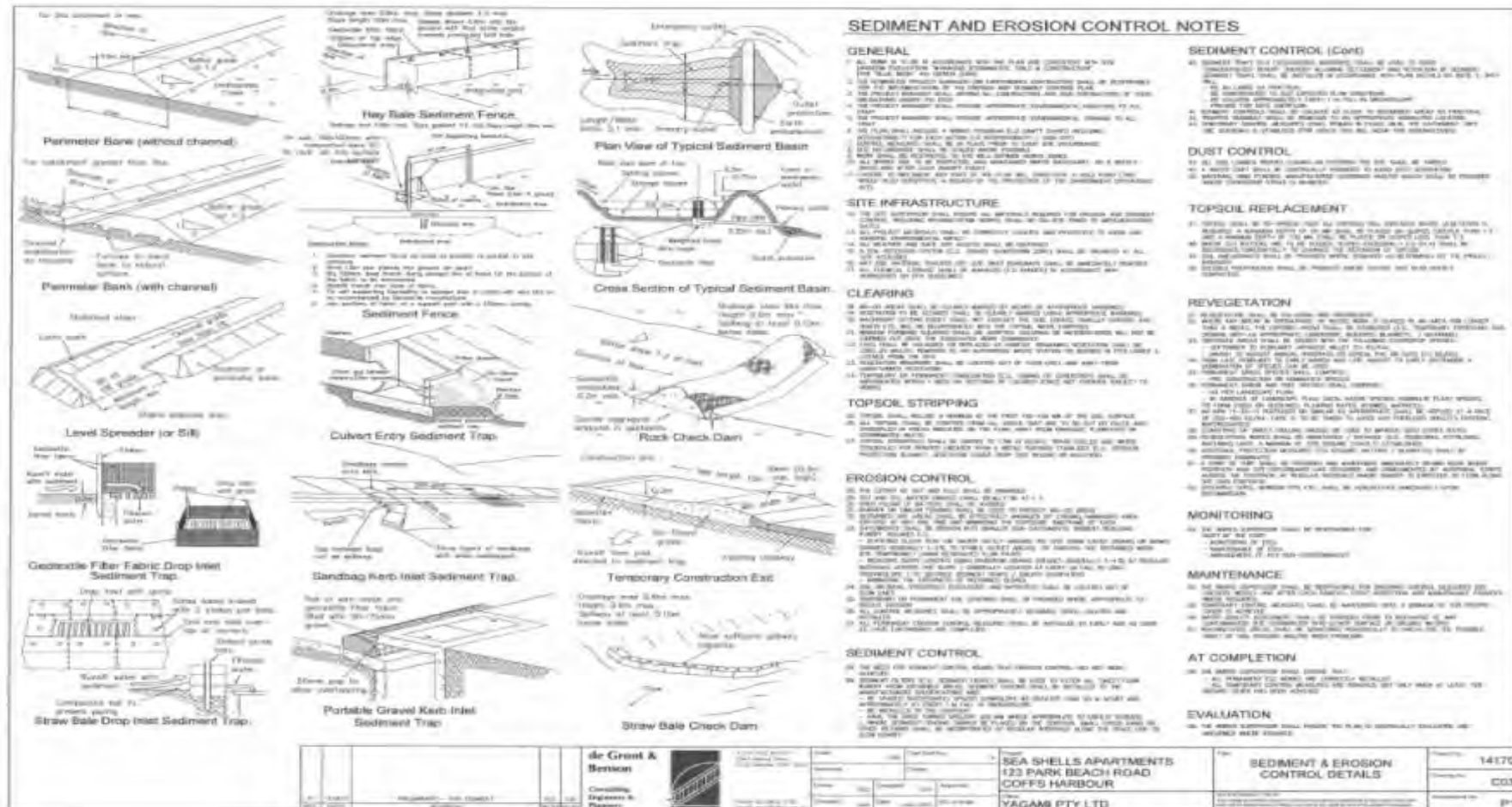
Project No: **145** Drawing No: **A21** Sheet No: **2**

Date: **10/1/2014** Drawn by: **APR**  
Checked by: **APR**

Scale: **1:100**

10m 0m 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m





**Section 79C Evaluation  
Development Application 0209/16**

a. the provisions of,

i. any environmental planning instrument, and

- ***State Environmental Planning Policy (SEPP) No 55—Remediation of Land***

The policy specifies that the consent authority must not consent to the carrying out of any development unless it has considered whether the land on which the development is proposed is contaminated and/or is required to be remediated for its intended use.

The subject land is not identified on Council's records as potentially contaminated. Further, there is no evidence available to Council that would suggest that the site has been previously used for a purpose that may have contaminated the land. Given this, further consideration of the SEPP is considered unnecessary.

- ***State Environmental Planning Policy (SEPP) No.65 – Design Quality of Residential Flat Development***

Clause 28 of the SEPP specifies that when a development application for a 'residential flat building' is received Council must refer the application to the relevant design review panel (if any) for advice concerning the quality of the development.

In addition to advice from the Review Panel the SEPP also specifies that the Consent Authority is required to take into consideration the design quality of the development when evaluated in accordance with the design quality principles, as set out in Schedule 1 of the SEPP, and the 'Apartment Design Guide'.

There is currently no Design Review Panel set up for the Coffs Harbour area.

An assessment of the development against the 'Design Quality Principles' contained within Schedule 1 of the SEPP and an assessment against the 'Apartment Design Guide' is provided below:

***SEPP 65 - Schedule 1 –Design Quality Principles:***

***Principle 1 – Context and Neighbourhood Character***

The development site is surrounded by existing medium and high density residential and tourist development to the east, south and west. The site is also located within close proximity to services and facilities located within the Park Beach area.

It is considered that the proposed development is consistent with the existing and desired character of the area, responding to and contributing positively to the existing streetscape.

***Principle 2 – Built Form and Scale***

It is considered that the proposed building bulk and scale is consistent with and reflective of recent higher density residential developments in the Park Beach locality.

The built form responds to the attributes of the site, providing for appropriate proportions, setbacks, articulation and separation from adjoining development, contributing positively to the overall character of the streetscape.

### ***Principle 3 – Density***

Given that the development is consistent with requirements relating to height, setbacks, private open space, waste management and landscaping it is considered that the proposed density is appropriate for the site and consistent with the existing and desired density for the locality.

### ***Principles 4 – Sustainability***

The proposed development provides for natural ventilation and appropriate solar access for the amenity and liveability of future residents. The development also provides for deep soil plating zones at both Ground Level and Level 3 (on top of the podium) by way of large planter boxes.

### ***Principle 5 – Landscape***

The design incorporates landscaping areas at both ground level and level 3 (on top of the podium). This landscaping ensures that the development retains a natural feature, which is expected to contribute positively to the locality, whilst optimising useability of outdoor spaces for future residents.

### ***Principle 6 – Amenity***

It is considered that the proposed design provides for positive internal and external amenity for future residents of the development. The design incorporates practical apartment layouts, with the majority having dual aspect and incorporating accessibility and adaptability provisions, drying yards, storage facilities, views in all directions, natural ventilation, appropriate solar access, private and communal recreational areas and a wide variety of community facilities within walking distance.

### ***Principle 7 – Safety***

The proposed design provides for appropriate safety and security both within the development and within the adjoining public domain.

The development provides for appropriate passive and active safety measures through identifiable access points, the separation of pedestrians and vehicles, controlled access and suitable lighting.

### ***Principle 8 – Housing Diversity and Social Interaction***

The proposal provides for a range of units sizes, from studio apartments to three bedroom apartments, catering for a range of affordability options. Communal spaces are also incorporated in the design, including a pool, steam room, barbeque area, drying yard and associated landscaping, providing for a variety of social interaction opportunities.

### ***Principle 9 – Aesthetics***

The proposed development is visually appealing, responding to recent developments in the precinct, whilst reflecting the higher density architecture desired for the precinct in the future.

## ***Apartment Design Guide:***

### ***Part 1 – Identifying the Context***

#### ***1A – Apartment Building Types:***

The proposed building constitutes a ‘tower apartment’ and the design takes into account considerations such as wind, overshadowing and visual impacts to surrounding properties and the public domain. The tower is consistent with other existing and recently constructed higher density apartment buildings in the locality.

#### ***1B – Local Character and Context:***

The desired future character of the Park Beach locality, as conveyed through Council's Development Control Plan 2013 and Development Control Plan 2015, is for a combination of residential and tourist development that is sympathetic to existing development and which reflects elements of the Park Beach environment through the use of balconies, varied materials and mixed colours.

The proposed development is located within an ‘urban neighbourhood’ and the development has appropriately considered things such as overshadowing, amenity, and privacy impacts and changes to the existing streetscape.

The development incorporates design elements such as balconies, courtyards and terraces and reflects the colour scheme and material palette of nearby recent developments.

The scale of the area is that of medium to high density buildings. The proposed development is consistent with this scale.

#### ***1C – Precincts and Individual Sites:***

To allow the development to proceed as proposed two lots will need to be consolidated. This consolidation allows for a higher density development.

### ***Part 2 – Developing the Controls***

#### ***2A – Primary Controls:***

The primary controls relating to building height and building separation etc. are contained within the Coffs Harbour Local Environmental Plan 2013 and are discussed further below.

#### ***2B – Building Envelopes:***

The building envelope for the site is prescribed by a combination of controls relating to building height and setbacks, which are contained within the Coffs Harbour Local Environmental Plan and Development Control Plans 2013 and 2015 and discussed further below.

#### ***2C – Building Height:***

The building height is controlled by a development standard contained within the Coffs Harbour Local Environmental Plan 2013. This is discussed further below.



### 2D – Floor Space Ratio:

Floor Space Ratio is controlled by a development standard contained within the Coffs Harbour Local Environmental Plan 2013. There is no floor space ratio that applies to the development site.

### 2E – Building Depth:

The proposed building depth responds to the site constraints and to the desired layout for the apartments and associated car parking and communal facilities. The building depth is considered appropriate.

### 2F – Building Separation:

The controls specify the following:

- 24 metres between habitable rooms;
- 18 metres between habitable and non-habitable rooms; and
- 12 metres between non-habitable rooms.

The nearest building is the 'Equinox' apartments across the laneway located to the east of the development site. The proposed separation is over 40 metres between apartment towers, and over 38 metres for the sub-podium apartments. The proposal complies with these requirements.

It is relevant that the definitions of 'habitable' and 'non-habitable' provided in the Apartment Design Guide do not include car parking spaces, hence the control does not apply to the distance between the proposed Seashell sub-podium apartments and the parking floors at the 'Equinox'. The separation between the sub-podium apartments and the 'Equinox' parking structure is greater than 9.5 metres.

### 2G – Street Setbacks:

The street setbacks controls are contained within the Coffs Harbour Development Control Plan 2013 and the Development Control Plan 2015. This is discussed further below.

### 2H – Side and Rear Setbacks:

The side and rear street setbacks are contained within the Coffs Harbour Development Control Plan 2013 and the Development Control Plan 2015. This is discussed further below.

## **Part 3 – Siting the Development**

### 3A – Site Analysis:

The submitted application includes satisfactory site analysis information.

### 3B – Orientation:

It is considered that the proposed building orientation responds to the site constraints, whilst promoting the desired streetscape, including direct legible access from the primary street frontage street. The development also captures surrounding views.

Overshadowing impacts are minimised, with a northerly orientation towards adjoining land, and the street frontage forming the southern boundary. The required solar and daylight access is achieved, which is discussed in detail elsewhere in this report. Potential impacts to adjoining properties are ameliorated by appropriate building separation.

### 3C – Public Domain Interface:

The development provides for a well-defined interface with the public domain via street level garden courtyard apartments with associated landscaping, which provides for enhanced resident amenity and passive surveillance of the street. Concealed spaces are minimised in the development.

### 3D – Communal and Public Open Space:

The development provides for communal space at the podium level, incorporating a sheltered barbecue area, pool, sunbaking deck and shade structure, steam room, shower, amenities, pool pump room, landscaping and an adjacent drying courtyard. This communal space is expected to provide future residents with adequate recreation opportunities.

Public open space is not required to be provided as part of the development.

### 3E – Deep Soil Zones:

The development provides for deep soil planting zones at Ground Level and at Level 3 (on top of the podium) by way of in planter boxes. Within the deep soil zones there is sufficient space for medium to large sized trees at the corners of the street frontage.

### 3F – Visual Privacy:

The nearest building is the adjoining 'Equinox' apartment tower located to the east of the development site. The separation between habitable spaces is over 40 metres between the towers, and over 38 metres for sub-podium apartments.

Separation to the multi-dwelling housing development (currently under construction) located on the southern side of Park Beach Road is provided by way of a 20 metre road reserve and development setbacks, which is likely to result in a separation distance of not less than 28 metres between habitable spaces.

Visual privacy within the proposed development itself is incorporated into the design and provided by landscaping, fencing and screen structures.

### 3G – Pedestrian Access and Entries:

The development provides for multiple entries, via the main building entrance and to the garden apartments adjoining Park Beach Road.

Building entry is clearly defined legible and accessible from the public domain. The pool and other podium communal spaces have direct sight lines to and from the access corridor and lift lobby into the building to facilitate way finding.

The site location, shape and size preclude the opportunity for any meaningful site pedestrian links through the site. It is considered that the existing street and laneway circulation patterns are well established.

### 3H – Vehicle Access:

The adjoining laneway provides the single vehicle access point for the development. It is considered that the vehicle access point, located towards the rear of the development, is unlikely to result in conflict with other developments and waste management and pedestrian activities. Further, the access point provides for adequate sight and separation distances to road intersections.

### 3J – Bicycle and Car Parking:

The development proposes car parking and bicycle parking over three levels of the development, within the podium. The parking provided satisfies the requirements of Council's Development Control Plan 2013 and Council's Development Control Plan 2015. The car parking area, within the podium, is to be screened by landscaping around the development. This will minimise the visibility of this building component from the public domain.

## ***Part 4 – Designing the Building***

### 4A – Solar and Daylight Access:

The proposed apartments receive adequate solar and daylight access.

Reflected light devices are not proposed to be used in the development.

Balconies and roofs provide solar control during summer. Performance glazing and appropriate shade devices are also utilised to satisfy BASIX requirements.

### 4B – Natural Ventilation:

The building orientation captures prevailing breezes, including sea breezes, with all units designed to support natural ventilation through windows. The units also incorporate louvres for control of ventilation, and have large sliding doors and openable windows. Many of the apartments have dual aspect, which maximises opportunities for natural ventilation.

### 4C – Ceiling Heights:

The development proposes ceiling heights for habitable rooms of 2.7 metres and 2.4 metres for non-habitable rooms. Some articulation of ceilings is proposed in the kitchen areas within open plan living spaces for architectural effect and to provide suitable ceiling space for building services such as plumbing drains and mechanical ventilation and air conditioning.

The penthouse apartments have taller ceiling heights of 3 metres in living areas.

The ground floor apartments are capable of conversion to commercial use, if desired in the future.

### 4D – Apartment Size and Layout:

All apartments exceed the minimum internal floor areas outlined in the Guide. The proposed layouts for larger apartments locate kitchens and windows in appropriate locations.

All living and bedrooms are on the external face of the building and are oriented to available views. Of the 44 apartments 42 comply with the Design Guide relevant to room depth.

Apartments that do not directly meet the prescriptive standard are:

- Apartment 11, which contains a study alcove beyond the 8m depth, however, that space is not fully enclosed and can be artificially lit to provide adequate amenity.
- Apartment 15, which contains an open plan living area, where the rear of the kitchen space is up to 10 metres from the main facing window. The space, however, is also naturally illuminated and ventilated by a smaller secondary side window within 8 metres.

All apartments comply with the design criteria relating to minimum room dimensions for bedrooms and living/dining areas, bedroom areas, and the design of bedroom robes.

#### 4E – Private Open Space and Balconies:

All apartments incorporate a primary balcony/terrace or courtyard area that complies with the areas outlined in the Guide. Storage is not required or proposed on the balconies.

All private open space is proposed to be located adjacent to living room/dining room/kitchen areas. Private open spaces have a north, east or west aspect, except for Apartments 5 and 9, which are the south facing studio/1 bedroom apartments.

Private open space and balcony design is integrated into and contributes to the overall architectural form. The balustrades are a combination of transparent and solid, and vary in response to privacy issues.

#### 4F – Common Circulation Spaces:

The maximum number of apartments off a circulation core on a single level is five. There are two lifts serving 44 apartments, via a common lift lobby on each floor.

Daylight and ventilation is available at the end of the longer lift lobbies. Lift lobbies are mostly short and straight with sight lines to apartment entries. At the Ground Floor lobby the apartment entries are set back to ensure privacy to those apartments.

#### 4G – Storage:

Internal storage is provided via linen closets, laundries, broom cupboards, closets, furniture and below stairs. Further separate storage is provided to all units in storage cases within the car parks and dedicated storage areas.

Storage capacity and access from circulation or living areas in apartments satisfies the criteria requirement for a minimum of 50% of required storage.

#### 4H – Acoustic Privacy:

The building is well separated from adjoining buildings.

The car park entry door is located some distance from any of the apartments. The pump room will be acoustically treated, with the water storage tanks to be located between pumps and the adjacent apartment to form an acoustic barrier. Party walls between apartments will comply with the acoustic requirements of the Building Code of Australia.

The internal layouts of apartments are configured to ensure that bedrooms do not back onto the lift shaft area. Quiet and active rooms have also been grouped, with features such as wardrobes acting as sound buffers.

#### 4J – Noise and Pollution:

The development site is primarily surrounded by existing residential and tourist development, with small areas of commercial development located nearby. The proposed development is sufficiently separated from adjoining development and potential noise sources.

Within the development itself the non-residential areas are grouped and separated from residential areas, with construction complying with relevant acoustic requirements. The development is not expected to result in any significant noise impacts in the locality.

#### 4K – Apartment Mix:

The development includes a variety of apartment sizes and layouts from studio apartment to larger apartments, the apartment mix varying over the levels.

#### 4L – Ground Floor Apartments:

The Ground Floor apartments, which have direct street access, provide for active external spaces along the street frontage.

The Ground Floor apartments are slightly elevated above the street screened behind courtyard walls, whilst still providing for passive and active surveillance opportunities.

#### 4M – Facades:

The proposal provides for a modern facade with a defined top middle and base. Services are integrated and concealed. The building function, as a residential development, is expressed in the facade.

#### 4N – Roof Design:

The development proposes a butterfly roof form. Part of the roof has been considered as an architectural roof feature, in accordance with the Coffs Harbour Local Environmental Plan 2013.

#### 4O – Landscape Design:

Landscaping is an integral part of the development and is provided at Ground Level and Level 3. It is considered that the proposed landscaping will positively contribute to the streetscape and the amenity of the development.

#### 4P – Planting on Structures:



The development provides for 150m<sup>2</sup> of integrated garden beds (with a soil depth of up to 1200mm) located on top of the podium. In addition podium apartment terraces have planter boxes of smaller scale in the form of tubs. The larger structures will support shrubs and small trees. These podium structures will provide viable quality irrigated landscaping in communal and private open spaces for the amenity of residents.

#### 4Q – Universal Design:

All apartments incorporate liveability features, with ten designated apartments achieving benchmark compliance with the 'Liveable Housing Guideline' (silver level universal design features).

#### 4R – Adaptive Reuse:

The proposal is for a purpose-built residential development and does not include any reuse.

#### 4S – Mixed Use:

Mixed use is not proposed as part of this application.

#### 4T – Awnings and Signage:

Awnings are not incorporated in the design. A single building identification sign of appropriate dimensions is proposed at street level adjacent to the entry.

#### 4U – Energy Efficiency:

BASIX certificates that ensure energy efficiency accompany the application.

#### 4V – Water Management and Conservation:

Potable water use will be minimised in the development through the implementation of measures, including water efficient tapware and fixtures, individual water metering back to a centralised meter, rainwater collection to an irrigation tank for use on landscaping and suitable landscape plant species selection.

Water sensitive urban design will comply with Council DCP2013 standards. Stormwater run-off is treated through an on-site bio-retention bed.

An on-site flood management detention/irrigation tank is located under the ground floor car park.

#### 4W – Waste Management:

A purpose built ventilated and accessible waste room is located on the Ground Floor, adjoining the laneway. The waste will also be collected from this point.

#### 4X – Building Maintenance:

The butterfly roof form eliminates gutters at the roof edge thus enhances safety for gutter maintenance. Roof overhangs provide drip line protection to external walls, and balconies have integral floor drains and hobs to prevent staining of slab edges.

Planter boxes are connected to drainage, with waterproofing membranes and copings suitably protected against impact damage and environmental degradation.

Central services, maintenance and storage are located within the building and podium. Access to roof and plant room is via internal stairs and the roof areas are fitted with compliant fall arrest systems. Window cleaning is from balconies or from inside the building through compliant operable windows.

Finishes are easily cleaned and durable, with impact resistant materials utilised in lobbies and common areas. Durable graffiti resistant materials, capable of being re-painted rapidly, are used at the public domain interface.

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

The subject land is located within the 'coastal zone'.

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 18 – Master Plan Required Before Certain Consents can be Granted***

Clause 18 requires that Council not grant consent to a residential subdivision where the subject land is located within the 'coastal zone' and involves more than 25 lots unless the minister has adopted a master plan for the land or has waived the requirement for such a Plan.

The applicant has submitted evidence with the application that the Minister has waived the requirement for the preparation of a master plan.

***Clause 7 – Application of Clause 8 Matters***

Clause 7 requires that the consent authority 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.
- The development is considered suitable given its type, location and design and its relationship with the surrounding area.
- Matters pertaining to aboriginal cultural heritage have been appropriately considered as part of the assessment of the application.
- There are no matters pertaining to items of heritage, archaeological or historic significance of relevance for assessment of the application.
- 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 proposal will not result in significant impacts to flora and fauna present on the site.

#### **Clause 16 – Stormwater**

Clause 16 specifies that the consent authority 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.

- **State Environmental Planning Policy (SEPP) Building Sustainability Index: BASIX 2004**

The provisions of the SEPP require that an application for residential development be accompanied by a BASIX Certificate. The development has been assessed in accordance with the SEPP and a certificate has been submitted with the application. A recommended condition of consent requires that the commitments outlined in the Certificate be implemented in the development prior to the issue of an occupation certificate for the development.

- **State Environmental Planning Policy (State & Regional Development) 2011**

Clause 20 and 21 of this policy state that Council consent functions are to be exercised by regional panels for developments of a class or description included in Schedule 4A of the *Environmental Planning and Assessment Act*.

Schedule 4A (3) includes 'General Development' with Capital Investment Value of over \$20 million. As the estimated cost of works is more than \$20 million the application is required to be determined by the Joint Regional Planning Panel (Northern Region) and not Council.

- **Coffs Harbour Local Environmental Plan 2013**

The proposed development is defined as 'Residential Flat Building (44 Units) and Strata Subdivision, including Demolition of Existing Building and Consolidation of Land'.

#### **Part 2 – Permitted or Prohibited development**

The subject land is zoned R1 General Residential and a 'Residential Flat Building' and a 'Strata Subdivision' is identified as 'permitted with consent' in the zone.

#### **Part 4 – Principal Development Standards**

##### **Clause 4.3 – Height of Buildings**

The Clause specifies that developments must not exceed the maximum height, as shown on the 'Building Height Map'. The maximum building height for the locality is 40 metres.

A small part of the proposed development, located in the middle of the building, under which a plant room, lift overrun, sprinkler tank, mechanical plant and stairs are accommodated. In this regard, the applicant has requested that the provisions of Clause 5.6 – Architectural Roof Features be utilised. This is discussed below.

### **Clause 5.5 – Development within the Coastal Zone**

The site is located within the 'Coastal zone' and Clause 5.5 specifies a number of matters that must be considered before consent can be granted.

The proposed development is considered to satisfy the requirements of the Clause. In this regard, the development: does not impact on access to the foreshore area or otherwise affect the amenity of the foreshore area; does not affect the scenic quality of the area; or result in impacts to biodiversity values. Further, the development provides for the appropriate treatment of stormwater and is not subject to coastal hazards.

### **Clause 5.6 – Architectural Roof Features**

The provisions of Clause 5.6 specifies that a development that includes a roof feature that causes a building to exceed the height limits set out by Clause 4.3 may be carried out, but only where Council is satisfied of the following matters:

- (a) *the architectural roof feature:*
  - i. *comprises a decorative element on the uppermost portion of the building; and*
  - ii. *is not an advertising structure;*
  - iii. *does not include floor space area and is not reasonably capable of modification to include floor space area; and*
  - iv. *will include minimal overshadowing; and*
- (b) *any identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

The applicant is seeking to utilise the provisions of this Clause for that part of the building, which exceeds the 40 metre height limit. This part of the building is located in the middle of the building and accommodates a plant room, lift overrun, sprinkler tank, mechanical plant and stairs.

This part of the building encroaches the 40 metre height limit to varying degrees, with the maximum encroachment being 1.75 metres. All habitable spaces are located below the 40 metre height limit.

With regard to the provisions of the Clause, Council is satisfied that the development meets the requirements outlined above in that: this part of the roof structure, being a butterfly roof, provides additional visual interest to the development; the roof feature does not comprise an advertising structure; does not include floor space or area that could be easily modified to include floor space; and will not result in excessive overshadowing.

### **Clause 7.1 – Acid Sulfate Soils**

The site is mapped as potential Acid Sulfate Soils Class 3. Acid sulfate soil investigations were undertaken for the land, which indicates that there is a low level potential of acid sulfate soils being encountered during construction activities. An Acid Sulfate Soils Management Plan was provided with the application. A recommended condition of consent requires that the Management Plan be implemented at appropriate points during the construction phase.

### ***Clause 7.2 – Earthworks***

Clause 7.2 specifies a number of matters that must be considered for development proposals that involve earthworks. Minor filling works are required to raise parts of the site to suit flood planning levels. The volume of fill required is approximately 800 cubic metres to be sourced both onsite and imported where necessary.

The proposed earthworks are considered to be consistent with the requirements of the Clause.

### ***Clause 7.3 – Flood Planning***

Clause 7.3 specifies that a number of matters relating to flooding must be considered before consent can be granted.

Part of the subject site is mapped as flood prone land. The proposed development is not expected to result in any flooding impacts, subject to a minimum finished floor level of 5.1 metres being achieved. A recommended condition of consent requires this.

On consideration of all the matters referred to in this provision, the development is considered acceptable.

### ***Clause 7.9 – Airspace Operations***

Clause 7.9 requires, where development will penetrate the Limitations or Operations Surface, Council to consult the relevant Commonwealth body.

The land is located at the 48 Contour on the Obstacle Limitations Map. Given that the proposed development is less than 42 metres in height, it does not penetrate the Obstacle Limitations Surface. Consultation with the Commonwealth is not necessary.

### ***Clause 7.10 – Development in Areas Subject to aircraft Noise***

Clause 7.10 specifies certain considerations where development is proposed to be located near the Coffs Harbour Regional Airport and is within an ANEF contour of 20 or greater, and where the Consent Authority considers that the development is likely to be affected by aircraft noise.

As the land is located outside the ANEF 20 contour, the development is not considered to be affected by aircraft noise.

### ***Clause 7.11 – Essential Services***

All services that are essential for the development are available and adequate as required by this provision.

### ***Clause 7.12 - Design Excellence***

Clause 7.12 specifies that development consent cannot be granted to development on land zoned R1 General Residential unless Council considers that the development exhibits design excellence. In assessing this, Council is required to consider several matters relating to the design of the proposed development.

The development has been assessed against these matters and it is considered that the proposed development demonstrates design excellence. In this regard, it is



considered that the development: does not impact detrimentally on view corridors; is consistent with the existing and desired character for the area; is of an appropriate scale and bulk; provides for appropriate vehicle and pedestrian access; utilises appropriate materials and colours; achieves sustainability principles and is consistent with the relevant provisions of the Coffs Harbour Development Control Plan 2013.

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

There are no draft environmental planning instruments that apply to the proposed development.

## iii. any Development Control Plan (DCP)

### • Coffs Harbour Development Control Plan 2013

#### ***Component A2 - Notification and Public Participation***

The proposed development has been advertised and notified in accordance with the requirements of this component for a period of 14 days and 60 submissions were received.

Fifty-three of these submissions were in support of the development, with the remaining seven raising objections to the proposed development. The matters raised in these submissions are discussed in below in S79C (d).

#### ***Component B2 – Residential Development Requirements***

The proposed development is consistent with the requirements of the component. The relevant provisions of the component are discussed below:

##### ***B2.4 – Private Open Space***

The DCP specifies that in the R1 General Residential zone private open space is to be provided at the following rate:

Dwelling Type	Minimum area
<55m <sup>2</sup>	8m <sup>2</sup>
55-84m <sup>2</sup>	10m <sup>2</sup>
85-125m <sup>2</sup>	12m <sup>2</sup>
>125m <sup>2</sup>	16m <sup>2</sup>

The development includes a range of dwelling sizes. All the apartments have been provided with the required amount of private open space, which is provided by way of balconies, terraces and courtyards. All private open space is of appropriate dimensions and is located adjacent to living room, dining and kitchen areas.

##### ***B2.6 – Infrastructure Requirements***

The development will be required to provide kerb, gutter, stormwater drainage and an upgrade to the adjoining lane.

### ***Component C1 – Design Requirements***

The proposed development is consistent with the design requirements outlined in the component.

In this regard, the development considers adjoining properties and existing development in terms of its alignment, proportions and separation. The design provides for a distinguishable top, middle and base and incorporates design elements such as balconies, terraces and other outdoor living areas.

The application was accompanied by shadow diagrams prepared for the 22<sup>nd</sup> of June between 9.00am and 3.00pm. The DCP specifies that the development must allow for two hours of sunlight upon the indoor living areas of adjacent dwellings or units and on the outdoor private open space.

The application is accompanied by solar diagrams, which have been prepared for 9am, 10am, 11am, 12 midday, 1pm, 2pm and 3pm on the 22<sup>nd</sup> of June. These diagrams show that the most affected property is located to the south of the development site on the corner of Park Beach Road and Hogbin Drive. The submitted diagrams show that development complies with the requirements of the DCP 2013.

### ***Component C2 – Access, Parking and Servicing Requirements***

The proposed development is consistent with the requirements of the component. The relevant provisions of the component are discussed below:

#### ***C2.2 – Vehicular, Footpath Crossings, Driveways and Manoeuvring Areas***

The development is consistent with the requirements of the provision in that: the proposed driveway into the development is provided from a secondary street frontage off the laneway, located at the rear of the building; the location of the driveway at the rear of the building minimises amenity impacts in the locality; the design of the access point is recessive and does not dominate the streetscape of the laneway; vehicles can enter and leave the site in a forward direction; and the design of the driveway and manoeuvring areas complies with Australian Standards where relevant.

#### ***C2.3 – On-Site Parking***

Onsite parking is provided at ground level and at levels 1 and 2. All parking will be accessed off the driveway, via the laneway.

In accordance with the DCP the development includes 34 'small dwellings (<100m<sup>2</sup> GFA)' and 10 'large dwellings (>100m<sup>2</sup> GFA)'. Given this, the DCP requires that the development provide 62 spaces, comprising 54 spaces for the apartments and 8 spaces for visitors.

The development proposes 66 spaces over three levels. The development also provides for 7 motorbike spaces and 12 bicycle spaces. The parking areas will be naturally and mechanically ventilated.

#### ***C2.4 – Services***

All necessary services are available to be connected to the site.

### ***Component C3 – Landscaping Requirements***

The application was accompanied by a landscaping plan, which proposes landscaping at Ground Level and at Level 3 (on the top of the podium). The landscaping concept is considered to be generally consistent with the requirements of the DCP. However, a recommended condition of consent requires that an amended landscaping plan be approved by Council prior to the issue of a construction certificate. The purpose of the amended plan is to ensure that the landscaping achieves adequate screening.

### ***Component C7 – Waste Management Requirements***

The development includes a waste storage area at ground level adjoining the laneway. This storage area has direct access from the laneway. It is proposed that the bulk bins be collected from the laneway. This arrangement is consistent with the requirements of the DCP.

### ***Component D1 – Erosion and Sediment Control Requirements***

The application was accompanied by details relating to the management of sediment and erosion. Several conditions have been recommended to ensure that appropriate sediment and erosion controls are implemented during the construction phase.

### ***Component E15 – Tourist Development Precincts***

The subject site is located within the 'Park Beach East' precinct, north of Park Beach Road. The following controls apply to the precinct:

#### ***E15.3.11 – Park Beach***

##### ***b) Controls – Park Beach East***

###### ***i) Density***

The DCP specifies that density requirements will be assessed on merit where there is a mix of dwelling sizes proposed, having regard to the allowable building height limits and the need in some circumstances to consolidate sites.

The proposed development includes a range of dwelling sizes ranging from 41m<sup>2</sup> to 129m<sup>2</sup>. The development site is made up of two lots that will be consolidated to allow the development to occur. Given that the development is consistent with requirements relating to height, setbacks, private open space, waste management and landscaping it is considered that the proposed density is appropriate for the site and consistent with the existing and desired density for the locality.

###### ***ii) Setbacks***

The DCP specifies the front, side and rear setbacks for the 'Park Beach East' precinct by way of two diagrams, which have been reproduced below:

FIGURE 1

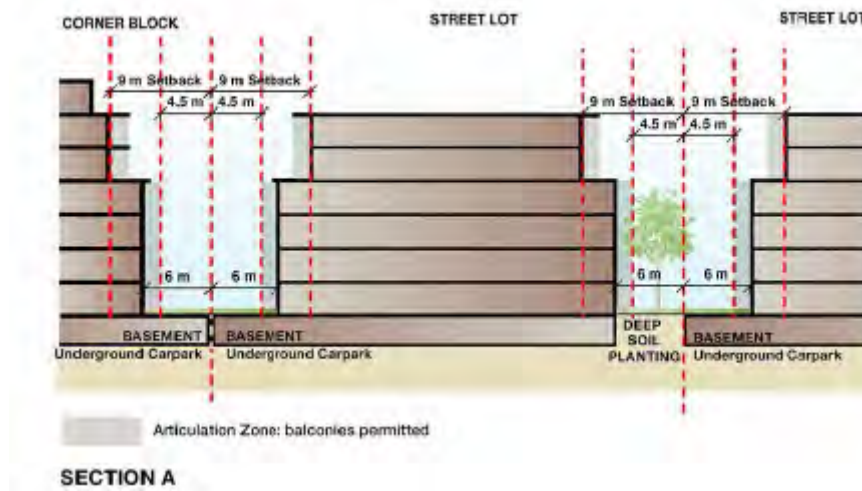


FIGURE 2



In this regard, 'Figure 1' shows separation distances between proposed and adjoining development and 'Figure 2' shows front, side and rear setbacks. 'Figure 2' shows setbacks for specific sites in the 'Park Beach East' locality, but these setbacks do not apply to the subject site. Given this, there are no specific setbacks applying to the development site.

With regard to Figure 1, the proposed development provides for separation distances to existing adjoining development that exceed the requirements shown in the diagram. In this regard, the closest development, located to the east of the proposed development, is approximately 9.2 metres from the basement of the proposed development.

Given that the DCP does not contain setbacks specific to the development site, the setbacks proposed by the development have been assessed on merit. The setbacks proposed are summarised as follows:

- Front (southern boundary) = variable, between 3 and 7 metres (front terraces and tower);
- Side (eastern boundary) = variable, between 1.5 and 7.7 metres (at the podium and tower);
- Side (western boundary) = variable, between 2 metres and 3.4 metres (at the podium and tower); and
- Rear (northern boundary) = variable, between 1.7 metres and 21 metres (at the podium and tower).

The proposed setbacks are considered to be consistent with those of adjoining sites and the existing streetscape, responding to the attributes and constraints of the site.

#### • **Coffs Harbour Development Control Plan 2015**

Coffs Harbour Development Control Plan 2015 came into force on 21 October 2015. As this occurred during the assessment period, there should be some consideration of relevant provisions, but the Plan cannot be given determinative weight. An assessment of the development against the relevant provisions of the DCP has been undertaken.

The proposed development is generally consistent with the relevant provisions of the Plan. In this regard, the development does not comply with all of the required setbacks or the amount of private open space required for each apartment.

With regard to the setbacks, given that the development meets the objectives of the controls in that the development provides for adequate space between buildings and maintains the streetscape character and general amenity, the departure from the required setbacks is considered reasonable in the circumstances.

With regard to private open space, the Plan specifies that the amount of space required for each apartment (based on development type) is 15m<sup>2</sup>. Whilst there are several apartments that do not meet this requirement, the space provided to each apartment meets the objectives of the control in that the space is considered to be functional and is integrated and accessible from living areas. Given this, the departure from the required amount of private open space for each apartment is considered reasonable in the circumstances.



- 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,**

The Regulations do not prescribe any matters relevant to the proposed development.

- v. **any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,**

Council adopted the Coffs Harbour Coastal Zone Management Plan at its meeting of 14 February 2013. The plan provides the basis for future management and strategic land use planning of the Coffs Harbour coastal zone. The development site is within the study area of the plan but is not within any area covered by specific management strategies contained within the plan.

The Coffs Harbour Coastal Processes and Hazard Definition Study 2010 was prepared prior to, and informed the Coastal Zone Management Plan and identified likelihood of hazards occurring, such as beach erosion, coastal inundation and the impacts of sea level rise on these hazards by 2100. The Hazard Study does not identify any coastal processes that would impact on the development site.

- 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,**

***Environmental impacts***

The development site is located within in an established urban area and is highly disturbed, having been previously used for residential and tourist development. The site does not contain any significant vegetation or other natural features.

Whilst part of the development site is mapped as flood prone, the development is not expected to result in any flooding impacts to the site itself or adjoining properties.

***Aboriginal Cultural Heritage***

The development site is located within an established urban area and is a highly disturbed site, having been previously used for residential and tourist purposes. The proposed development is not expected to result in any significant adverse impacts to Aboriginal cultural values.

***Amenity impacts***

The development site, being an island site, affords the development with adequate separation to existing adjoining development. In this regard, the habitable rooms of the development are located adequate distances from those of adjoining developments. The proposed development does not directly overlook adjoining developments. The development complies with the design principles contained within 'SEPP 65 Design Quality of Residential Apartment Development' and the associated 'Apartment Design Guide' with regard to privacy.

The application is accompanied by solar diagrams, which have been prepared for 9am, 10am, 11am, 12 midday, 1pm, 2pm and 3pm on the 22<sup>nd</sup> of June. These diagrams show that the development complies with the requirements of the DCP 2013, the DCP 2015 and the Apartment Design Guide, which require that the development provide for two hours of sunshine upon indoor living areas and private open space (both within the same site and on adjacent land) between 9.00am and 3:00pm on the 22<sup>nd</sup> of June of any given year.

### ***Context and Setting - Building Design***

The development site is located in an established urban area and is surrounded by a mix of medium to higher density residential and tourist land uses. The development site is also located within close proximity to various commercial land uses such as a hotel, restaurants and shops.

Whilst the development is a higher density development, it is not dissimilar in scale and form to nearby apartment towers, with the closest being the recently constructed 'Equinox' apartments. The Park Beach locality is a precinct, which is currently in transition from lower density development to higher density developments that capitalise on the topography of the precinct and its proximity to the coastline.

It is considered that the development is consistent with the desired character of the area.

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

The proposed development is expected to result in additional traffic movements in the locality.

In this regard, the application considers potential traffic impacts as a result of additional traffic movements on the surrounding road network. In particular, Hogbin Drive, Park Beach Road, Ocean Parade and relevant nearby intersections, including the intersections of Hogbin Drive and Park Beach Road roundabout, the lane and Park Beach Road and Ocean Parade and Park Beach Road.

The submitted information states that the development is likely to result in 23 vehicle movements at peak hour and concludes that the existing road network can satisfactorily accommodate these additional movements without the level of service for these roads changing. Similarly, the submitted information indicates that the intersections of Hogbin Drive/Park Beach Road roundabout, the lane/Park Beach Road and Ocean Parade/Park Beach Road will continue to perform at satisfactory levels.

The development provides 66 on-site car parking spaces, which exceeds number of spaces required to be provided for the development. Developments are not required to provide for on-street car parking.

Given the number of spaces to be provided by the development, it is considered that the development is unlikely to exacerbate or cause additional significant car parking impacts in the locality.

The development is not expected to result in any significant traffic impacts in the locality.

### ***Safety and Security***

The development site is located within an established urban area, which has a reasonable amount of regular passing vehicle and pedestrian traffic. This provides for a high level of passive surveillance in the locality.

The development incorporates security lighting, CCTV and controlled access to the main pedestrian entry and vehicle entry.

### ***Social and Economic Impacts***

The proposed development represents a significant residential development for the Park Beach locality that will offer a range of apartments sizes and type.

The proposed development is not expected to result in any significant adverse impacts.

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

The attributes of the site are considered to be conducive to the proposed residential development.

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

The application was advertised and notified in accordance the Council's Development Control Plan 2013 for a period of 14 days and 60 submissions were received. Fifty-three of these submissions were in support of the development, with 7 submissions objecting to the development.

A summary of the matters raised in the submissions received is provided below:

**Traffic impacts:**

- Traffic congestion in the lane as a result of additional traffic movements.
- The laneway is narrow (approximately 4 metres wide) and cars will be unable to pass, therefore, requiring one car to stop and wait while the other either enters or leaves the area.
- Conflict at the entry of the laneway with Park Beach Road will be exacerbated.
- Vehicular vision into the lane may become more restricted after construction of the new units and this may result in cars entering/exiting the lane less sighted than presently experienced. Would it be possible to include restrictive zones at either side of the lane (on Park Beach Road) to prevent obstruction of view and thereby provide some risk reduction?
- The waste collection may be another potential conflict in the vicinity as a truck is likely to need to reverse down the laneway (no potential legal turning area is available).

**Comments:**

As outlined above, whilst the proposed development is expected to result in additional traffic movements, it is expected that the existing road network can satisfactorily accommodate these additional movements without compromising safety on the surrounding roads and intersections.

The development is not expected to result in significant impacts to the adjoining laneway, due to the speed of vehicles that will be using, the expected volume of traffic movements during peak times and the visibility afforded to drivers in the area. As part of the development the developer will be required to upgrade the lane, which is expected to assist with the management of additional traffic movements resulting from the development.

The development is not expected to result in any significant traffic impacts in the locality.

### **Car parking:**

- On-street car parking, in this vicinity, is already an issue and this development could exacerbate this. Currently, the Hoey Moey patrons occupy most of the streets in the vicinity from early evenings to 11:00PM for up to 100 metres on most available streets.
- Construction vehicles will likely be an issue in the construction phase and it is questioned where they will be parked (or manoeuvred) as there simply isn't room in Park Beach Road, the lane or the Northern section of the Link Road (Hogbin Drive is a road not suitable to have parked cars on the verges - potentially dangerous).

### **Comments:**

The development provides 66 on-site car parking spaces, which exceeds number of spaces required to be provided for the development. Developments are not required to provide for on-street car parking.

Given the number of spaces to be provided by the development, it is considered that the development is unlikely to exacerbate or cause additional significant car parking impacts in the locality.

### **Amenity Issues:**

- Obtrusive lighting from outdoor common areas such as the pool could be an issue if the lights were high powered and not adequately skirted to prevent unwanted light escaping elsewhere.
- The view of the hinterland is likely to be impaired.
- Privacy impacts to adjoining properties (units and courtyards) as result of the proximity of the proposed development:
  - The proposal has twenty-two (22) apartments over fourteen levels orientated to look directly over adjoining development - this completely compromises both the external and internal quality of the entire site.
  - The privacy impacts contradict the provisions of 'SEPP 65 Design Quality of Residential Apartment Development'.
- Unacceptable overshadowing of adjoining properties:
  - The proposed development dramatically overshadows adjoining properties located to the south. The shadow diagrams provided by the applicant indicate that during the winter properties to the south are overshadowed for the entire day, which is completely unacceptable and contradicts 'SEPP 65 Design Quality of Residential Apartment Development'.
  - The shadow diagrams provided for the summer period are of poor quality and do not indicate the full impact of the overshadowing upon the adjoining sites.
  - No Shadow diagrams are provided for other times of the year.
  - Due to the poor quality of the application we have minimal confidence in the accuracy of the information provided by the applicant. A detailed professionally certified solar access study is requested to be provided in order to fully investigate the proposed overshadowing impacts.

**Comments:**

- A recommended condition of consent requires that any lighting, to be installed in the development, comply with relevant standards in relation to light spill to prevent light nuisance to adjoining properties.
- Whilst the proposed development is a tall structure, it does not significantly impact on existing views currently enjoyed by adjoining properties. Due to the location of the development site and the topography of the land, adjoining properties still maintain existing views of the coastline and surrounding hinterland.

Further, the development is not expected to impact on the views of the hinterland when viewed from a distance. In this regard, the application was accompanied by a view analysis that shows the proposed building transposed into photographs of the development site and adjoining coastlines, as viewed from a distance. This analysis shows that the visual impact of the development on the hinterland is minimal.

- The development complies with the design principles contained within 'SEPP 65 Design Quality of Residential Apartment Development' and the associated 'Apartment Design Guide' with regard to privacy. The proposed development provides for generous separation to adjoining existing development.
- In relation to overshadowing the following comments are provided:
  - The application is accompanied by solar diagrams, which have been prepared for 9am, 10am, 11am, 12 midday, 1pm, 2pm and 3pm on the 22<sup>nd</sup> of June. These diagrams show that the development complies with the requirements of the DCP 2013, the DCP 2015 and the Apartment Design Guide, which require that the development provide for two hours of sunshine upon indoor living areas and private open space (both within the same site and on adjacent land) between 9.00am and 3:00pm on the 22<sup>nd</sup> of June of any given year.
  - The DCP 2013 and the DCP 2015 and the 'Apartment Design Guide' require that solar diagrams be provided for 22<sup>nd</sup> of June. Regardless, the applicant has provided solar diagrams for 23 September, which also show that the development provides for two hours of sunshine upon indoor living areas and private open space (both within the same site and on adjacent land).
  - The quality of the submitted information is considered to be satisfactory for the purposes of assessing solar impacts and the diagrams are typical of that submitted for similar developments. Applicants are not required to submit certified solar access studies.

**Building Design Issues:**

- The proposed building height is out of context and not consistent with the surrounding area.
- The proposal provides a three-storey podium structure in order to enclose the above ground car park to the full width of the site. This is an extremely poor design solution, which negatively contributes to the built environment of the immediate vicinity and the wider Park beach area as a whole.
- Above ground multi-level car parks in residential developments are not a good design, and do not contribute to the quality of the built environment nor will reflect well on the coastal environs that Coffs Harbour is well regarded for.

- Some of the proposed apartments are orientated south, which contradicts the 'SEPP 65 Design Quality of Residential Apartment Development'.

**Comments:**

- The proposed building height complies with the height limit allowed for under the Coffs Harbour Local Environmental Plan 2013. The development site is surrounded by a range of medium and higher density residential/tourist development and is not dissimilar, in bulk and scale, to the adjoining 'Equinox' apartments located to the east of the site.
- The development proposes a podium and tower design, which is a commonly used building form for higher density residential development and is similar to the recently constructed adjoining 'Equinox' apartments. This is considered to be satisfactory design solution.
- The development complies with the design principles contained within 'SEPP 65 Design Quality of Residential Apartment Development' and the associated 'Apartment Design Guide' with regard to building orientation.

**Application Information:**

- The applicant has included a project value of well below a typical construction estimate for a project of this scale. In our opinion the figure supplied has been grossly underquoted. It can only be assumed that this information has been provided in order to redirect the planning assessment instrument away from the Community and voting Councillor meeting to the Regional Planning Assessment Panel.

**Comments:**

Projects with an estimated capital investment value of over \$20 million are required to be determined by the joint Regional Planning Panel. Council's normal practice is to request additional information relating to the estimated cost of works where, in Council's opinion, the works appear to have been obviously under or over valued.

There is no evidence to suggest that the project has been undervalued. Council, therefore, has not requested further information in this regard.

The application was referred to the NSW Rural Fire Service (RFS) for review and comment as 'integrated development' The NSW RFS has issued a conditional Bushfire Safety Authority The General Terms of Approval from the RFS into recommended conditions of consent. The application was also referred to the NSW Police, as a non-statutory referral, for advice in relation to 'Safer by Design'. The NSW Police has not responded to this request. Regardless, an assessment of the development against Safer by Design principles has been undertaken for the development and is discussed elsewhere in this report.

**e. the public interest:**

The proposed development is considered to be within the public interest.



**Proposed Conditions Development Application 0209/16**

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**PART A – ADMINISTRATIVE CONDITIONS****Development Description:**

1. Development consent is granted only to carrying out the development described in detail below:
  - (1) Residential Flat Building (44 Units) and Strata Subdivision, including Demolition of Existing Building

**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.

**Development in Accordance with Plans:**

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No 0209/16).

Plan No.	Prepared by	Dated
A01, A02, A03, A04, A05, A06, A07, A08, A09, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21	Vilbrickman Architects	June 2015
Stormwater Management Plan	de Groot & Benson	July 2015
Sediment and Erosion Control Plan	de Groot & Benson	August 2015
Sediment and Erosion Control Details	de Groot & Benson	August 2015

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

The approved plans 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**

- (1) Statement of Environmental Effects, prepared by de Groot & Benson Pty Ltd and dated September 2015;

**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.

**PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**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**.

**Construction Management Plan:**

7. Prior **to issue of the Construction Certificate** for works on the site, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
  - (i) hours of work,
  - (ii) contact details of site manager,
  - (iii) traffic management,
  - (iv) noise and vibration management,
  - (v) waste management,
  - (vi) erosion and sediment control,
  - (vii) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

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

**Pre-construction Dilapidation Report:**

8. The Applicant is to engage a qualified structural engineer to prepare a pre-construction dilapidation report detailing the current structural condition of all buildings adjoining the development site. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building adjoins the development site. The report shall be submitted to the satisfaction of the Certifying Authority **prior to the issue of the relevant Construction Certificate for below ground works**. A copy of the report is to be provided to Council.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

### **Construction – Engineering:**

9. Where driven piles are utilised as a construction form, a Noise and Vibration Management Plan shall be submitted to Council and approved **prior to issue of the 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.

### **Landscape Plan Modifications:**

10. In order to ensure that the landscaping appropriately screens the development, a revised landscape plan incorporating the following is required:
  - a) additional columnar trees along the western boundary; and
  - b) the shrubs, which are to be planted along the side and rear boundaries, shall be of a species that reaches a minimum height of 3 metres.

Details shall be submitted to and approved by Council **prior to the issue of a Construction Certificate**.

### **Stormwater Management Plan:**

11. 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](http://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.

## Road Design and Services:

12. The following works:

- (a) road works;
- (b) water;
- (c) sewer;
- (d) stormwater drainage including WSUD requirements;

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).

Note:

- (1) *Lane to be constructed, including kerb and gutter, from the newly constructed portion of the lane to the north of the development site.*
- (2) *Redundant laybacks and driveway crossovers shall be removed from the development site frontages of the lane and Park Beach Road and the kerb reinstated and the nature strip including footpaths restored.*
- (3) *The damaged lintel on Park Beach Road shall be removed and replaced.*
- (4) *Redundant roof water kerb connections shall be removed from the development site frontages of the lane and Park Beach Road and the kerb reinstated.*
- (5) *The pram ramp at the intersection of Park Beach Rd and the lane shall be removed and replaced with a complying pram ramp.*

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**. 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.

## Consolidation:

13. The lots subject to this application, being Lot 10, DP 264205 and Lot 25, Sec E DP 17053 being consolidated to ensure that all existing and proposed works are located within the property boundaries of the one lot. Evidence of lodgement of a plan of consolidation being submitted to Council or the certifying authority **prior to issue of the Construction Certificate**.

## Construction Waste Management Plan:

14. **Prior to issue of a Construction Certificate**, the proponent shall submit to the satisfaction of Council a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant waste policy.

The Plan shall include the following provisions: all waste building materials shall be recycled or disposed of to an approved waste disposal depot; no burning of materials is permitted on site.

## Section 94 Monetary Contributions:

15. Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

**Note 1** - The contributions are to be paid **prior to release of any Construction Certificate** unless other arrangements acceptable to Council are made.

**Note 2** - The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

**Note 3** - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

	<b>\$ Per Small Unit</b>
- Coordination and Administration	364.06
- Coffs Harbour Road Network	573.90
- Surf Rescue Facilities	49.92
- District Open Space	2,618.59
- Traffic Facilities	318.93
- Neighbourhood Open Space	2,099.48

	<b>\$ Per Large Unit</b>
- Coordination and Administration	520.08
- Coffs Harbour Road Network	819.86
- Surf Rescue Facilities	71.31
- District Open Space	3,740.84
- Transport & Traffic	\$455.61
- Neighbourhood Open Space	\$2,999.25

**The Section 94 contribution is currently \$258,208.97 for the 44 unit development comprising 10 large units and 34 small units. This includes the following credits:**

• Existing motel units	<b>18,074.62</b>
• Managers Residence	<b>6,024.87</b>
• 1 Existing lot	<b>8,606.96</b>

**Contributions have been imposed under the following plans:**

- Coffs Harbour Open Space 2015.
- Coffs Harbour Road Network 2014.
- Surf Rescue Facilities 2013.
- Coffs Harbour Administration Levy 2014.
- Park Beach Area 2015

The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au).

**Water and Sewerage Services – Developer Services Charges:**

16. 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.

The current contribution rate is:

	Amount/small unit	For 34 small units
	\$	
Works to satisfy increased demand within the area for 34 small and 10 large units		
Water	7,033.11	239,125.74
Sewer	6,725.64	228,671.76
<b>Sub total</b>		<b>467,797.50</b>

	Amount/large unit	For 10 large units
	\$	
Works to satisfy increased demand within the area for 34 small and 10 large units		
Water	10,047.30	100,473.00
Sewer	9,608.06	96,080.60
<b>Sub total</b>		<b>196,553.60</b>
Less credit of existing motel and Managers residence		55,035.01
Less credit for former restaurant		109,480.35
Less credit for 1 lot		19,655.36

<b>TOTAL AMOUNT PAYABLE</b>	<b>480,180.38</b>
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**PART C – PRIOR TO COMMENCEMENT OF WORKS**

**Site 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.



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

18. 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.

**Contact Telephone Number:**

19. 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.

**Removal of Hazardous Materials:**

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

**Asbestos removal**

- (a) Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the Work Health and Safety Regulation 2011,
- (b) The person having the benefit of the development consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development pursuant to the development consent commences,
- (c) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
- (d) If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

**Demolition Works:**

21. All works including (where relevant) 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".

Prior to demolition all services are to be disconnected and capped off. Coffs Harbour Water is to be notified two working days prior to demolition of the intention to commence the works. Disconnection of any sewer drainage lines shall be sealed to prevent ingress of water and debris into the sewerage system.

Where water and sewerage services are no longer required the required fee for disconnection being paid to Coffs Harbour Water prior to the commencement of any demolition work.

#### **Damage Bond:**

22. A damage deposit and administration fee as determined by Council's Fees and Charges Schedule shall be lodged with Council as a bond to cover possible damage to Council's property that may result during the course of demolition and construction works associated with the development.

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

23. 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.

#### **PART D – DURING CONSTRUCTION**

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

24. 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.

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

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

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

- a) upon completion of ground floor slab formwork, prior to placement of concrete;
- b) upon completion of the building and **prior to issue of the 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.

##### **Excavated Material:**

26. 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.

**Construction Waste Management:**

27. Compliance with the terms of approved construction waste management plan.

**Importation of Fill:**

28. 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.

**Erosion and Sediment Control:**

29. 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.

**Dust Control Measures:**

30. 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) The surface 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 site.

**Hours of Work:**

31. 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.

**Public Way to be Unobstructed:**

32. In regard to loading and unloading during construction the following requirements apply:
- (a) all loading and unloading associated with construction must be accommodated on site;
  - (b) if, during excavation, it is not feasible for loading and unloading to take place on the site, a construction zone on the street may be considered by Council;
  - (c) if a construction zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such a facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

**Construction Management Plan and Noise and Vibration Management plan:**

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

**Cultural Heritage:**

34. 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.

**Acid Sulfate Soil Management Plan:**

35. The Acid Sulfate Soil Management Plan, prepared by de Groot & Benson Pty Ltd dated 3 August 2015 submitted with the application shall be implemented in full, with consideration to the following:
- (1) Consideration shall be given to impacts on adjacent areas of Potential Acid Sulfate Soils with regard to dewatering activities during earthworks and construction.

- (2) Any stormwater collected within the bunded treatment area must not be discharged to the stormwater system without the results of quality testing which demonstrates that the water satisfies ANZECC and NEPM Guidelines, particularly with regard to suspended solids, pH, aluminium and related parameters (the water must not contain any visible sediments).
- (3) All work undertaken on the site and with regard to implementing the Management Plan shall be undertaken in accordance with the approved sediment and erosion plan.
- (4) Approval for any variations/deviations from the Management Plan is to be sought from Council prior to implementation.

#### **Finished Floor Level:**

36. The finished floor level of the ground floor of the building is to be a minimum of 5.1 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.

#### **External Lighting:**

37. External lighting shall comply with *Australian Standard AS 4282: 1997 Control of Obtrusive Effects of Outdoor Lighting*.

### **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

#### **Occupation Certificate:**

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

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

39. The following works:
  - (a) road works;
  - (b) water;
  - (c) sewer;
  - (d) stormwater drainage including WSUD requirements;

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**.

#### **Landscaping Works:**

40. **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.

### Rainwater Tanks:

41. A separate application being submitted to Coffs Harbour Water for approval of the rain water tank(s) prior to installation and any associated plumbing works. Evidence confirming such approval being submitted to the Principal Certifying Authority **prior to the issue of Occupation Certificate**.

Note: an application form may be downloaded from Council's web site  
[www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

### BASIX:

42. All of the commitments listed in each relevant BASIX Certificate for the development being fulfilled **prior to the issue of an Occupation Certificate**.

## **PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **Part 4A Certificate:**

43. Prior to the registration of the final subdivision plan at Land and Property Information NSW a Part 4A Certificate (Subdivision Certificate) shall be obtained from Council under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

### **Strata Plan:**

44. The Subdivision Certificate for the strata plan not being released by Council prior to submission of a final works as executed plan prepared by a registered surveyor to clearly identify the boundaries of the individual lots, the utility lots and the common properties, easements, and services, as set out in the strata plan approved under this development consent.

### **Certification – Inspection requirements under Section 30 Strata Schemes (Freehold Development) Regulation 2012:**

45. The **Subdivision Certificate for the strata plan not being released** until the Council or an Accredited Certifier issues a written certificate to the effect that:
  - (i) The building and development common property areas around the building have been inspected by the relevant Council officer or Accredited Certifier; and
  - (ii) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed; and
  - (iii) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the Construction Certificate for the building; and
  - (iv) Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

This certification is to accompany the application for Subdivision Certificate.



## **PART G – GENERAL TERMS OF APPROVAL**

### **NSW Rural Fire Service**

#### **Water and Utilities:**

46. Electricity and gas services shall comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### **Design and Construction:**

47. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standards AS3959-2009 'Construction of Buildings in Bush Fire Prone Areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

#### **Landscaping:**

48. Landscaping to the site is to comply with the principles of appendix 5 of 'Planning for Bush Fire Protection 2006'.

## **PART H – ADVISORY NOTES**

### **Controlled Activities Approval**

49. It is noted that the development is within proximity to a creek. Should the development require a 'Controlled Activities Approval' under the *Water Management Act 2000* this permit would be required to be obtained from the NSW Office of Water prior to works commencing on the site.

### **Aquifer Interference Approval:**

50. In the event that excavation works intercept the water table, all such works must cease until such time as an Aquifer Interference Approval under the *Water Management Act 2000* is obtained from the NSW Office of Water.
-