

## NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Coffs Harbour City Council on Friday 18 December 2015 at 10:00 am

Panel Members: Garry West (chair), Pamela Westing, John Griffin, Cr Denise Knight and Cr Garry Innes

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

**2015NTH022 Coffs Harbour DA 0209/16 [at 123 Park Beach Rd, Coffs Harbour] as described in Schedule 1.**

**Date of determination:** 18 December 2015

**Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Reasons for the panel decision:**

The subject land is not identified as being potentially contaminated; therefore no further consideration of SEPP 55 is required. The application was assessed against the 'Design Quality Principles' contained in schedule 1 of SEPP 65. The subject land is located within the 'coastal zone' and is considered to be consistent with the aims of SEPP 71.

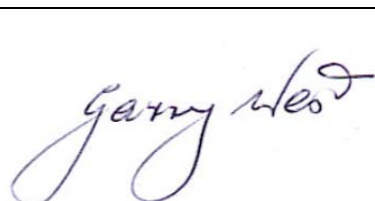
The panel adopted the assessment of those matters in the Council Assessment Report.

The principal reason for the panel decision was that the proposed development is consistent with current planning controls that apply to the site. Other reasons for the panel decision were:

- 1) The development is not dissimilar in scale and form to nearby apartment developments;
- 2) The proposed development has adequate separation from existing adjoining development and complies with the design principles of SEPP 65 and the associated 'Apartment Design Guide' with regard to privacy and complies with DCP requirements in regard to solar impacts;
- 3) The existing road network has sufficient capacity to accommodate the additional vehicle movements and the proposal provides car parking spaces exceeding the required spaces.

**Conditions:** The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. Draft conditions 7 & 14 were moved from Part B to Part C to permit their application after the issue of the construction certificate but prior to commencement of works. Condition 12 was amended to move the issues raised in the draft note accompanying the condition to be included in the condition and additionally requiring the lane between the proposed development and the adjacent building to be constructed with a 'rollover' kerb and a pavement width of 4.5 metres from Park Beach Road to the northern boundary of the site. Approved conditions are in Schedule 2.

**Panel members:**



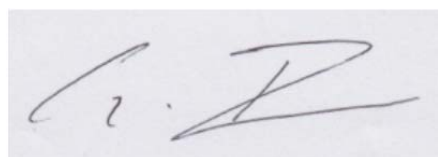
**Garry West (chair)**



**John Griffin**



**Pamela Westing**



**Garry Innes**



**Denise Knight**

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2015NTH022 Coffs Harbour DA 0209/16
2	<b>Proposed development:</b> Residential Flat Building (44 units) and strata subdivision, including demolition of existing building
3	<b>Street address:</b> 123 Park Beach Road, Coffs Harbour (Lot 10, DP 264205 and Lot 25, Sec E, DP 17053)
4	<b>Applicant:</b> Steve Gooley, Yagami Pty Ltd
5	<b>Type of Regional development:</b> General Development with a capital investment value of more than \$20 million
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy No 71 – Coastal Development</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (SEPP) Building Sustainability Index: BASIX 2004</li> <li>• Coffs Harbour Local Environmental Plan 2013</li> <li>• Coffs Harbour Development Control Plan 2013</li> <li>• Coffs Harbour Development Control Plan 2015</li> <li>• Coffs Harbour Coastal Zone Management Plan</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 27 November 2015 Submission from applicant dated: 9 December 2015 Supplementary Council Assessment Memorandum: 10 December 2015 Written submissions during public exhibition: 60 Verbal submissions at the panel meeting: Support- None; Against- None; On behalf of the applicant- One
8	<b>Meetings and site inspections by the panel:</b> Site Visit on 18 December 2015
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> As attached to Council Assessment Report and amended in the Supplementary Council Assessment Memorandum and the meeting.

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## SCHEDULE 2

### 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

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Plan No.	Prepared by	Dated
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**.

#### Pre-construction Dilapidation Report:

7. 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:

8. 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:

9. 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:

10. 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:

11. The following works:

- (a) Lane to be constructed with a 4.5m carriageway width, including roll kerb and gutter, from Park Beach Road to the northern boundary of the development site;
- (b) 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.
- (c) The damaged lintel on Park Beach Road shall be removed and replaced;
- (d) Redundant roof water kerb connections shall be removed from the development site frontages of the lane and Park Beach Road and the kerb reinstated;
- (e) The pram ramp at the intersection of Park Beach Rd and the lane shall be removed and replaced with a complying pram ramp;
- (f) water;
- (g) sewer;
- (h) 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).

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:

12. 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



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submitted to Council or the certifying authority **prior to issue of the Construction Certificate.**

### Section 94 Monetary Contributions:

13. 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 18,074.62

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- |                             |                 |
|-----------------------------|-----------------|
| • <b>Managers Residence</b> | <b>6,024.87</b> |
| • <b>1 Existing lot</b>     | <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).

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## Water and Sewerage Services – Developer Services Charges:

14. 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

**TOTAL AMOUNT PAYABLE**

**480,180.38**

**PART C – PRIOR TO COMMENCEMENT OF WORKS**

**Construction Management Plan:**

15. Prior to works commencing 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.

**Construction Waste Management Plan:**

16. Prior to works commencing on the site, 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.

**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".

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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.



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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:

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- 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.

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### 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.

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- (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:

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- (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.



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### 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.