

SUPPLEMENTARY JOINT REGIONAL PLANNING PANEL REPORT

DEVELOPMENT APPLICATION No. 0751/16, HOTEL (80 ROOMS INCLUDING RESTAURANT, POOL/RECREATION AREA), ADDITIONAL OFFICE SPACE, CAR PARKING, RECONFIGURATION/RECONSTRUCTION OF APPROVED SHOP AREAS

63 Harbour Drive (Lot 1 DP 796866), 31 Vernon Street (Lot 1 DP 421199) & 35 – 61 Harbour Drive (Lot 6 DP 721353, Lot 1 DP 43845, Lot 6 Section 7 DP 758258 & Lots 1 -3 & Part Lot 4 Section 8 DP 758258), Coffs Harbour

PURPOSE:

On 15 December 2016 the panel resolved to defer determination of Development Application 0751/16DA. The resolution of the panel also included the following:

The panel therefore requests that Council obtain the following additional information from the applicant:

- *An additional parking study in relation to the traffic and parking issues for the development based on similar development(s) in comparable regional centres to address:*
- *Clarification and functional design issues regarding the proposed vehicle and pedestrian access on the Gordon Street frontage of the site;*
- *Parking adequacy for the hotel and restaurant development; and*
- *Further support for the clause 4.6 variation in the height controls.*

On 12 April 2017 Council received the following additional information;

1. Parking and Access Study of GTA Consultants
2. Woodman Architects Gordon Street access and vehicle swept path plans
3. Lindsay Fletcher Consultant Town Planner – Clause 4.6 Variation Submission Coffs Central Development Coffs Harbour
4. Letter of Pikes & Verekers Lawyers

This report provides a response to this additional information that has been submitted.

This additional information resolves a number of the recommended grounds for refusal of the application. There remain issues on which it is recommended that the application be refused. Draft conditions are provided as Attachment A.

ISSUES:

1. Traffic and Parking:

Hotel Car Parking

The car parking rate for hotels specified in Development Control Plan 2015 is represented by the table below.

Use	Rate	Parking
Hotel rooms (80)	1 space per room	80
Hotel staff (from plans 10 + receptionist + concierge)	0.5 space per staff	6
Hotel restaurant 110 seats (490 m ²)	one space per 13.2m ² of GFA	37
TOTAL		122

DCP 2015 specifies that developments that do not meet the requirements of DCP controls must demonstrate that any alternative solutions proposed provides a better response to meeting the objectives of the control and the plan. Any alternative solution should be supported by a car parking study of a similar development in a similar location.

The parking and access study of GTA Consultants considers the CBD road network, public transport and CBD parking. It provides a parking assessment, considers relevant parking controls and provides a comparable site assessment using Rydges Port Macquarie as a comparable development.

The report submits that the restaurant is a complementary use to the hotel and that restaurants are a common ancillary use. It states that there is 'no intention to target visitors from the broader Coffs Harbour area' and that the restaurant's location (ie not located on ground floor) limits general accessibility to the public.

It contends that the restaurant will not generate additional parking demand. Given the specific circumstances of this proposal, including the location of the restaurant, this submission is accepted and no additional car parking should apply for the hotel restaurant component.

Comparable Site Assessment

The GTA Consultant's report provides an assessment of the Rydges Hotel in Port Macquarie. This development is accepted as an appropriate comparable development. The Rydges has 98 rooms. There are 54 car parking spaces available for these rooms. The assessment provides significant and useful information. The following information is particularly relevant;

- The 8:30am to 5:00pm weekday car parking demand for the 98 room hotel peaked at 42 spaces. This equates to a car parking demand of 0.43 spaces per hotel room,
- At 6:30pm on Friday and 5:00 pm on Saturday, 96% of all available spaces were occupied.

This information demonstrates that, while there is significant demand for hotel parking during the hours 8:30am to 5:00pm Monday to Friday (regular business hours), the majority of hotel car parking demand occurs outside of these hours.

Given this it can be accepted that hotel car parking demand that occurs outside regular business hours (8:30am to 5:00pm Monday to Friday) can utilise car parking that is provided for retail, commercial and business uses. This is relevant to the current proposal where the Coffs Central development has existing retail car parking (on the rooftop). An additional 45 car parking spaces for the office premises component of the development is proposed under this application.

The regular business hour hotel car parking demand rate of 0.43 spaces per hotel room (from the Rydges Hotel assessment) equates to 34.4 (rounded to 35) spaces for the 80 room hotel proposed with the current application.

Credit for Basement Car Park Approved under 0140/15DM (Modification to 0960/13DA)

Development Application 0960/13DA for a four tenancy commercial premises on the subject site, was granted development consent on 14 August 2014. This development consent was later modified by an application to modify development consent (0140/15DM) to include a basement car park providing 35 additional car parking spaces.

In circumstances where car parking has been provided, over and above that required by a development consent, the additional parking can be regarded as surplus to the approved development and applied to future development proposals as a credit. This allows the 35 car parking spaces proposed in the basement to apply as a credit for the current proposed development and on this basis this credit will reduce the hotel business hour demand of 35 spaces to zero.

The number of car parking spaces in the basement has been reduced in the current application to a total of 28 car parking spaces (reduction of seven spaces). Recent reconfiguration of the Level 02 car park provided by the applicant on 13 June 2017, has resulted in a total of 47 car parks being provided at the level (an additional two parking spaces). This leaves a shortfall of five car parking spaces not provided for by the development as proposed (ie seven spaces minus two spaces).

The Coffs Harbour City Centre Car Parking Developer Contributions Plan 2016 enables a consent authority to require a contribution towards the provision of car parking in the City Centre. The subject site falls within the area covered by this plan. It is appropriate to require, as a condition of development consent, a contribution towards the provision of five car parking spaces in accordance with this contributions plan. This forms a condition within the draft conditions provided in this report.

Summary on Car Parking

On the basis of the following matters which have been addressed in this section of the report, the proposed development can be accepted as a better response to meeting the objectives of the plan and the control;

- Accepting the restaurant as a complementary, ancillary use that will not generate additional demand for car parking,
- Applying the regular business hour car parking demand (derived from the comparable site assessment), determined for the current proposal to be 35 spaces for the 80 room hotel,

- Applying a credit (from car parking provided over and above that required by a development consent), of 35 spaces (reduced to 28 spaces with the current application),
- Requiring contribution toward provision of car parking spaces that will not be provided on site (five spaces in this case) by a condition of development consent.

It should be noted that the GTA Consultant's report refers to observed occupancy of the Coffs Central rooftop car park. A figure of 40% occupancy is provided.

This information is considered unlikely to constitute a genuine reflection of the demand for these spaces as it does not acknowledge likely utilisation of the Castle Street Multi-storey car park (immediately adjoining the development) which Coffs Central customers are free to utilise instead of the Coffs Central roof-top car park.

An argument that the likely overflow hotel car parking demand can be accommodated with 'unoccupied' roof-top car parking is considered to be contrary to the objectives of the Development Control Plan 2015 which are.

- To provide an appropriate level of on-site parking to cater for a mix of development types,
- To minimise the visual impact of on-site parking,
- To provide adequate on-site space for parking and manoeuvring of vehicles (including service vehicles).

2. Vehicle and Pedestrian Access Gordon Street

The GTA Consultant's report refers to proposed upgrades to the public domain along the frontages of the site. The proposed upgrades include;

- Four short-term indented parking bays on Gordon Street,
- Moving the taxi rank east of the current location in Vernon Street,
- Installation of a loading zone at the current location of the taxi rank to allow 'setdown/pick-up activity for the hotel's shuttle bus.

The taxi rank has already been relocated to accommodate construction that is currently occurring. The Council Traffic Advisory Committee (Traffic Committee) considered the change to traffic regulations and accepted the change.

The Traffic Committee also considered the proposed loading zone in Vernon Street. The committee had no objection to the traffic regulation to provide the loading bay. Some changes to the road reserve in Vernon Street and the intersection of Vernon Street and Gordon Street are required to provide the loading bay. These works are proposed as a condition of the draft conditions appended to this report.

Council's Design Section has scrutinised the short-term indented parking bays on Gordon Street to ensure that they will be suitable and acceptable infrastructure. It is considered that only two short-term indented spaces can be provided on Gordon Street.

These public domain changes will improve access for hotel patrons to both public and private transport.

3. Height of Development:

The highest point of the proposed development is 43 metres above existing ground level. The height limit for the development site is 17 metres. The additional submission of Lindsay Fletcher Consultant Town Planner, provided in response to the panel's request for additional information has been considered. On balance it is considered that this submission does not contain any information that addresses concerns originally raised. The assessment position on this issue remains as per the Section 79C Evaluation appended to the original JRPP report.

RECOMMENDATION:

1. That Development Application No. 0751/16 for a hotel (80 rooms including restaurant, pool/recreation area), additional office space, car parking, reconfiguration/ reconstruction of approved shop areas at 63 Harbour Drive (Lot 1 DP 796866), 31 Vernon Street (Lot 1 DP 421199) and 35 – 61 Harbour Drive (Lot 6 DP 721353, Lot 1 DP 43845, Lot 6 Section 7 DP 758258 and Lots 1 -3 & Part Lot 4 Section 8 DP 758258), Coffs Harbour be refused on the following grounds:

- (a) The Clause 4.6 variation submitted to support the proposed variation to the development standards contained within clauses 4.3 and 4.4 of the Coffs Harbour Local Environmental Plan (LEP) 2013 , relating to building height and floor space ratio, has not satisfactorily demonstrated that:
 - the standards are unreasonable or unnecessary in the circumstances of the case;
 - there are sufficient environmental planning grounds to justify contravening the development standard; and
 - the proposed development is in the public interest.
- (b) The objection is not well founded and does not satisfy the requirements of Clause 4.6 of the LEP. It is considered that there is public benefit in upholding the planning controls as they apply to the site.
- (c) The development does not exhibit design excellence, as required by Clause 7.12 of the Coffs Harbour Local Environmental Plan (LEP) 2013. The variations proposed to the building height and floor space ratio controls, as specified in the LEP, results in a building that has a bulk and mass that is inconsistent with the existing and desired urban form for the locality.

Attachment A – Draft Conditions**ADMINISTRATIVE CONDITIONS****A001.01 Development Description:**

1. Development consent is granted only to the development described below:
 - **Hotel (80 Rooms) Office Addition, Shop Reconfiguration/Reconstruction and Associated Car Parking**

A001.02 Prescribed Conditions:

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

A001.03 Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent (Development Consent No. 0751/16DA).

Plan No.	Revision	Prepared by	Dated
DA 110	O	Woodman Architects	12 October 2016
DA 120	O	Woodman Architects	12 October 2016
DA 130	O	Woodman Architects	12 October 2016
DA 580		Woodman Architects	undated
DA 300	O	Woodman Architects	12 October 2016
DA 310	O	Woodman Architects	12 October 2016
DA 582		Woodman Architects	undated
DA 330	O	Woodman Architects	12 October 2016
DA 340	O	Woodman Architects	12 October 2016
DA 350	O	Woodman Architects	12 October 2016
DA 360	O	Woodman Architects	12 October 2016
DA 370	O	Woodman Architects	12 October 2016
DA 380	O	Woodman Architects	12 October 2016
DA 390	O	Woodman Architects	12 October 2016
DA 400	O	Woodman Architects	12 October 2016
DA 410	O	Woodman Architects	12 October 2016
DA 500	O	Woodman Architects	12 October 2016

Attachment A – Draft Conditions

Plan No.	Revision	Prepared by	Dated
DA 510	O	Woodman Architects	12 October 2016
DA 520	O	Woodman Architects	12 October 2016
DA 530	O	Woodman Architects	12 October 2016
DA 535	O	Woodman Architects	12 October 2016

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

A004.01 Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:
 - (1) Statement of Environmental Effects, prepared by Bennell and Associates dated 17 March 2016.
 - (2) Traffic Study, prepared by George Stulle dated October 2016.
 - (3) Parking and Access Study of GTA Consultants dated 12 April 2017
 - (4) Report of Woodman Architects dated 24 May 2017

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**B001.01 Design Modifications:**

5. The design shall be amended to include two (2) short term parking spaces only.

B002.01 Construction Certificate:

6. No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

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

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

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

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

Details indicating compliance must be submitted and approved by the certifying authority **prior to the issue of a Construction Certificate for building works**.

Attachment A – Draft Conditions

B042.01 Section 94 Monetary Contributions:

7. 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.

	\$ Per Room
Coordination and Administration	187.07
Coffs Harbour Road Network	294.90
Surf Rescue Facilities	25.65
District Open Space	1,345.56

The Section 94 contribution is currently \$148,254.40 for the 80 room hotel development.

Contributions have been imposed under the following plans:

- Coffs Harbour Open Space 2016.
- Coffs Harbour Road Network 2016.
- Surf Rescue Facilities 2016.
- Coffs Harbour Administration Levy 2016.

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

Section 94 Monetary Contributions – Car Parking:

8. Payment to Council of Section 94 contributions, at the rate current at the time of payment, towards the provision of off street public car parking:

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.

The current rate is \$21,337.10 per car space. A total of five car parking spaces are required by the proposed development.

The Section 94 contribution is currently \$106 685.50 for five car parking spaces.

Attachment A – Draft Conditions

Contributions have been imposed under the following plans:

- Coffs Harbour City Centre Car Parking Developer Contributions Plan 2016

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

B015.01 Road Design and Services (Building):

9. The following works:

- roads,
- footpaths and pathways,
- water,
- sewer,
- short-term indented car parking on Gordon Street,
- loading Bay on Vernon Street (including modification of Gordon Street/Vernon Street intersection west to the Vernon Street roundabout); and relocation of pram ramps on Vernon Street,

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, unless otherwise advised by Council**. 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.

Note:

- 1) *The full cost of this work is to be borne by the applicant. This may include alteration to utilities and stormwater drainage. Work in the road reserve is subject to approval under the Roads Act.*
- 2) *Approval from the Local Traffic Committee for the short-term car parking spaces is required prior to release of the Civil Works Construction Certificate.*
- 3) *The design of the public space must ensure compliance with AS1428.2*

B031.01 Erosion and Sedimentation Control Plan:

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

Attachment A – Draft Conditions

B035.01 Construction Waste Management Plan:

11. **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.

Waste Management:

12. Provision being made on the site for the storage of garbage/recycling and green waste bins. Storage areas are to be suitably screened from the street and common areas, with details being submitted and approved by Council **prior to issue of the Construction Certificate**. The storage area is to accommodate sufficient bins for the proposed development. Council's Waste Management Development Control Plan being referred to in the design of the enclosure.

B044.01 Water Management Act 2000:

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

B047.01 Outdoor Lighting:

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

Pre-Construction Dilapidation Reports:

15. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings to a distance of 30 metres beyond the limit of the roadworks. 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 may fall within 30 metres of the roadworks. 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 forwarded 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.

Attachment A – Draft Conditions

Basement Ramp Inclusions – Details:

16. The basement parking entry and exit ramp is to include convex mirrors and audible warning for pedestrians of an exiting vehicle. Details of these inclusions are to be provided to Council and approved **prior to issue of the Construction Certificate**.

PRIOR TO COMMENCEMENT OF WORKS

C001.01Site Notice:

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

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

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

C003.01Contact Telephone Number:

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

C004.01Erosion and Sediment Control:

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

Attachment A – Draft Conditions

C005.01 Acid Sulfate Soils:

22. An Acid Sulfate Soils assessment is to be carried out prior to;
- a) works more than two metres below the natural ground surface, or
 - b) works by which the water table is likely to be lowered more than two metres below the natural ground surface;
- to determine if Acid Sulfate Soils are present in areas of excavation.
Where Acid Sulfate Soils are identified an Acid Sulfate Soils Management Plan is to be prepared in accordance with ASSMAC Manual and is to be approved by Council prior to the commencement of works.

C008.01 Demolition Works:

23. 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 Occupational Health and Safety Act and Australian Standard AS 2601-2001 "The Demolition of Structures".

Prior to demolition all services are to be disconnected and capped off. 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.

C011.01 Sanitary Plumbing and Draining:

24. 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.

Construction Management Plan:

25. **Prior to commencement of building works** a Construction Management Plan shall be prepared and submitted to Council for its information. The Plan shall address the following matters:
- i) Contact details of site manager;
 - ii) Traffic and pedestrian management;
 - iii) Construction waste and recycling management;
 - iv) Construction Noise Management;
 - v) Dust control measures;
 - vi) Loading and unloading, including construction zones where relevant;
 - vii) Measures to ensure sediment and other materials are not tracked onto the public roadway by vehicles leaving the site;
 - viii) Hoardings and scaffolding;
 - ix) Traffic movements and routes, particularly for vehicles transporting spoil from excavation of site and vehicles supplying the site with major concrete pours;
 - x) Construction workers parking and construction shed(s) locations.

Attachment A – Draft Conditions

Pedestrian Management Plan:

26. **Prior to the commencement of any work** within the public road (Harbour Drive) a pedestrian management plan is to be submitted to Council and approved. The plan is to be prepared in consultation with Council's City Services Section.

DURING CONSTRUCTION

D001.01 Approved Plans to be On-Site:

27. 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.

D005.01 Waste and Contamination:

28. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Office of Environment and Heritage "Waste Classification Guidelines".

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

D008.01 Fill:

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

D008.02 Importation of Fill:

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

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

D010.01 Erosion and Sediment Control(1):

31. 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.

Attachment A – Draft Conditions

D015.01Hours of Work(1):

32. The hours of construction for all stages of the development, including delivery of materials to the site, shall be restricted as follows:

- (1) Between 7:00am and 6:00pm , Mondays to Fridays inclusive;
- (2) Between 7:00am and 1:00pm, Saturdays (if inaudible from adjoining residential properties, otherwise between 8.00 a.m. and 1.00 p.m);
- (3) No construction work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required by the Police or other authorities;
- (2) It is required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm;
- (3) The work is approved through the Construction Noise and Vibration Management Plan; and residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of works.
- (4) A separate written request for variations to these hours has been submitted to Council and approved. The request is to detail proposed hours, days and reasons to justify the variation.

D018.01Cultural Heritage:

33. 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.

D019.01Acid Sulfate Soil Management:

34. Any Acid Sulfate Soil Management Plan that has been prepared 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.

Attachment A – Draft Conditions**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE****E007.01 Road Design and Services:**

35. The following works:
- (a) roads,
 - (b) footpaths and pathways,
 - (c) water,
 - (d) sewer,
 - (e) short-term indented car parking on Gordon Street,
 - (f) loading Bay on Vernon Street (including modification of Gordon Street/Vernon Street intersection west to the Vernon Street roundabout); and relocation of pram ramps on Vernon Street,

being provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (WSUD).

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

All work is to be at the developer's cost or in accordance with the Voluntary Planning Agreement where relevant.

E016.01 Occupation Certificate:

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

B028.01 Consolidation:

37. The lots subject to this application, 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 Occupation Certificate**.

Post-Construction Dilapidation Report**38. Prior to the issue of an occupation certificate:**

- a. The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings.
- b. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, the Principal Certifying Authority must:
 - i. compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - ii. have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c. A copy of this report is to be forwarded to Council.

Attachment A – Draft Conditions

Safer by Design Inclusion:

39. All safer by design measures stipulated in the report of Woodman Architects dated 24 May 2017 must be incorporated into the completed development. Certification that this work has been completed and is operational must be provided to Council and the principal certifying authority **prior to issue of an Occupation Certificate**.

Car Parking Construction and Linemarking

40. Car parking spaces as shown on the approved plans (27 in the basement and 47 on Level 02) being provided on the development site **prior to issue of an Occupation Certificate**.

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

Basement Ramp Inclusions – Construction:

41. All basement ramp inclusions are to be provided to the basement car park **prior to issue of an Occupation Certificate**.

Tenure Arrangement for Office Terraces:

42. Suitable arrangements being made with Council for the tenure of the proposed office terraces within the Gordon Street road reserve, **prior to issue of an occupation certificate**.

OPERATIONAL MATTERS

G001.01 Loading and Unloading:

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

Use of Basement Car Park:

44. The basement car park is only to be used by tenants and staff of the development and is not to provide parking for customers or patrons. Car parking spaces 27 and 28 must be allocated to small cars with signage being in place to notify users of this requirement.

Level 02 Car Park:

45. The Level 02 car park must be available for use by customers and patrons at all times while the hotel, shops or offices are operating.

G002.02 Car Parking Areas:

46. All approved car parking areas must be maintained in a serviceable condition at all times.

Attachment A – Draft Conditions**ADVISORY NOTES****Other Approvals and Permits**

47. The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
48. Prior to commencement of any works in the public road reserve, application being made to Council under the Roads Act 1993 and approval being issued by Council for these works. The application will require the submission of a Traffic and Pedestrian Management Plan (TPMP) and a Communication Strategy. The TPMP is to be prepared in accordance with AS 1742.3 (2009) and the RTA publication "Traffic Control at Works Sites" Version 4 (2010) and shall be prepared by a suitably qualified and experienced traffic consultant. The TPMP and Communication Strategy shall address, but not be limited to, the following matters;
- Management of vehicles using Harbour Drive between the Pacific Highway and the works approaching Gordon Street.
 - Management of vehicles using Harbour Drive between Earl Street and the works approaching Gordon Street.
 - Management of vehicles using Harbour Drive during the construction of the intersection with the extended Duke Street.
 - Management of vehicles using Gordon Street south of the works approaching Harbour Drive.
 - Management of vehicles using Gordon Street north of the works approaching Vernon Street.
 - Management of vehicles using Gordon Street between Vernon Street and Harbour Drive normally gaining access to parking facilities accessible from Gordon Street.
 - Pedestrian movements through the work site and for access to businesses fronting the areas affected by the work site.

Separate development consent for airspace stratum

49. Separate development consent is required for the creation of an airspace stratum for the tenure of the office terraces overhanging Gordon Street.