

DETERMINATION AND STATEMENT OF REASONS
NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 6 July 2017
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow, Denise Knight and George Cecato
APOLOGIES	None
DECLARATIONS OF INTEREST	George Cecato declared a non-pecuniary conflict of interest. As the President of the Coffs Harbour Chamber of Commerce, Cr Cecato signed a letter of support regarding this development application on behalf of 226 members. It was not a personal point of view, Cr Cecato does not know the developers personally and he does not have any financial interest or gain.

Public meeting held at Coffs Harbour City Council on Thursday, 6 July 2017, opened at 10:30 am and closed at 12:30pm.

MATTER DETERMINED

2016NTH011 – Coffs Harbour City Council - 0751/16DA 63 Harbour Drive and 31 Vernon Street Coffs Harbour (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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.

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*. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel to approve the Clause 4.6 variation were:

- The Panel has considered the Applicant's requests to vary the development standards contained in Coffs Harbour Local Environment Plan 2013 Clause 4.3 relating to height of buildings (noting that the proposed building height was confirmed at the determination meeting as 43 metres) and Clause 4.4 relating to floor space ratio (confirmed at the meeting as 2.63:1).
- The Panel is satisfied that the requests have adequately addressed the matters to be demonstrated by the Applicant under Clause 4.6 (3). The Panel considers compliance with the standards would be unreasonable and unnecessary in the circumstances of this case as:
 - the proposed building's height and density would not result in any material loss of urban character or amenity in its locality, nor would it harm any identified heritage, natural or built environment values;
 - the site has appropriate infrastructure services for a development of this type;
 - the development site is to be connected with an adjacent shopping centre development;
- The development as approved remains consistent with the objectives and underlying intent of the standards, as well as the objectives of the zone and is in the public interest.
- The Panel is also satisfied that the applicant's requests outline sufficient environmental planning grounds to justify the variations sought. In addition to the issues outlined above, planning justifications relate to economic development and urban activation benefits for the Coffs Harbour CBD, as well as providing a new, high quality form of tourist/visitor accommodation appropriate and in the public interest for a regional city centre on the NSW north coast;
- Coffs Harbour City Council on 23 March 2017 unanimously voted in favour of a scope of works to review building heights in the CBD.



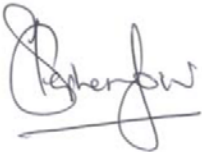


Further reasons for the decision of the Panel to grant approval were:

- SEPP 55 – the land is not identified as being potentially contaminated;
- The development is consistent with the strategic intent for the local government area and the CBD as a regional centre;
- It is considered that the proposed development will contribute to the primacy of the CBD as the principal business, office and retail hub of Coffs Harbour City;
- Additional conditions were imposed to minimise traffic and pedestrian impacts of the development.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 1 amended to properly describe the scope of the development;
- Condition 9 amended to delete the first paragraph of note 1 as it is no longer required;
- New condition 16A was inserted to require an amended plan of works within the Gordon Street and Harbour Drive road reserve to provide accessible ramps from the pavement level to the upper footpath to maximise lay by parking for hotel guests only, as well as street level pedestrian access
- Condition 40 amended to approve 28 car parking spaces in the basement;
- Condition 43 was amended to require all loading and unloading activities to be carried out within the site or the approved loading zone on Vernon Street; and
- New condition 46A was inserted to require a parking and vehicle access management plan with Council being able to review by request.

PANEL MEMBERS	
Garry West (Chair) 	Pamela Westing 
Stephen Gow 	Denise Knight 
George Cecato 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016NTH011 – Coffs Harbour City Council - 0751/16DA
2	PROPOSED DEVELOPMENT	Hotel (80 Rooms including Restaurant and Pool/Recreation Area), additional office space, car parking, reconfiguration/reconstruction of approved shop areas
3	STREET ADDRESS	63 Harbour Drive and 31 Vernon Street Coffs Harbour
4	APPLICANT	Gowings Bros Ltd

5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No. 71 – Coastal Development • State Environmental Planning Policy (State and Regional Development) 2011 • Coffs Harbour Local Environmental Plan 2013 • Clause 4.6 variation request • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 30 November 2016 • Written submissions during public exhibition: 44 • Verbal submissions at the panel meeting on 15 December 2016: <ul style="list-style-type: none"> ○ Support – seven ○ Object – nil ○ On behalf of the applicant – one • Supplementary assessment report received on 22 June 2017 • Verbal submissions at the panel meeting: <ul style="list-style-type: none"> ○ Support – six ○ Object – NIL ○ On behalf of the applicant – 3
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site visit and final briefing meeting on 15 December 2016 <u>Attendees:</u> <ul style="list-style-type: none"> ○ Panel members: Garry West (Chair), Pamela Westing, Stephen Gow, Denise Knight and George Cecato ○ Council assessment staff: Robert Percival, Sharon Smith, Chris Weaver, Chris Chapman and Tim Smith • Site inspection and final briefing meeting to discuss Council's recommendation on 6 July 2017 <u>Attendees:</u> <ul style="list-style-type: none"> ○ Panel members: Garry West (Chair), Pamela Westing, Stephen Gow, Denise Knight and George Cecato ○ Council staff: Chris Chapman - Director Sustainable Communities Tim Smith - Section Leader Development Assessment Gilbert Blackburn - Coordinator Development Assessment Glen O'Grady - Group Leader Strategic Asset Management Calin Borbeli - Team Leader Survey and Design Chris Weavers - Weavers Consulting Group Pty Ltd

		(Consulting to Coffs Harbour City Council for Traffic Assessment).
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Without prejudice conditions were attached to the council assessment report. The conditions were amended and adopted and are attached as Schedule 2.

SCHEDULE 2

ATTACHMENT A: DRAFT CONDITIONS

ADMINISTRATIVE CONDITIONS

Development Description:

1.

Development consent is granted only to the development described below:

•

Hotel (80 Rooms including restaurant, pool/recreation area) Office Addition, Shop Reconfiguration/Reconstruction and Associated Car Parking

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 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
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.

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

Design Modifications:

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

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.

Equitable Access:

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.

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.

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

Road Design and Services (Building):

9. 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,

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

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.

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.**

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.**

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.

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.**

Works within Gordon Street and Harbour Drive:

- 16A. **An amended plan of works proposed within the Gordon Street and Harbour Drive road reserve must be provided to Council and approved prior to the issue of the Construction Certificate. The plan must provide accessible ramps from the pavement level to the upper footpath level to maximise lay by parking for hotel guests only, as well as street level pedestrian access.**

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 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.

Contact 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.

Erosion 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.

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.

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.

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.

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

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.

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.

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.

Importation of Fill:

30. The only fill material that may be received at the development is:
- Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act);
 - 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:

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.

Hours of Work:

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

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

Works may be undertaken outside these hours where:

- The delivery of materials is required by the Police or other authorities;
- It is required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm;
- 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.
- 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.

Cultural 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.

Acid Sulfate Soil Management:

34. Any Acid Sulfate Soil Management Plan that has been prepared shall be implemented in full, with consideration to the following:
- Consideration shall be given to impacts on adjacent areas of Potential Acid Sulfate Soils with regard to dewatering activities during earthworks and construction.
 - 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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.

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.**

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.

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 (28 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

Loading and Unloading:

43. All loading and unloading activities associated with the use of the premises must be carried out wholly within the site or the approved loading zone on Vernon Street 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.

Car Parking Areas:

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

Parking and Vehicle Access Management Plan:

- 46A. A parking and vehicle access management plan shall be prepared and implemented in connection with the use of the hotel, including but not limited to:

- An expedited check in arrangement to assist hotel guests arriving by vehicle;
- The provision of a valet parking service or other arrangements to cater for hotel guest parking demand and vehicle activity, so that guest access to hotel parking on Level 02 or elsewhere is facilitated;
- Arrangements for the hotel shuttle bus;
- Management of the hotel lay by parking on Gordon Street; and
- Information for intending guests on parking and access arrangements at the hotel on the hotel's website,

such management plan to be reviewed by Council at their request and adjustments made where reasonably requested by Council in the light of hotel operations.

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.