

DETERMINATION AND STATEMENT OF REASONS
NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 16 August 2017
PANEL MEMBERS	Garry West (Chair), Stephen Gow, Denise Knight, George Cecato
APOLOGIES	Pam Westing
DECLARATIONS OF INTEREST	None

Public meeting held at Coffs Harbour Council Chambers, Administration Building, 2 Castle Street, Coffs Harbour on 16 August 2017, opened at 10:00 am and closed at 11.15am.

MATTER DETERMINED

2017NTH010 – Coffs Harbour – DA 0902/17 at Lot 2 DP 731016, corner of York and Arthur Street, Park Beach, 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 3:1 in favour, against the decision was Stephen Gow.

REASONS FOR THE DECISION

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

- The Panel is satisfied that the application adequately addressed the matters required 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 application because:
 - o The height exceedance is not uniform, with the larger scale, higher density tower style buildings towards the centre of the site;
 - o The bulk and scale of the taller buildings are broken up by their boomerang shape, stepped design and the use of varying materials and colour schemes;
 - o The proposed variation would not result in unacceptable impacts;
 - o The development is in the public interest for a regional city on the NSW North Coast with an ageing population.

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

- Whilst the site is mapped as flood prone, the minimum finished floor levels, meet the requirements of the DCP, will not result in any flooding impacts to the site or adjoining properties due the designed flood storage on site and the condition requiring a 'Flood safe Plan' to be prepared in accordance with the NSW SES 'Flood safe Guidelines' and submitted to Council prior to issue of the relevant Occupation Certificates.
- The information submitted with the application demonstrated that solar access impacts on adjoining properties was not significant.
- The development setbacks and the proposed landscaping is unlikely to result in acceptable privacy impacts.

- The development is considered unlikely to result in unacceptable noise impacts as a result conditions of consent requiring appropriate noise attenuation measures.
- The proposed development is not expected to result in any significant adverse traffic impacts in the locality.
- The development will provide for additional aged care opportunities to assist with meeting the needs of an ageing community as well as providing employment opportunities both during the construction and operational phases.
- The development site is located within close proximity to various commercial and medical facilities.

Stephen Gow disagreed with the majority decision for the following reasons:

Clause 4.6 Variation

That the request to vary the development standard for the maximum height of buildings made pursuant to clause 4.6 of the Coffs Harbour Local Environmental Plan 2013 is not supported in this particular case, as insufficient environmental planning grounds are considered to exist to justify contravening the development standard to the extent requested.

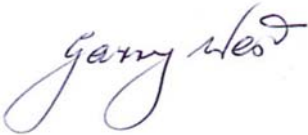
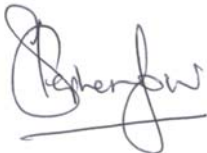
The Development

That in addition to the above reason, insufficient consideration has been given to the flood risk classification of the site and surrounds for this development. In particular insufficient regard has been given to emergency access to and egress from the site in a 1:100 Average Recurrence Interval flood event, especially given the intended occupation of the site by seniors and people with disabilities. Thus the development assessment does not satisfy the requirements of clause 7.3 of Coffs Harbour Local Environmental Plan 2013.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and as amended following consultations with the applicant prior to the determination meeting and with the following amendments made at the meeting;

- Clarifying the requirement for internal roads for all stages of the development to meet Council's Development Design and Construction specifications and relevant policies (conditions 12 & 36);
- Clarifying the definition of seniors and people with a disability in accordance with SEPP (Housing for Seniors or People with a Disability) 2004 (conditions 58 & 59).

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH010 – Coffs Harbour – DA 0902/17
2	PROPOSED DEVELOPMENT	Seniors Housing (120 bed residential care facility and 183 self contained dwellings, including community centre, landscaping, car parking, community pool, walking trail and other associated works)
3	STREET ADDRESS	Arthur Street (Lot 2, DP 731016), Coffs Harbour
4	APPLICANT/OWNER	Rowville Park Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Flat Development - State Environmental Planning Policy No 71 – Coastal Development - State Environmental Planning Policy (State & Regional Development) 2011 - State Environmental Planning Policy (SEPP) Housing for Seniors or People with a Disability) 2004 - State Environmental Planning Policy (SEPP) Building Sustainability Index: BASIX 2004 - State Environmental Planning Policy (SEPP) Infrastructure 2007 - Coffs Harbour Local Environment Plan 2013 - Draft environmental planning instruments; - Draft SEPP Coastal Management 2016 - Development control plans: - Coffs Harbour Development Control Plan 2015 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant] - Coastal zone management plan: Coffs Harbour Coastal Zone Management Plan - 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	- Council assessment report: 26 July 2017 - Council revised conditions received 14 August 2017 - Written submissions during public exhibition: 107 submissions. 101 submissions in support of the development, with 6 submissions objecting to the development. - Verbal submissions at the public meeting: - Support – NIL - Object – NIL - On behalf of the applicant – Stephen Gooley, GM of BNG Property and Greg Benson, Project Manager and Engineer.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection 16 August 2017 and Final briefing meeting to discuss council's recommendation, 16 August 2017, 8:30 am. Attendees: <u>Panel members</u>: Garry West (Chair), Stephen Gow, Denise Knight, George Cecato

		o <u>Council assessment staff</u> : Renah Givney, Senior Development Assessment Officer; Marion Rhodes, Development Engineer; Ian Dodd, Waterways Engineer; Ian Fitzgibbon, Group Leader, Sustainable Development; and Tim Smith, Section Leader, Development Assessment.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached as Schedule 2

SCHEDULE 2

Proposed Conditions Development Application 0902/17

ADMINISTRATIVE CONDITIONS

Development Description:

1. **Development consent is granted only to carrying out the development described in detail below:**

- *Seniors Housing (120 bed residential care facility and 183 self-contained dwellings, including community centre, landscaping, car parking, community pool, walking trail and other associated works)*

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 set out in the following table except where modified by any conditions of this consent (Development Consent No. 0902/17DA).**

Plan No.	Version	Prepared by	Dated
DA01, 05, 06, 07, 08, 09, 10, 15, 16, 17 18, 20, 21, 22, 23, 24 and 25	9	boffa roberston group	Nov 2016
DA27 and 28	5	boffa roberston group	Nov 2016
DA04, 13 and 19	10	boffa roberston group	Nov 2016
DA03 and 12	11	boffa roberston group	Nov 2016
DA11, 44, 45, 50, 51	4	boffa roberston group	Nov 2016
DA14 and 26	8	boffa roberston group	Nov 2016

DA30, 31, 32	3	boffa roberston group	Nov 2016
DA33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 48, 49, 53, 58, 59, 60 and 61	2	boffa roberston group	Nov 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:

Planning Documentation

- (1) Statement of Environmental Effects (and appendices), prepared by de Groot & Benson Pty Ltd and dated April 2017 (including any amendments to).

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.

Staging of Development:

6. This development consent acknowledges that the construction of the project will be staged as follows:

Stage one works to comprise:

- Building E, containing the residential care facility;
- Community centre;
- 34 independent living units (ILUs), comprising unit and townhouse style buildings along the York Street frontage;
- Site access;
- Internal cross road;
- Associated landform modification;
- Establishment of flood storage; and
- Compensatory tree plantings.

Stage two works to comprise:

- Buildings C and D, comprising 69 ILUs; and
- Five (5) ILUs along the Arthur Street frontage.

Stage three works to comprise:

- Buildings A and B, comprising 69 ILUs; and
- Six (6) ILUs along the York Street frontage.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

7. 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:

8. The development, where required, 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 Principal Certifying Authority prior to the issue of the relevant Construction Certificate/s.

Landscape Plan:

9. A detailed landscaping plan/s for all unbuilt-on areas of the site being submitted to and approved by Council prior to issue of the relevant Construction Certificate/s. The plan must include the planting of 40 Swamp Mahogany (*Eucalyptus robusta*) trees.

The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping.

Erosion and Sedimentation Control Plan:

10. A detailed erosion and sediment control plan/s, 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/s.

Outdoor Lighting:

11. All outdoor lighting shall comply with, where relevant, the requirements of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. Details demonstrating compliance with these requirements being submitted to Principal Certifying Authority prior to issue of the relevant Construction Certificate/s.

Road Design and Services:

12. The following works:

Stage 1 of the development:

- (a) Access to development from York Street;
- (b) Footpath (2.5 metres wide) linking the development to the Park Beach Plaza Shopping Centre;
- (c) Footpath (2 metres wide) along San Francisco Avenue frontage of the site, south of the pedestrian access from the site;
- (d) Footpath (2 metres wide) along the York Street frontage, linking to the bus shelter;
- (e) Fully accessible bus shelters and pram ramps on both sides of York Street;
- (f) Internal roads.

Stage 2 of development:

- (g) Footpath (2.5 metres wide) along the Arthur Street frontage of the site and associated pram ramps;
- (h) Footpath (2 metres wide) along the York Street frontage of the site and associated pram ramps;
- (i) Footpath (2.5 metres wide) from Arthur Street to the footpath constructed as part of Stage 1;
- (j) Internal roads.

All stages of development:

- (k) Sewer;
- (l) Water;
- (m) Stormwater drainage, including Water Sensitive Urban Design requirements;

(n) Internal roads.

shall be provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

Note:

- 1. The accessible bus shelters shall include provisions to allow residents of the development to cross York Street in a safe manner.*
- 2. Confirmation shall be submitted to Council, which demonstrates that the design of the hydrant system complies with the requirements of the Building Code of Australia and AS 2419. Any specific requirements with regard to connection point to Council's mains and surrounding street hydrant system is required to be included in the application for a Civil Works Construction Certificate.*
- 3. The DN250 water main along Arthur Street to York Street must be constructed as a working main by interconnecting with either the DN150 water main on the northern side of Arthur Street or the DN100 main on the South Eastern corner of the site in York Street. An upgrade of the DN100 main may be required on Council review of the proposed design.*
- 4. Extensions of Water Mains will not be permitted within the property boundaries.*
- 5. Pedestrian access to Park Beach Plaza should be south of the roundabout for the entrance to the shopping centre.*
- 6. If security gates are proposed on York Street, queuing is required to comply with AS2890.1*

Plans and specifications are to be submitted to Council and a separate Civil Works Construction Certificate issued. 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.

Separation of Waste:

- 13. The waste management arrangements for the proposal are to cater for the separation of both recyclables and all organics (including food) wastes from the mixed waste stream. Other waste streams generated by the premises must be identified within waste storage areas on detailed design plans (e.g. Medical, Cytotoxic, liquid, bulky, other) with details being submitted to Council for approval prior to the issue of the relevant Construction Certificate/s.**

Bulk Waste Bins and Storage:

- 14. The waste bin areas and associated waste storage rooms are to be enclosed by a roofed and screened enclosure in accordance with the provisions of Council's Development Control Plan 2015. The enclosures are to accommodate as a minimum the following waste volumes per week in suitable MGBs (or other receptacles as may apply for liquid wastes):**

Building	Waste	Recycling	Organic	AND Other
ILU A+B	5520L	2760L	3450L	
ILU C+D	5520L	2760L	3450L	

ILU E	1920L	960L	1200L	
RCF	9600L	4800L	6000L	Medical waste = 240L x 4 Cytotoxic waste = 240L x 2 Liquid waste = 1 x palletised 200L drum

The following bin configuration is to be supplied to each detached / semi-detached dwelling identified as villa / townhouse

Building	Waste	Recycling	Organic	Other
Arthur Street	5 x 240L	5 x 240L	5 x 240L	
York Street	16 x 240L	16 x 240L	16 x 240L	

The waste enclosure is to be graded and drained to the sewer via a dry basket arrestor. A hose cock is to be provided in the enclosure. Bunding is to be provided to ensure that there is no rainwater ingress into sewer. The design and materials of the enclosure are to be compatible with the development, with detailed design plans being submitted and approved by Council prior to issue of the relevant Construction Certificate/s.

Section 94 Monetary Contributions:

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

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

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

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 dwelling
- Coordination and Administration	293.97
- Coffs Harbour Road Network	463.41
- Surf Rescue Facilities	40.31
- District Open Space	2,114.46

The Section 94 contribution is currently \$527,628.64 for the 183 seniors living (SEPP) unit development. This includes a one lot rate credit of \$5,294.81.

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

Water Management Act 2000:

16. The relevant Construction Certificate/s 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.

PRIOR TO COMMENCEMENT OF WORKS

Construction Management Plan:

17. Prior to works for each stage commencing on the site for each stage of the development, **a Construction Management Plan shall be submitted to and approved by the Principal 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, including recycling or disposal of waste to an approved disposal depot: no burning of materials is permitted on the site;
 - (iv) noise and vibration management;
 - (v) waste management;
 - (vi) erosion and sediment control; and
 - (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.

Where the Principal Certifying Authority is not Council, the applicant shall submit a copy of the approved plan to Council for information prior to works commencing on site.

Site Notice:

18. Prior to commencement of works for each stage 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 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:

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

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.

Sanitary Plumbing and Draining:

22. 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.

Pre Clearing Procedures:

23. Prior to commencement of tree removal, a search for the presence of fauna is to be conducted in the area before commencement of operations each day by a suitably qualified and experienced Ecologist.

Presence includes both physical presence within the proposed tree removal area and occurrence of fresh scat materials.

- a) All hollows shall be searched and all checks shall be carried out a minimum distance of 50m from the tree clearing area.
- b) Koala faecal pellets (scats) check is required within a three metres radius of the base of all Koala Feed Trees.
- c) If a threatened arboreal species is located, the tree must be identified (flagged with tape). No further action shall occur until the animal has moved on of its own accord. If after two nights the animal has not moved the NSW Office of Environment and Heritage should be contacted for further advice.
- d) Physical removal of the animal is not an option and shall not be attempted.
- e) All injured animals shall be reported to WIRES immediately. To secure any wildlife which may be accidentally injured during clearing process a blanket, heavy duty gloves and a large bin is required on-site (note the bin lid must have holes to permit air passage).
- f) WIRES contacts: Coffs Harbour/ Woolgoolga: (02) 6652 7119.

Note: In relation to Koalas such search should include both lower branches and upper canopy in all listed koala food species (Tallowood, Swamp Mahogany, Broad-leaved Paperbark, Flooded Gum, Blackbutt, Forest Red Gum, Small-fruited Grey Gum, Forest Oak).

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.

Excavated Material:

25. 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.

Fill:

26. 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:

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

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

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

Erosion and Sediment Control:

28. 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:

29. 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; and
- (5) Rumble grids being installed at access points to the site.

Hours of Work:

30. 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 8.00am and 1.00pm;
- (3) No construction work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required by the Police or other authorities; and/or
- (2) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and/or
- (3) The work is approved through the Construction Noise and Vibration Management Plan; and
- (4) Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of works.

Public Way to be Unobstructed:

31. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Acid Sulfate Soil Management Plan:

32. The Acid Sulfate Soil Management Plan submitted with the application shall be implemented in full, with consideration to the following:

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

Finished Floor Level:

33. The minimum ground floor level for any buildings must be in accordance with the floor levels nominated on the 'de Groot & Benson Stormwater Management Plan No. 04275-C05-P1, dated 23-12-16'.

A registered surveyor's certificate that construction has complied with these levels must be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level.

Swimming Pool Fencing:

34. An inspection of the completed swimming pool barrier (complying with the Swimming Pools Act 1992) must be undertaken by the Principal Certifying Authority as soon as practicable after the barrier has been erected. No water shall be placed in the swimming pool unless appropriate temporary safety measures have been implemented pending the completion of a permanent complying safety barrier.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Occupation Certificate:

35. A person must not commence occupation or use of any new building prior to obtaining an Occupation Certificate for that building from the Principal Certifying Authority.

Road Design and Services:

36. The following works:

Stage 1 of the development:

- (a) Access to development from York Street;
- (b) Footpath (2.5 metres wide) linking the development to the Park Beach Plaza Shopping Centre;
- (c) Footpath (2 metres wide) along San Francisco Avenue frontage of the site, south of the pedestrian access from the site;
- (d) Footpath (2 metres wide) along the York Street frontage, linking to the bus shelter;
- (e) Fully accessible bus shelters and pram ramps on both sides of York Street;
- (f) Internal roads.

Stage 2 of development:

- (g) Footpath (2.5 metres wide) along the Arthur Street frontage of the site and associated pram ramps;
- (h) Footpath (2 metres wide) along the York Street frontage of the site and associated pram ramps;
- (i) Footpath (2.5 metres wide) from Arthur Street to the footpath constructed as part of Stage 1;
- (j) Internal roads.

All stages of development:

- (k) Sewer;
- (l) Water;

- (m) Stormwater drainage, including Water Sensitive Urban Design requirements;
- (n) Internal roads.

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, for the relevant stage of works.

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

Stormwater Management Certification:

37. Prior to the issue of the relevant Occupation Certificate **certification, prepared by a suitably qualified person, is required to be submitted to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.**

Car Parking Spaces:

38. **Car parking spaces as shown on the plans approved as part of this consent, being provided on the development site prior to the issue of the relevant 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".

Retaining Works:

39. **Any excavation or fill, regardless of height must be suitably retained or stabilised prior to the issue of the relevant Occupation Certificate.**

Survey Report:

40. **A survey report, describing the completed stage of the development prepared by a registered surveyor shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.**

Street Lighting:

41. **Street lighting along the York Street frontage of the site being provided to the requirements of the relevant electricity energy provider, with work being completed prior to issue of the Occupation Certificate for Stage 1 of the development.**

Compensatory Planting:

42. **A total of 40 replacement Swamp Mahogany (*Eucalyptus robusta*) trees being planted in accordance with the approved landscape plan/s prior to the issue of the Occupation Certificate for Stage 1 of the development.**

Compensatory plantings are to be established by a suitably qualified bush regenerator with professional experience extending beyond 5 years in current bush regeneration, restoration and relocation techniques. Eligibility of membership to the Australian Association of Bush Regenerators (AABR) is required.

Compensatory Planting - Reporting

43. A certificate of completion prepared by a suitably qualified person certifying that the compensatory planting works outlined in the Condition above have been undertaken in accordance with the approved Landscape Plan/s being submitted to Council.

Landscaping Works:

44. Prior to the issue of the relevant Occupation Certificate/s 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.

Work as Executed Plan:

45. Prior to the issue of the relevant Occupation Certificate, a **work as executed plan** endorsed by a registered surveyor or consulting engineer (hard or digital format) being submitted to Council certifying that:

- All drainage lines, sewer lines, services and structures are wholly contained within the relevant easement;
- The plans accurately reflect the work as executed.

Rainwater Tanks:

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

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

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

Noise Attenuation:

47. The noise attenuation methods as specified in the 'Noise Impact Assessment - Appendix N to the Statement of Environmental Effects, prepared by de Groot and Benson Pty Ltd' submitted to Council on 08 May 2017 and the 'Road Traffic Noise Impact Assessment (REPORT R170181R1)' prepared by Rodney Stevens Acoustic assessors, submitted to Council on 09 June 2017, being implemented in the development and the completed works subsequently certified by the acoustic consultant prior to the issue of the relevant Occupation Certificate/s.

One month after the whole development has been completed a follow up report, which assesses noise emissions from the development, the effectiveness of the noise attenuation methods and compliance with the appropriate maximum noise level (where applicable), is to be submitted to Council.

Flood Safe Plan:

48. **A copy of a 'Floodsafe Plan' that has been prepared for the development, in accordance with NSW State Emergency Service 'Flood safe Guidelines' shall be provided to Council prior to issue of the relevant Occupation Certificate/s.**

BASIX:

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

Food Premises Fitout - Certification:

50. **Written certification from Council's Environmental Health Officer or another suitably qualified Environmental Health Officer / Consultant must be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate/s to confirm that the food premises fitout has been constructed in accordance with the Food Act and specified Standards.**

Registration - Food Premises:

51. **The food premises being registered with Council and the NSW Food Authority prior to the issue of the relevant Occupation Certificate/s.**

Beauty Salon - Construction:

52. **The premises must be constructed to comply with Part 3 of Schedule 2 of the Local Government (General) Regulation 2005. Written certification from Council's Environmental Health Officer or another suitably qualified Environmental Health Officer / Consultant must be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate/s to confirm that the premises has been constructed in accordance with this Regulation.**

Business undertaking Skin Penetration procedures – Construction:

53. **Where skin penetration procedures are undertaken the premises must be equipped in accordance with [Part 4 of the Public Health Regulation 2012](#). Written certification from Council's Environmental Health Officer or another suitably qualified Environmental Health Officer / Consultant must be submitted to the PCA prior to the issue of the relevant Occupation Certificate/s to confirm that the premise has been constructed in accordance with this Regulation.**

Skin Penetration – Registration:

54. **Where the business involves skin penetration the premises is required to be registered with Council prior to the issue of the relevant Occupation Certificate/s in accordance with the provisions of the Public Health Act and Regulation.**

Pool Waste Water (Sewer Areas):

55. **All wastewater must be connected and disposed to Council's sewer main prior to the issue of the relevant Occupation Certificate/s via a suitable 100mm diameter gully trap. A minimum air gap of 100mm is to be provided between the discharge outlet and the gully grate.**

Swimming Pool Notice / Resuscitation Chart:

56. A warning notice, incorporating information detailed in Clause 10 of the Swimming Pools Regulation 2008, must be permanently fixed and displayed in a prominent position within the pool surrounds area prior to issue of the relevant Occupation Certificate.

Swimming Pool Register:

57. The swimming pool is to be registered on the NSW Swimming Pool Register (www.swimmingpoolregister.nsw.gov.au <<http://www.swimmingpoolregister.nsw.gov.au>>) prior to the issue of the relevant Occupation Certificate/s.

Restriction on Title:

58. A restriction on title under Section 88B and E of the *Conveyancing Act 1919*, being registered on the title of Lot 2 DP 731016, to the effect that:

- a. which limits occupation of the accommodation to which this development application relates, to the following persons:
- I. seniors or people who have a disability, as defined by *State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004*.
 - II. people who live within the same household with seniors or people who have a disability,
 - III. staff employed to assist in the administration of and provision of services to housing provided under *State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004*.
- b. The Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon vehicles and other equipment for the purposes of garbage and recycling collection, shall be granted to the Council by the owner of the subject land at the cost of the applicant, prior to occupation of the development.

Such easement shall be in a form acceptable to Council and shall include covenants to the effect that in the absence of negligence on the part of Council, its servants, agents and those authorised by Council to enter the subject property, they will not be liable for any damage caused to the subject land or any part thereof, or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and recycling and to the effect that the owner for the time being of the subject land shall indemnify Council, its servants, agents and persons authorised by it, to collect garbage and recycling against liability in respect of such claims made by any person whomsoever.

Documentation for the provision of the easement is to be submitted with the construction certificate application.

Note: an 88(b) instrument is acceptable subject to the area effected by the easement not requiring renewal upon sale or transfer at any time.

Any section 88B or E instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of carriageway to be revoked, varied or modified only with the consent from Council.

Details of the Restriction(s) are to be provided prior to the issue of an Occupation Certificate for Stage 1 of the development.

OPERATIONAL MATTERS

Occupants of the Development:

59. Only the following persons may occupy the accommodation to which this development application relates:

- (a) seniors or people who have a disability, as defined by *State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004*.
- (b) people who live within the same household with seniors or people who have a disability, as defined by *State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004*.
- (c) staff employed to assist in the administration of and provision of services to housing provided under *State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004*.

Stormwater:

60. All stormwater management systems are to be maintained in accordance with the approved stormwater plans.

Loading and Unloading:

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

Car Parking Areas:

62. Car Parking areas approved by this development consent are to be maintained in a serviceable condition at all times.

Noise:

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

With regards to plant and machinery the following requirements apply:

- a) Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the Subject Site.
- b) Noise generated in Industrial area is to accord with the industrial noise criteria within the 'Industrial Noise Policy' prepared by the Environment Protection Authority, 1999.

External Lighting:

64. External lighting shall comply with the requirements of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to Council evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Landscape Works:

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

ADVISORY NOTES

Trade Waste:

1. Where it is necessary to discharge liquid trade waste an '*Application for Approval to Discharge Liquid Trade Waste*' under Section 68 of the Local Government Act, being submitted and approved by *Coffs Harbour Water* prior to release of a Construction Certificate.

All trade waste discharges are to conform with effluent acceptance criteria as stipulated in Coffs Harbour Water's Trade Waste Policy (Schedule A) and or any standards applied by the Environment Protection Authority for the discharge.

Please Note: Depending upon your individual circumstances, some trade waste pre-treatment equipment may need to be incorporated into the building work.

Coffs Harbour Water (Trade Waste Section) should be contacted for the issue of a Liquid Trade Waste Application Form. Please note once all the relevant information has been supplied, up to 30 days is required for approval.

Public Road Reserves:

2. No work is to be undertaken within a public road reserve without prior written approval from Council. Applications for such approval are to be accompanied by the necessary security deposit and must satisfy Council that adequate Public Liability Insurance has been obtained, with Council being nominated as co-insured.

Retaining Works:

3. A construction certificate is required for retaining walls exceeding 600mm in height. Timber retaining walls exceeding 600mm in height are not to be permitted within 1 metre of the boundary.

Stormwater:

4. No new paving, excavation, filling or other work on the site is to interfere with the existing drainage system so as to pond or divert water onto adjoining properties.
