

Development Application No. 1012/22DA

Draft Schedule of Conditions

Right of review

For a determination other than for designated development or for integrated development, you are entitled to request reconsideration of this determination under Section 8.2 of the Environmental Planning and Assessment Act, 1979. The request for review of the determination must be made to Council in writing and is to be accompanied by the fee as prescribed under Clause 257 of the Environmental Planning and Assessment Regulation 2021.

The request for a review may be made at any time:

- a) *prior to the time limited for the making of an appeal under Section 8.7 expires, if no such appeal is made against the determination, or*
- b) *prior to an appeal under Section 8.7 against the determination is disposed of by the Court, if such an appeal is made against the determination.*

It is recommended that you discuss any request for a review of the determination with Council staff before lodging such a request.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

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ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described as an Eco-tourist facility as shown on the stamped and approved plans.

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 69-75 - E of Environmental Planning and Assessment Regulation 2021 as are of relevance to this development.

Development in Accordance with Plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. 1012/22DA).

Plan No. / Supporting Document(s)	Version	Prepared by	Dated
Title page + contents	B	Walknorth Architects	04.04.22

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Plan No. / Supporting Document(s)	Version	Prepared by	Dated
Site plan	B	Walknorth Architects	04.04.22
Reserve plan	B	Walknorth Architects	04.04.22
Upper site plan	B	Walknorth Architects	04.04.22
Lower site plan	B	Walknorth Architects	04.04.22
Upper – Roof plan	B	Walknorth Architects	04.04.22
Upper – Floor plan	B	Walknorth Architects	04.04.22
Upper – Subfloor plan	B	Walknorth Architects	04.04.22
Lower floor plan	B	Walknorth Architects	04.04.22
Site plan – RFS	B	Walknorth Architects	04.04.22
Upper site plan – RFS	B	Walknorth Architects	04.04.22
Site analysis	B	Walknorth Architects	04.04.22
Overall elevations + cross section	B	Walknorth Architects	04.04.22
Communal building elevations	B	Walknorth Architects	04.04.22
Detail sections	B	Walknorth Architects	04.04.22
Cabins	B	Walknorth Architects	04.04.22
Section - RFS	B	Walknorth Architects	04.04.22
Material board	B	Walknorth Architects	04.04.22
Cover sheet, drawing list and locality plan	2	Northrop	18.03.22
Erosion and sediment control plan sheet 1	1	Northrop	18.03.22
Erosion and sediment control plan sheet 2	1	Northrop	18.03.22
Erosion and sediment control details	1	Northrop	18.03.22

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Plan No. / Supporting Document(s)	Version	Prepared by	Dated
Bulk earthworks plan sheet 1	1	Northrop	18.03.22
Bulk earthworks plan sheet 2	1	Northrop	18.03.22
Civil works plan sheet 1	2	Northrop	18.03.22
Civil works plan sheet 1	2	Northrop	18.03.22
Control plan sheet 1	2	Northrop	18.03.22
Control plan sheet 2	2	Northrop	18.03.22
Typical road cross sections	2	Northrop	18.03.22
Longitudinal sections MC01	2	Northrop	18.03.22
Longitudinal sections MC03	2	Northrop	18.03.22
Civil details	2	Northrop	18.03.22
Title Page	2	Myrtle Studio	20.04.2022
Asset Protection Zones	2	Myrtle Studio	20.04.2022
Surface Finishes Key	2	Myrtle Studio	20.04.2022
Surface Finishes Palette	2	Myrtle Studio	20.04.2022
Surface Finishes Plan	2	Myrtle Studio	20.04.2022
Surface Finishes Plan	2	Myrtle Studio	20.04.2022
Surface Finishes Plan	2	Myrtle Studio	20.04.2022
Tree Planting Plan	2	Myrtle Studio	20.04.2022
Tree Planting Plan	2	Myrtle Studio	20.04.2022
Tree Planting Plan	2	Myrtle Studio	20.04.2022
Plant Palette	2	Myrtle Studio	20.04.2022

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.

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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, prepared by Keiley Hunter Town Planning and dated May 2022*

Environmental Assessment Documentation

- (2) *Bushfire Emergency Management and Evacuation Plan, prepared by Blackash Bushfire Consulting and dated 10 May 2022*
(3) *Bushfire Hazard Assessment Addendum for Radiant Heat at Refuge, prepared by Blackash Bushfire Consulting and dated 2 August 2022*
(4) *Bushfire Management Plan, prepared by Blackash Bushfire Consulting and dated 10 May 2022*
(5) *Concept Engineering Report, prepared by Yilaami Eco Resort and dated 18 March 2022*
(6) *Clause 4.6 Request for Variation to Height of Building Standard, prepared by Keiley Hunter Town Planning and dated 17 May 2022*
(7) *Site Contamination Report, prepared by Regional Geotechnical Solutions and dated 25 January 2022*
(8) *Cost Estimate Report, prepared by Del Consultants Pty Ltd dated 10 May 2022*
(9) *Architectural Design Statement, prepared by Walknorth Architects and dated May 2022*
(10) *Geotechnical Investigations and Assessment, prepared by Regional Geotechnical Solutions and dated 10 January 2022*
(11) *Aboriginal Cultural Heritage Assessment Report, prepared by Everick Heritage and dated 13 December 2021*
(12) *Wastewater Management Plan, prepared by Earth Water Consulting and dated 18 February 2022*
(13) *Traffic and Parking Impact Assessment, prepared by George Stulle Traffic Engineering and dated 28 January 2022*
(14) *Waste Management and Minimisation Plan, prepared by Walknorth Architects and dated 11 May 2022*

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

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3 and 4, the conditions of this approval prevail; and

Limit of Approval:

6. This consent will lapse 5 years from the date of consent unless the building works associated with the project have physically commenced.

Staging of Development:

7. This development consent acknowledges that the construction of the project will be staged.

Stage one works to comprise:

- Eco tourist facility with central building, communal facilities and 20 Eco cabins, and Associated internal infrastructure
- Access driveway intersections with Sealy Lookout Drive, including circular road and carparking.

Stage two works to comprise:

- Maintenance Facility
- Access Driveway and parking
- Stormwater Drainage

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

8. 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 Certificates are to be obtained for the **building works** and any **civil works**.

Equitable Access (Access and Facilities - DDA):

9. Equitable access and facilities for persons with a disability being provided in accordance with the Coffs Harbour Development Control Plan, the requirements of the Building Code of Australia and the relevant provisions of Australian Standard AS1428. Detailed plans indicating compliance with the relevant provisions, and certification by a suitably qualified consultant are to be submitted to the Certifying Authority **prior to issue of a Construction Certificate**.

Stormwater and Drainage Works Design:

10. Stage 1:

Stormwater being drained to various approved level spreaders via assorted on-site reuse and detention systems. Design details of the system being approved by Council **prior to issue of a Construction Certificate**. The design of drainage works on the public road are subject to separate application, fees and approval from Council.

The on-site drainage system is to be designed in accordance with the Northern Rivers Handbook of Stormwater Drainage Design. Calculations showing the effect of the proposed

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development on design storm run-off flow rates and the efficiency of proposed measures to limit the flows as set out in this condition are to be submitted with the design details.

The design is to achieve where applicable, compliance with the Coffs Harbour City Council Water Sensitive Urban Design Policy Targets. The design shall be accompanied by an Operation and Maintenance Plan for the system.

Note:-

- a) The use of level spreaders to control and manage the final overland discharge is considered sensitive on this site owing to the steep terrain and nature of the overlying soil matrix. To replicate existing flow regimes on site will require detailed calculations, runoff modelling and supporting documentation to validate this solution.
- b) The design storm in this assessment is to be the 50% AEP storm event (or the 1 in 2-year average recurrence interval event), or as agreed with Council.
- c) The designs and support documentation are to validate the long term erosion control systems proposed (for a 20-year horizon, or as agreed by Council).

Stage 2:

Stormwater being drained to the adjacent Council drainage system in Bruxner Park Road via assorted on-site reuse and detention systems. Design details of the system being approved by Council prior to issue of a Construction Certificate. The design of drainage works on the public road are subject to separate application, fees, and approval from Council.

The on-site drainage system is to be designed in accordance with the Northern Rivers Handbook of Stormwater Drainage Design. Calculations showing the effect of the proposed development on design storm run-off flow rates and the efficacy of proposed measures to limit the flows as set out in this condition are to be submitted with the design details.

Stormwater Management Plan:

11. A Stormwater Management Plan complying with the relevant controls of Council's Water Sensitive Urban Design Policy being submitted to and approved by Council **prior to issue of a Construction Certificate**.

Please refer to the WSUD Information Sheet, Policy and Guideline available on Council's web site <https://www.coffsharbour.nsw.gov.au/Home>

The design is to incorporate a detention system that achieves compliance with the Coffs Harbour City Council WSUD Policy targets. Design details are to include calculations showing the effect of the proposed development on design stormwater run-off flow rates and the efficiency of proposed measures to limit the flows. A MUSIC model, and an Operation and Maintenance Plan shall accompany the design for the system.

Road Design and Services (Building):

12. The following works:

- (a) *driveway accesses off Sealy Lookout Drive, and Bruxner Park Road*
- (b) *internal roads*
- (c) *car parking areas*
- (d) *footpaths and pathways*
- (e) *water*
- (f) *sewer*
- (g) *stormwater drainage including WSUD requirements*
- (h) *stormwater management plan works*

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) *All roads, paths and parking areas are to be sealed with appropriate pavement for use and grade;*
- 2) *The access track from the cabins to the parking area including the staff parking area and the Managers Accommodation is to be sealed;*
- 3) *The stormwater drainage system is to include all necessary rock lined swales and level spreaders*
- 4) *The stormwater design must consider stormwater quality and quantity and ensure no negative impact to Bruxner Road and associated infrastructure.*

Plans and specifications are to be submitted to Council and/or accredited private certifier and a separate **Civil Works Certificate** issued **prior to the issue of a Construction Certificate for the building works**. Plan submissions are to be accompanied by payment of prescribed fee.

Plans and specifications submitted later than six (6) months from the date of development consent shall comply with Council's current specifications at a date six (6) months prior to submission.

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

Manoeuvring Areas:

13. Adequate manoeuvring areas for service vehicles (including garbage trucks and temporary manoeuvring areas where the development is staged) complying with Council's Development Design and Construction Specification being provided within the development. Details of manoeuvring areas are to be submitted and approved **prior to issue of a Construction Certificate**.

Safety of Sealy Lookout Drive:

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14. Prior to **issue of a Construction Certificate**, the following must be carried out:

- a road safety audit on Sealy Lookout Drive, and the intersection of Bruxner Park Road and Sealy Lookout Drive incorporating a traffic study, and
- a separate recommendations report.

Both of the above are to be submitted to and approved by Council. All works identified in the road safety audit and recommendations report are to be included in the Civil Works Construction Certificate. Forestry Corporation, as the landowner of Sealy Lookout Drive, will be required to sign the Civil Works Application.

Erosion and Sedimentation Control Plan:

15. 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 a Construction Certificate**.

Fill:

16. Contour plans indicating the location of proposed fill areas in the development being submitted and approved by Council **prior to issue of a Construction Certificate**.

Contour plans are to include a clear description of the impact of changes proposed on water movement both to and from the site on all adjacent land and to show stormwater discharge points.

Construction Waste Management Plan:

17. **Prior to the 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:

- Identify all demolition and construction waste type and volumes (including any hazardous waste types e.g. asbestos);
- Identify the disposal facility for each waste type identified;
- Identify on a site plan the number and size of bins and location of bins to be used during demolition and construction to ensure separation of the waste types and volumes for transport and disposal;
- All waste building materials shall be reused, recycled or disposed of to an approved waste disposal depot;
- All waste disposal receipts are to be kept and provided to Council upon request;
- No burning of materials is permitted on site.

Separation of Waste:

18. 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. In this regard, an area for a minimum of four (4) x 660 Litre bins and two (2) x 240 Litre bins is required, with details being submitted to Council for approval **prior to the issue of a Construction Certificate**.

Bulk Waste Bins and Communal 240 Litre Bins:

19. The waste bin area is to be enclosed by a roofed and screened enclosure in accordance with the provisions of Council's Waste Management Development Control Plan (DCP). The enclosure is to accommodate a minimum of four (4) x 660 Litre bins and two (2) x 240 Litre bins (see DCP for dimensions). The enclosure is to be graded and **drained in a nuisance free manner** via a dry basket arrestor. A hose cock is to be provided in the enclosure. The design and materials of the enclosure are to be compatible with the development. Details of the enclosure being submitted and approved by Council **prior to issue of a Construction Certificate**.

Section 7.11 (formerly sec 94) Monetary Contributions:

20. 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 for Stage 1 building works, 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 7.11 (formerly sec 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.

20 accommodation cabins and 1 night manager unit at .35ET per cabin/unit	\$ per cabin/unit
Coordination and Administration	91.71
Coffs Harbour Road Network	327.75
Surf Rescue Facilities	53.20
District Open Space	1495.47
Transport & Traffic	7496.64
Urban Planning	480.76
Bush Fire Protection	175.53

The Section 7.11 (formerly sec 94) contribution is currently: Stage 1 \$183,625.11 for the 21 cabin/unit development. This includes a credit of \$28,917.34 for the 1 existing lot.

Contributions have been imposed under the following plans:

- Coffs Harbour Open Space 2017
- Coffs Harbour Road Network 2016
- Surf Rescue Facilities 2016
- Coffs Harbour Administration Levy 2016
- Korora Rural Residential Release Area 2017

The Contribution Plans may be inspected at the Council Customer Service Centre, 2 Castle Street, Coffs Harbour or on Council's web site, <https://www.coffsharbour.nsw.gov.au/Home>

Water Management Act 2000:

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

Reflectivity:

22. The visible light reflectivity from building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements being submitted to Council or the accredited certifier **prior to the issue of a Construction Certificate.**

Outdoor Lighting:

23. 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 a Construction Certificate.**

Retaining Works:

24. 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.

Construction & Traffic Management Plans:

25. A Construction Management Plan and Traffic Management Plan must be submitted to and approved by the principal certifying authority prior to the issue of any **Construction Certificate**. The plans must document the proposed method of work within the construction site boundaries with regard to the health and safety of the public and the effect on the road reserve.

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If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to the opposite property boundary and includes roadway, nature strip and footpath.

This consent does not authorise the use of any public lands (including public reserves, public roads or public laneways). If the Applicant requires the use of any public lands to facilitate the construction of the development, the Applicant shall prior to occupation seek from Coffs Harbour City Council a lease or permit under the *Roads Act 1993* or *Local Government Act 1993* as appropriate.

Note: The traffic management plan needs to include:

- a) an estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles.
- b) traffic management of short term activities such as delivery of materials; accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks; tradesmen work vehicles and the like.
- c) Traffic Control Plans detailing proposed methods to ensure safe vehicle access into and out of the general traffic stream, pedestrian control and safe transfer of materials from road reserve to construction site.

Aboriginal Heritage Impact Permit (AHIP) and community collection:

26. Artefacts associated with sites 22-1-0636/ 22-1-0205 should be subject to an AHIP to provide for community collection and relocated to the Yilaami Communal Building. Following community collection and relocation, an Aboriginal Site Impact Recording Form (ASIRF) should be submitted to Aboriginal Heritage Information Management System (AHIMS).

PRIOR TO COMMENCEMENT OF WORKS

Aboriginal Object Collection Procedure:

27. The following Community Collection Procedure should be put in place:
 - (1) Identification of the work area by construction supervisors;
 - (2) Briefing of Aboriginal sites officers and contractors on the collection procedure;
 - (3) Walk over of the ground surface with collection of any surface artefacts;
 - (4) Removal of the grass/ topsoil layer to a depth no greater than 50mm and collection of any artefacts within the windrows and the exposed soil profile;
 - (5) Removal of a second layer of topsoil to a depth of no greater than 150mm and collection of any artefacts within the windrows and the exposed soil profile;

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- (6) The collection procedure should proceed in units of no greater than 100mm until the clay rich 'B' soil horizon is reached and the sites officer consider the underlying clay is not likely to contain artefacts;
- (7) All artefacts should be labelled and photographed for future reference;
- (8) The AHIP should provide for temporary storage by Bularri Muurlay Nyanggan Aboriginal Corporation at a secure office location prior to permanent storage within the Yilaami Communal Building once built;
- (9) All topsoils with the potential to contain Aboriginal objects are to be retained onsite and used as part of the remediation of the site.

Site Notice:

- 28. 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.

Notification to neighbours:

- 1. The person having the benefit of the consent must give at least two (2) days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that adjoins the lot on which the works will be carried out.

Notice to be Given Prior to Commencement / Earthworks:

- 29. 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*.

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Contact Telephone Number:

30. 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:

31. 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:

32. 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.

Site signage requirements:

33. PCA signage (nominating Council as the Principal Certifying Authority) supplied at submission of the application for a Construction Certificate must be erected in a prominent position on the site and is to be maintained until the building work has been completed. The signage must be erected prior to commencement of work.

DURING CONSTRUCTION

Approved Plans to be On-Site:

34. 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:

35. 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.

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Waste and Contamination:

36. 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.

Construction Waste Management:

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

Fill:

38. 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:

39. 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.

At least 14 days prior to the importation of any fill material, details shall be submitted to the Certifying Authority demonstrating the material complies with the above requirements.

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.

Construction Site Access:

40. Construction site access is to be from Sealy Lookout Drive for Stage 1, and Bruxner Park Road for Stage 2. Construction workers vehicles are not to obstruct access along Bruxner Park Road, or Sealy Lookout Drive at any time.

Erosion and Sediment Control (Implementation):

41. 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.

Where excavation works or removal of vegetation is to take place on the site, control measures in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom are to be undertaken at each appropriate construction stage to prevent erosion of soil.

Disposal of Stormwater:

42. Any seepage or rainwater collected during construction shall not be pumped to the stormwater system unless separate prior approval is provided by Council.

Dust Control Measures:

43. Adequate measures being taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (1) Physical barriers being erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - (3) All materials shall be stored or stockpiled at the best locations;
 - (4) The work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs;
 - (5) 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;
 - (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
 - (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
 - (8) Cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle.

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Hours of Work:

44. Construction works are to be limited to the following hours:

Monday to Friday	7.00 am - 6.00 pm
Saturday	7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm

No construction work is to take place on Sunday and Public Holidays.

Public Way to be Unobstructed:

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

Cultural Heritage:

46. 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.

Aboriginal Human Remains:

47. Should human remains be located at any stage during earthworks, all works must cease in the immediate area to prevent any further impacts to the remains. The site shall be cordoned off and the remains left untouched. The nearest police station (Coffs Harbour), the Registered Aboriginal Parties (RAPs) and the Heritage NSW Regional Office (Coffs Harbour) are all to be notified as soon as possible.

If the remains are found to be of Aboriginal origin and the police do not wish to investigate the site for criminal activities, the Aboriginal community and the Heritage NSW should be consulted as to how the remains should be dealt with.

Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

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48. In all dealings with Aboriginal human remains, the Proponent should use respectful language, as they are the remains of Aboriginal people rather than scientific specimens.

Swimming Pool Fencing and Signage:

49. The immediate surrounds of the pool are to be enclosed with fencing and gate(s) complying with the *Swimming Pools Act 1992*.

Suitable temporary fencing being installed around the pool during construction to prevent unauthorised entry to the pool area. Temporary fencing is to remain in place until permanent fencing is installed.

Signage complying with Clause 10(3) of the Swimming Pools Regulation 2018 stating “*This pool is not to be occupied or used*” **is to be erected and maintained at all times during construction.**

Height of Development:

50. The height of the development is not to exceed the design height as specified in the approved plans (9.95m shown on plan number 202A, prepared by Walknorth Architects and dated 04.04.2022).

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

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

The certification is to address the height and location of the formwork to achieve the approved design height. Construction work is not to proceed beyond these stages until authorised to do so by the Certifying Authority.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

Access Works:

51. Sealed driveways being constructed over the footpath at right angles to the road in accordance with Council's standard drawings. Any existing driveways which are not required for the development are to be removed and the footpath reinstated. All such work is subject to a separate driveway application, fees and approval by Council.

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

Plan of Management:

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52. A Plan of Management for the eco-tourist facility is to be submitted to and approved by Council **prior to the issue of an Occupation Certificate.**

Stormwater Management Certification:

53. **Prior to the issue of an Occupation Certificate** the consultant design engineer shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

Stormwater Management:

54. All stormwater design elements (approved in accordance with condition number 11 above) are to be completed **prior to the issue of an Occupation Certificate.**

Road Design and Services:

55. The following works:

- (a) driveway accesses off Sealy Lookout Drive, and Bruxner Park Road*
- (b) internal roads*
- (c) Car parking areas*
- (d) footpaths and pathways*
- (e) water*
- (f) sewer*
- (g) stormwater drainage including WSUD requirements*
- (h) stormwater management plan works*

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.

Safety of Sealy Lookout Drive:

56. All works identified in the road safety audit and recommendation report required by condition number 14 are to be completed **prior to the issue of an Occupation Certificate.**

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Maintenance Bond:

57. Prior to issue of an Occupation Certificate and acceptance of 'On Maintenance' period, a maintenance bond for the constructed civil engineering works required to be dedicated to Council must be paid to Council, unless other suitable arrangements are made with Council. The bond may be in cash or by financial institution guarantee.

The bond required is the larger sum of:

- 5% of the contract sum for all works where the total value is more than \$50,000 or;
- \$5,000

All work to be dedicated to Council is subject to a maintenance period of six (6) months from the date of the Occupation Certificate issued by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if an Occupation Certificate approval is delayed beyond the maintenance period.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with Councils Standards.

Note: If a financial institute guarantee is proposed to be used, please contact Council to determine whether this institute is acceptable to Council as well as to ascertain specific requirements of the guarantee.

Letter of Completion for Civil Works

58. **Prior to the issue of the Occupation Certificate**, a Letter of Completion for Civil Works is required to be obtained from the relevant Civil Works Principal Certifying Authority(s) stating that all conditions relating to the civil works have been satisfactorily completed.

Landscaping Works:

59. **Prior to the issue of an Occupation Certificate** a works as executed plan is to be submitted to the Principal Certifying Authority, certifying that all landscape works have been carried out in accordance with the approved plan.

Private supply of drinking water:

60. The private supply of drinking water to the premises is to consistently meet the requirements contained within the Public Health Act 2010 and the *Australian Drinking Water Guidelines 2011* and any subsequent amendments to the Guidelines.

Drinking Water Management:

61. Detail of an appropriate drinking water management system, in compliance with NSW Health requirements and the *Public Health Act 2010* and Regulation 2012 is to be submitted to the NSW Ministry of Health **prior to the issue of an Occupation Certificate**.

On Site Sewage Management System:

62. Compliance with the terms and conditions of the onsite sewage management system approval issued by Council. A Certificate of Completion for the installation of the system is to be submitted to Council **prior to the issue of Occupation Certificate.**

Car Parking Spaces:

63. Twenty-four (24) car parking spaces as shown on the plan approved in accordance with condition number 3 of this consent being provided on the development site **prior to the 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".

Occupation Certificate:

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

Fire Safety Certificate:

65. Submission of a Fire Safety Certificate to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**. A copy of the Fire Safety Certificate shall be provided to the Commissioner of the NSW Fire Brigades by the owner of the building and to Council where the Council is not the Principal Certifying Authority. The Fire Safety Certificate is also to be prominently displayed in the building.

Retaining Works:

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

Pool Filter Backwashing:

67. All wastewater from the pool filter backwashing process is to be disposed of on-site without causing nuisance/damage to other land. Such disposal being clear of onsite sewerage disposal areas and all work being completed **prior to issue of an Occupation Certificate**.

Swimming Pool Warning Notice / Resuscitation Chart:

68. **Prior to issue of an Occupation Certificate** for the pool, a sign displaying all warning notices required by Clause 10(1) of the Swimming Pools Regulation 2018 must be permanently fixed and displayed. The sign is to be located in a prominent position in the immediate vicinity of the pool.

Swimming Pool Register:

69. The swimming pool is to be registered on the NSW Swimming Pool Register <https://www.swimmingpoolregister.nsw.gov.au/> **prior to the issue of an Occupation Certificate**.

Survey Report:

70. Submission of a survey report describing the completed development prepared by an registered surveyor to the Principal Certifying Authority **prior to the issue of the Occupation Certificate**.

Stormwater:

71. Stormwater is to be collected and piped to a suitable on-site area, clear of effluent disposal areas and property boundaries in a manner designed to minimise erosion potential.

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Public Swimming Pool registration:

72. The public swimming pool being registered with Council **prior to the issue of any Occupation Certificate** in accordance with the provisions of the Public Health Act and Regulation.

OPERATIONAL MATTERS

Loading and Unloading:

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

Unobstructed Driveways and Parking Areas:

74. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for parking of vehicles associated with the use of the premises.

Car Parking Areas:

75. Car parking areas approved in accordance with condition number 63 above are to be maintained in a serviceable condition at all times.

Advertising Signage:

76. A separate development application for any proposed advertising signs (other than those identified as exempt in Schedule 2 of the Coffs Harbour City Local Environmental Plan 2013) being submitted to Council for approval prior to the erection or display of any such signs.

Noise:

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

Landscape Works:

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

Swimming Pool Barrier:

79. Fences, gates, walls, etc. enclosing the general swimming pool area being maintained in good repair and condition at all times.

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Waste Management (Operational):

80. Provision being made on the site for the separation of recycling and organic waste, including food waste and other putrescible wastes from the general waste stream in accordance with Council's requirements. The waste management practices of the premises should provide for the continued separation of recycling and organic waste from the general waste stream.

Sewer manholes, inspection openings and water meters:

81. A person must not build over, interfere with access, increase or reduce the cover over any water/sewer/stormwater utility infrastructure, such as; sewer manholes, sewer inspection openings, water meters and stormwater pits.

If for any reason it is necessary to raise the height of a sewer manhole this is subject to a separate application to Council.

INTEGRATED TERMS OF APPROVAL CONDITIONS

General Conditions:

82. Development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	NSW Planning Portal Reference	Dated
NSW RFS	CNR-40346 DA20220605008328-Original-1	Wednesday 21 September 2022

Note: For a copy of the above referenced document/s, please refer to the NSW Planning Portal

ADVISORY NOTES

Plumbing and Drainage Works:

All water supply, sanitary plumbing and drainage works are to comply with the relevant provisions of *the Local Government (General) Regulation 2005*.

Requirements of Public Authorities for Connection to Services:

The Proponent shall comply with the requirements of any public authorities (e.g. the relevant electricity energy provider, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authority are to be submitted to the satisfaction of the Certifying Authority **prior to the issue of the Construction Certificate**.

Compliance with Building Code of Australia:

The proponent is advised to consult with an appropriately qualified and independent building consultant about any modifications needed to comply with the Building Code of Australia prior to submitting the application for Construction Certificate.

Temporary Structures:

Approval may be required from Council for the erection of temporary structures in accordance with *State Environmental Planning Policy (Temporary Structures) 2007*. In this regard, temporary structures are classified as either exempt or complying development, or development requiring consent. Please refer to the Policy for further information in relation to this matter.

Disability Discrimination Act:

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This application has been assessed in accordance with the NSW *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. Australian Standard AS 1428 Parts 2, 3, & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Public Road Reserves:

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.

Vegetation Management:

Cleared vegetation must not be stored within Bush Fire Asset Protection Zones. Burning off vegetation may only be undertaken within restricted land use zones. Refer to Council's Website for further information in relation to Burning Restrictions <https://www.coffsharbour.nsw.gov.au/Resident-services/Your-neighbours/Control-of-burning>

Appeals:

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Other Approvals Permits:

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*.
