

ADMINISTRATIVE CONDITIONS**Development Description:**

1. Development consent is granted only to carrying out the development described below:
 - **Mixed Use Development (Comprising Demolition of Existing Buildings, Construction of Retail Premises (7 Shops) and Shop top housing (95 Residential Apartments))**

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.

Plan No.	Version	Prepared by	Dated
Demolition Plan, DWG No. DA-010-004	01	Turner Studio	11/12/2020
Ground Level, DWG No. DA-110-001	10	Turner Studio	26/05/21
Mezzanine Level, DWG No. DA-110-005	06	Turner Studio	26/05/21
Level 01, DWG No. DA-110-010	09	Turner Studio	26/05/21
Level 02, DWG No. DA-110-020	09	Turner Studio	26/05/21
Level 03, DWG No. DA-110-030	09	Turner Studio	26/05/21
Level 04, DWG No. DA-110-040	06	Turner Studio	11/12/2020
Level 05, DWG No. DA-110-050	06	Turner Studio	11/12/2020
Level 06, DWG No. DA-110-060	06	Turner Studio	11/12/2020
Level 07, DWG No. DA-110-070	06	Turner Studio	11/12/2020
Level 08, DWG No. DA-110-080	06	Turner Studio	11/12/2020
Level 09, DWG No. DA-110-090	06	Turner Studio	11/12/2020
Level 10, DWG No. DA-110-100	06	Turner Studio	11/12/2020
Level 11, DWG No. DA-110-110	06	Turner Studio	11/12/2020
Level 12, DWG No. DA-110-120	06	Turner Studio	11/12/2020
Roof Level, DWG No. DA-110-130	07	Turner Studio	11/12/2020
Adaptable & Liveable Apartment Layouts, DWG No. DA-810-001	02	Turner Studio	11/12/2020
Adaptable & Liveable Apartment Layouts, DWG No. DA-810-002	02	Turner Studio	11/12/2020
Adaptable & Liveable Apartment Layouts, DWG No. DA-810-003	02	Turner Studio	11/12/2020
Adaptable & Liveable Apartment Layouts, DWG No. DA-810-004	02	Turner Studio	11/12/2020
Adaptable & Liveable Apartment Layouts, DWG No. DA-810-005	02	Turner Studio	11/12/2020
Adaptable & Liveable Apartment Layouts, DWG No. DA-810-006	02	Turner Studio	11/12/2020

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Plan No.	Version	Prepared by	Dated
Elevations (North & South), DWG No. DA-210-001	02	Turner Studio	11/12/2020
Elevations (East), DWG No. DA-210-002	02	Turner Studio	11/12/2020
Elevations (West), DWG No. DA-210-003	02	Turner Studio	11/12/2020
Sections, DWG No. DA-310-001	02	Turner Studio	11/12/2020
Sections, DWG No. DA-310-002	02	Turner Studio	11/12/2020
Sections Details, DWG No. DA-310-00	01	Turner Studio	11/12/2020
Materials & Finishes, DWG No. 890-001	01	Turner Studio	11/12/2020
Title Page (Landscape Plan), Sheet 1	A	Conzept Landscape Architects	17/12/2020
Landscape Plan – Public Doman (Ground Floor), Sheet 2, DWG No. LPDA 21-153	A	Conzept Landscape Architects	17/12/2020
Hardscape Plan – Public Doman (Ground Floor), Sheet 3, DWG No. LPDA 21-153	A	Conzept Landscape Architects	17/12/2020
Landscape Plan – Level 1, 2 & 3, Sheet 4, DWG No. LPDA 21-153	A	Conzept Landscape Architects	17/12/2020
Landscape Plan – Level 4, Sheet 5, DWG No. LPDA 21-153	A	Conzept Landscape Architects	17/12/2020
Details 1, Sheet 6, DWG No. LPDA 21-153	A	Conzept Landscape Architects	17/12/2020
Details 2 – Pergola, Sheet 7, DWG No. LPDA 21-153	A	Conzept Landscape Architects	17/12/2020
Details 3 – Pergola, Sheet 8, DWG No. LPDA 21-153	A	Conzept Landscape Architects	17/12/2020
Sediment and Erosion Control Plan, DWG No. CI-070-01	A	Stantec	Undated
Sediment and Erosion Control Details, DWG No. CI-076-01	A	Stantec	04/12/2020

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail.

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

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:

- (1) Statement of Environmental Effects, prepared by Keiley Hunter, Demolition, Mixed Use Retail and Residential Development and dated 17 December 2020.
- (2) Statement of Compliance - BCA Access Provisions, prepared by Accessible Building Solutions, Proposed Mixed Use Development at 15-31 Harbour Drive Coffs Harbour, Job No. 220263 and dated 15 December 2020.
- (3) Acoustics Assessment for Development, 15-31 Harbour Drive Coffs Harbour, prepared by Acoustic logical, Job No. 0201192.1 and dated 10 December 2020.
- (3) Building Sustainability Index Report, Certificate No. 1157442M, prepared by Application Solutions Pty Ltd and dated 16 December 2020.

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- (4) Design Statement Development Application Submission, Mixed Use Development at 15-31 Harbour Drive, prepared by Turner and dated 16 December 2020.
- (5) Hazardous Material Survey, 15-31 Harbour Drive Coffs Harbour, prepared by EI Australia, Job No. E24924.E10_Rev0 and dated 30 November 2020.
- (6) Compliance Report Section J Energy Efficiency, Mixed Use Development at 15/31 Harbour Drive Coffs Harbour NSW, prepared by Application Solutions and dated 15 December 2020.
- (7) Stormwater Management Plan, 15-31 Harbour Drive, Coffs Harbour NSW 2450, prepared by Stantec Australia, Job No. 47738 and dated 16 December 2020.
- (8) Additional Stormwater Management Information, 15-31 Harbour Drive, Coffs Harbour, prepared by Stantec Australia, Job No. 47738 and dated 18 March 2021
- (9) Structural Engineering Letter, 15-31 Harbour Drive, Coffs Harbour NSW 2450, prepared by Izzat Consulting Engineers, Job No. J6953 and dated 07 December 2020.
- (10) Traffic and Parking Assessment, Proposed Mixed Use Development 15-31 Harbour Drive, Coffs Harbour, prepared by Transport and Traffic Planning Associates, Job No. 20269, Issue B and dated 06 May 2021.
- (11) Operational, Demolition and Construction Waste Management Plan, prepared by Waste Audit and Consultancy Services and dated March 2021
- (12) Pedestrian Wind Environment Statement, 15-31 Harbour Drive, Coffs Harbour, prepared by Windtech Consultants, Job No. WF801-01F02(rev1) and dated 08 December 2020.
- (13) Geotechnical Report, 2-6 Vernon Street Coffs Harbour (C.ex Club), prepared by Regional Geotechnical Solutions, Report No. RGS31484.1–AB, and dated 7 May 2018

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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Electronic Parking Guidance System (Details):

6. **Prior to release of a Construction Certificate** details of a Car Parking Management System shall be submitted to and approved by Council. The system shall include a mechanism for showing the number of parking spaces available (on GF and L01) from Vernon Street with individual bay monitoring to assist drivers in navigating available parking spaces.

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

Equitable Access (Ground Floor, Car Park, Adaptable Dwellings and Communal Open Space):

8. The Ground Floor, Car Park, Adaptable Dwellings and Communal Open Space must be provided with access and facilities for people with disabilities.

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

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

The details must address the following:

- (1) Provision for compliance with AS 1428.1 for door approaches AS4299 4.3.7,
- (2) Garbage chutes are to provide suitable fixtures for person's with a disability to reach and operate,
- (3) All doors leading to outside areas are to provide low levels,
- (4) Communal areas, including, BBQ Areas and seating/tables.

Consolidation:

9. The lots subject to this application (Lot 9 DP 506454, Lot 10 DP 506454, Lot 4 Sec 7 DP 758258 and Lot 1 DP 305950) being consolidated to ensure that all existing and proposed works are located within the property boundaries of the one lot. Evidence of lodgement of a plan of consolidation being submitted to Council or the certifying authority **prior to issue of a Construction Certificate.**

Garbage Chutes:

10. The garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Details are to be provided on the plans and documentation accompanying the relevant **Construction Certificate application to the satisfaction of the Principal Certifying Authority.**

Section 7.11 Monetary Contributions:

11. 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 Building 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 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.

	\$ Per Small Unit	\$ Total for 86 Small Units	\$ Per Large Unit	\$ Total for 9 Large Units
Coordination and Administration	175.72	15,111.92	251.02	2,259.18
Coffs Harbour Road Network	627.95	54,003.70	897.08	8,073.72
Surf Rescue Facilities	101.92	8,765.12	145.60	1,310.40
District Open Space	2,865.21	246,408.06	4,093.16	36,838.44
		324,288.80		48,481.74
TOTAL PAYABLE				\$372,770.54
Discount applied if conditions of Coffs Harbour City Centre Development Incentive Policy are met (see below)				-\$372,770.54
TOTAL PAYABLE (if conditions of Policy are met)				\$0

Contributions have been imposed under the following plans:

- Coffs Harbour Open Space 2017
- Coffs Harbour Road Network 2016
- Surf Rescue Facilities 2019
- Coffs Harbour Administration Levy 2019

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.

The total amount only becomes payable prior to the release of the occupation certificate, if conditions relating to the Coffs Harbour City Centre Development Incentive Policy are not satisfied.

Note: The applicant has nominated at their time of application, their intention to utilise the Coffs Harbour City Centre Development Incentive Policy. This incentive will provide a 100% exemption across section 7.11 contributions and section 64 contributions. It does not apply to car parking contributions. The application currently meets the criteria, however construction will need to be completed by 18th December 2023 (completion date) and before the \$2.5m incentive allowance (incentive cap) is exhausted. The contributions are levied as normal within the consent and will only be payable if the policy conditions are not met. Should the development fail to meet the completion date or should the incentive cap be reached during construction – the applicant must pay all contributions outlined in this document.

Water Management Act 2000:

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

The total amount only becomes payable prior to the release of the occupation certificate, if conditions relating to the Coffs Harbour City Centre Development Incentive Policy are not satisfied.

Note: The applicant has nominated at their time of application, their intention to utilise the Coffs Harbour City Centre Development Incentive Policy. This incentive will provide a 100% exemption across section 7.11 contributions and section 64 contributions for the residential component. It does not apply to car parking contributions. The application currently meets the criteria, however construction will need to be completed by **18th December 2023 (completion date) and before the \$2.5m incentive allowance (incentive cap) is exhausted**. The contributions are levied as normal within the consent and will only be payable if the policy conditions are not met. **Should the development fail to meet the completion date or should the incentive cap be reached during construction – the applicant must pay all contributions outlined in this document.**

Note: The incentive policy is only in relation to the residential component of water and sewer contributions and does not include commercial water and sewer contributions or incentives under the Business Incentive Policy (separate policy for commercial development and is not included in the cap)

Stormwater and Drainage Works Design:

13. Stormwater being drained to Council infrastructure. Design details of the system being approved by Council **prior to issue of Construction Certificate**.

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 are to be submitted with the design details.

The design is to achieve compliance with the relevant controls Coffs Harbour City Council Water Sensitive Urban Design (WSUD) Policy.

The MUSIC model, and an Operation and Maintenance Plan shall accompany the design for the system(s).

Road Design and Services (Building):

14. The following works:

- (a) Stormwater connections within Council reserve into Council infrastructure;
- (b) Sewer Main Decommissioning and Upgrade;
- (c) Water Main Upgrades;
- (d) Entry Works;
- (e) Half Road Construction and rectification on any Council assets along the Vernon Street frontage;
- (f) Frontage works along Harbour Drive.

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).

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Note:

- (1) The sewer main under the building is required to be decommissioned.
- (2) The sewer for the development must connect to the sewer main in Vernon Street, with the sewer main along the frontage to BA/06 being upgraded to a 225mm sewer main.
- (3) Water main upgrade to DN150 along the property frontage extending to the existing DN150 crossing of Grafton Street, unless other arrangements acceptable to Council are made.
- (4) The entry works shall include:
 - a. blisters with street trees to be installed on either side of the entrance;
 - b. Manouvring diagrams for the largest vehicle to enter the size shall be provided to ensure the blisters to not inhibit entry or exit from the development;
 - c. The trees in the blisters are to be *Michelia champaca*;
 - d. The driveway crossover is to have a continuous concrete footpath to indicate that pedestrians have right of way and Vernon Street maintains a continuous path of travel at one consistent level.
- (5) The (footpath) frontage in front of the development along Harbour Drive is to be rehabilitated in accordance with the Coffs Harbour City Centre Master Plan to Councils satisfaction.

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**, with the exception of the Ø150mm water main and the sewer main upgrade to service the development, where a separate **Civil Works Certificate** may be issued prior to the **issue of an Occupation Certificate**. 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.

Safer by Design:

15. To maximise the opportunity for crime and in accordance with Crime Prevention Through Environmental Design principles, the development shall incorporate the following to the satisfaction of the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate**:
 - a) Closed Circuit Television (CCTV)
 - b) Lighting of common areas
 - c) Sensor lighting
 - d) Restricted access

Note:

- (1) The developer/owner must install and maintain surveillance cameras and records to the monitor and record all entrance and exit point to the buildings. The cameras should include the foyer area to the building including the areas of the 'public' pathway exiting onto Harbour Drive and Vernon Street. The cameras should also monitor the vicinity outside the building including, but not limited to, the footpath area in front of the premises on Harbour Drive and Vernon Street. CCTV cameras should also cover any communal areas, lifts, public spaces, car park areas. Recordings should be made twenty four (24) hours a day seven days a week.

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- (2) Lighting of common 'public' pathway between Harbour Drive and Vernon Street. Details of lighting for internal pathway, common areas and the street frontage shall be submitted for approval prior to issue of the Construction Certificate.
- (3) Sensor Lighting – Sensor lighting is to be provided to lobby entry to the residential component of the development within the 'public' pathway between Harbour Drive and Vernon Street. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
- (4) Install and maintain measures to restrict access of the residential areas of the development to the retail/public areas.

PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

16. Prior to commencement of works a site notice (must) 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 Certifier for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Notice to be Given Prior to Commencement / Earthworks:

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

The Principal Certifier is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifier via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Contact Telephone Number:

18. 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.

Undertake Works on a Public Road Approval:

19. Prior to the commencement of works within the road reserve an approval to Undertake Works on a Public Road is required to be obtained from Council Roads and Open Space Section in accordance with Section 138 of the Roads Act 1993.

Construction Traffic Management Plan:

20. A Traffic Management Plan must be submitted for approval by Council prior to the commencement of works. The Plan must show the proposals for reducing any impact of the construction site on the adjacent traffic network. This plan will include traffic management of short term activities such as delivery of materials; accessing, exiting and parking in and

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near the work site by cranes, concrete agitator trucks; tradesmen work vehicles and the like.

The Traffic Management Plan may include 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. The Traffic Management Plan should be and any associated Traffic Control Plans must be, prepared by a person authorised by Transport for NSW to prepare Traffic Control Plans. Any Traffic Control Plan must be approved by Council.

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 is to be included in the Traffic Management Plan.

Should it become necessary to occupy the road reservation for any reason not included in the approved Traffic Management Plan, even short term, then a specific Traffic Control Plan for the event or events is to be provided to Council. The submission must include the reasons that the occupation is required and any revision of the Construction Management Plan and/or Traffic Management Plan to accommodate the change in the construction methodology

Water Meters:

21. A water reticulation plan is to be submitted to Council's Water Services Section for approval prior to water fitting work commencing. Note, individual Council water meters are to be provided to all units and common areas.

Undertake Works on a Public Road Approval:

22. **Prior to the commencement of works** within the road reserve an approval to Undertake Works on a Public Road is required to be obtained from Council under Section 138 of the Roads Act 1993.

Removal of Hazardous Materials:

23. All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Principal Certifying Authority prior to the removal of any hazardous materials.

Erosion and Sediment Control:

24. 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, to the satisfaction of the Principal Certifying Authority.

Asbestos Removal

25. The following must be complied with:
 - (a) Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the Work Health and Safety Regulation 2011.
 - (b) The person having the benefit of the development consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person

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- before any development pursuant to the development consent commences.
- (c) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
 - (d) If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

Demolition Works:

26. All works including (where relevant) the handling and disposal of materials containing asbestos, are to be undertaken in accordance with the relevant requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard AS 2601-2001 "The Demolition of Structures".

Prior to demolition all services are to be disconnected and capped off. Council's Water Services Section is to be notified, two working days prior to demolition, of the intention to commence the works. Disconnection of any sewer drainage lines shall be sealed to prevent ingress of water and debris into the sewerage system.

Prior to any demolition works commencing, satisfactory arrangements must be made with Essential Energy for the disconnection of any service line/s to the affected properties.

Where water and sewerage services are no longer required the required fee for disconnection being paid to Council's Water Services Section prior to the commencement of any demolition work.

Dial Before You Dig:

27. Essential Energy's records indicate that there are existing underground powerlines in the footpath area at the front and rear of the affected properties, which may include existing connections to the properties. Prior to carrying out any works (including excavation works), a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Sanitary Plumbing and Draining:

28. 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.**

DURING CONSTRUCTION

Approved Plans to be On-Site:

29. 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 Certifier.

Erosion and Sediment Control (Implementation):

30. 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.

Construction Waste Management (Implementation):

31. Compliance with the terms of approved construction waste management plan at all times during construction.

Acid Sulfate Soils Management Plan:

32. The Acid Sulfate Soils Management Plan (ASSM) prepared by Regional Geotechnical Solutions, Reference No. RGS31484.1-AC and dated 7 May 2018, being implemented during works.

The ASSM recommends specific procedures and mitigation measures and must address all of the following aspects as outlined in the ASSM:

- (a) Responsibilities;
- (b) Neutralising Materials;
- (c) Management and Processing of Acid Sulfate Soils, specifically the mitigation measures for the treatment area, treatment, validation, validation testing and post treatment that are recommended within the ASSM.

Excavated Material:

33. 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.

Waste and Contamination:

34. The exportation of waste 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 have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifier.

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Dust Control Measures:

35. 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.

Hours of Work:

36. Construction works are to be limited to the following hours:
- (1) Monday to Friday 7:00am – 6:00pm
 - (2) Saturday 7:00am – 1:00pm 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.

Road Reserve to be Unobstructed:

37. The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless approved by Council's Road and Open Spaces section.

Stormwater:

38. 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.

Cultural Heritage:

39. 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 NSW Heritage Office 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 group.

Finished Floor Level (flooding):

40. To address flooding the finished floor levels of the ground floor retail outlets are to be consistent with those shown in Ground Level Plan, DWG No. DA-110-001. An accredited surveyor's certificate certifying such levels is to be submitted to the Principal Certifying Authority prior to works proceeding above finished floor level.

No Encroachment on Council and/or Adjoining Property

41. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Height of Development:

42. The height of the development is not to exceed the design height as specified in the approved plans.

Written certification from an accredited surveyor is to be submitted to the Principal Certifying Authority at the following stages:

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

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

Proximity to Electrical Infrastructure:

43. Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Note: Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

Occupation Certificate:

44. A person must not commence occupation or use of the new building prior to obtaining an Occupation Certificate from the Principal Certifier.

Bulk Waste Bins Storage Area:

45. Storage rooms for waste and recyclables are to be provided within the development prior to issue of an occupation certificate, as indicated on the approved plans, and shall comply with the following provisions:
- The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
 - The floor being graded and drained to an approved drainage outlet connected to the sewer, and having a smooth, even surface, coved at all intersections with walls;

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- The walls being cement rendered to a smooth, even surface and coved at all intersections;
- Cold water being provided in the room, with the outlet located in a position so that it cannot be damaged, and a hose fitted with a nozzle being connected to the outlet.
- The rooms shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Stormwater Management Certification:

46. **Prior to the issue of an Occupation Certificate** the consultant design engineer / landscape architect / hydraulic consultant 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.

Landscaping Works:

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

Street Tree Planting:

48. The street tree planting in the blisters being carried out to satisfaction of Council, prior to issue of an Occupation Certificate.

The planting being maintained for twenty-four (24) months in accordance with Council's requirements to ensure successful establishment and development. A bond per tree is to be paid to Council prior to issue of an Occupation Certificate. The bond will be returned at the end of the twenty-four month maintenance period provided that plantings have been established successfully. At the end of the maintenance period Council will replace plantings that have failed with the cost of this work taken from the bond.

BASIX:

49. All of the commitments listed in the BASIX Certificate No. **1157442M** for the development being fulfilled prior to the satisfaction of the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate**.

Road Design and Services:

50. The following works:

- (a) Stormwater connections within Council reserve into Council infrastructure;
- (b) Sewer Main Decommissioning and Upgrade;
- (c) Water Main Upgrades;
- (d) Entry Works;
- (e) Half Road Construction and rectification on any Council assets along the Vernon Street frontage;
- (f) Frontage works along Harbour Drive.

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 must be completed prior to the **issue of an Occupation Certificate**.

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

Letter of Completion for Civil Works:

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

Maintenance Bond:

52. 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:

- 10% of the contract sum for works associated with water and sewer plus 5% of the contract sum for all other 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.

Car Parking Spaces:

53. All car parking spaces as shown on the approved plan must be provided on the development site prior to the issue of an Occupation Certificate or commencement of use.

All car parking and manoeuvring areas being constructed in accordance with the relevant provisions of Australian Standard AS 2890.

Parking Guidance System (Implementation):

54. Prior to the issue of an Occupation Certificate the Car Park Management System shall be installed and operational. The system shall include a mechanism that shows the number of parking spaces available (on GF and L01) from Vernon Street with individual bay monitoring to assist drivers in navigating available parking spaces.

Work as Executed Plan:

55. **Prior to the issue of an Occupation Certificate**, a work as executed Plan endorsed by a registered surveyor or consulting engineer (hard or digital format) in accordance with Council specifications and standard drawings, being submitted to Council certifying that:

- (1) all civil works have been undertaken,
- (2) The plans accurately reflect the work as executed.

Schedule of Conditions

Noise Attenuation:

56. Noise attenuation methods and recommendations specified in the acoustic consultant report *Acoustic Logic dated 10 December 2020* sections 5, 6.4, 6.5, 7.3 and 9 being implemented in the development and the completed works subsequently certified by the acoustic consultant **prior to the issue of an Occupation Certificate**. A copy of the certification being referred to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

Traffic and Parking (Implementation):

57. Recommendations specified in the Traffic and Parking Assessment, Proposed Mixed Use Development 15-31 Harbour Drive, Coffs Harbour, prepared by Transport and Traffic Planning Associates, Job No. 20269, Issue B and dated 06 May 2021, being implemented in the development and the completed works subsequently certified by the traffic consultant prior to the issue of an Occupation Certificate.

Waste Management Plan (Implementation):

58. Recommendations specified in the Operational, Demolition and Construction Waste Management Plan, prepared by Waste Audit and Consultancy Services and dated March 2021, being implemented in the development and the completed works subsequently certified by the waste consultant prior to the issue of an Occupation Certificate.

Adaptable Dwellings

59. Certification must be provided **prior to the issue of an occupation certificate** that the ten adaptable dwellings have achieved a class C design in accordance with the requirements of AS 4299 -1995.

Liveable Housing:

60. Confirmation that 20% of the units comply with the Liveable Housing Guidelines Silver Level design feature is to be prepared by a suitably qualified consultant and submitted to Council **prior to the issue of an Occupation Certificate**.

Outdoor Lighting:

61. 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 and the Principal Certifying Authority **prior to issue of an Occupation Certificate**.

Flood Management (Business):

62. All new electrical infrastructure and equipment (substation, wiring, power outlets, switches etc), is to be located at minimum level of 5.1 mAHD), or suitably waterproofed prior to issue of an Occupation Certificate.

Schedule of Conditions

Safer by Design:

63. The following works:

- a) Closed Circuit Television (CCTV)
- b) Lighting of common areas
- c) Sensor lighting
- d) Restricted access

Being provided to serve the development with the works conforming with the standards and requirements to the satisfaction of the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate.**

Positive Covenant/Restriction:

64. Prior to issue of the Occupation Certificate, the applicant must create a Positive Covenant and Restriction on the Use of Land prepared in accordance with Section 88E of the Conveyancing Act 1919, burdening the owner of the allotment and benefiting Council with the requirement to provide and maintain the *common 'public' pathway between Harbour Drive and Vernon Street.*

- a. The *common 'public' pathway between Harbour Drive and Vernon Street*, shall remain open to the public at all times.
- b. The common 'public' pathway between Harbour Drive and Vernon Street shall be maintained in a manner as to not to cause nuisance to the public by way of graffiti, rubbish, litter or the like.

The terms of the instruments are to be to Council's satisfaction and are to be generally in accordance with Council's 'draft terms of Section 88E instrument for the protection of the pathway between Harbour Drive and Vernon Street.

OPERATIONAL MATTERS

Unobstructed Driveways and Parking Areas:

65. 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 Provision and Maintenance:

66. All approved car parking areas must be available for car parking and maintained in a serviceable condition at all times during operation of the development.

Parking Guidance System (Implementation):

67. The Car Parking Management System is to be operational at all times.

Loading and unloading and delivery times:

68. Commercial and retail deliveries/servicing shall not occur between the hours of 7:00pm and 7:00am daily unless otherwise approved by Council.

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Permissible Vehicles On-Site:

69. The site is not to be accessed by a vehicle larger than that represented by the Medium Rigid Vehicle as defined in AS2890.2.

Entry and Exit:

70. All vehicles shall enter and exit the site in a forward direction.

Driveway Access:

71. The roller shutter at the entrance to the parking area from Vernon Street shall open 30 minutes prior to opening of any retail/business within the development and 30 minutes after closing of any retail/business within the development.

Stormwater:

72. All stormwater management systems must be maintained in accordance with the approved stormwater plans.

Waste Storage Areas:

73. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Waste Management:

74. Provisions being made on the site (or within the premises) 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.

Maintenance of Waste Storage Areas:

75. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Putrescible (Organic) Waste:

76. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Stormwater:

77. All stormwater management systems must be maintained in accordance with the approved stormwater plans at all times.

External Lighting:

78. External lighting must comply with Australian Standard AS 4282: 1997 Control of Obtrusive Effects of Outdoor Lighting at all times during operation of the development.

Noise from Mechanical Equipment:

79. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

ADVISORY NOTES

Plumbing and Drainage Works:

1. 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:

2. 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:

3. 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.

Public Road Reserves:

4. 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.

Issuing of Civil Works Certificates

5. A private certifier accredited for Civil Construction may be engaged for all or part of the civil engineering works, noting the following;
 - A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure, water and sewer reticulation works;
 - Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005
 - Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.
 - Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

A private certifier who issues a **Civil Works Certificate** must forward a copy of the Certificate along with a copy of the approved plans and **ITP** to Council two days before work commences on the development. Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

Other Approvals Permits:

6. 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.