



Notice of Development Control Unit Meeting

**to be held at the Council Chambers
4 Breese Parade, Forster**

14 December 2017 at 2pm

The order of the business will be as detailed below (subject to variation by Council):

1. Acknowledgement of Traditional Custodians
2. Declaration of Pecuniary or Conflicts of Interest (nature of interest to be disclosed)
3. Apologies
4. Confirmation of Minutes
5. Matters arising from Minutes
6. Addresses from the Public Gallery
7. Consideration of Officers' reports
8. Close of meeting

A handwritten signature in black ink, which appears to read 'Glenn Handford'.

Glenn Handford
General Manager

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CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING & NATURAL SYSTEMS

1. DA-538/2017 - RESIDENTIAL FLAT BUILDING - 1 PEEL STREET, TUNCURRY

Report Author Steve Andrews, Assessment Planner

File No. / ECM Index DA-538/2017 & PK's 8367; 8669 & 8670

Date of Meeting 14 December 2017

DETAILS

Date Received: 23 May 2017

Applicant: Domestic Equity

Owner: G, M & A Abdenour

Land: 1 Peel Street (Lot 1 DP326289), 1 Taree Street (Lot 1 DP119693) & 3 Taree Street (Lot 1 DP652227), Tuncurry

Zoning: R3 Medium Density Residential, GLLEP 2014

SUMMARY OF REPORT

- Development Application No. 538/2017 lodged seeking consent for the demolition of buildings on the three (3) existing lots and the erection of a residential flat building with a commercial space at ground floor level.
- Application notified to neighbouring property owners in accordance with Council's Policy and three (3) submissions were received.
- The application seeks a variation to the maximum height and floor space ratio standards applying to the site.
- Proposed development generally considered to be consistent with the various relevant planning controls and their objectives.

SUMMARY OF RECOMMENDATION

The proposed development application be approved subject to conditions.

FINANCIAL/RESOURCE IMPLICATIONS

Cost of defending any appeal against Council's decision.

LEGAL IMPLICATIONS

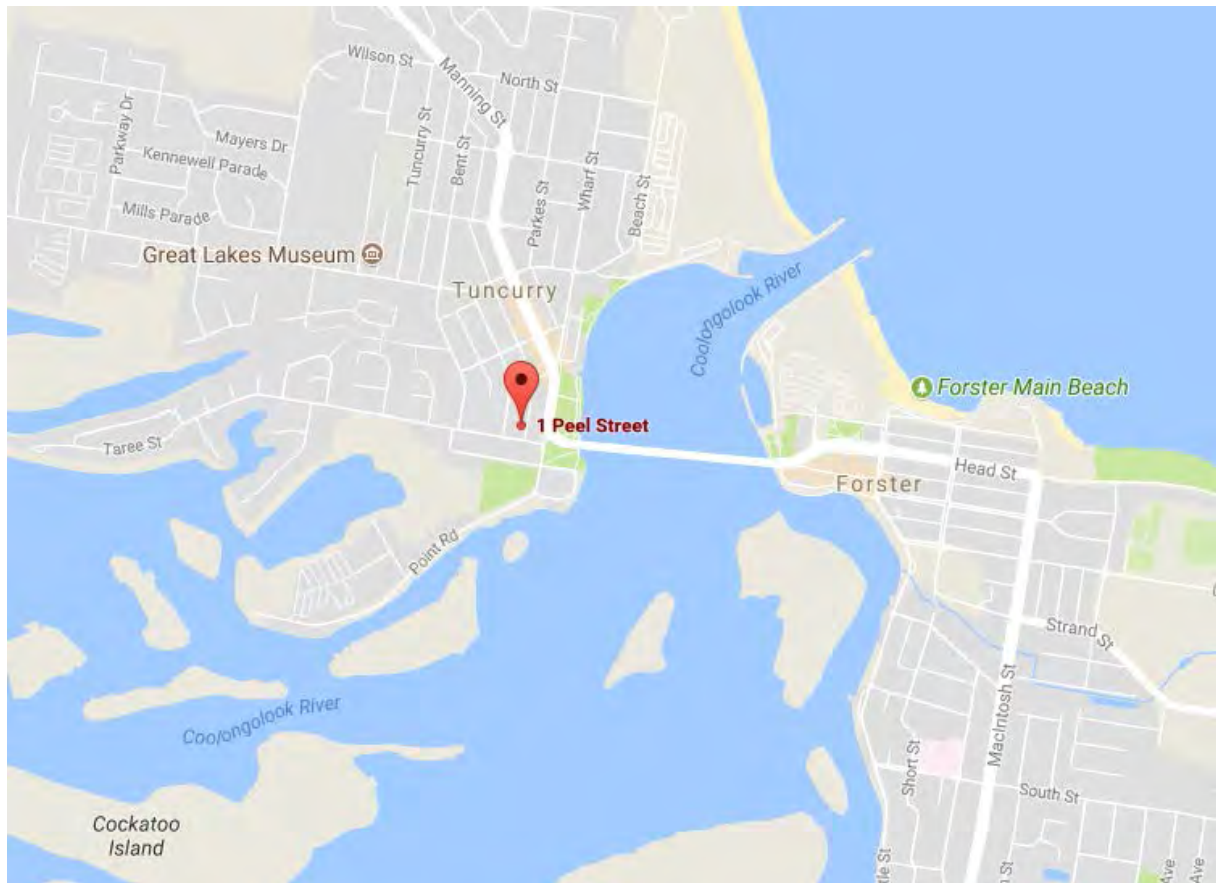
A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

ATTACHMENTS

A: Development Plans

Attachment A has been circulated in hard copy to the Councillors and Senior Staff. This Attachment is publicly available on Council's website.

SUBJECT SITE AND LOCALITY



The site is located to the northern side of Taree Street at its eastern end and is comprised of three (3) existing lots that have frontage to Taree and Peel Streets and to Peel Lane. Dwelling houses and various appurtenant buildings occupy each of the three (3) existing lots. The site is relatively flat and contains no significant vegetation.

The locality is generally comprised of residential development ranging from single dwelling houses to older and recent residential flat buildings.

BACKGROUND

The site has previously been used for residential purposes.

A summary of previous approvals is shown below:

Application	Descriptions	Determination	Date
BA 716/1995	1 Taree Street - Attached garage to dwelling	Approved	11/3/1995
DA 211/1998	1 Taree Street - Three (3) storey, five (5) unit residential flat building over a basement car park	Approved	24/2/1998
DA 1061/2002	1 Peel Street - Detached shed	Approved	12/6/2002

PROPOSAL

To demolish the buildings on the site and construct a five (5) storey, twenty (20) unit residential flat building over a basement car park for forty-six (46) vehicles. A small area of commercial space will be provided at ground floor level suitable for later permissible uses such as a restaurant/café, neighbourhood shop or medical centre. Six (6) visitor vehicle spaces and a bin servicing area, accessible from Peel Lane, will be provided to the eastern side of the site.

The following artist's impression shows the development when viewed from Taree Street.



ASSESSMENT

SECTION 79C MATTERS FOR CONSIDERATION -

The following matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979*, are relevant in considering this application:

- a) ***The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)

The provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) apply to the subject site as the land is located within the coastal zone. The site is not located in a sensitive coastal location, as defined by SEPP 71.

The proposed development is considered to satisfactorily address both the aims and the relevant provisions of SEPP 71.

State Environmental Planning Policy (SEPP 65) - Design Quality of Residential Apartment Buildings

SEPP 65 aims to improve the design quality of residential apartment developments in New South Wales. The Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The architect for the development has prepared a design quality statement and certification for the proposal which addresses how the design quality principles have been achieved and certifies that the objectives of the Apartment Design Guide are achieved for the proposal.

NSW Coastal Policy 1997

The Policy applies to the site as it is located within the Coastal Zone. Relevant to the principles of the Policy, the proposed development will not compromise the natural, cultural heritage (both indigenous and European) and spiritual values of the coastal area. The proposed development is considered to be well suited to its location, utilising existing infrastructure and will encourage a more compact form of urban development consistent with the desired future character for the area.

Draft State Environmental Planning Policy (Coastal Management) 2016

The draft Policy is a matter for consideration under Section 79C of the EPAA 1979 in respect of the proposed development and when introduced will replace SEPP 71, SEPP 14 and SEPP 26.

The aim of the Policy is to manage development in the coastal zone whilst protecting environmental assets. In this regard the proposed development is considered satisfactory having regard to the matters listed for consideration in clauses 14 and 15 of the draft Policy.

State Environmental Planning Policy (BASIX)

The policy applies to all new housing developments in New South Wales and requires that they be designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets. The SEPP must be read in conjunction with the Environmental Planning and Assessment Regulation 2000, which requires that a development application must be accompanied by a BASIX certificate. The submitted BASIX Certificate No.802537M stipulates commitments that must be shown on the construction certificate (CC) plans with the CC application. An appropriate condition is included in this report's recommendation that refers to compliance with the BASIX Certificate.

GREAT LAKES LOCAL ENVIRONMENTAL PLAN 2014

Having regard for the matters for consideration detailed in Section 79C(1) of the *Environmental Planning & Assessment Act 1979*, the following is a summary of the evaluation of the proposal pursuant to the provisions of the relevant clauses of the Great Lakes Local Environmental Plan 2014 (GLLEP 2014).

Zone: R3 Medium Density Residential

LEP Requirement	Summary of Requirement	Complies
Zone Objectives	To provide for the housing needs of the community, to provide a variety of housing types, to increase population density levels in locations which support the business centre and to enable other land uses that provide facilities or services to meet the day to day needs of residents.	Yes
Permissible use	Residential Flat Buildings, Neighbourhood Shops, Restaurants or Cafes	Yes
4.1 – Min Lot Size	To limit the minimum lot size to 1,000 m ²	Yes
4.3 –Height of buildings	Maximum building height of 18m maximum with the ability to consider in an R3 zone a 10% increase based on the development being provided with an internal lift to all levels and the building design being consistent with AS 4299-1995 Adaptable Housing.	Yes (Refer to comments following this table in respect to Clause 4.6)
4.4 –Floor Space Ratio	1:1 maximum with the ability to consider in an R3 zone a 10% increase based on the development being provided with an internal lift to all levels and the building design being consistent with AS 4299-1995 Adaptable Housing.	Yes (Refer to comments following this table in respect to Clause 4.6)
4.6 – Exceptions to Development Standards	This clause of the LEP allows Council to consider exceptions to the development standards for height of buildings (Cl. 4.3) and floor space ratio (Cl. 4.4).	Yes (Refer to comments following this table in respect to Clause 4.6)
5.4 - Controls relating to miscellaneous permissible uses	Subclause (7) limits the retail floor area of neighbourhood shops to a maximum of 120m ² .	Yes (by condition of consent seeking separate DA for future use)

LEP Requirement	Summary of Requirement	Complies
5.5 - Development within the coastal zone	To provide for the protection of the coastal environment through promoting the principles of ecologically sustainable development and to implement the principles of the NSW Coastal Policy (discussed later in this report under the heading NSW Coastal Policy 1997).	Yes
5.10 - Heritage conservation	To conserve the environmental heritage of the locality through conserving the heritage significance of heritage items and heritage conservation areas.	Yes (the site is located partly in a Heritage Conservation Area)
7.1- Acid Sulphate Soils	To ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.	Yes (geotechnical investigation disclosed no potential ASS)
7.2 –Earthwork	To ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land.	Yes (Subject to condition of consent)
7.3 – Flood Planning	To minimise the flood risk to life and property, to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change and to avoid significant adverse impacts on flood behaviour and the environment. The proposed development site is partially affected by mainstream and local flooding including climate change to the year 2060. Habitable areas are not affected, however the proposed basement carpark is conditioned to satisfactorily address this issue.	Yes
7.5 – Stormwater Management	To minimise the environmental impacts of stormwater on the site and adjoining properties, native bushland, groundwater, wetlands and receiving waters.	Yes
7.16 - Neighbourhood Shops	To permit neighbourhood shops subject to the provisions of Cl. 5.4 and the limitation of only one (1) neighbourhood shop on any lot.	Yes (by condition of consent seeking separate DA for future use)
7.21 - Essential Services	Development consent must not be granted to development unless the Council is satisfied that essential services (ie. water, electricity, sewage, stormwater drainage and road access) are available or that adequate arrangements have been made to make them available.	Yes

Clause 4.6 - Exceptions to Development Standards

GLLEP 2014 contains two (2) development standards that are used to measure the height and scale of the proposed development. Clause 4.3 sets a maximum height of 18m whilst Clause 4.4 sets a maximum floor space ratio of 1:1. Both clauses permit a 10% increase in those maximums in the R3 zone provided that an internal lift is installed and accessed at all proposed floors and the design of the building is consistent with AS 4299-1995 Adaptable Housing.

The proposed development contains an internal lift that accesses each level of the building and has been designed with adaptable residential units that comply with AS 4299-1995. Accordingly, the two (2) development standards under clauses 4.3 and 4.4 can be varied by 10%. This results in a maximum building height of 19.8m and a maximum floor space ratio of 1.1:1. The highest points of the proposed building are in the central roof area which is between 19.15m and 20.75m, the later height exceeding the maximum by 950mm. The proposed development has a gross floor area of 2580.1m², that is a floor space ratio of 1.18:1, exceeding the maximum by 167.36m².

Clause 4.6 of GLLEP 2014 makes provision to enable an exception to a development standard in order to achieve a more appropriate development outcome by allowing flexibility in particular circumstances. The process requires the applicant to justify in writing:

- *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Council, upon considering the applicant's request, must be satisfied that the proposed development will be in the public interest, that it is consistent with the objectives of the development standard and the objectives for development within the zone R3 - Medium Density Residential and that the concurrence of the Director-General of Planning has been obtained. In respect to the latter NSW Planning and Infrastructure has advised, in Planning Circular PS 08-003 and in their publication *Varying development standards: A Guide August 2011*, that the Director-General's concurrence may be assumed.

The applicant's planning consultant has submitted the following justification for varying the two (2) development standards:

Building Height

- The proposed development is consistent with the R3 zone objectives and facilitates achievement of the objectives by providing a variety of housing forms.
- Only the high edge of the central skillion roof exceeds the maximum height control with all other parts of the proposed building in compliance. Being centralised away from the sides of the building, limits the impact to building scale as viewed from the surrounding area and to overshadowing.
- The exceedance is in the order of 5% and considered minor in both degree, extent and building bulk and scale, as viewed from the surrounding streets.
- The non-complying small section of roof could be designed to be flat but this would be a poor design quality outcome and would impact on the residential amenity achieved by the vaulted ceiling design to the top floor apartments.
- A reduction in building height is also limited due to the proposed level of the basement carpark having regard to prevention of the entry to that level of predicted potential localised flooding.
- Accordingly, it is considered unreasonable and unnecessary to maintain the maximum height standard.

Floor Space Ratio

- The proposed development is consistent with the R3 zone objectives and facilitates achievement of the objectives by providing a variety of medium density housing forms.
- The degree of variation represents a 7% exceedance of the development standard.
- The development standard for building height in this R3 zoned locality allows development of 5-6 storeys with a floor space ratio of 1.1:1. This is inconsistent with other R3 zoned areas where development is limited to 3-4 storeys but with the same floor space ratio control of potentially 1.1:1.
- The site is adjacent to land zoned R4 High Density Residential with a maximum height control of 30m (i.e. 9-10 storeys) and without a floor space ratio control. The additional density for this proposal is not considered to be significant in this context and achieves a transition between higher intensity land uses to lower intensity land uses.
- Maximising development yield in this locality should be encouraged.
- Accordingly, it is considered unreasonable and unnecessary to maintain the floor space ratio standard.

The justification presented by the owner's planning consultant is supported having regard to the objectives of the R3 medium density zone, the design of the proposed development, the urban design outcome and the proposed development's contextual relationship with existing development. Accordingly, strict application of the numerical development standards for both building height and floor space ratio is considered unreasonable and unnecessary in the circumstances of this case.

GREAT LAKES DEVELOPMENT CONTROL PLAN (DCP) 2014

Having regard for the matters for consideration detailed in Section 79C(1) of the Environmental Planning & Assessment Act 1979, the following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Great Lakes Development Control Plan 2014 (DCP 2014). The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

Legend: *Non-complying issues discussed at the end of the following tabulation.

Development Control Requirement	Objectives/Requirements	Complies
3.0 Character Statements		
Generally	To ensure that proposed development is contextually appropriate, complements the desired character of this coastal locality and encourages passive surveillance and security in accordance with the relevant provisions of the Part 3.	Yes

Development Control Requirement	Objectives/Requirements	Complies
3.1 Coastal Town Centres	To ensure that proposed development retains and enhances the natural environmental character whilst promoting high quality development having regard to the relevant objectives of the town centre.	Yes
3.1.1.2 Tuncurry Town Centre - Bent and Peel Street Precinct	To ensure that proposed development complements the existing medium density residential character and visual environment.	Yes
3.3.3 Medium Density Residential Development	To ensure that the proposed design is of a high quality and addresses a variety of design issues.	Yes
3.4 Mixed Use Development	To ensure that mixed use development encourages a possible variety of uses and activities, adding vibrancy and life to the street.	Yes (proposed non-residential use is limited to part of the proposed ground floor plan and will be by condition subject to a separate DA consent)
4.0 Environmental Considerations		
4.1 Ecological Impacts	To ensure that proposed development avoids, mitigates, or offsets negative impacts on biodiversity.	Yes
4.2 Flooding	To ensure that the flood risk on people, assets and the environment are avoided or minimised.	Yes (Conditioned to address potential inundation of basement car park)
6.0 Residential Apartment Buildings		
6.1 General Building Design	To ensure good quality design outcomes that respond appropriately to the context of the site.	Yes
6.2 Pedestrian Amenity	To ensure design outcomes increase the vitality, safety, security and amenity in public spaces.	Yes
6.3 Building Configuration	<u>6.3.1 Adaptable Housing</u> To ensure a flexible design that could accommodate future changes in use, particularly commercial uses at ground floor level and changes/demand for a wide range of future occupants.	Yes (>10% of dwelling units have been designed to be adaptable with each floor accessible by internal lift and with a potential commercial use at ground floor level)

Development Control Requirement	Objectives/Requirements	Complies
	<p><u>6.3.2 Dwelling Layout and Mix</u> To ensure a mix of apartment types and sizes, as follows:</p> <ul style="list-style-type: none"> • Studios - min.mix. 15% min. area 50m². • 1 Bed - min.mix. 15% min. area 50m². • 2 Bed - min.mix. 40% min. area 70m². • 3 Bed - min.mix. 15% min. area 95m². 	<p>Yes/No (*) (no studios; 1 Bed - min.mix. 10% min. area 70m²; 2 Bed - min.mix. 55% min. area 107m²; 3 Bed - min.mix. 35% min. area 157m²)</p>
	<p><u>6.3.3 Ceiling Heights</u> To ensure ceiling heights create a sense of space, daylight penetration and to contribute to adaptive future flexible uses:</p> <ul style="list-style-type: none"> • 3.0m ground floor. • 3.3m commercial space. • 2.7m habitable rooms. • 2.4m non habitable. 	<p>Yes (3.4m ground floor; 3.4m commercial; 2.9m habitable; basement 2.8m)</p>
	<p><u>6.3.4 Storage</u> To ensure the provision of adequate storage space for household and recreational items that cannot be accommodated within a unit:</p> <ul style="list-style-type: none"> • 1 Bed - 3m² and volume 6m³. • 2 Bed - 4m² and volume 8m³. • 3 Bed - 5m² and volume 10m³ <p>50% of storage in residential unit accessible from hall or living area.</p>	<p>Yes/No (*)</p>
	<p><u>6.3.5 Basements and Podiums</u> Basement podiums should:</p> <ul style="list-style-type: none"> • if exceed 1m out of ground then should achieve minimum boundary setback of 1.5m and have a surrounding landscape planter. • designed to prevent inundation by floodwater. 	<p>Yes</p>

Development Control Requirement	Objectives/Requirements	Complies
6.4 External Building Elements	<u>6.4.1 Façade Articulation</u> To ensure the articulation and materials of the building façade positively contribute to the streetscape and improve the public domain by: <ul style="list-style-type: none"> • limit front façade bays to 6m. • limit single wall plane areas to 120m² • inset the top storey to lower on all sides. • limit blank walls, at ground floor level, that are greater than 4m in length to 30% of frontage. 	Yes/No (*) (the proposed top floor is not inset from the lower floor on all sides)
	<u>6.4.2 Roof Design</u> To ensure roof designs contribute to the overall design of the development and respond to the contextual outcome by: <ul style="list-style-type: none"> • limit roof height to max. 5.5m above top floor level. 	Yes (Roof height 4.6m and lift concealed in roof design)
6.5 Building Amenity	<u>6.5.1 Acoustic Privacy</u> To ensure a high level of acoustic privacy within the site and building and with adjacent buildings.	Yes
	<u>6.5.2 Solar Access & Overshadowing</u> To ensure controlled daylight access to all habitable rooms and if possible to all other areas of the development and minimise the loss to living areas, private open space within the development and of adjacent development by: <ul style="list-style-type: none"> • providing 75% of units with 3 hrs sunlight 9am -3pm mid-winter. • ensuring adjacent residential buildings and their private open space receives 3hrs sunlight 9am-3pm mid-winter. 	Yes (76% units achieve required mid-winter sunlight access; adjacent residential development maintain similar sunlight access requirements)
	<u>6.5.3 Natural Ventilation</u> To ensure natural ventilation to all habitable rooms and other areas where possible and minimise mechanical ventilation by:	Yes

Development Control Requirement	Objectives/Requirements	Complies
	<ul style="list-style-type: none"> • limiting unit depth to between 10-18m or max. depth of 21m measured from outside edge of balconies. • ensuring 60% of units are naturally cross-ventilated. • ensuring 25% of kitchen units are naturally ventilated. <p><u>6.5.4 Night Lighting</u> To ensure a pleasant night environment having regard to safety, visibility and energy saving.</p> <p><u>6.5.5 Site Facilities & Servicing</u> To ensure that site facilities are adequate and integrated into the development.</p>	<p>(unit depth 14-16m and <21m to balcony edge)</p> <p>(>60% naturally cross-ventilated)</p> <p>(>25% naturally ventilated)</p> <p>Yes (by condition of consent)</p> <p>Yes (by condition of consent)</p>
6.6 Building Performance	To minimise the demand for artificial lighting and mechanical ventilation, to reduce greenhouse gas emissions, and to ensure thermal comfort within the building.	Yes
6.7 Minimum Allotment Frontages	<p><u>6.7.1 Medium Density Residential Zone Controls</u> To ensure the site is suitably sized to contain the proposed development and to locate the proposed development in response to environmental hazards by:</p> <ul style="list-style-type: none"> • providing a minimum site width of 18m. • consolidating lots. 	<p>Yes</p> <p>(site width for the three frontages ranges 43-50 metres subject to consolidation of the three existing lots by condition of consent)</p>
6.8 Building Depth and Bulk	<p><u>6.8.1 Medium Density Residential Zone Controls</u> To promote sustainable buildings, to ensure good internal residential amenity, to limit the reliance on artificial lighting, heating and cooling and to reduce apparent bulk and scale of buildings by:</p> <ul style="list-style-type: none"> • limiting the floor plate depth to 18m. • limiting the top floor area to 60% of that below. • encourage atria, light wells and courtyards to improve internal amenity. 	<p>Yes/No (*)</p> <p>(floor plate depth <18m and top floor area 65% of lower floor)</p>

Development Control Requirement	Objectives/Requirements	Complies
6.9 Primary Street Setbacks	<p>6.9.1 Medium Density Residential Zones</p> <p>To contribute to the existing streetscape, to create a distinction between the public and private domain, to maintain a reasonable amenity relationship with neighbouring development, the public domain and private open space at ground level by:</p> <ul style="list-style-type: none"> • providing a similar setback to neighbouring development and not less than 4.5m. • providing on corner allotments a minimum of 3m from the secondary street frontage. • allowing balconies to encroach 900mm into the minimum setback but not more than 50% of the horizontal width of the façade at each level. 	<p>Yes</p> <p>(Peel Street frontage setback 4.5m to podium and 8.0m to residential levels; Taree frontage setback 4.5m to podium and 6.0 to 12.0m to residential levels; Peel Lane setback 6.0m to podium and min. 8.0m to residential levels/balconies)</p>
6.10 Side and Rear Setbacks	<p>6.10.1 Medium Density Residential Zones</p> <p>To maintain a reasonable amenity relationship with neighbouring development, to achieve the desired urban outcome and to ensure the use of land to the rear of the site and thereby enabling surveillance of the front street by:</p> <ul style="list-style-type: none"> • providing a min. 6.0m setback for habitable rooms/balconies facing a side boundary. • providing a min. 1.5m setback for non-habitable blank walls facing a side boundary. 	<p>Yes/No (*)</p> <p>(proposed habitable room and balcony side boundary setback 4.5m and approx. 11.3m to non-habitable blank walls)</p>
6.11 Ground Level Uses	<p>To integrate commercial and residential uses, to promote a desirable street presentation that creates a safe and pedestrian active environment by:</p> <ul style="list-style-type: none"> • providing a min. 3.3m ceiling height in the first three levels of the building. 	<p>Yes/No (*)</p> <p>(3.0m ceiling heights for first three levels and residential entry approx. 2.0m above natural ground level)</p>

Development Control Requirement	Objectives/Requirements	Complies
	<ul style="list-style-type: none"> Limiting the residential entry to the building to 1.2m or less above natural ground level. 	
8.0 Heritage		
8.1 Development Applications	To ensure that the proposed development does not detract from the significance of the heritage conservation area or neighbouring heritage listed items and that a Heritage Impact Statement is submitted for evaluation.	<p>Yes</p> <p>(the site is located partly in a Heritage Conservation Area. The buildings on the site have no heritage conservation significance and a Heritage Impact Statement was submitted and considered satisfactory).</p>
8.2 Controls for Development within the Heritage Conservation Area and/or affecting Heritage Items	Demolition of an existing building in a Heritage Conservation Area is permissible if the building is structurally unsound or there is concurrent consent for a replacement building.	<p>Yes</p> <p>(The proposed development includes the demolition of existing old buildings with no heritage conservation significance and replacement with a new building)</p>
8.3 Heritage Colours for Exterior Paints	To ensure that the proposed development does not detract from the significance of the heritage conservation area and that a Heritage Impact Statement is submitted for evaluation.	<p>Yes</p>
8.4 Exterior Bricks	Bagged or rendered masonry preferred.	<p>Yes</p>
9.0 Subdivision		
9.1 Objectives	To facilitate quality development of a range of sites appropriate to the activities in the area; to avoid fragmentation of uses and land use conflicts, to optimise the use of existing infrastructure, to protect the environment and the neighbouring amenity, to limit the impact by naturally occurring hazards.	<p>Yes</p> <p>(consolidation of the three existing lots is desirable and addressed by condition of consent)</p>

Development Control Requirement	Objectives/Requirements	Complies
10.0 Car Parking, Access, Alternative and Active Transport		
10.1 Objectives	To ensure that there is adequate and safe provision for access, manoeuvring and parking on site, to restrict vehicular access to buildings in a manner that is compatible with pedestrian movements and safety, to integrate vehicular access and parking facilities into the design without compromising street character or landscaping and to provide an adequate level of on-site parking based on anticipated occupancy rates and proximity to alternate and active transport.	Yes
10.2 Discounts	To permit consideration for Section 94 discounts based on a credit for the existing approved use.	Yes (Subject development qualifies for a discount based on a credit for the three existing lots that form the site and included in Section 94 calculations)
10.3 Car Parking	<u>10.3.1.2 Residential Apartment Buildings and Residential Component of Mixed Use Developments</u> The requirements for the proposed development are as follows: <ul style="list-style-type: none"> • 1 space/1 bed unit x 2= 2 spaces • 1.2 spaces/2 bed unit x11=13.2 spaces • 1.5 spaces/3 or more bed unit x7 = 10.5 • 0.2 visitor spaces/unit x 20 = 4 spaces • 1 trailer space/8 units = 2.5 spaces • Total = 32.2 spaces (rounded to 33) 	Yes(*) (proposed 38 car spaces and 2 trailer spaces in the basement and 6 open visitor spaces and a waste bin servicing area off Peel Lane)
	<u>10.3.1.3 All Development Excluding Residential</u> Parking generation rates are specified for various non-residential uses.	Yes (see comments for 10.3.1.2 following this table).
	<u>10.3.2.2 Design Controls for Residential Apartment Buildings, Mixed Use Development and Business Premises</u> Various design controls are specified.	Yes

Development Control Requirement	Objectives/Requirements	Complies
	<p>10.3.3 Vehicle Access & Driveways To ensure vehicle access is compatible with pedestrian movement and safety and to effectively integrate vehicle access into the development by:</p> <ul style="list-style-type: none"> • entry not to compromise 25% of frontage. • max. 1 access point. • entry door min. street setback 6.0m • entry min. 6.0m from two road intersection. • min. 6.6m aisle widths. • min. 2.2m head height ramps & aisles and 2.3m for disable space. 	<p>Yes/No (*)</p> <p>(entry <25% of frontage; 1 access point; entry door setback 4.5m; entry >6.0m to road intersection; aisle widths vary from 4.6m to 6.7m; >2.3m head height)</p>
	<p>10.4 Alternative and Active Transport To promote this form of transport and provide for bicycle parking by requiring:</p> <ul style="list-style-type: none"> • Residential 1 Class 2 enclosure/unit. • Commercial 1 Class 2 enclosure/500m² GLFA and 1 Class 3 enclosure/500m² GLFA. • Restaurant 1 Class 2 enclosure/200 seats and 1 Class 3 enclosure/20 seats. 	<p>Yes</p> <p>(Residential bicycle spaces in basement parking area; Commercial bicycle spaces either adjacent to pedestrian access or on podium)</p>
11.0 Water Sensitive Design		
	<p>11.3 Integrated Water Cycle Management To reduce the consumption of potable water, to reduce waste water discharge into the receiving environment, to harvest wastewater and urban stormwater runoff where appropriate by applying a variety of detailed controls.</p>	<p>Yes</p>
12.0 Tree and Vegetation Preservation		
	<p>To specify those species to which GLLEP 2014 (clause 5.9) apply, to ensure consideration is given to trees and native vegetation with proposed</p>	<p>Yes</p>

Development Control Requirement	Objectives/Requirements	Complies
	development, to minimise the loss of trees and vegetation that are healthy and contribute to the amenity and aesthetic value of a locality and to balance the removal of trees and vegetation with the planting of suitable local indigenous species.	
13.0 Landscaping and Open Space		
<u>13.2 Residential Apartment Buildings, Mixed Use Development and Business Premises</u>	<u>13.2.1 Open Space</u> To provide passive and active recreational opportunities in a landscaped setting, to ensure balconies and terraces are functional and integrated into the building design and to contribute to the visual environment by: <ul style="list-style-type: none"> • providing 200m² (min.width 5m) of communal open space with 3hrs direct sunlight 9.00am to 3.00pm mid-winter. • providing 30m² (min. width 4m) private open space per unit at ground level and separated from boundary by min. 1.5m landscaped buffer. • Providing 12m² (min. width 2.5m) private open space per upper level unit. • Ensuring that private open space to 70% of units receives a min. 3hrs direct sunlight 9.00am to 3.00pm mid-winter. 	Yes (proposed communal open space approx. 276m ² with required sunlight access; private open space to ground floor units exceeds required areas and widths; private open space upper levels approx. 20m ² with widths over 3m; over 70% of units receive required sunlight)
	<u>13.2.2 Landscape Design</u> To complement the proposed building and the residential amenity of the occupants, to contribute to the streetscape, to minimise the use of potable water, to improve stormwater quality and contribute to biodiversity by landscaping 40% of the site area with min. dimension 1.5m.	Yes/No (*) (21% site landscaped)

Development Control Requirement	Objectives/Requirements	Complies
	<p><u>13.2.3 Deep Soil Zones</u> To protect and encourage significant deep rooted landscaping, to enable water infiltration and complement the scale of proposed landscaping of the site by:</p> <ul style="list-style-type: none"> • Providing 20% of site area as deep soil zone with min. dimension 4.5m. • Enable the planting of at least seven (7) trees on site with potential mature height of 13m. 	<p>Yes/No (*)</p> <p>(min. 20% site area deep soil zone; 1x8.0m and 12x6.0m potential mature height trees)</p>
	<p><u>13.2.4 Planting on Structures</u> To complement the proposed development and to minimise the use of potable water.</p>	<p>Yes</p>
14.0 Waste Management		
	<p><u>14.1 Demolition</u> To minimise production of waste through reuse and recycling and encourage development that minimises waste generation.</p>	<p>Yes (by condition of consent)</p>
	<p><u>14.2 & 14.2.2 Development</u> To manage the production of and minimisation of waste having regard to the environment.</p>	<p>Yes (by condition of consent)</p>
	<p><u>14.3.3 Garbage Chutes</u> To be designed in accordance with the provisions of this Part.</p>	<p>Yes (by condition of consent)</p>
	<p><u>14.3.6 Waste/Recycling Storage Rooms</u></p>	<p>Yes</p>

* Non-complying issues discussed below in order of DCP2014 reference number.

6.3.2 Dwelling Layout and Mix (Building Configuration) - The proposed development has no studio apartments and whilst achieving the minimum number of 2 and 3 bedroom units, accommodates only 2x1 bedroom units (10%) rather than 3x1 bedroom units (15%). The applicant submits that research of the property market has indicated a minimal demand for this form of accommodation (i.e. studio apartments and 1 bedroom units). The degree of non-compliance is not significant and the proposed outcome is considered to achieve the relevant objectives of Part 6.3.2 that encourage a variety of apartment sizes to cater for a range of household types with flexible living spaces and ensures a robust building design to accommodate potential changes in use for the life of the building.

6.3.4 Storage - Proposed storage within each residential unit, at various floor levels and within the basement is considered adequate having regard to the proposed use.

6.4.1 Façade Articulation (External Building Elements) - The top storey has not been setback from the outer face of the floors below on its front, south-eastern façade however given the degree of articulation of that façade the design outcome is considered to achieve the relevant objectives of Part 6.4.1.

6.8.1 Medium Density Residential Zone Controls (Building Depth and Bulk) - The top storey floor area exceeds the desired maximum of 60% by 5%. The proposed variation is insignificant having regard to the overall design outcome that is considered to achieve the relevant objectives of Part 6.8.1.

6.10.1 Medium Density Residential Zone Controls (Side and Rear Setbacks) - The relevant boundary is to the northern side of the site and Part 6.10.1 requires a minimum setback of 6.0m for habitable rooms and balconies and 1.5m for non-habitable blank walls. The proposed development is sited approximately from 4.6m to 7.0m to that boundary. The non-compliance occurs from ground floor to third floor level, with the top storey in compliance, at approximately 7.0m. Given the orientation of this façade to the north and the contextual relationship with the adjoining residential flat building development (5 storey building comprised of 4 residential floors over a car park level sited approximately 3.0m for external wall and 1.8m for balconies, from the common boundary) the proposed setback is considered to be consistent with the relevant objectives of Part 6.10.1.

6.11 Ground Level Uses - The ceiling height of the first 3 habitable floors is approximately 3.0m by comparison to the desired minimum of 3.3m and the residential entry to the building is approximately 2.0m above natural ground level by comparison to the desired maximum of 1.2m. The degree of variation is considered acceptable having regard to the overall design of the proposed development, the likelihood of future adaption of the 3 habitable floors for alternate uses, the potential 500mm of ceiling space at ground floor level and the objectives of Part 6.11.

10.3.1.2 Residential Apartment Buildings and Residential Component of Mixed Use Developments (Car Parking) - Whilst the proposed development provides the minimum numerical car parking requirements for the residential use the applicant submits that the excess could account for the proposed potential commercial use (i.e. either neighbourhood shop or restaurant/café or health consulting rooms) at ground floor level. The proposed outcome is considered satisfactory having regard to the requirements and objectives of Part 10.

10.3.3 Vehicle Access & Driveways (Car Parking) - The proposed basement entry door is setback approximately 4.5m from the street alignment in lieu of 6.0m encouraged under Part 10.3.3 and the parking aisle widths vary from 4.6m to 6.7m in lieu of the desired minimum of 6.6m. Both numerical variations are considered acceptable having regard to the development's presentation to the street, the basement parking design and the relevant objectives of Part 10.3.3.

13.2.2 Landscape Design - The proposed development provides landscaping to 21% of the site, in lieu of 40% encouraged by this Part. The applicant submits that due to the Plan's definition of landscaped area, proposed landscaping of the podium level is excluded from the numerical calculation. The proposed landscaped outcome for the development is considered reasonable having regard to the presentation and contribution to the streetscape, the character of the medium density zone and the relevant objectives of Part 13.2.2.

13.2.3 Deep Soil Zones - Whilst required deep soil planting areas and 13 significant trees are proposed, with mature growth heights of between 6.0m to 8.0m, Part 13.2.3 encourages a mature growth height of 13.0m for a minimum of 7 trees. The numerical variation is considered acceptable having regard to the overall landscape concept for the development, the presentation and contribution of the development to the streetscape, the character of the medium density zone and the relevant objectives of Part 13.2.3.

Council Policy

Council Policy	Objective/Requirement	Complies
Erosion & Sediment Control (Ref. PL-BLD-009)	To minimise erosion and sedimentation in catchments, resulting from the disturbance of the soil surface associated with building works, changes in land use and urban development, the installation of services and road construction and maintenance. This is to ensure that potential pollutants are not directed to natural and artificial water bodies.	Yes (Condition of consent)
Asbestos Waste Disposal (Ref. PL-WTE-001)	To ensure that asbestos waste is disposed of in an environmentally acceptable manner in order to protect landfill staff and members of the public using the landfill from exposure to this hazardous material.	Yes (Condition of consent)
Roof Surface Water Disposal (Ref. PL-TRN-009)	To reduce the effect of surplus stormwater run-off from new developments onto adjacent land and Council's drainage system.	Yes (Condition of consent)
Tree Planting in Streets (Ref. PL-PRK- 003)	To enhance the environment by promoting the planting of suitable trees and shrubs on public nature strips and to reduce the future maintenance costs resulting from the planting of unsuitable trees.	Yes (Condition of consent)
Vehicle Crossing Policy (Ref. PL-TRN-013)	Provides guidelines on the provision of vehicle crossings and driveways to properties by setting an appropriate standard for their construction and maintenance.	Yes (Condition of consent)

b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

The proposed development relates positively with the regional and local context and maintains a reasonable relationship with the character, height and scale of neighbouring development, as viewed from the surrounding locality.

Site Design and Internal Layout

The site design, including its configuration and size, is considered appropriate having regard to the scale and design of the proposed development in a medium density residential environment.

The internal layout of the development is considered suitable for the intended uses, providing residents with an appropriate level of residential amenity.

Views

The proposed development does not unreasonably impact on views and outlooks from neighbouring allotments.

Privacy (Aural and Visual)

The proposed development has been designed to reasonably address the privacy relationship with the neighbouring developments, with suitable design measures that address potential overlooking.

Overshadowing

The proposed development does not cast unreasonable shadowing on neighbouring properties.

Visual Impact

The proposal does not detract from the visual qualities of the neighbouring sites, the heritage significant locality or the streetscape.

Utilities

Reticulated water, sewer, telephone and electricity are available to the site.

Precedent and Cumulative Impacts

The proposal, subject to the recommended conditions, does not set an undesirable precedent for future residential development in the locality and is considered to be consistent with planning requirements for this medium density residential area.

c) The Suitability of the Site for the Development

The topography and configuration of the site, in a medium density residential locality that is in close proximity to the town centre, are suitable for the proposed use and scale of the development. Environmental issues are limited and satisfactorily addressed in the proposed design and adequate utility services are available. The site is not susceptible to any natural hazards to a significant extent.

Accordingly, the site is considered to be suitable for the proposed development.

d) Any Submissions Made in Accordance with the Act or Regulations

The application was notified to neighbouring property owners in accordance with Council's Policy and three (3) submissions were received. Issues raised in submissions and comment on those issues are detailed below:

Issue	Comment
<p>The proposed development is inconsistent with Council's Heritage Plan and Heritage Study that recognises 3 Taree Street, containing a Californian Style bungalow, as an item of heritage significance and is located in a Heritage Conservation Area.</p>	<p>The site is located partly in a Heritage Conservation Area, does not contain heritage items and is in close proximity to heritage items at 2 and 4 Manning Street. The existing development on 3 Taree Street (part of the subject site) was identified in a Heritage Study conducted by Council circa 2007 as a contributory item typical of a Californian bungalow. That Study did not progress recognition of 3 Taree Street as containing buildings worthy of retention.</p> <p>A Heritage Impact Statement was submitted with the development application and examined by Council's Heritage advisor who supports the proposed development. The Statement recommends, as conditions of consent, that the exterior of the existing buildings be photographically recorded with a copy of the photos added to the Local Studies Collection and protection of the two (2) Canary Island Date Palms on the Taree Street verge. Appropriate conditions are included in this report's recommendation.</p> <p>Accordingly, the neighbour's concerns are not supported.</p>
<p>The proposed development is out of keeping with neighbouring apartment development.</p>	<p>The site is located within a medium density residential zone wherein 5-6 storey residential flat building development is encouraged. Existing development in the zone includes residential flat buildings containing 4 and 5 storeys. The proposed development contains 5 residential storeys over a basement car park. This issue was discussed earlier in this assessment with the proposed development considered contextually appropriate in the medium density zone.</p> <p>Accordingly, the neighbour's concerns are not supported.</p>

Issue	Comment
<p>Loss of privacy to residents of 1A Taree Street (to the east of the site) and the apartments to the southern side of the residential flat building 'Amaroo' (3 Peel Street), to the northern side of the site.</p>	<p>1A Taree Street (aka 2 Manning Street) is located on the northern corner of Manning and Taree Streets and contains three (3) attached two-storey townhouses to the western end of the site and a two-storey freestanding residential building to the eastern end, known as 'Tokelau'. 1A Taree Street is opposite the subject site and separated by Peel Lane.</p> <p>3 Peel Street is located to the northern side of the subject site and contains a five (5) storey residential flat building (4 residential floors over a car parking ground floor level) known as 'Amaroo'. That building is sited approximately 3.0m to the external wall and 1.8m to the balconies, to the common side boundary.</p> <p>The proposed development is not considered to have an unreasonable privacy relationship with the two (2) neighbouring developments having regard to the design, layout and orientation of existing rooms, windows and balconies in those buildings and in the proposed development, as well as the proposed balcony screen measures and the separation between respective buildings and existing vegetation.</p> <p>Accordingly, the neighbour's concerns are not supported.</p>
<p>Overshadowing of 1A Taree Street (to the east of the site) and resultant adverse impact on warmth, dampness, comfort, increasing heating costs and eliminating solar power access year round and as a result devalues that property.</p>	<p>The proposed development is not considered to unreasonably overshadow neighbouring residential development. A shadow analysis has been submitted by the architect for Mid-Winter confirming that the building on 1A Taree Street will begin to be brought into shadow and not significantly, by the proposed development after 2.00pm. This outcome, for Mid-Winter, is well within acceptable planning limits and property devaluation is not a matter for consideration under Section 79C of the EPAA 1979.</p> <p>Accordingly, the neighbour's concerns are not supported.</p>
<p>The proposed development will overshadow and as a result adversely impact on the two (2) mature Cannery Island Date Palm trees to the Taree Street Council verge.</p>	<p>Council's Trees Management Officer has inspected the site and the subject trees and is of the opinion that the proposed development will have a minimal impact on the long term health and condition of the trees.</p>

Issue	Comment
<p>Loss of natural light and southerly breezes to the apartments to the southern side of the residential flat building 'Amaroo' (3 Peel Street) to the northern side of the subject site. As a result devalues those apartments, contributes to current dampness problems, increases energy costs and creates a wind tunnel.</p>	<p>The proposed development does not impact on direct sunlight access to the adjoining residential flat building that is sited approximately 3.0m to external wall and 1.8m to balcony from the common side boundary. Together with the setback of the proposed development, for the first four (4) storeys, the external wall to wall separation distance between developments is approximately 7.5m. The proposed fifth floor is setback further from the common side boundary (minimum approximately 10.m).</p> <p>As a result of this relationship natural light and southerly breezes to the adjoining apartments is not considered to be significantly impacted. Property devaluation is not a matter for consideration under Section 79C of the EPAA 1979.</p> <p>Accordingly, the neighbour's concerns are not supported.</p>
<p>The northern elevation of the proposed building is unattractive and detracts from the outlook from the apartments to the southern side of the residential flat building 'Amaroo', to the northern side of the site.</p>	<p>The northern elevation of the proposed development is well articulated, with limited fenestration and is not considered to detract from the outlook from the adjoining residential building.</p> <p>Accordingly, the neighbour's concerns are not supported.</p>
<p>The height of the proposed development will increase current reverberated noise impacts caused by activities at neighbouring John Wright Park, local traffic and from residents in the residential flat building 'Amaroo'.</p>	<p>The proposed residential development is not considered to increase reverberated noise having regard to its context with existing development. An appropriate noise condition is recommended for the future commercial use of part of the ground floor plan.</p>
<p>The proposed development removes the current more desirable form of housing for the existing residents.</p>	<p>The locality is zoned for medium density residential development being in close pedestrian proximity to the Tuncurry Town Centre and foreshore recreational facilities. Residential flat building development is already common in this locality. The existing housing on the site is more suited to planned low density residential areas that are further from the Town Centre.</p> <p>Accordingly, the neighbour's concerns are not supported.</p>

Issue	Comment
There is no current demand for this form of residential development in the town and the proposed development will adversely impact on existing infrastructure and services including the hospital, the supermarket and available parking. The neighbours' suggest a smaller scale of residential development that suites residents similar to those who will be displaced and creates a good outcome for all concerned.	The planned outcome for this locality is medium density residential buildings, many of which are already located in the neighbourhood. The opportunity now exists to combine three (3) existing lots to enable a well-designed residential outcome consistent with the objectives of the R3 zone. Accordingly, the neighbour's concerns are not supported.
The proposed development is an undesirable precedent for future development.	The assessment of this application does not confirm the neighbour's concerns. The proposed outcome will provide a positive precedent for further similar development that is consistent with the planning for development in this locality.

e) The Public Interest

The proposal will not detract from the character of the existing streetscape or the general medium density residential locality, nor will it undermine any of the social or economic values of the site or surrounding area. The proposal is considered to be consistent with the objectives of the relevant zone and will not have an unreasonable impact upon neighbouring properties.

Accordingly, approval of the proposed development would not be contrary to the public interest.

CONCLUSION

The proposed development is considered to be suitable for the site and the locality having regard to the current planning controls and maintains a reasonable amenity relationship with neighbouring properties.

Accordingly, the application is supported and recommended for approval subject to conditions that address the above assessed issues.

RECOMMENDATION

It is recommended that Development Application DA538/2017 for the demolition of existing buildings and the construction of a residential flat building on 1 and 3 Taree Street and 1 Peel Street, Tuncurry be approved in accordance with the conditions of consent contained in Annexure A.



Lisa Schiff
Director
Planning and Natural Systems

ANNEXURES

A: Conditions of Development Consent DA 538/2017

GENERAL CONDITIONS

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Basement Floor Plan	Page 2 of 13 Rev. E	A & N Design	11/05/17
Ground Floor Plan	Page 3 of 13 Rev. E	A & N Design	11/05/17
First Floor Plan	Page 4 of 13 Rev. E	A & N Design	11/05/17
Second Floor Plan	Page 5 of 13 Rev. E	A & N Design	11/05/17
Third Floor Plan	Page 6 of 13 Rev. E	A & N Design	11/05/17
Fourth Floor Plan	Page 7 of 13 Rev. E	A & N Design	11/05/17
Roof Plan	Page 8 of 13 Rev. E	A & N Design	11/05/17
South and West Elevations	Page 9 of 13 Rev. E	A & N Design	11/05/17
North and East Elevations	Page 10 of 13 Rev. E	A & N Design	11/05/17
Section	Page 11 of 13 Rev. E	A & N Design	11/05/17
Landscape Plan	Drawing 17-001 Rev. C	Jocelyn Ramsay & Associates P/L	17/05/17
Stormwater drainage plans	C02.01; C03.01; C04.01; C03.02 Issue C	Engineering Studio	21/9/17

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.

Reason: Information and to ensure compliance.

2. Design Changes – Plan amendments

The proposal must be amended in the following manner:

- a) One of the car parking spaces in the basement car park shall be indicated for use as trailer parking.
- b) Details for the allocation of the vehicle spaces including the spaces for a person with a disability within the basement car park for both
 - i) the proposed residential; and
 - ii) The future commercial use.The layout shall include any security measures.

Plans detailing these amendments must be submitted with the application for a construction certificate.

Reason: To ensure suitable vehicular spaces are provided within the development.

3. Stormwater Quality Management Treatment measures

The development is to contain a 35m² bioretention collecting 100% of the roof water, courtyard surface water, paved surfaces, driveway and basement stormwater water. The water from the courtyard, paved surfaces, driveway and basement is to be pretreated by enviropods.

Reason: To ensure the elements of the agreed stormwater strategy are implemented so as to meet the stormwater quality targets.

4. Construction and inspection of stormwater treatment measures (Bioretention)

Engage a suitably qualified stormwater engineer to inspect the bioretention during construction. Verify compliance with the approved plans using the sign off forms in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways, 2010 including:

- a) Earthworks and functional (hydraulic) structures and under drainage prior to covering in.
- b) Filter media including NATA test results and verification through field tests of bioretention basin infiltration rates within 10% of the rates of the design parameters.
- c) Finished levels (works as executed)
- d) Landscape installation and establishment

Submit signed inspection forms to Council including photographs and NATA test results confirming that the asset has been constructed to comply with development consent conditions.

Reason: To ensure that the bioretention is constructed in accordance with approved plans, standards and conditions of consent.

5. Site Facilities

Satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and ancillary structures should be integrated into the roofscape design and in a position where such facilities will not become a skyline feature at the top of the building and be readily seen from a public place.

Reason: To ensure site facilities do not detract from the appearance of the development.

6. Garbage Chute

The proposed garbage chute being designed to comply with the requirements of Clause 14.3.3 of Great Lakes Development Control Plan 2014. The waste disposal chute is to be a split chute for recycling and garbage.

Reason: To ensure compliance with Council's requirements.

7. Garbage Bin Storage

The garbage bin storage area must be appropriately sized to accommodate a minimum of two (2) 2040mm wide by 1030mm deep front lift bins and a minimum of four (4) 240 litre wheelie bins 1000mm wide by 1000mm deep which can be stored and manoeuvred during servicing. One (1) will be used for garbage, one (1) for recycling and four (4) organic/greenwaste serviced once a week.

Reason: To ensure adequate and appropriate management of waste, recycling and organic greenwaste.

8. Compliance with Building Code of Australia

All building work must be carried out in accordance with the requirements of the *Building Code of Australia* as in force on the date the application for the relevant construction certificate or complying development certificate was made.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

9. Insurance requirements under *Home Building Act 1989*

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- b) to the erection of a temporary building.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

10. Notification of *Home Building Act 1989* requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

11. Separate development application for the future non-residential use

Separate development application and development consent is required from Council prior to the commencement of use of the ground floor non-residential tenancy.

Reason: To ensure compliance with the terms of this consent.

12. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services are remain in a serviceable condition.

PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK

The following conditions must be satisfied prior to the demolition of any building.

13. Photographic Record

Prior to the demolition of the three (3) dwelling houses the exterior of the buildings is to be photographed and a copy of the photographic record is to be submitted to the Great Lakes Historical Society/Museum.

Reason: To ensure a historic record is retained of the town's development.

14. Install erosion and sediment control measures

Prior to the commencement of any demolition work, suitable erosion and sediment controls must be installed in accordance with *"The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction"* (Landcom) and maintained for the duration of the work.

Reason: To protect the environment from the effects of erosion and sedimentation.

15. Waste management plan

Prior to the commencement of any demolition work, a waste management plan prepared in accordance with the requirements of Council's Waste Management Policy must be submitted to and approved by the certifying authority.

Reason: To ensure adequate and appropriate management of waste and recycling.

16. Details of Asbestos Removal

Prior to the commencement of any demolition work, details of the SafeWork NSW licensed asbestos removalist engaged to undertake the demolition and asbestos removal work must be provided in writing to Council. A documented copy of the Asbestos Removal Control Plan for the demolition (which must nominate the appropriately licensed waste facility where the material is to be disposed of) and evidence of SafeWork NSW notification must be provided with the details of the removalist. Alternatively, a report from a suitably qualified person must be provided to Council which demonstrates that less than 10m² of asbestos containing material is to be removed.

Reason: To ensure public health and safety.

17. Removal of asbestos

All asbestos containing materials associated with demolition works must be removed, handled and disposed of in accordance with the requirements of SafeWork NSW, the SafeWork NSW Code of Practice - How to Safely Remove Asbestos (September 2016) and the following requirements:

- a) the demolition and removal must be undertaken by a SafeWork NSW licensed demolition contractor who holds an appropriate SafeWork Asbestos Removal Licence for the material to be demolished where 10m² or more asbestos containing materials are present.
- b) All asbestos must be removed from the site and be disposed of at an approved licensed waste facility. All asbestos waste must be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags.

- c) The bags are to be marked "Caution Asbestos" with 40mm high lettering. A minimum of twenty four (24) hours' notice must be given to the waste facility prior to disposal.
- d) Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council within seven (7) days of the demolition.
- e) A copy of an Asbestos Clearance Certificate prepared by a suitably qualified independent person is to be provided to Council within seven (7) days of the completion of the demolition for all licensed asbestos removal works.

Reason: To protect public health and safety and to ensure the correct disposal of asbestos waste.

18. Standards for demolition work

All demolition works must be undertaken in accordance with the provisions of *Australian Standard AS 2601: The demolition of structures*. Prior to demolition, all services must be disconnected and capped off and in respect to electricity satisfactory arrangements are to be made for the disconnection and removal of the existing overhead power lines located on the site.

Reason: To protect public health and safety.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of any Construction Certificate

19. Structural details

Prior to the issue of a construction certificate, structural drawings prepared by a suitably qualified and experienced structural engineer must be submitted to and approved by the certifying authority. The plans must include details for:

- a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
- b) Footings of the proposed structure.
- c) Structural steel beams/columns.

Reason: To ensure structural stability and safety.

20. MidCoast Water approval

Prior to the issue of a construction certificate, a Certificate of compliance from MidCoast Water, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

21. BASIX Certificate

Prior to the issue of a construction certificate, plans and specifications detailing all of the BASIX Certificate commitments must be submitted to and approved by the certifying authority. The proposed development must be constructed in accordance with the requirements of BASIX Certificate No.802537M, dated 12 May 2017. Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate will be required.

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

22. Access and facilities for people with disabilities

Prior to the issue of a construction certificate, plans and specifications detailing access to and within the development and facilities for persons with disabilities must be submitted to and approved by the certifying authority. The development must be in accordance with *Australian Standard AS 1428.1 - Design for access and mobility* and Part D3 of the *Building Code of Australia*.

Reason: To ensure the development provides equitable and dignified access and facilities for people with disabilities.

23. Building materials, finishes and colours

Prior to the issue of a construction certificate, a detailed schedule of external materials, finishes and colours must be submitted to and approved by the certifying authority. All external building materials must be in neutral, recessive, non-reflective colours and finishes, which harmonise with the colours of the development in the locality.

Reason: To maintain visual amenity to the street and surrounding properties.

24. External roofing material and colour

Prior to the issue of a construction certificate, details of the external material and colour of the roof must be submitted to and approved by the certifying authority. Metal roof sheeting must be painted or be of a coloured metal that minimises reflection and is sympathetic and compatible with the building and surrounding environment. Zinalume finish or off-white colours are not permitted.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

25. Landscape plan

Prior to the issue of a construction certificate, plans and specifications detailing the landscaping treatment of the site must be submitted to and approved by the certifying authority. The plan must be prepared by a suitably qualified landscape architect or horticulturalist who has appropriate experience and competence in landscaping and must include the following information:

- a) location of trees identified for retention in the development application plans,
- b) proposed location for planted shrubs and trees,
- c) replacement of the *Raphiolepis* 'Cosmic Pink' with a more appropriate native species,
- d) botanical names and pot supply sizes of shrubs and trees to be planted,
- e) mature height of trees to be planted,
- f) location of grassed and paved areas,
- g) screening of clothes drying areas and garbage receptacles from public view,
- h) location of common tap(s) and/or irrigation system to ensure all landscape works can be adequately watered,
- i) stormwater detention or bio-retention systems;
- j) street tree planting.

Reason: To maintain environmental and streetscape amenity.

26. Land to be consolidated

Prior to the issue of a construction certificate, the three (3) separate parcels of land that comprise the site must be consolidated into one allotment and evidence of the lodgement with the Register General of the NSW Land and Property Information must be submitted to the certifying authority.

Reason: To ensure development is not constructed over lot boundaries.

27. S94 contributions

Prior to the issue of a construction certificate, a monetary contribution must be paid to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Contributions Plan	Facility	quantity	unit	rate	amount
Great Lakes Wide	Library Bookstock	30.6	persons @	\$78.75 =	\$2,409.75
Great Lakes Wide	Headquarters Building	30.6	persons @	\$472.81 =	\$14,467.99
Great Lakes Wide	Headquarters Building	\$80,000	\$1 non res @	\$0.001 =	\$80.00
Great Lakes Wide	s94 Admin	30.6	persons @	\$216.92 =	\$6,637.75
Great Lakes Wide	* Road Haulage Levy	20500	tonnes x km @	\$0.039 =	\$799.50
Forster District	Major Roads Inner Zone	73	1-way trips @	\$684.30 =	\$49,953.90
Forster District	Aquatic Centre	30.6	persons @	\$310.17 =	\$9,491.20
Forster District	Surf Life Saving	30.6	persons @	\$91.48 =	\$2,799.29
Forster District	Open Space	30.6	persons @	\$1,483.35 =	\$45,390.51
Forster District	Library Facility	30.6	persons @	\$513.26 =	\$15,705.76
Forster District	Community Facilities	30.6	persons @	\$560.25 =	\$17,143.65
				Total	= \$164,879.30

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June 2018. Payment made after 30 June 2018 will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on Council's web site or at Council's offices at Breese Parade, Forster.

Reason: Statutory requirement to be paid towards the provision or improvement of facilities and services.

28. Long Service Levy

Prior to the issue of a construction certificate, a Long Service Levy must be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government levy and is subject to change.

These payments may be made at Council's Customer Service Centres. Cheques must be made payable to Great Lakes Council.

Reason: Statutory requirement

29. Works within the road reserve

Prior to the issue of a construction certificate, an application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for the road reserve works listed in the table below. Each work must be carried out in accordance with the standard specified in the column opposite the work. All works must include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities.

Work	Standard to be provided
Footpath for the full frontage of the site in Peel Street	Minimum 2m wide at a cross-fall of 1 % or 1:100 (maximum 2.5% or 1 in 40) in accordance with Council Standard Drawing No. SD 103. Provide suitable landscaping including masonry retaining walls to Council's satisfaction
Reconstruct the existing footpath/cycleway in Taree Street between Peel Street and Peel Lane adjacent to the full site frontage	Minimum 2.5m wide at a cross-fall of 1 % or 1:100 (maximum 2.5% or 1 in 40) in general accordance with Council Standard Drawing No. SD 103. Provide landscaping including masonry retaining walls Provide details for the retention of the existing <i>Phoenix canariensis</i> (Date Palms) trees within the Taree Street footpath reserve. Details including:- <ul style="list-style-type: none">• Both trees are to be protected throughout the development;• Suitable fencing around each tree canopy/dripline• Canopy/crown of both trees to be protected from damage throughout the development• No machinery, excavations or storage of site materials within the drip line. Adjust/ relocate services as required.
Grading, trimming, topsoiling and turfing of the unpaved footpath area	The surface levels are to be finished flush with adjacent road or kerb levels.
Removal of the disused driveways and vehicular crossings	Adjust/ relocate services as required. Regrade and returf as required.

Work	Standard to be provided
Kerb and gutter, road pavement and footpath regrade and returf formation across the full frontage of the site.	Reconstruct both kerb returns at the intersection of Taree Street and Peel Lane, kerb returns to have a minimum 4m radius. Reconstruct the kerb and gutter adjacent to the property in Peel Lane. Scarify and re-compact the full width of the existing road seal in Peel Lane. Resheet the road pavement with a minimum 40 mm AC10 pavement. Works to extend from the Taree Street road carriageway along the full property frontage in Peel Lane. All works to Council's Adopted Engineering Standard. Adjust/ relocate services as required.
Under-grounding of the electricity mains in Peel Lane.	The following overhead electrical wires to be under-grounded:- Peel Lane: Works are to extend from the power pole located on the southern side of Taree Street along the property frontage in Peel Lane. Undergrounding works should be undertaken by underboring across Taree Street. Any trenches in the road carriageway in accordance with Council's STD 178 and to Council's satisfaction. Works to be undertaken to the requirements of Essential Energy and Council.
Replacement of the existing power/light pole at the corner of Taree Street and Peel Lane.	Replace the existing pole with a install a steel light column to the requirements of Essential Energy

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

30. Driveway levels application

Prior to the issue of a construction certificate, a Driveway Levels Application must be submitted to Council for approval for both the car-parking off Peel Lane and the driveway with the access from Peel Street. A Driveway Levels Application Form must be completed and submitted to Council together with the application fee and all required plans and specifications.

Driveways must be constructed by a qualified/licensed contractor at no cost to Council in accordance with the driveway levels and construction standards issued by Council and the following requirements:

- a) Peel Lane:
 - i) each of the car parking spaces shall be graded at 2.5% from the back of the adjacent layback at kerb;
 - ii) Access from the garbage area via a dish gutter crossing to the Peel Lane carriageway in general accordance with Council's drawing STD 100 (type 6)
- b) Peel Street: Driveway must conform to Council's SD 0100 and the AS 2890.1. The driveway must be constructed with a minimum crest level at RL 2.4m AHD.

Note: ensure the adjacent area to the driveway entrance to the basement is fully bunded to at least RL 2.4m AHD

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

31. Traffic management plan

Prior to the issue of a construction certificate, a traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development must be submitted to and approved by the certifying authority. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2* and *Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads*.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites manual*.

The approved Construction traffic management plan must be implemented prior to the commencement of work.

Reason: To ensure public safety during the construction of the development.

32. Car parking

Prior to the issue of a construction certificate, plans and specifications detailing access, parking and manoeuvring on the site must be submitted to and approved by the certifying authority. Vehicular access, parking and manoeuvring must be in accordance with *Australian Standard AS/NZS 2890.1: Parking facilities: Off-street car parking*. Plans must include the following items:

- a) Pavement description;
- b) Site conditions affecting the access;
- c) Longitudinal section from the road to the basement car space(s) Details to include existing and design levels showing:
 - i) Peel Lane: each of the car parking spaces shall be 2.5% above the back of the layback;
 - ii) Peel Street: Driveway must conform to Council's STD and the AS 2890.1 with a minimum crest level of RL 2.4m AHD. The entrance to the basement is to be fully bunded to this level (or higher)
- d) Ensure the following minimum vehicle clearances under all beams fixtures service pipes:
 - i) 2.2m at the basement entrance and within the basement carpark; and
 - ii) 2.5m for the spaces reserved for a person with a disability.
- e) Allocation of the vehicle spaces for both the proposed residential and the future commercial use. The layout shall include any security measures.
- f) Drainage (pipes, pits, on-site detention, etc.).
- g) A physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways.
- h) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: *Parking facilities - Off-street parking for people with disabilities*;
- i) Turning paths; and
- j) Line-marking and signs.

The engineering plans and specifications must be designed by a qualified practising civil engineer. The civil engineer must be a corporate member of the Institution of Engineers Australia or must be eligible to become a corporate member and have appropriate experience and competence in the related field.

Reason: To ensure suitable vehicular access and manoeuvrability is provided within the development.

33. Basement car park pump-out

Prior to the issue of a construction certificate, plans and specifications detailing a pump-out system for the stormwater drainage that enters the basement car park from the driveway ramps must be submitted to and approved by the certifying authority.

The pump wet well must have the storage capacity that:

- a) Has a minimum factor of safety of 1.5 larger than the volume required for a 1 in 100 year storm; or
- b) Is not to be less than average recurrence interval (ARI) =10 years and duration of 120 minutes,

The pump system must be designed and constructed:

- a) With a minimum of two pumps being installed in parallel (with each pump capable of discharging at the designed discharge rate) connected to a control board so that each pump will operate alternately.
- b) In accordance with *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage*.
- c) Electrical pumps are to comply with *Australian Standard AS/NZS 3000: Electrical installations*.
- d) The pumps system must drain to a silt arrester/stilling pit within the property and then drain by gravity to Council's storm water drainage system.

Reason: To prevent nuisance flooding and maintain occupant amenity.

34. Flood planning level for new residential development

Prior to the issue of a construction certificate, plans and specification detailing the use of flood compatible materials and fixtures in non-habitable areas below the flood planning level must be submitted to and approved by the certifying authority. Power outlets must be located above the flood planning. The flood planning level for this development is R.L. 2.9m A.H.D

Reason: To protect the building from flooding in accordance with Council and NSW Government Policy.

35. Structural certification – flood affected buildings

Prior to the issue of a construction certificate, engineering calculations and certification from a qualified structural engineer must be submitted to and approved by the certifying authority. The certificate must certify that the building, its structural components and associated earthworks have been designed to withstand flood forces due to wind wave run-up, water pressure, associated debris and impact loading arising from the 1% annual exceedance probability (AEP) flood.

For the purpose of this assessment the 1% AEP flood level can be assumed to be RL 2.4m AHD with a velocity of 0.5 m/s.

Reason: To ensure the building is structurally adequate to withstand impacts from flooding in accordance with Council and NSW Government Policy.

36. On-site stormwater detention

Prior to the issue of a construction certificate, plans and specifications of the stormwater drainage system, including on-site stormwater detention must be submitted to and approved by the certifying authority. This system must be designed in accordance with *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage*. On-site stormwater detention must be designed to restrict stormwater discharge to the pre-development runoff rate for a 1 in 5 year storm event with detention provided for all storms up to the 1 in 10 year event. Stormwater drainage must be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land.

The plans and specifications must be designed by a qualified practising civil engineer/surveyor. The civil engineer/surveyor is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

An approval is to be obtained under Section 68 of the *Local Government Act 1993* to carry out stormwater drainage work.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

37. Stormwater Quality Management Concept and Treatment measures

Submit final engineering plans and specifications for the stormwater management system, for approval by MidCoast Council. Engineering plans are to be designed in accordance with the approved Stormwater drainage plans, C02.01, C03.01, C04.01, C03.02, Issue C (21/9/17) and include:

- Minimum 35m² bioretention collecting 100% of the roof water, courtyard surface water, paved surfaces, driveway and basement surface water. The water from the courtyard, paved surfaces, driveway and basement is to be pre-treated in enviropods.

Bioretention design is to meet the requirements of the Stormwater drainage plans and the following criteria:

- Designed in accordance with Water by Design (2006), 'Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland', South East Queensland Healthy Waterways Partnership, including calculations for the underdrain pipe hydraulic capacity and calculations to demonstrate that the critical volume 3-month ARI event can be retained in the biofiltration basin without overflowing into the outlet pit.
- Contain at least four species of plants selected from Great Lakes Council's Fact Sheet 15 'Local plant selection for raingardens, guidance for Water Sensitive Design, dated 10 August 2016, planted at densities indicated in the fact sheet
- Contain 0.4m filter media of uniform sandy loam texture and be consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009). Filter media must be tested by a NATA registered laboratory to confirm orthophosphate is a maximum 40 mg/kg

- Have a minimum surface storage depth of 0.15m, with a maximum batter/side slope of 1:3 (v:h), unless otherwise retained by a structural wall and landscaping
- Have suitable access arrangements for operation and maintenance
- Landscape to provide separation from surrounding areas
- Sides of the bioretention are to be lined to the base of the filter media unless building structures are constructed to the base of the filter media
- Configure stormwater drainage to avoid damage to the bioretention systems (particularly the filter media) during construction.

Reason: To ensure water quality requirements as contained in the Water Sensitive Design section of the Great Lakes Development Control Plan are met.

38. Water Sensitive Design Maintenance Plan

Submit a Water Sensitive Design operation and maintenance plan for the final approved Stormwater Drainage Plans, C02.01, C03.01, C04.01, C03.02, Issue C (21/9/17). The maintenance plan must include but not be limited to:

- a) the location and nature of stormwater management structures such as pits, pipes, filters, the bioretention basin and other drainage works
- b) requirements for inspection, monitoring and maintenance including the frequency of these activities during the establishment and operational phases
- c) identification of responsibilities for maintenance including a reporting protocol and checklists.

Reason: To ensure water quality measures installed on the site can be adequately maintained.

39. Bond required to guarantee against damage to public land

Prior to the issue of a construction certificate, a Damage Bond Application form together with payment of a bond in the amount of \$ 44,000 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of an occupation certificate by the certifying authority.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets.

40. Bicycle Parking

Prior to the issue of a construction certificate, plans and specifications detailing bicycle parking for the development must be submitted to and approved by the certifying authority. The development must be provided with:

- a) Class 1 or class 2 bicycle enclosure suitable for at least 20 bicycles (compound for use by staff). Another bicycle enclosure for the commercial area for at least one bicycle is to be provided.

Notes:

- The bicycle spaces/rails must be designed and constructed in accordance with Australian Standard AS/NZS 2890.3: *Parking facilities - Bicycle parking facilities*.
- Class 3 bicycle rails will be required for the future use of the commercial area.

Reason: To ensure suitable bicycle parking is provided within the development.

41. Electricity substation

Prior to the issue of a construction certificate, plans detailing the location of any required electricity substation within the site must be submitted to and approved by the certifying authority. The substation must be located in accordance with the requirements of the electricity supply authority.

Reason: To ensure the development has an adequate and safe electricity supply.

PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT

The following conditions must be satisfied prior to the commencement of any building construction work

42. Traffic control plan

Prior to the commencement of work, the approved traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development must be implemented

Reason: To ensure public health and safety during the construction of the development.

43. Construction certificate required

Prior to the commencement of any building construction work (including excavation), a construction certificate must be issued by a certifying authority.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 6591 7222.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

44. Notification of commencement and appointment of principal certifying authority

Prior to the commencement of any building construction work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) days' notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

45. Site access

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

Reason: To ensure public health and safety during the construction of the development.

46. Erosion & sediment measures in accordance with approved plans

Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

Reason: To protect the environment from the effects of erosion and sedimentation.

47. Pollution prevention sign

Council's "PREVENT POLLUTION" sign must be erected and maintained in a prominent position at the frontage of the property so that it is clearly visible to the public for the duration of construction work.

Council's "PREVENT POLLUTION" sign can be purchased at Council's Customer Enquiry Counter at the Forster, Tea Gardens and Stroud administration buildings.

Reason: To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the Protection of the Environment Operations Act 1997.

48. Trees to be protected

Prior to the commencement of work, trees that are to be retained inclusive of the *Phoenix canariensis* (Date Palms) trees within the Taree Street footpath reserve must be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence must be constructed:

- a) with a minimum height of 1.2 metres,
- b) outside the dripline of the tree.
- c) of steel star pickets at a maximum distance of 2 metres between pickets with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter to enclose the tree.
- d) No machinery, excavations or storage of site materials within the drip line.

The fence must be maintained for the duration of the site clearing, preparation and construction works and signs must be erected to clearly identify the area as a restricted access zone.

Reason: To ensure the health and safety of trees during the construction of the development.

49. Toilet facilities - sewerred areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

Reason: To maintain public health.

50. Site construction sign

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

CONDITIONS TO BE SATISFIED DURING DEVELOPMENT WORK

The following conditions must be complied with during any development work.

51. Construction times

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

52. Construction dust suppression

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c) alter or cease construction work during periods of high wind;
- d) erect green or black shade cloth mesh or similar products, 1.8m high around the perimeter of the site and around every level of the building under construction.

Reason: To maintain amenity during construction of the development.

53. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a suitable waste bin/enclosure. Building materials must be delivered directly onto the property. Footpaths, road reserves and public reserves must be maintained clear of rubbish, building materials and other items at all times.

Reason: To ensure that materials and waste do not adversely affect traffic or pedestrian safety and amenity.

54. Maintenance of fencing to protect trees

Tree protection fencing erected to protect the two (2) Canary Island Date Palms to the Taree Street verge must be maintained for the duration of the site clearing, preparation and construction works. No building materials or other items are to be placed or stored within the fenced off areas and all measures must be taken to prevent damage to trees and other vegetation (including root systems).

A qualified arborist experienced in tree management must be present on a full or part-time basis for the duration of the project, to advise on the maintenance of the trees for their protection. Where any damage is caused to the trees to be retained, remedial action must be carried out to the specifications of a tree surgeon/arborist.

Reason: To protect trees from construction damage.

55. Services near trees

No trenches for services are to be laid within the drip lines of the two *Phoenix canariensis* (Date Palms) trees within the Taree Street footpath reserve. Any other retained tree/s trenches for services must be manually excavated to minimise root disturbance around or under any lateral structural support roots of the tree.

Reason: To protect trees from construction damage.

56. Wash down of machinery

In order to minimise the risk of plant pathogens and weed propagules, all machinery introduced to the site for any purpose associated with the formation or construction of the approved development must be adequately washed down prior to its introduction to the land. The machinery must be demonstrably free of soil and vegetative material prior to its introduction to the land.

Reason: To reduce the risk of weed species being introduced to the site.

57. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Reason: To protect the environment from the effects of erosion and sedimentation.

58. Burning of felled trees prohibited

The burning of trees and vegetation felled during clearing of the site is not permitted. Where possible, vegetation is to be mulched and reused on the site.

Reason: To maintain amenity and environmental protection.

59. Compliance with waste management plan

During demolition and/or construction of the development, waste disposal must be carried out in accordance with the approved waste management plan.

Reason: To ensure waste is minimised and recovered for recycling where possible.

60. Survey of building location

A survey certificate prepared by a registered surveyor must be submitted to the certifying authority at the following stages of the development:

- a) At set-out of the proposed development prior to excavation work.
- b) At each level indicating the level of that floor to Australian Height Datum (AHD).
- c) Upon completion of the roof framing, before roofing is laid, indicating the maximum height of each roof area to AHD.

Reason: To ensure compliance with the approved plans.

61. Aboriginal heritage

This consent does not authorise the harming of an Aboriginal object or place. Under the National Parks and Wildlife Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is found, whilst undertaking development work, all work must stop and the NSW Office of Environment and Heritage notified. All directions of the Office of Environment and Heritage must be complied with at all times.

Reason: To protect Aboriginal heritage.

62. Comply with traffic management plan

The approved traffic management plan must be implemented and maintained for the duration of the development works.

Reason: To ensure public safety during the construction of the development.

63. Construction of stormwater treatment measures

Construct the stormwater management system so that it is consistent with final approved Stormwater drainage plans , C02.01, C03.01, C04.01, C03.02, Issue C (21/9/17) and the approved engineering design and all other consent conditions.

Install the bio-retention filter media in accordance with Water Sensitive Urban Design (WSUD) Engineering Procedures (Melbourne Water, 2005).

Protect bioretention with erosion and sediment control measures during construction.

Reason: To ensure that the bioretention is constructed in accordance with approved plans, standards and conditions of consent.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions must be satisfied prior to any occupation or use of the building

64. Works to be completed

The building/structure or part thereof must not be occupied or used until an interim occupation/final occupation certificate has been issued in respect of the building or part.

Reason: To ensure compliance with the development consent and statutory requirements.

65. Site to be landscaped

Prior to the issue of a final occupation certificate, the site must be landscaped in accordance with the approved landscape plan.

Reason: To ensure compliance with the development consent and to maintain amenity.

66. Completion of car parking areas and provision of signs

Prior to the issue of an occupation certificate, the car parking areas must be constructed in accordance with the approved plans and be fully line-marked. Signs must be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

Reason: To ensure that adequate parking facilities for the development are provided on site.

67. Sealed driveway in accordance with approved Driveways Level Application

Prior to the issue of a final occupation certificate, a driveway must be constructed from the edge of the road formation to the property boundary in accordance with the approved Driveway Levels Application. A certificate of compliance must be obtained from Council certifying that the driveway has been constructed to comply with the approved driveway application.

Reason: To ensure suitable vehicular access to the development.

68. Internal driveway in accordance with the approved plans

Prior to the issue of a final occupation certificate, a driveway must be constructed from the property boundary to the proposed car spaces in accordance with the approved plans.

Reason: To ensure suitable vehicular access is provided to the development.

69. Stormwater drainage work

Prior to the issue of a final occupation certificate, stormwater must be collected and disposed of to the kerb and gutter via a suitably manufactured kerb adaptor. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage*.

Reason: To ensure compliance with the development consent and statutory requirements.

70. Maintenance of the basement car park pumps

Prior to the issue of a final occupation certificate, signs must be erected and a manual provided so as to inform the future body corporate/owner of the development that regular maintenance of the basement car park pumps is required.

Reason: To ensure building occupants are aware that pumps are required to be maintained.

71. Redundant works in the road reserve to be removed

Prior to the issue of a final occupation certificate, all redundant footpath crossings and/or access culverts must be removed and reconstructed and footway access restored at no cost to Council. The consent of Council must be obtained prior to undertaking the work in accordance with Section 138 of the *Roads Act 1993*.

Reason: To ensure public safety and facilitate the preservation of on street parking spaces.

72. Inspections of engineering work.

Prior to the issue of a final occupation certificate, all engineering work must comply with Council's engineering guidelines, specifications and standards and must be inspected in accordance with Council's holding points. Upon completion of the public works a final inspection must be arranged with Council and a Certificate of Practical Completion must be issued by Council.

Reason: To ensure compliance with Council's specification for engineering works.

73. Street tree planting

Prior to the issue of a final occupation certificate, street trees are to be planted at 8m centres within the footpath /nature reserve along the site's street property frontage. Tree species shall be:-

- In Peel Street - *Tristaniopsis Laurina* 'Luscious' Water Gum.

and planted to the following requirements:-

- a) the minimum plant pot size is to be 250mm;
- b) planted with a suitable 450 mm deep root barrier;
- c) provided with slow release fertiliser;
- d) be mulched with 100mm of native tree mulch;
- e) be protected by a suitable tree guard;
- f) planted in general accordance with Council standard drawing STD 172;
- g) kept clear of underground public utility services (utility services are to be shown on the detailed design plan);
- h) located not to impeded/reduce sight distance of drivers of vehicles entering/exiting the site;
- i) maintained to a healthy state and watered over a minimum 18 months (that includes two summer growing seasons).

Details of the location of the street trees are to be approved by Council.

Reason: To maintain environmental and streetscape amenity.

1. **MidCoast Water approval**

Prior to the issue of a final occupation certificate, a certificate of compliance from MidCoast Water, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the principle certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

2. **Soundproofing of mechanical equipment**

Prior to the issue of a final occupation certificate, all mechanical equipment must be adequately soundproofed so as not to create offensive noise as defined under the *Protection of the Environmental Operations Act 1997* and regulations.

Reason: To maintain the acoustic amenity of surrounding properties.

3. **Underground electricity**

Prior to the issue of a final occupation certificate, the low voltage overhead power lines, street light overhead power lines and telecommunication cables located along/adjacent to the site frontage in Peel Street must be relocated underground at no cost to Council and to the satisfaction of the relevant service authority.

Arrangements for the wires/cables to be relocated must be made directly with the relevant service utility authorities.

Prior to the issue of a final occupation certificate, written evidence must be provided to the principal certifying authority stating that satisfactory arrangements have been made with an electricity supply authority for the provision of underground electricity supply to the development.

Reason: To ensure compliance with the Council/energy supply authority policy for the provision of underground power supply.

4. **Electricity supply certificate**

Prior to the issue of a final occupation certificate, a certificate of compliance from the electricity supply authority must be submitted to Council stating the satisfactory arrangements have been made for the provision of electricity supply to the development.'

Reason: To ensure that utility services have been provided to the development.

5. **Telephone supply certificate**

Prior to the issue of an occupation certificate, a certificate of compliance from the telephone supply authority must be submitted to Council stating the satisfactory arrangements have been made for the provision of telephone supply to the development.

Reason: To ensure that utility services have been provided to the development.

6. Waste Collection Agreement

A copy of an executed waste contract agreement with the licenced waste contractor engaged to collect and dispose of waste from the development must be provided to Council prior to the issue of an Occupation Certificate.

Reason: To ensure adequate and appropriate management of waste, recycling and organic greenwaste.

ONGOING USE

The following conditions must be satisfied during the ongoing use of the development.

7. Maintenance of gross pollutant trap

The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner/s.

Reason: To ensure that appropriate provision for the disposal of stormwater.

8. Maintenance of street trees

Street tree planting must be maintained for an 18 month period incorporating at least 2 summer periods.

Reason: To maintain environmental amenity.

9. Outdoor lighting to be shielded

Any outdoor lighting must be located or shielded so that no additional light is cast on adjoining land.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination.

10. Noise

Noise associated with the premises including all associated mechanical plant and equipment must not be a source of "offensive noise" at the nearest affected premises:

"offensive noise" is defined under the *Protection of the Environment Operations Act 1997* as noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

Reason: To maintain acoustic amenity to adjoining properties.

11. Maintenance of stormwater treatment measures

Maintain the stormwater treatment system including the enviropods and bioretention in accordance with the approved Water Sensitive Design Maintenance Plan for the life of the development.

Submit an annual report to Council detailing maintenance activities undertaken in accordance with the approved Water Sensitive Design Maintenance Plan.

Reason: To ensure ongoing functioning of the stormwater treatment system so that the development complies with water quality objectives in perpetuity.