

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010 (confirmed on 28 May 2011), I under the *Environmental Planning and Assessment Act 1979* determine:

- (a) pursuant to Section 75O of the *Environmental Planning and Assessment Act, 1979*, to approve the Concept Plan referred to in Schedule 1, subject to the Terms of Approval in Schedule 2 and the Statement of Commitments in Schedule 4;
- (b) pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the future stages as set out in Schedule 3; and,
- (c) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, all future stages of the Concept Plan approval are to be subject to Part 4 of the *Environmental Planning and Assessment Act 1979*.



**Deputy Director-General
Development Assessment & Systems Performance
Department of Planning and Infrastructure**

Sydney, *4th September* 2011

SCHEDULE 1

Application No.:	MP06_0183
Proponent:	Salamander Shores Hotel Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 31 - DP 529002, 147 Soldiers Point Road, Soldiers Point
Project:	Mixed use residential/tourist development.

NOTES RELATING TO THE DETERMINATION OF MP 06_0183

Responsibility for other approvals/ agreements: The Proponent is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

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

Legal notices: Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

the Act	<i>Environmental Planning and Assessment Act, 1979</i>
Concept Plan	The concept plan the subject of this approval
Council	Port Stephens Council
the Department	Department of Planning and Infrastructure
the Department of Primary Industries	Department of Primary Industries (former NSW Office of Water and former Industry and Investment – Fisheries, Agriculture, Forestry, Minerals)
the Director General	Director General of the Department of Planning and Infrastructure (or delegate).
Director General's Approval	A written approval from the Director General (or delegate).
Environmental Assessment	Environmental Assessment Report prepared by SAKE Development Pty Ltd and Daryl Jackson Robin Dyke Architects Pty Ltd, dated September 2010, including all its Appendices
the Minister	Minister for Planning and Infrastructure
the Office of Environment and Heritage	Former Department of Environment, Climate Change and Water
PPR/RtS	Preferred Project Report/Response to Submissions prepared by SAKE Development Pty Ltd, and Daryl Jackson Robin Dyke Architects Pty Ltd, dated February 2011, including all Appendices.
Project	Development as described in the Concept Plan
Project Approval	Approval granted for a project in accordance with section 75J of the Act.
Proposal	Concept plan approval for a mixed use residential and tourist development at 147 Soldier's Point Road, Soldier's Point
Proponent	Salamander Shores Hotel Pty Ltd
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
NSW RTA	Roads and Traffic Authority
Site	Lot 31 in DP 529002, 147 Soldiers Point Road, Soldiers Point

End of Schedule 1

SCHEDULE 2

PART A - TERMS OF APPROVAL

A1 Development description

Concept approval is granted to the development as described below;

- (a) use of the site for residential and tourist purposes;
- (b) indicative building envelopes for 8 separate buildings comprising:
 - i. Building A containing serviced apartments, café, gym and storage, maximum 5 storeys;
 - ii. Building B containing serviced apartments, games, spa and back of house, maximum 7 storeys and 1 basement level;
 - iii. Building C containing lounge bar, conference rooms, restaurant and retail, maximum 3 storeys;
 - iv. Building D comprising Hotel rooms and back of house , maximum 4 storeys;
 - v. Building E comprising reception and hotel rooms, maximum of 4 storeys;
 - vi. Building F comprising hotel rooms, maximum of 5 storeys;
 - vii. Building G comprising hotel rooms, maximum of 5 storeys;
 - viii. Building H comprising permanent residential apartments, maximum of 5 storeys and 4 basement levels;
 - ix. Total 275 parking spaces over 4 levels, including coach/minibus/cycling parking and service vehicle areas;
 - x. Vehicular and pedestrian access; and
- (c) total gross floor area (GFA) of 19,600sqm, being an overall FSR of 1.6:1; and
- (d) internal roads, pedestrian and cycle pathways and parking infrastructure.

A2 Development in Accordance with Plans and Documentation

- (1) The approval shall be generally in accordance with MP06_0183 and with the Environmental Assessment, except where amended by the Preferred Project Report & Response to Submissions, and the following drawings prepared by Daryl Jackson Robin Dyke Architects.

Concept Plans by Daryl Jackson Robin Dyke Architects			
Drawing No.	Revision	Name of Plan	Date
SK-001	B	Demolition Plan	22/12/2010
SK-101	B	Ground Level Plan	18/01/2011
SK-102	C	Level 1 Plan	20/06/2011
SK-103	C	Level 2 Plan	20/06/2011
SK-104	B	Level 3 Plan	22/12/2010
SK-105	B	Level 4 Plan	19/01/2011
SK-106	B	Level 5 Plan	22/12/2010
SK-107	C	Roof Plan	20/06/2011
SK-201	C	Elevations – Sheet 01	20/06/2011
SK-202	C	Elevations – Sheet 02	20/06/2011
SK-251	C	Sections – Sheet 01	20/06/2011
SK-L01	C	Landscape Plan	20/06/2011
SK-MD01	A	Movement Diagram Vehicles	22/12/2010
SK-MD02	A	Movement Diagram Pedestrian and Cycle	22/12/2010

A4 *Lapsing of Approval*

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1 unless a Project Application for approval to carry out all or part of the project the subject of this Concept Plan Approval has been submitted.

A5 *Determination of Future Applications*

Future applications are to be generally consistent with the terms of approval of Concept Plan MP06_0183 as described in Part A of Schedule 1.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Relevant details of the following requirements are to be submitted to the satisfaction of the relevant consent authority with future applications.

1 Urban Design and Sustainability

- (a) Future applications for all buildings must demonstrate a high level of energy efficiency in design and materials and at a minimum achieve compliance with BASIX.
- (b) Future applications must be accompanied by a comprehensive waste management strategy which addresses the use of recycled materials for construction and operation of development on the site, and a reduction in emissions associated with natural materials extraction.
- (c) Future application for buildings must provide details of the proposed external materials and finishes, including schedules and a sample board of materials and colours including glazing treatments. All materials, colours and finishes must be consistent with the *Coastal Design Guidelines for New South Wales*.

2 Traffic, parking and access

The first application for a building shall be accompanied by a Traffic and Pedestrian Management Plan providing for:

- a) A total number of 275 on-site car spaces. Of these, 75 spaces at ground level designated for use by lounge bar, restaurant and retail patrons;
- b) Minimisation of internal conflict points between Soldiers Point Road, the port cohere, internal driveways, pedestrians, cycle movement and the car park.
- c) Internal access to loading and unloading areas, logical access to all relevant buildings for service and delivery vehicles; and resolution of any conflict points with other vehicles, pedestrians and cyclists.
- d) Allocation of spaces between the residential flat building and tourist uses.
- e) Details for lawful access to the residential flat building and associated parking areas to reflect future land titling arrangements.

Future applications must be consistent with this plan.

3 Storm water management

Future applications for all buildings shall be accompanied by a detailed site-specific storm water management plan prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council which addresses the following:

- a) details on how a reduction of rubbish or hydrocarbon pollutants will be achieved prior to discharge to Port Stephens;
- b) any structural works, including works for stormwater capture and treatment are required to be located outside riparian areas.

4 Water Management and Groundwater

Future applications shall comply with the requirements, objects and management principles of the *Water Management Act 2000* and the rules of any water sharing plan for the locality, or the *Water Act 1912* where no water sharing plan is in force.

5 Threatened Species

Prior to any disturbance of the area of Nerong Smooth Bark Apple forest in the southwestern corner of the site, evidence must be provided that targeted threatened

species surveys have been undertaken at the appropriate time of the year for *Corybas dowlingii* (i.e. late June to late July) and *Cryptostylis hunteriana* (i.e. November to January). Should these orchids be detected on site, a management plan must be developed in consultation with the Office of Environment and Heritage and be approved by the Director General of the Office of Environment and Heritage.

6 Protection of reserve trees

The first future application for excavation or building works shall be accompanied by a tree management plan, prepared by a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above), which assesses the impact of proposed excavation and construction works on the root zones of screening trees in the public reserve. Recommendations should be made to ensure the longevity of all of screening trees in the public reserve during the life of the development.

7 Retention of existing trees on site

Future applications shall demonstrate to the satisfaction of the consent authority that all existing trees (including emergent trees) shown to be protected on approved drawing 'SK-001', described as 'Demolition Plan' will not be adversely affected by their proposed works.

8 Water and Sewerage

Future relevant applications shall be accompanied by a water supply and sewerage which addresses required augmentations to these services to accommodate the development.

9 Acoustic impacts

Future relevant applications shall be accompanied by Noise Management Plans which demonstrate:

- a) Details of on-going noise management during operation of the site for the life of the development to ensure adequate amenity levels for all users of the site; and
- b) Mitigation measures to minimise noise disturbance to the permanent residential apartment building (and future management when the building is subject to separate land titling) or to adjoining or adjacent properties.

10 Aboriginal Cultural Heritage

The first future application shall be accompanied by a Cultural Management Plan which addresses the following:

- a) Opportunities for fair, equitable and reasonable opportunities for the registered local Aboriginal community to monitor any soil disturbance/earth moving activities associated with the approved project area will be provided;
- b) Procedures in the event that surface disturbance by the proponent identifies a new Aboriginal site; and
- c) An Aboriginal Cultural Education Program for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted, and the date it occurred, for the duration of the project. The program should be developed and implemented in collaboration with the relevant Aboriginal communities.

11 Staging for future applications

Provide a development staging plan with the first future application for a building.

12 Landscaping Plan

The first future application for a building or excavation shall be accompanied by a Landscape Plan applicable to the entire site. The plan shall make recommendations and provide details for the following:

- a) Detail to show how the buildings will relate on the ground and the site's interface with the surrounding streets.
- b) Sufficient screening vegetation at an appropriate height and maturity to assist in the moderation and break up of bulk and scale in the sensitive north and west viewsheds.
- c) Paving, pathway, and driveway treatments, and a species list including only local native species as appropriate to the site and circumstances.
- d) A minimum of 25% of the open space area must be deep soil planting to promote the growth of canopy forming type vegetation. In particular deep soil planting should occur to create pockets/ fingers of vegetation to enhance views and lines of site to the Port Stephens water body.

Future applications for each building shall be accompanied by detailed Landscape Plans which are consistent with this plan.

13 Bushfire

- (a) The first application for the first building shall be accompanied by evidence that a legally formed easement has been created over the Asset Protection Zone (APZ) on adjoining land to ensure that the APZ is maintained in perpetuity, together with the adjoining land owner's consent.
- (b) If future environmental assessment requirement 13(a) cannot be met, future applications shall include further details of the development's compliance with the requirements of *'Planning for Bushfire Protection 2006'* such as the introduction of higher construction standards in accordance with AS3959 for relevant buildings.
- (c) Future applications must demonstrate that the NSW Fire Brigade emergency vehicles can adequately access the site, buildings and structures in the event of an emergency via the internal perimeter access road.

14. Equitable Access

Future applications shall be accompanied by an access audit which details compliance with Disability (Access to Premises – Buildings) Standards 2010.

15. Building Design

Future applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002.

End of Schedule 3

SCHEDULE 4

REVISED STATEMENT OF COMMITMENTS

Source: PPR dated February 2011

Prepared by: SAKE Development Pty Ltd and Daryl Jackson Robin Dyke Architects Pty Ltd

Project Approval

Section 75J of the Environmental Planning & Assessment Act 1979

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010 (confirmed on 28 May 2011), I, under the *Environmental Planning and Assessment Act 1979*, determine that the project referred to in Schedule 1 subject to the conditions of approval in Schedule 2 and the Proponent's Statement of Commitments in Schedule 3 be approved.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.


**Deputy Director-General
Development Assessment & Systems Performance
Department of Planning and Infrastructure**

Sydney, *4th September* 2011

SCHEDULE 1

Application No.: MP06_0183

Proponent: Salamander Shores Hotel Pty Ltd

Approval Authority: Minister for Planning and Infrastructure

Land: Lot 31 - DP 529002, 147 Soldiers Point Road, Soldiers Point

Project: Demolition of existing buildings and structures and general site clearance

NOTES RELATING TO THE DETERMINATION OF MP 06_0183

Responsibility for other approvals/ agreements: The Proponent is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

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

Legal notices: Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

the Act	<i>Environmental Planning and Assessment Act, 1979</i>
Council	Port Stephens Council
the Department	Department of Planning and Infrastructure
the Department of Primary Industries	Department of Primary Industries (former NSW Office of Water and former Industry and Investment – Fisheries, Agriculture, Forestry, Minerals)
the Director General	Director General of the Department of Planning and Infrastructure (or delegate).
Director General's Approval	A written approval from the Director General (or delegate).
Environmental Assessment	Environmental Assessment Report prepared by SAKE Development Pty Ltd and Daryl Jackson Robin Dyke Architects Pty Ltd, and dated September 2010, including all its Appendices
the Minister	Minister for Planning and Infrastructure
the Office of Environment and Heritage	Former Department of Environment, Climate Change and Water
PPR/RtS	Preferred Project Report/Response to Submissions prepared by SAKE Development Pty Ltd, and Daryl Jackson Robin Dyke Architects Pty Ltd, and dated February 2011, including all Appendices.
Project	Development as described in Project application
Project Approval	Approval granted for a project in accordance with section 75J of <i>the Act</i> .
Proposal	Project application for demolition of existing buildings and structures and general site clearance at 147 Soldier's Point Road, Soldier's Point
Proponent	Salamander Shores Hotel Pty Ltd
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
NSW RTA	Roads and Traffic Authority
Site	Lot 31 - DP 529002, 147 Soldiers Point Road, Soldiers Point

End of Schedule 1

SCHEDULE 2

TERMS OF APPROVAL

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

- (1) Project approval is granted to the demolition of the following:
- (a) The 91 room hotel complex including associated facilities including bar, restaurant and all back of house facilities;
 - (b) All bitumen or concrete car parks, workshop and footpaths;
 - (c) Any vegetation in accordance with the approved demolition plan dated 22/12/2010; and
 - (d) Existing pool and recreation facilities.

No approval is given to any excavation works.

A2 Project in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP06_0183 and with the Environmental Assessment, except where amended by the Preferred Project Report & Response to Submissions, and the following drawings prepared by Daryl Jackson Robin Dyke Architects

Architectural Drawings prepared for the Project Approval			
Drawing No.	Revision	Name of Plan/Appendix	Date
SK-001	B	Demolition Plan	22/12/2010

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and,
- (2) otherwise provided by the conditions of this approval.

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the *Building Code of Australia* (BCA).

A5 Lapsing of Approval

Approval of the Project Application shall lapse 5 years after the determination date in Part A of Schedule 1 unless physically commenced.

PART B—PRIOR TO COMMENCEMENT OF DEMOLITION

B1 Pre-Demolition Dilapidation Report

The Proponent is to engage an appropriately qualified structural engineer to prepare a Pre-Demolition Dilapidation Report detailing the current structural condition of infrastructure and roads and any building which in the opinion of the engineer may be affected. The report shall be submitted to the satisfaction of Council prior to the commencement of works on site.

B2 Site Management Plan

Prior to the commencement of demolition a Site Management Plan (SMP) shall be prepared using current best practice, and shall be submitted to and approved by Council. The SMP shall include, but not be limited to, details of the following matters:

- (1) A 24-hour contact telephone number should be provided to all adjoining owners and occupants
- (2) hours of work (see also **C12** below);
- (3) contact details of site manager (see also **C3** below);
- (4) traffic and pedestrian management (see also **B3** below);
- (5) noise and vibration management (see also **B4** below);
- (6) construction waste management ;
- (7) erosion and sediment control (see also **B7** and **C10** below); and
- (8) flora and fauna management (see also **B9** below).

A copy of the SMP shall also be forwarded to the relevant contact at the RTA for their information.

B3 Traffic & Pedestrian Management Plan

Prior to commencement of demolition, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

B4 Demolition Noise and Vibration Management Plan

Prior to commencement of demolition, a site specific "Construction (& Demolition) Noise and Vibration Assessment and Management Plan" shall be prepared and have regard to *Australian Standard 2436-1981 Guide to noise control on Construction, Maintenance and Demolition sites*. The plan shall be approved by Council and incorporated into the overall SMP.

B5 Notification Requirements

Adjoining and affected residents shall be provided with a minimum 72 hours notice prior to the commencement of demolition. This notification should also be provided to Council, the RTA and the Port Stephens Great Lakes Marine Parks Authority.

B6 Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Council prior to the commencement of demolition.

B7 Existing Services

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site, and notify Council of its location and depth prior to commencing demolition. The Proponent shall ensure there shall be no unplanned conflict between the proposed development and existing infrastructure prior to start of any works.

B8 Threatened Species

- (a) Prior to any disturbance of the area of Nerong Smooth Bark Apple forest in the southwestern corner of the site, evidence must be provided that targeted threatened species surveys have been carried out at the appropriate time of the year for *Corybas dowlingii* (i.e. late June to late July) and *Cryptostylis hunteriana* (i.e. November to January). Should these orchids be detected on site, a management plan must be developed in consultation with the Office of Environment and Heritage; be approved by the Director General of the Office of Environment and Heritage, and any recommendations implemented. If a significant proportion of either orchid is found on site, then in situ conservation may be required.
- (b) Should hollow bearing trees require removal for any part of the demolition, a management plan must be approved and developed in consultation with the Office of Environment and Heritage which makes recommendations for appropriate measures for management of the displaced fauna.

PART C—DURING DEMOLITION

C1 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

C2 Approved Plans to be on-site

A copy of the approved plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council.

C3 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details, and must include (but not be limited to) the following:

- (1) Details of the Contractor and Council;
- (2) The approved hours of work;

- (3) The name of the site manager and/or liaison officer, the Proponent's name, a 24-hour contact phone number for any inquiries or complaints; and
- (4) A statement that unauthorised entry to the site is not permitted and directing alternative public access to the beach.

C4 Protection of Trees – On-site Trees

All trees on the site that are not approved for removal are to be suitably protected during demolition. The use of tree guards, barriers or suitable alternative measures as necessary shall be employed to protect root the system, trunk and branches.

C5 Waste

All demolition material and other waste from the site shall be assessed and classified in accordance with the NSW Office of Environment and Heritage (former Department Environment Climate Change & Water's) Waste Classification Guidelines 2009 prior to being removed from the premises. The proponent shall retain adequate and complete records of demolition and waste materials which leave the premises and are disposed and/or recycled through various means.

C6 Burning

No waste or any other material shall be burned on-site.

C7 Stockpile

The stockpile site should be located reasonably distant from neighbouring property boundaries and the height of the stockpile should be restricted so as not to cause an adverse visual impact on neighbours.

The stockpile should be appropriately treated so as not to cause a dust or stormwater (water quality) nuisance.

C8 Stormwater Management

No contaminated stormwater runoff shall leave the site unless extraordinary circumstances prevail.

C9 Disposal of Seepage and Stormwater

Any seepage or stormwater collected on-site during demolition shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

C10 Erosion and Sediment Control

All erosion and sediment control measures (as designed in accordance with the B6 above) are to be effectively implemented and maintained at or above design capacity for the duration of the demolition works, and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

C11 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during demolition. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

C12 Hours of Work

The hours of work, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 5:00 pm, Mondays to Fridays inclusive;
- (2) between 8.00am and 1.00pm on Saturdays,
- (3) No work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Site Management Plan; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

C13 Demolition Noise Objective

- (1) The demolition noise objective is to manage noise from demolition activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- (2) The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Site Management Plan.
- (4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the demolition noise objective.

C14 Demolition Noise Management

For all stages of the project, the Proponent shall:

- (1) schedule rock breaking, rock hammering, and any similar activity only between the following hours unless otherwise approved in the Site Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Site Management Plan.

C15 Vibration Criteria

Vibration resulting from approved demolition works must not exceed the evaluation criteria presented in the Office of Environment and Heritage's *Environmental Noise Management – Assessing Vibration: A Technical Guide* (DEC, 2006).

C16 Aboriginal Cultural Heritage Finds

Should any future works associated with the site uncover anything which may be interpreted as Aboriginal in origin, work in the vicinity of the find should cease immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeologist. The Office of Environment and Heritage, and the Port Stephens and registered Local Aboriginal Land Council must be notified as soon as possible. Works must not resume at the location without the prior written consent of the Office of Environment and Heritage.

Note: The provisions of the *National Parks and Wildlife Act 1974* (as amended) state that it is illegal to damage, deface or destroy a relic without written permission of the Director of the Service. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the *National Parks and Wildlife Act 1974*, as amended.

C17 Finding of Human Remains

If human remains are located during the project, all works must halt in the vicinity of the find must cease immediately in order to prevent any further impact on the find. The NSW Police, Office of Environment and Heritage, and the Port Stephens and registered Local Aboriginal Land Council are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the NSW Police consider the site not an investigation site for criminal activities, then works shall not recommence in the vicinity of the find until written consent is granted from the Office of Environment. In the event that a criminal investigation ensues, works shall not recommence in the vicinity of the find until written consent is granted from the NSW Police.

C18 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with WorkCover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

C19 Site Security

The site should be secured by suitable fencing during and post-demolition works to prevent unauthorised access.

C20 Sewer pump station

Access shall be made available at all times (prior to, during and post-demolition works) to this facility for staff and vehicles of Hunter Water.

C21 Public Way to be Unobstructed

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

PART D—POST DEMOLITION AND SITE CLEARANCE

D1 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of demolition works is to be met in full by the Proponent.

D2 Aboriginal Heritage Information Management System (AHIMS)

The proponent will provide an updated site card to the Office of Environment and Heritage for inclusion in the AHIMS upon completion of Stage 2 works on the site.

D3 Post demolition Landscaping

Following completion of demolition and site clearance of existing structures, the ground must be seeded to prevent the occurrence of erosion, sedimentation, dust or other similar amenity issues.

ADVISORY NOTES

AN1 *Requirements of Public Authorities for Connection to Services*

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the demolition works. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent.

AN2 *Use of Mobile Cranes*

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Council:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN3 *Asbestos Removal*

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

End of Schedule 2

SCHEDULE 3

REVISED STATEMENT OF COMMITMENTS

Source: PPR dated February 2011

Prepared by: SAKE Development Pty Ltd and Daryl Jackson Robin Dyke Architects Pty Ltd