

# Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Director-General of the Department of Planning in accordance with the Instrument of Delegation issued by the Minister for Planning on 4 March 2009, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- Adequately mitigate the environmental impact of the project and maintain the principles of ecologically sustainable development.



Sam Haddad, Director-General  
**As delegate for the Minister for Planning**

Sydney, 11<sup>th</sup> November 2009

## SCHEDULE 1

### PART A—TABLE

<b>Application made by:</b>	Sapphire Beach Development Pty Ltd
<b>Application made to:</b>	Minister for Planning
<b>Project Application Number:</b>	09_0060
<b>On land comprising:</b>	740-742 Pacific Highway, Sapphire Beach Lots 100 & 101 DP 629555 and Lot 2 DP 800836
<b>Local Government Area</b>	Coffs Harbour City Council
<b>For the carrying out of:</b>	This approval comprises Stage 1 of works for the re-development of the former Pelican Beach Resort site. It will comprise demolition of the existing buildings and structures, the commencement of dune rehabilitation works, and general site preparation.
<b>Type of development:</b>	Project Application
<b>Determination made on:</b>	
<b>Date approval is liable to lapse:</b>	5 years from the date of determination

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 09\_0060

#### Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents 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*.

#### Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

### PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act 1979*.

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**Council** means Coffs Harbour City Council

**Department** means the Department of Planning or its successors.

---

**Director-General** means the Director-General of the Department.

**Minister** means the Minister for Planning.

**Project** means the project as described in Condition A1 to this approval.

**Proponent** means Sapphire Beach Development Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.



<b>PART A—ADMINISTRATIVE CONDITIONS.....</b>	<b>2</b>
<b>PART B—PRIOR TO COMMENCEMENT OF WORKS .....</b>	<b>3</b>
<b>PART C—DURING CONSTRUCTION .....</b>	<b>5</b>
<b>PART D—POST CONSTRUCTION.....</b>	<b>9</b>
<b>ADVISORY NOTES.....</b>	<b>10</b>

---

## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 09\_0060

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1**     *Project Description*

This approval comprises Stage 1 of works for the re-development of the former Pelican Beach Resort site. It will comprise demolition of the existing buildings, the commencement of dune rehabilitation works, and general site preparation. Project approval is granted only to the removal of:

- The 114 room hotel building which includes the restaurant and conference centre and all back of house facilities;
- All ancillary buildings associated with the hotel primarily located around the existing swimming pool;
- The former Seafood Mamas Restaurant at the entrance to the site;
- The swimming pool & spa;
- The tennis & volley ball courts;
- All redundant services either above or below ground;
- All bitumen or concrete car parks and footpaths; and
- Any vegetation outside the dune area and the Environmental Protection 7A Habitat and Catchment Zone not marked for reuse or transplanting

No earthworks form part of this approval. However, clean brick, rubble and concrete construction materials will be retained for fill on the site.

Note: Approval for Stage 2 will be dealt with under Part 4 of the *Environmental Planning and Assessment Act 1979* and does not form part of this approval.

##### **A2**     *Project in Accordance with Plan*

The project will be undertaken generally in accordance with the following plan:

Prepared by Attentus Projects and Properties			
Drawing No.	Sheet	Name of Plan	Date
05053-4	1	Buildings & Structures to be Demolished	23 Oct 2009

##### **A3**     *Project in Accordance with Documents*

The project will be undertaken in accordance with the following documentation (including any Appendices contained therein):

- a. **Sapphire Environmental Assessment Report: Stage 1 Project Application (Volume 2)**, prepared by Janet Thomson Planning Consultant on behalf of Sapphire Beach Development Pty Ltd and dated June 2009;

- 
- b. **Sapphire Report: Preferred Project Report and Statement of Commitments**, prepared by Janet Thomson Planning Consultant on behalf of Sapphire Beach Development Pty Ltd and dated September 2009;
  - c. The revised Statement of Commitments included as Schedule 3 to this Instrument

#### **A4     *Inconsistency between documents***

In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments in Schedule 3 of this Instrument, and the drawings/documents referred to in Conditions A3 and A4, the conditions of this approval prevail to the extent of the inconsistency.

#### **A5     *Building Code of Australia***

All work must be carried out in accordance with the requirements of the Building Code of Australia.

### **PART B—PRIOR TO COMMENCEMENT OF WORKS**

#### **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 all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Council prior to the commencement of works on site.

#### **B2     *Site Management Plan***

Prior to the commencement of works 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) the appointment of a liaison officer by the Proponent to consult with potentially affected property owners before, during and post-demolition works. A 24-hour contact telephone number should be provided to all adjoining owners and occupants
- (2) hours of work;
- (3) contact details of site manager;
- (4) traffic and pedestrian management;
- (5) noise and vibration management;
- (6) construction waste management;
- (7) erosion and sediment control; and
- (8) flora and fauna management.

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

#### **B3     *Traffic & Pedestrian Management Plan***

A Traffic and Pedestrian Management Plan in accordance with AS1742 and RTA publication '*Traffic Control at Works Sites*' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by Council. Safe public access shall be provided at all times. 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,
  - (4) pedestrian and traffic management methods,
  - (5) Washing facilities for trucks on the site, and
  - (6) Hours of access to the site.

The Traffic and Pedestrian Management Plan shall be incorporated into the overall SMP.

#### ***B4 Demolition Noise and Vibration Management Plan***

Prior to commencement of works, a site specific "Construction (& Demolition) Noise and Vibration Assessment and Management Plan" shall be prepared and approved by Council. This Plan shall be incorporated into the overall SMP.

#### ***B5 Dune System Rehabilitation and Management***

- (1) The coastal dune system fronting the site shall be rehabilitated, and maintained in a healthy state.

Note: it is the intention of this condition to ensure the capacity of the dune system to absorb erosion is maintained by virtue of establishing a healthy, well nourished, and well vegetated dune system.

- (2) Dune rehabilitation works shall be initiated upon commencement of other works authorised by this approval, and shall be undertaken in accordance with condition A5A of the approved concept plan for the site, being MP06\_0148.

#### ***B6 Aboriginal Cultural Heritage Management Plan***

The proponent must develop an Aboriginal Cultural Heritage Management Plan (ACHMP) for the project area prior to any sub-surface works occurring, in order to specify the policies and actions required to mitigate and manage the potential impacts of the Proposal on Aboriginal cultural heritage. The ACHMP should clearly focus on avoiding impacts to Aboriginal cultural heritage values wherever feasible during the development works. Where impacts cannot be avoided, the Proponent shall develop proposals that reduce the extent and severity of impacts using reasonable and feasible measures. The ACHMP shall be developed and implemented in consultation with all of the local Aboriginal stakeholders and DECCW. The ACHMP must include, but not be limited to:

- Procedures for ongoing Aboriginal consultation and involvement;
- Management of any recorded sites within the investigation area;
- details of any proposed conservation areas including long term management strategies for Aboriginal sites and objects;
- Identification and management of previously unrecorded sites (excluding human remains); and
- A program of monitoring.

The effectiveness of the ACHMP is to be reviewed biannually and shall determine whether policies have been adhered to, actions have been implemented and whether any changes to the ACHMP are required.

#### ***B7 Aboriginal Cultural Heritage Induction Training***

All construction personnel involved in initial ground surface disturbance activities within the area of the dune system shall undergo an Indigenous Cultural Heritage Induction before commencing any construction activities. The Induction should be presented by the Coffs Harbour LALC and provide specific information in relation to the processes to be followed

---

should any Indigenous items be uncovered as well as the types of and identification criteria for cultural heritage material that may be uncovered.

### **B8      *Notification Requirements***

Adjoining and affected residents shall be provided with a minimum 72 hours notice prior to the commencement of works. This notification should also be provided to Coffs Harbour City Council, the RTA and the Solitary Islands Marine Parks Authority.

### **B9      *Erosion and Sediment Control***

Prior to commencement of work on the site for each stage of the project, all approved erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Council.

### **B10    *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 works. The Proponent shall ensure there shall be no unplanned conflict between the proposed development and existing infrastructure prior to start of any works.

## **PART C—DURING CONSTRUCTION**

### **C1      *Construction Management***

All works are to comply with the appropriate Australian Standards, including AS 2601-2001 *The Demolition of Structures*, the approved Site Management Plan, and any WorkCover NSW requirements.

### **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 Department Environment Climate Change & Water's (DECCW) *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      *On-site Crushing and Processing***

Only clean concrete/masonry/bricks waste generated during the demolition shall be crushed/processed on the premises. The proponent shall, as relevant, satisfy the DECC's *Recovered Aggregate Exemption 2008*, General Exemption Under Part 6, Clause 51 and 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

## **C7      *Burning***

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

## **C8      *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.

## **C9      *Stormwater Management***

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

## **C10     *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.

## **C11     *Erosion and Sediment Control***

All erosion and sediment control measures (as designed in accordance with the approved plans) are to be effectively implemented and maintained at or above design capacity for the duration of the 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.

## **C12     *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.

### **C13 Hours of Work**

The hours of construction for all stages of the project, 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) no work on Saturdays, Sundays and public holidays.

Works may be undertaken outside these hours where:

- (3) the delivery of materials is required outside these hours by the Police or other authorities;
- (4) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (5) the work is approved through the Site Management Plan; and
- (6) 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.

### **C14 Construction Noise Objective**

- (1) The construction 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 construction noise objective.

### **C15 Construction Noise Management**

For all stages of the project, the Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving 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.

### **C16    *Vibration Criteria***

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

### **C17    *General - Aboriginal Cultural Heritage***

All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage values at all stages of site development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Coffs Harbour and District Local Aboriginal Land Council and the Department of Environment, Climate Change and Water (DECCW).

### **C18    *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 DECCW, and the Coffs Harbour and District Local Aboriginal Land Council must be notified as soon as possible. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment, Climate Change and Water, and the Coffs Harbour and District Local Aboriginal Land Council.

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.

### **C19    *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, the Coffs Harbour and District Local Aboriginal Land Council, and DECCW 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 DECCW and the Coffs Harbour and District Local Aboriginal Land Council. 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.

### **C20    *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.

### **C21    *Site Security***

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

---

**C22     *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 Coffs Harbour Water.

**C23     *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 CONSTRUCTION*****Geotechnical*****D1     *Dilapidation Report***

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to Council, prior to application for Subdivision Certificate.

**D2     *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 associated with the approved development is to be met in full by the Proponent.

**D3     *Aboriginal Heritage Information Management System (AHIMS)***

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

---

## **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.

---

## **SCHEDULE 3**

**09\_0060**

### **STAGE 1 DEMOLITION AND SITE CLEARANCE WORKS**

**740-742 PACIFIC HIGHWAY, SAPPHIRE BEACH, COFFS HARBOUR**

### **STATEMENT OF COMMITMENTS**

(Source: Preferred Project Report)

---

## **Part A – Consultation:**

- (a) Consultation will continue throughout the development process with Coffs Harbour City Council and Relevant Government departments as necessary
- (b) Surrounding residents will be informed of the demolition and site works programme prior to the Commencement of work on the site and will be advised of details of contacts should there be any issues in relation to the works once they commence on the site.

## **Part B - Site Works:**

### **1. Notification of Works**

Neighbours, Coffs Harbour Council ,the Roads and Traffic Authority and the Marine Park Authority will be given 72 hours notice of commencement of works on the site

### **2. Site Security**

To prevent the unauthorised entry of people into the construction site(s) and prevent damage to the environment, security for the construction site(s) will include:

- Lockable security gates
- A security fence around the perimeter
- Security lighting on site and
- Controlled access to the site through the site control office, visitor reception area and site management personnel

### **3. Hazardous Materials**

The findings of the *Hazardous Materials Survey and Register* prepared by David Lane and Associates and dated June 2009 are to be implemented at all stages during the demolition and removal of waste from the site.

### **4. Site Management**

The findings and management procedures set out in the approved Site Management Plan are to be implemented at all stages of the demolition and site clean up works. The following require further approval by the Council prior to the commencement of demolition works on the site:

- (a) A Work Plan for hazardous material management and removal
- (b) A Noise and Vibration Study in relation to the concrete masonry recycling facility which demonstrates that there will be no adverse noise or vibration impacts outside the boundaries of the site
- (c) A Health and Safety Plan prepared in accordance with the requirements of the New South Wales Health and Safety Act Regulations
- (d) An Environmental Monitoring Plan including methods for monitoring dust, noise and vibration, surface water, site run off and methods for reporting and addressing any issues which may arise

### **5. Protection of Sensitive Areas**

---

Prior to the commencement of work on the site, the dunal area and the Environment Protection 7A Habitat and Catchment Zone area are to be fenced to ensure that there is no damage to these areas during the demolition and site clearance work.

6. Survey of 100 Year Hazard Line

Prior to the commencement of works on the site a registered surveyor must determine the location of the 100 year coastal hazard planning line (as per Willing and Partners Map 1 Campbell's Beach Hazard Lines September 1999) on the site. All buildings are to be constructed landward of this line.

**Part C - Traffic and Transport**

7. Access to the Site

Prior to the commencement of any works on the site the proponent is to reach agreement with the RTA in relation to detailed plans of the line marking to provide right and left hand turning lanes of the access way to the site. The access way to the site must be line marked to provide right and left hand turning lanes from the Pacific Highway.

