

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 451-10-2003

(FILE NO. S03/03156 PT1)

**DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO STOREY
TOURIST ACCOMODATION / GUEST HOUSE, 5 TILBA STREET NAROOMA**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10(1) of State Environmental Planning Policy No 71 – Coastal Protection, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To provide for the economic and orderly use of the subject site while managing environmental and amenity issues, and
- (2) To ensure compliance with Eurobodalla Shire Council's Development Control Plans.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	Kerry and Heather Challis 5 Tilba Street, Narooma, 2546
Application made to:	Minister for Infrastructure and Planning
Development Application:	No 451-10-2003
On land comprising:	Lot 51 / DP 814816 5 Tilba Street, Narooma
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$300 000
Type of development:	State Significant Development Integrated Development – S 138, Roads Act 1993
S.119 Public inquiry held:	No
BCA building class:	1b
Approval Body / Bodies:	Council
Determination made on:	The date that appears of the Notice of Determination.
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 451-10-2003

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies where imposed in accordance with Council's contributions plans. These plans may be inspected at the following locations:

- Eurobodalla Shire Council Offices: Vulcan Street, Moruya.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Kerry and/or Heather Challis or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Eurobodalla Shire Council.

DA No. 451-10-2003 means the development application and supporting documentation submitted by the applicant on 28 October 2003.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

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

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

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

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 451-10-2003

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- (1) Demolition of existing weatherboard residential cottage,
- (2) Erection of two storey guest house / tourist accommodation facility including 5 bedrooms plus 1 managers residence on the top floor,
- (3) Removal of existing on-site vegetation, and
- (4) Landscaping.

A2 *Development in Accordance with Plans*

The development shall be in accordance with development application number 451-10-2003 submitted by the applicant on 28 October 2003, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled Statement of Environmental Effects Lot 51 DP 814816, 5 Tilba Street Narooma prepared by Lars Axell & Associates Pty Ltd, dated October 2003.			
Additional Information submitted under cover letter dated 20 May 2004 from Lars Axell & Associates Pty Ltd entitled Development Application no: 451-10-2003, Tourist Accommodation, 5 Tilba Street, Narooma NSW.			
Architectural (or Design) Drawings prepared by <i>Lars Axell & Associates Pty Ltd</i>			
Drawing No.	Revision	Name of Plan	Date
1B	B	Site Plan	Amended 20 April 04
2B	B	Ground Floor Plan and landscape plan (as marked by DIPNR)	Amended 20 April 04
3B	B	Upper Floor Plan	Amended 20 April 04
4B	B	Construction Notes (as marked by DIPNR)	Amended 20 April 04
5B	B	South and West Elevations Plan (as marked by DIPNR)	Amended 20 April 04
6B	B	North and East Elevations Plan (as marked by DIPNR)	Amended 20 April 04
7	A (as marked	Site Plan: Shadow Diagram	20 May 04

	by DIPNR)		
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A3 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Design Modifications – Parking Area

In order to ensure compliance with Council's DCP No 130: Parking Guidelines, the design of the parking areas shall be amended as follows:

- (1) re-design of the parking area to ensure minimum 1m set-back from the boundaries. Removal of the visitor car parking space is appropriate as it is not required by the DCP.

Details shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

B2 Pavement Designs

Pavement designs addressing car parking spaces, manoeuvring areas and access driveways are to be prepared by a qualified engineer and are to be submitted to and approved by Council.

Note: the layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.

Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the PCA prior the issue of a Construction Certificate.

B3 Reflectivity

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

B4 Flood Overflow Path

Prior to the issue of Construction Certificate the submission to and approval by Council of engineer's designs of the control of a 1% AEP flood overflow path from the proposed detention area is required. The design is to provide finished RLs for construction of the detention area. Work as executed plans are to be submitted from a registered surveyor prior to issue of the final certificate indicating that construction has complied with the approved designs. Reason: To prevent possible flooding of downstream properties.

B5 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.

B6 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction* (NSW Department of Housing, 1998). Reference should also be made to the requirements of condition **D2**. Details are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

B7 *Dilapidation Reports*

A Dilapidation Report detailing the current structural condition of the existing and adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the PCA and should be compared with the earlier report to ascertain if any change has occurred.

A copy of both reports is to be forwarded to Council.

B8 *Landscape Plan*

A revised landscape plan incorporating the following:

- (1) The strip of landscaping along the northern boundary of the car park is to be continuous. Further ground covers and low growing shrubs are to be incorporated within this area in addition to those plants already specified on the landscape plan. Plant species are to be selected from the approved Plant Legend.

shall be submitted to and approved by the PCA prior to the issue of a Construction Certificate.

B9 *Engineering Design Plans*

Prior to release of the Construction certificate, submission to and approval by Council of engineer's design plans for the construction of layback kerb and gutter for the full frontage of the property along Koeber Lane and any road resealing as a consequence of the kerb and gutter construction. All work is to be to the satisfaction of the Development Engineer.

B10 *NatHERS Rating – Single Dwelling*

The dwelling shall achieve a minimum NatHERS rating of 4 stars. Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B11 *Energy Star Ratings*

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 4 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The applicant shall submit to the PCA a statement demonstrating compliance with the requirements of this condition.

B12 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The applicant shall submit to the PCA a statement demonstrating compliance with the requirements of this condition.

B13 Easement Over Adjoining Properties

To ensure the legal disposal of stormwater overflow a submission is to be made for approval from Council of plan of survey and 88B instrument or transfer and grant signed by beneficiary and burdened parties for an easement over adjoining properties.

Note: The creation of an easement to drain stormwater from the development to the easement of the adjoining property is required. This will cover the path of the proposed pipeline and pit to be constructed.

B14 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the BCA and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.

B15 Design of Food Premises

The fitout of the food premises shall be carried out in accordance with *The National Code for the Construction and Fitout of Food Premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.

B16 Storage and Handling of Waste

The application for a Construction Certificate is to include plans and specifications that indicate the proposed waste store area. The proposed store area is to be designed, constructed and managed in accordance with the requirements of Council Policy. The waste management store area is to provide sufficient space for separation of waste for recycling and separation of green waste for composting on-site.

The area is to be visually integrated with the buildings and landscaping. Such plans and specifications must be approved as part of the Construction Certificate.

B17 Monetary Contributions – Section 94

Payment to Council pursuant to Section 94 of the Act of contributions towards the provision of public amenities or services. The current contribution rates for the current financial year are as follows:

(1) Amount of Contribution

Contribution Category	Amount
Open Space	\$376.25
Community Facilities	\$0.00
Waste Disposal	\$114.00
Car Parking	\$0.00
Arterial Roads	\$0.00
Cycleways/Pedestrian Facilities	\$61.00
Administration	\$92.50

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Eurobodalla Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council prior to making payment.

The above contributions are to be paid prior to the release of the Construction Certificate or occupation of the development (whichever occurs first). Evidence of payment is to be provided to the PCA.

(3) Indexing

Council should be contacted prior to payment of the above contributions to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent.

B18 Payment of Headworks

Pursuant to Section 306 of the *Water Management Act 2000* payment to Council prior to the release of a Construction Certificate, release of a plan of survey or occupancy (whichever occurs first) of headworks charges. The current contributions rates are as follows:

- i. Water Headworks \$7, 519.15
- ii. Sewer Headworks \$6, 266.75

Council should be contacted prior to payment to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent.

B19 Water Meter Fee

Payment to Council the standard fee (\$755.00 for the 04/05 financial year) for a 25mm diameter water meter to suit the development. Such to be located as to be accessible to Council's Water Meter Reader at all times and independently service each lot of potential future subdivision. Alternative arrangements are available to comply with this condition in order to ensure that adequate water volume and pressure is provided to the development.

Note: This fee is revised annually on 1 July.

B20 Material Selection

Material selection is to take into account the life cycle effect of their manufacture, use and disposal.

The use of PVC is to be minimised and alternate materials used where possible.

A building materials assessment that sets out the main materials to be used and how they have been selected to minimise their impact on the environment is to be submitted to the satisfaction of the PCA prior to the issue of a construction certificate.

B21 Compliance Report – Part B

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Council a report addressing compliance with all relevant conditions of Part B of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 *Construction Certificate*

Prior to the commencement of works a Construction Certificate is to be obtained from Council or an Accredited Private Certifier to verify that if all building work is carried out in accordance with those endorsed detailed plans and specification it will fully comply to all of the provisions of the BCA. All conditions under Part B of this consent must be met prior to issue of the Construction Certificate.

C2 *Statement of Compliance with Australian Standards*

The demolition work shall comply with the provisions of Australian Standard AS2601: 1991 *The Demolition of Structures*. The work plans required by AS2601: 1991 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.

C3 *Notice to be Given Prior to Excavation*

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C4 *Structural Details*

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C5 *Construction Management Plan*

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic and pedestrian management including but not limited to the ingress and egress of vehicles from the site, loading and unloading including construction zones and pedestrian and traffic management methods,
- (4) noise and vibration management,
- (5) waste management, and
- (6) erosion and sediment control (see also **B6**),

The Applicant shall submit a copy of the approved plan to Council.

C6 *Contact Telephone Number*

Prior to the commencement of the works, the Applicant shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

C7 *Contract of Insurance – Residential Building Work*

For 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 the Act, that such a contract of insurance is in force prior to the commencement of works.

C8 *Removal of Hazardous Materials*

Prior to the commencement of works the applicant is to inspect the building to ensure that loose asbestos insulation is not present in roof spaces or other areas of the building to protect building workers and occupants of neighbouring properties. The NSW WorkCover Authority and NSW Department of Health may assist with advice in this regard.

All hazardous materials found shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

This condition has been included to protect the health of workers and neighbouring occupants and to satisfy requirements of the *Construction Safety Act, 1912*.

C9 *Disconnection of Water Supply and Sewer*

The disconnection of water supply and sewer connections at their respective mains is to be carried out by a licensed contractor and inspected by Council prior to the commencement of demolition works.

Note: To arrange for an inspection contact Council's Works Depot – Batemans Bay on (02) 4472 4035 or Narooma on (02) 4476 4144.

C10 *Disconnection of Gas, Electricity and Phone*

The gas, electricity and telephone services shall be disconnected by the relevant authority prior to the commencement of demolition works.

C11 *Site Rubbish Enclosure*

Prior to the commencement of demolition works, a demolition rubbish enclosure shall be provided on-site and is to be maintained throughout the demolition period.

C12 *Compliance Report – Part C*

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to Council a report addressing compliance with all relevant conditions of Part C of this consent.

PART D—DURING CONSTRUCTION

D1 Approved Plans to be On-site

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

D2 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction 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.

To minimise soil erosion during construction, the owner and builder shall ensure that the following measures are implemented in the sequences outlined:

- i. A dish shaped diversion drain or similar structure is to be constructed above the proposed construction site to divert run-off to a stable discharge area, such as an area with a grass cover. This diversion drain is to be lined with turf or otherwise stabilised if it erodes after rainfall.
- ii. A sediment trapping fence using a geotextile fabric specifically designed for such a purpose and installed to manufacturer's specifications is to be placed below the construction area (eg. "silt stop").
- iii. Vegetation is to be cleared from the construction site only, other areas are to remain undisturbed.
- iv. Top soil from the construction site or builders sand is to be stockpiled in a location where it will not be eroded from the site, and is not to be stockpiled on the road reserve.
- v. All erosion control measures will require maintenance after rainfall. They are to be maintained until construction works are complete and the site has been fully revegetated and stabilised.
- vi. If soil or other materials are spilt accidentally onto the road or gutter, they shall be cleaned up prior to the completion of the day's work or prior to rainfall (whichever occurs first). Note: Under the *Protection of the Environment Operations (POEO) Act 1997* you are not permitted to cause pollution to any waterway. The owner/builder should be aware of their responsibilities under the POEO Act. The immediate containment and clean up of some spills will be required.

D3 Building Demolition – Australian Standards

Building demolition works are to be carried out in accordance with *Australian Standard 2601 (2001) – The Demolition of Structures*.

D4 Demolition Within Boundaries

All demolition works must be carried out totally within the allotment boundaries and must not extend into the footpath area, public roadway or adjoining properties.

D5 *Materials to Be Kept Clear of Sewer Manhole*

Demolition materials, excavated materials and the like must be kept clear of the sewer manhole on the premises at all times to enable access to the sewer line in the event of an emergency or maintenance.

D6 *Waste Material Disposal*

1. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
2. All waste materials are to be deposited at an approved landfill site. Particular care and attention is to be paid to the disposal of any waste containing asbestos (refer to condition **C8** and **D7**).
3. Any excess of clean fill (inert waste) removed from the site is to be taken to either:
 - a) A public waste disposal facility, or
 - b) A site approved by Council.

If option (b) is to be used the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.

Note: Council may carry out random inspections and take photographic records to ensure the integrity of the fill.

D7 *Disposal of Hazardous Waste*

All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos. Disposal of asbestos waste is to be carried out strictly in accordance with the requirements of Council and the WorkCover Authority of NSW.

D8 *Setting Out of Structures*

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

D9 *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. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

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- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D10 BCA Requirements

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the BCA (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

D11 Contact Telephone Number

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D12 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D13 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D14 NSW Code of Practice for Plumbing and Drainage

The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

D15 Control of Nuisance

All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

D16 Dust Control Measures

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

- (1) 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,

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- (2) Covers are to be adequately secured,
 - (3) Cleaning of footpaths must be carried out regularly,
 - (4) Roadways must be kept clean,
 - (5) Gates are closed between vehicle movements,
 - (6) Gates are fitted with shade cloth,
 - (7) The site is hosed down when necessary, and
 - (8) Wheel washes shall be installed for all vehicles exiting the site.

D17 Hours of Work

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

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 7:00 am and 5:00 pm, Saturdays;
- (3) between 8:00 am and 5:00 pm on Sundays and public holidays unless written approval to vary hours is obtained from Council as delegated to the General Manager.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) 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 and written approval has been obtained from Council.

D18 Construction Noise Management

The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours:

- (1) 9 am to 12 pm, Monday to Friday;
- (2) 2pm to 5pm Monday to Friday; and
- (3) 9 am to 12 pm, Saturday

D19 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

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- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

D20 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

D21 Water Conservation

Water efficient devices, with a AAA rating, must be installed throughout the building, including, but not limited to:

- a) Pressure limiting valves;
- b) Dual flush toilet systems;
- c) Water efficient shower nozzles.

All new hot water systems are to have a minimum rating of 4 stars.

D22 Recycling of Concrete

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

D23 Compliance Report – Part D

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of Part D of this consent.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

N/A – there are no Part E conditions that apply to this development consent as the application was not made for subdivision or strata subdivision.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

F3 Public Utilities Adjustments

Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council.

F4 Stormwater Construction

Prior to the issue of an Occupation Certificate stormwater construction is to conform to approved plans.

F5 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F6 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent

authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F7 Works to Approved Pavement Designs

The car parking spaces, manoeuvring areas and access driveways will be required to be sealed, drained linemarked, constructed and maintained to the approved pavement designs (refer to condition **B2**).

F8 Temporary Cross-over Material

Any temporary cross-over material must not remain in the street gutter.

F9 Damage to Public Assets

In the event that any damage is caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway as a result of the construction and/or demolition works associated with the approved development, the applicant shall reimburse the Council for the full costs of repairing the damage and making good.

F10 Landscaping

Landscaping in accordance with the approved landscape plan is to be completed prior to issue of Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved plan. Approved pot sizes are to be adhered to.

Evidence that appropriate plants have been planted in accordance with the approved plan is to be submitted to Council prior to the issue of an Occupation Certificate. Further evidence of the survival of those plants after a 12 month period (from the date that the Occupation Certificate is issued) is to be submitted to the satisfaction of Council. In the event of death or where Council determines the plants to be in poor health, the plants are to be replaced to the requirements of this consent.

Note: Landscape maintenance is the landowner's responsibility.

F11 Certificate of Title

Prior to the release of the Final Certificate submission to and approval by Council of a copy of the registered Certificate of Title verifying the creation of an easement as required by condition **B13**.

F12 Water Supply Authority

An application shall be made to the relevant water supply authority (WSA) for a Compliance Certificate in accordance with their requirements. Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the relevant WSA, since

building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

PART G—POST OCCUPATION

G1 *Annual Fire Safety Certification*

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

G2 *Loading and Unloading*

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G3 *Unobstructed Driveways and Parking Areas*

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

G4 *Vehicular Access*

All vehicles entering and leaving the site are to be driven in a forward direction at all times. Visitors and patrons are to be advised of this requirement.

G5 *Public Way to be Unobstructed*

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

G6 *Wash Down of Boats*

The wash down of boats on impervious surfaces that drain to the stormwater system is not permitted due to the potential for pollution. Any onsite wash down of boats is only permitted on penetrable ground where infiltration can take place.

PART H—GENERAL TERMS

Council

H1 *Driveway Profile*

To ensure that access is constructed to a satisfactory engineering standard. Prior to the issue of a Construction Certificate a driveway profile confirming to Council's standard Plan No 4400-2 is to be provided.

H2 *Section 138 Consent*

Prior to commencement of any construction within the road reserve the applicant is to obtain a Section 138-consent form from Council to undertake such works. A traffic control plan prepared by a suitably qualified consultant, certified by the Roads and Traffic Authority in work site traffic control plan preparation is to be submitted to Council along with the following information, listed below, to allow completion of the S138 form. The consultant is to certify that the traffic control plan complies with the current RTA manual “traffic control at work sites”. Copies of records of inspections of traffic control layouts must be sent to Council after completion of works.

- The contractors ACN or ARBN number.
- A description of the work to be undertaken and the location e.g. property address.
- The dates for commencement and completion of the work.
- A copy of the contractors \$20,000,000 public liability policy to indemnify Council.
- A Direction to Restrict Traffic Speed (DRTR), where applicable, from the RTAs Traffic Operations Unit.

Contact: SouthernSpeedzoning@rta.nsw.gov.au

Or fax 4227 3705 or Ph 4221 2556

ADVISORY NOTES

AN2 Development in Accordance With Approved Plans

The development is to take place in accordance with the approved plans and documentation. It may be that any variation and/or alteration to the approved consent will require a Modification under Section 96A of the Act. Failure to obtain consent may result in legal action.

AN3 Sewer Junction

A second sewer junction can be provided at cost by applying to Council's Depot for a Private Works Order.

AN4 Signage

Unless shown as part of the development proposal, separate development consent is required for advertising signs and/or structures therefore prior to the erection of further advertising signage and/or structures a formal development application must be submitted to and approved by Council.

AN5 Disabilities Discrimination Act

Your development may be affected by the *Disabilities Discrimination Act 1992*. It is your responsibility to ensure that the development complies with this Act.

AN6 WorkCover

The applicant may contact the WorkCover Authority of NSW on phone: 131 050 for further information on safe construction methods or visit their website www.workcover.nsw.gov.au.

AN7 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the consent authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the consent authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

AN8 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, the Water Supply Authority, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant

public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN9 Compliance with Building Code of Australia

This Development Application has been subject to a merit based assessment. The approved plans have not been fully assessed against the provisions of the BCA. It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA while still complying with the provisions of this consent. It may be that a modification to Development Consent is required to achieve this. The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN10 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN11 Construction Inspections

Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the BCA and any other conditions of consent.

AN12 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN13 Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN14 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN15 Compliance with National Code for Construction and fitout of food premises

An applicant shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fitout of Food Premises*. The applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

AN16 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the *Local Government Act, 1993* will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act.

Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN17 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.