

Conditions of Consent – Advisory Notes

In addition to the conditions of the development consent, the following advisory notes may be relevant for a person involved in carrying out the development approved under the consent and should be read in conjunction with the Notice of Determination.

The advisory notes do not form part of the development consent. However, they provide information on how the obligation to lawfully carry out the approved development can be met.

General Advice – Consent

Complying with conditions of the Development Consent

Your development consent contains the conditions of consent that must be satisfied to lawfully complete your development. If a condition requires further reports, payment of scheduled fees or an inspection, the condition is to be satisfied at your expense unless otherwise specified in the condition.

Read all of the conditions of consent carefully before you start work and note which conditions must be satisfied at each stage of the development. Liaise regularly with your builder and principal certifier to ensure all conditions are satisfied. If you have any questions regarding a condition, you can contact council's duty planner or an industry professional with relevant expertise for clarification.

Complying with the conditions of your consent will help avoid delays, or worse – a Penalty Infringement Notice from Council.

Application of prescribed conditions

In addition to the conditions of this consent, prescribed conditions may also apply. If prescribed conditions within Division 2 Part 4 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) related to your development and were in force at the time your application was lodged, these conditions must be met whether or not they were specified within this consent.

Bonds and Security Deposits

For some development, a bond or security deposit may be applied to ensure public infrastructure like roads and footpaths are not left damaged as a result of your development. Conditions for bonds and security deposits can vary so be sure that you understand the obligations to avoid forfeiting part or all of the amount paid. Bonds and Security Deposits are released after the Occupation Certificate has been received by Council, and a Final inspection has been conducted by a Council Officer. The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt).

Contributions

If your development requires a contribution; for example works in kind or a monetary contribution towards shared public infrastructure such as parks or drainage infrastructure; the requirement will be conditioned within the development consent, and may be subject to consumer price index (CPI) increase.

Further information about local contributions can be found on the Department of Planning, and Environment's website: <https://www.planning.nsw.gov.au/local-infrastructure-contributions-policy>

Long Service Levy

The New South Wales Parliament has imposed a levy on building and construction work costing \$25,000 and above (inclusive of GST). The levy is paid into a fund administered by the Long Service Corporation, and from this fund, the Corporation makes long service payments to building and construction workers.

The Levy is payable for building and construction projects costing \$25,000 and above (inclusive of GST) and is payable to Council, or directly to the Long Service Corporation. Evidence of payment of the levy is required to obtain a Construction Certificate.

The Long Service Corporation website has further information about the long service levy, including how to calculate your contribution on the approved development. www.longservice.nsw.gov.au

Offences and Penalties

Only the approved development of this consent may be carried out on your land in accordance with the approved plans. Other development on the land to which the development consent does not apply must be carried out according to law. A person carrying out unauthorised work may be charged with a criminal offence under the EP&A Act 1979 and if convicted, a monetary penalty may be applied.

Retirement of biodiversity credits

If your Consent includes Conditions that require you to retire biodiversity credits, this may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits or number of species credits, as calculated by the Biodiversity Assessment Method (BAM) Credit Calculator. The BAM Credit Calculator can be found here: <https://www.lmbc.nsw.gov.au/offsetpaycalc>

General Advice – Construction

Construction Certificate

A Construction Certificate may be required before building work approved under the development consent can lawfully start. A Construction Certificate confirms your detailed plans comply with the Building Code of Australia and are consistent with the approved plans, documents and conditions of consent in accordance with EP&A Regulation. Having a Construction Certificate means you can commence building work on the site in accordance with the approved plans. Private accredited certifiers and local Councils can issue Construction Certificates.

Any works undertaken without a Construction Certificate will be unauthorised and you will not be able to obtain an Occupation Certificate for those works at the completion of building work. Further advice about Construction Certificates is available on the Department of Planning and Environment's website.

Subdivision Works Certificate

Your development consent may require you to obtain a Subdivision Works Certificate before you can start works relating to subdivision. A Subdivision Works Certificate operates in the same manner as a construction certificate, but for subdivision works.

Private accredited certifiers and local Councils can issue Subdivision Works Certificates. The issuing of a Subdivision Works Certificate does not negate the need for a Construction Certificate for other building works associated with the approved development.

Further information about Subdivision Works Certificates is available on the Department of Planning and Environment's website.

Appointing a Principal Certifier

A Principal Certifier (PC) (previously known as a principal certifying authority or PCA) is the only person/ body who can issue partial or final occupation certificates.

A PC must be appointed by the landowner before work commences. A builder cannot appoint the PC unless they are also the landowner.

A PC can be either an accredited private or Council certifier. The PC will inspect work during construction to ensure the works completed are consistent with the approved plans and comply with required building standards. However, it remains your responsibility to ensure all conditions of development consent are satisfied. If the appointed PC changes for any reason, all building works must stop until another PC has been appointed, and Council has been notified 2 days in advance in writing.

If the development consent allows for two different types of development that each require a separate PC, each PC is only engaged for one development type.

Further advice on finding and appointing a PC can be found on the NSW Fair Trading Website: <https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-renovate/finding-and-appointing-a-certifier>

Certification Services

Construction Certificates / Occupation Certificates / Subdivision Certificates / Strata Certificates, can be issued by Council or an accredited Certifier.

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principal Certifier at competitive rates. Please visit our web site www.northernbeaches.nsw.gov.au or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

Utilities and authorities

It is your responsibility to find out if the land associated with the approved development is affected by utility assets above and below ground before you start approved work. Damage to these utilities can be avoided through a 'Dial Before You Dig' enquiry on 1100 or <https://www.1100.com.au/>

You may be required to liaise with relevant authorities and utility providers for some works depending on the circumstances of your development consent. This may include; Energy authorities, providers and operators, Water authorities, Telecommunications providers and operators, Australia Post, Transportation authorities and operators, other State and Federal government departments.

Please allow for the necessary approvals and charges imposed by the above authorities that may be associated with potential impacts of your development on infrastructure owned by a utility provider. For example, a utility authority may have specific safety requirements, or only allow authorised representatives to complete the work in the vicinity of underground infrastructure such as gas, water or power.

Fire safety

Ensuring your development is safe from risk of fire is important. Fire safety provisions are considered during the initial development application and further details are assessed before the issue of the construction certificate.

A Fire Safety Certificate may be required prior to obtaining an occupation certificate. If fire safety measures beyond those approved under the development consent are required prior to obtaining a Fire Safety Certificate under the EP&A Regulation, you must ensure these are met through a modification to the initial application.

Further information relating to building fire safe developments can be found on the Fire and Rescue NSW website: <https://www.fire.nsw.gov.au/page.php?id=9140>

Further information about Fire Safety can also be found in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021:

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2021-0689>

Contaminated land and materials

The potential for workers to be exposed to contaminants during construction works should be minimised through the development and implementation of a construction WH&S management plan including induction procedures.

Asbestos contamination is widespread in urban areas in NSW, and you should be aware of the dangers associated with handling asbestos material that may unknowingly be present on the site. If asbestos is found during work, ensure the removal, transportation and disposal, regardless of quantity, is carried out in a safe and professional manner, as well as the requirements of any Conditions of Consent

Further information and regulation around handling asbestos can be found on the Safe Work Australia website.

If contamination is unexpectedly found during works, all work should cease and the consent authority and the Environmental Protection Authority (EPA) should be notified as soon as possible and consider if a Remediation Action Plan (RAP), or amendment to an approved RAP, is required. If contamination occurs as result of works, the local council or the EPA have the authority to issue clean up notices, and in some cases fines, so please ensure the RAP or waste management plan are followed appropriately.

Virgin Excavated Natural Material – EPA advice, and applying for waste recovery exemption

Virgin Excavated Natural Material (VENM) is undisturbed, uncontaminated, and chemically stable soil. If your development required additional soil material, you may be required to provide evidence the soils is classed as VENM.

Information about soil classification can be found on the EPA website:

<https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

In addition to the above, you may want to use alternative fill material to VENM. You can apply for an exemption under the waste recovery framework to use a select list of materials as a substitute for VENM.

Further information about waste recovery exemptions can be found on the EPA website:

<https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework>

Tree Preservation

Your development consent may require you to protect existing trees on or around the site from the impacts of the approved development. All trees should be protected unless otherwise noted within the consent, this includes trees located on adjoining land.

The development consent may allow for the protection of trees that are located on adjoining Council land. Please ensure you seek the permission of the landowner to access private lands if needed.

Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Waste collection

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Aboriginal Heritage

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Council, and seek further direction of what matters and steps are to be taken. Additionally any Conditions of Consent in this regard shall be strictly complied with.

On-Site Sewage Management System

This approval does not authorise the installation or operation of a new or modification of an existing on- site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Council, under the relevant provisions of the Local Government Act, 1993

Cost of Works

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty- eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

Permit for on-street mobile plant

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

Hoarding Permit

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone. Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

Pool Access

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- Swimming Pools Act 1992;
- Swimming Pools Amendment Act 2012;
- Swimming Pools Regulation 2008
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

It is your responsibility as a land owner to ensure any fencing is maintained.

Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Dividing Fences Act 1991

The construction and maintenance of side boundary fences is to be agreed upon by all adjoining property owners of the fence. Works are to be in accordance with the Dividing Fences Act 1991.

General Advice – Occupation

Occupation Certificate

An Occupation Certificate may be required before the development can be lawfully occupied or used as intended. This includes both habitable and non-habitable developments.

An Occupation Certificate confirms the development has been completed. Having an occupation certificate means you will be able to commence using the development for the occupation or as otherwise intended. You may not use the development as intended without an Occupation Certificate if one is required.

Further advice about Occupation Certificates is available on the Department of Planning and Environment's website: <https://pp.planningportal.nsw.gov.au/post-consent-certificates/occupation-certificate>

Licenses to operate/ Change of use

You may decide to change the use of the completed development in the future. This may require a separate development application for the proposed change of use. Some changes of use may be approved as complying development. Some uses may also require additional inspections, licenses or approvals before the new use can start such as medical facilities, food and beverage providers or liquor and gambling outlets.

Other

Child Care Centres

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

Disability Access

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act/

Noise and Vibration

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Hairdressing/Beauty Treatment/ Skin penetration Requirements

The premises must comply with the following requirements before the commencement of business:

- a) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap

and paper towel.

- b) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- c) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- d) The floor coverings must be smooth and impervious.
- e) All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- f) Adequate lockers must be provided for the storage of employees clothing and personal effects.
- g) The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- h) The premises must be provided with a sink supplied with hot and cold water for washing equipment.

Food Premises Construction Requirements

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

The food premises must comply with the following specific construction requirements:

Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

- a) Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- b) Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- c) Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- d) The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- e) The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- f) The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- g) The rear external door must be self closing or be provided with a fly screen that is self closing;
- h) Where cooking or extensive heating processes or such other processes as may be

specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

Legionella Control

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

Grease Trap

Contact Sydney Water to determine what trade waste provisions you are required to provide to your food premises. Should a grease trap be required by Sydney Water, it must be located in an area that is easily accessible for the removal of waste water and must not be installed in any kitchen, food preparation or food stage area. The design and location of the grease trap should also not impede on any commercial right of way or pedestrian access.

Bandicoot/Penguin

Long-nosed Bandicoots & Little Penguins – Best Practices for Residents are encouraged to follow a number of *Best Practices* to assist with the protection and management of the endangered populations of Long-nosed Bandicoots and Little Penguins:

- Long-nosed Bandicoots, Little Penguins and other native animals should never be fed as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation.
- Feral cats or foxes should never be fed or food left out where they can access it, such as rubbish bins without lids or pet food bowls, as these animals present a significant threat to Long-nosed Bandicoots, Little Penguins and other wildlife.
- The use of insecticides, fertilisers, poisons and/or baits should be avoided on the property.

Useful contacts for further information

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm or info@service.nsw.gov.au

<https://www.planningportal.nsw.gov.au/basix>

Department of Fair Trading

13 32 20

<https://www.fairtrading.nsw.gov.au/>

Dial Prior to You Dig

1100

<https://www.1100.com.au/>

Long Service Payments Corporation

131441

<https://www.longservice.nsw.gov.au/>

NSW Food Authority

Notification for your food-based business

1300 552 406

NSW Health

Information on asbestos and safe work practices.

<https://www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx>

Water Efficiency Labelling and Standards (WELS)

<https://www.waterrating.gov.au/>

SafeWork NSW – Workplace Health and Safety Regulator

<https://www.safework.nsw.gov.au/>

13 10 51

Icare – Insurance and Care NSW

<https://www.icare.nsw.gov.au/>

SIRA – State Insurance Regulatory Authority

<https://www.sira.nsw.gov.au/>