

Appendix 3

Proposed Conditions of Consent

Approved development - generally

1. The development must take place in accordance with the approved plans (bearing the Council approval stamp) and documents submitted with the application, as listed below, and subject to the conditions in this notice, to ensure the development is consistent with Council's consent.
 - Plans drawn by FMM Constructions, numbered A001 Rev M, A002 Rev G, A004 Rev F, A005 Rev D, A006 Rev A, A007 Rev D, A008 Rev A, A009 Rev D, A010 Rev C, A014 Rev B, all dated 11 May 2011;
 - Plans drawn by FMM Constructions, numbered CC-01, CC-02 and CC03, all dated February 2011;
 - Plans drawn by FMM Constructions, numbered 00-00, 00-01, 00-06a, 00-06b, titled 'FINCH', 'TERN' and 'STARLING', all dated February 2011;
2. Future use and management of the estate must at all times comply with any relevant maintenance and management requirements arising from the Cavvanba Consulting (5 July 2010) *Validation Report Dumaresq [Street] Road Reserve, Martin Street, Armidale NSW*.
3. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
4. One set of electronic PDF format and print film copies of "work as executed" plans with an itemised list of assets are to be provided to Council for works carried out on Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council before the issue of an Occupation Certificate for any stage of the development that involves the construction of public infrastructure.
5. All civil engineering and utility service works undertaken pursuant to this consent are to be inspected, approved and tested upon completion, and details of works that will become public assets provided to Council's Development Engineer. Arrangements to be confirmed for the Defects Liability Period, before the issue of an Occupation Certificate for any stage of the development involving construction of public infrastructure.
6. The owner/s of the property are to give Council written notice of the intention to commence works requiring certification under the EP& A Act and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cls. 103, 103A and 104 of the Environmental Planning and Assessment Regulation 2000.

For development involving both building and subdivision work authorised by the same development consent, a separate appointment of a Principal Certifying Authority for each type of work is required, in accordance with Section 109E of the Environmental Planning & Assessment Act 1979.

7. For all construction work required on Council land (eg. Stormwater, footpaths, kerb and gutter etc.), the Applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority, which will incorporate seeking any necessary approvals for work in road reserves under the Roads Act 1993. The Application(s) must be approved prior to the required road works commencing in any road reserve adjacent to the subject site, to ensure pedestrian and vehicular safety during construction.

Required work/activity over public land is to be protected by public liability insurance with a minimum cover of \$10 million, or such other amount as may be advised by Council.

8. Should Council be appointed the Principal Certifying Authority, the Applicant must give at least 2 days' notice to enable the following inspections to be undertaken where appropriate for the class of building:
- after excavation of, and before the pouring of the first footing **
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure, such as a slab-on-ground, suspended slab, or driveway **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area **
 - before covering any stormwater drainage connections **
 - when the building work is completed and before the issue of an occupation certificate **
 - in the case of a swimming pool, as soon as practicable after any barrier required under the *Swimming Pools Act 1992* has been erected **

** denotes a critical stage inspection (a mandatory inspection pursuant to Section 109E of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out.

9. The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality. Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable. Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.
10. The property number shall be clearly and permanently displayed on or adjacent to the doorway or on the street frontage to identify the premises to the public and to essential/emergency services. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed. Relevant work is to be carried out prior to the issue of an Occupation Certificate for proposed Stage 1 of the development.
11. Public liability insurance cover is to be obtained in respect to access within the site by Council's garbage collection service. The extent of cover is to be set by Council's Insurance Officer and Garbage Contractor.

The policy is to be in place before the issue of an Occupation Certificate for any stage the development that would result in access of collection vehicles within

the site, and maintained in place for as long as Council's contractor is expected to access the site.

12. The site being consolidated before the issue of an Occupation Certificate for proposed Stage 1 of the development to ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences.
13. The premises are not to be used or operated in a manner causing offensive noise (defined in the NSW Protection of the Environment Operations Act), in order to maintain the amenity of the locality. Noise levels generated by the land use must be restricted to a maximum of 5dBA above the background noise levels at any time, measured at the boundaries of the site.

Note: The applicants' attention is also drawn to the provisions of the Regulation to the Protection of the Environment Operations Act relating to vehicle use associated with the approved activity.

14. Pursuant to Section 80A(1)(g) of the Environmental Planning & Assessment Act 1979 the plans submitted with an application for a Construction Certificate for proposed Stage 1 of the development are to be amended to remove the proposed 'Powder-coated Aluminium Motorised Security Gate', to ensure the development is consistent with Chapter C1 of Council's Development Control Plan 2007.
15. The use of the proposed Community Centre and services therein is to be restricted to residents of the estate only, to ensure that the development is consistent with this consent and off-street parking provided is sufficient for the intended use.
16. The plans submitted with an application for a Construction Certificate for each stage of the development are to include details of fencing and other screening measures, to ensure that direct views between living areas in adjacent buildings, the Community Centre, communal areas of the development and nominated private open space are effectively obstructed and the privacy of residents in each unit is maintained. Approved screening is to be completed prior to the issue of an Occupation Certificate for each stage of the development.

Site Works

17. An Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004", shall be lodged for approval of the certifying authority with the application for the Construction Certificate for proposed Stage 1 of the development.

The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold.

The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- Standard construction drawings for proposed erosion and sediment control measures.

18. As advised by the third party reviewer previously engaged in connection with the assessment of site contamination for this site, environmental sampling is noted to be based on achieving suitable sampling densities (rather than sampling all media at all locations), and analysis is based on site histories and likely contaminants of concern (rather than analysis of all media at all locations for all potential contaminants). The reported absence of any identified hazardous or toxic materials at the site should not be interpreted as a warranty or guarantee that such materials do not exist at the site. Therefore, future work at the site which involves any subsurface excavation should be conducted based on appropriate management plans.

These should include, inter alia, environmental management plans, including unexpected findings protocols, hazardous building materials management plans, and occupational health and safety plans to be prepared by an appropriately qualified person in accordance with relevant NSW Government guidelines.

19. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
20. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the Council or some other sewage management facility approved by the Council.
21. Trimming, filling or reshaping of the site so that no ponding or other stormwater nuisance occurs, or concentration of flow is produced onto other property. Details are to be provided to the relevant Certifying Authority for approval prior to the issue of a Construction Certificate for any stage of the development.
22. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798-1990 *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
 - identify the source of the fill and certify that it is free from contamination; and

- classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.
23. The submission of a detailed Construction Management Plan for the approval of the Council, prior to the issue of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:
- Off-street parking for employees, contractors, sub-contractors and visitors to the site.
 - Public parking during construction.
 - Site access for construction vehicles and equipment.
 - Storage and removal strategies for construction wastes.
 - Construction Traffic Management Plan.
 - Provision of sanitary amenities and ablution facilities for employees.
 - Fire precautions during construction.
 - Dust suppression.
 - Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
 - Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
 - Public footpath being protected from any paint spillages or other damage while work is being carried out.
 - Details of all construction-related signs.
 - Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
 - Location of all public utility facilities and methods of protecting them.

Landscaping

24. The proposed development being landscaped to enhance its appearance and provide shade, privacy and environmental benefits before the issue of an Occupation Certificate for each relevant stage of the project.

In addition, approved riparian landscaping work shown in the passive recreation area adjoining Martins Gully shall be carried out as part of proposed Stage 1 of the project to ensure establishment of plantings in this common areas.

In relation to the submitted landscape concept plans, the following issues need to be addressed further by the developers:

- (a) Many of the species suggested will not suit Armidale's climate. Advice on native trees and shrubs suited to local conditions could be gained from The Armidale Tree Group Nursery (telephone 02 6771 1620). Attached is

a tree species selector that may also assist with both native and introduced trees only.

- (b) Indigenous native trees and shrubs are required adjacent to both sides of the creek line of Martin's Gully within the site, to comply with Council's POL204 - Revegetation Guidelines for the Urban Reaches of Dumaresq Creek. Council's Civic and Recreation Services unit can provide a species list for this area, which would also assist. Plantings and outdoor furniture in the riparian corridor of the site must also be addressed and approved in conjunction with the required Controlled Activity Approval for the project under the Water Management Act 2000 (see attached General Terms of Approval from the NSW Office of Water).
- (c) Adequate sight distances in perimeter and roadside plantings for the purposes of traffic safety and crime prevention through environmental design (*see Guidelines issued by the former NSW Department of Urban Affairs and Planning in 2001*).

Detailed landscaping plans are to indicate the proposed species to be used, height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

New tree planting to be a minimum of 3m horizontal distance from the line of future buildings or underground services to reduce risk of future damage by limbs, roots, etc. Approved landscaping is to be maintained at all times to the satisfaction of the Director Planning and Environmental Services' nominee.

Details including plans/specifications to be provided to the satisfaction of the Certifying Authority before the issue of a Construction Certificate for proposed Stage 1 of the development.

Roadworks, Parking and Estate Lighting

- 25. Construction of kerb and gutter for the road frontages to Beardy and Martin Streets adjoining the development, together with footpath formation, drainage infrastructure, construction and sealing (primed with two coat bitumen seal) of road pavement, to provide a minimum 4 metre wide travelling lane measured from the existing crown of the road, between the existing pavement and lip of the gutter to provide an effective, safe and nuisance-free carriageway edge adjoining the site.

Details including the intended staging of works consistent with the approved staging plan are to be provided to and approved by the Certifying Authority before the issue of a Construction Certificate for proposed Stage 1 of the development.

Completed works are to be inspected and approved by the Council's Development Engineer or nominee before the issue of an Occupation Certificate for the relevant stages of the project or before the release of any bond for completion of the relevant works.

- 26. Construction of a concrete strip footpath (minimum width of 1.2 m and thickness of 100 mm, with a maximum cross-fall of 2.5 %) in the following locations –

- (a) adjacent to the property frontages to Martin and Beardy Streets, including an effectively designed extension of the Beardy Street road culvert adjoining the site, on its northern side,
- (b) be installed from Alahna Drive to join the concrete footpath in Martin Street, to link the development to Alahna Drive.

This is in order to provide an effective all-weather and separate / protected pedestrian route in connection with the proposed development within the road reserves, and as required under Chapter D1 of Council's DCP 2007.

Details including the intended staging of works consistent with the approved staging plan are to be provided to and approved by the Certifying Authority before the issue of a Construction Certificate for proposed Stage 1 of the development.

Completed works are to be inspected and approved by the Council's Development Engineer or nominee before the issue of an Occupation Certificate for the relevant stages of the project or before the release of any bond for completion of the relevant works.

27. New public lighting, in accordance with P3 category in AS 1158 – Public Lighting Code (current edition) is to be provided to the external road frontages of the site, to maintain visibility and safety for users between sunset and sunrise. Pathway and internal road lighting within the estate
- (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings (ref AS 4282 – Control of the obtrusive effects of outdoor lighting (current edition)), and
 - (b) must provide at least 20 lux at ground level.

The developer is to appoint a suitably qualified lighting consultant who is to liaise with the local electricity supply authority (currently Country Energy) with regard to luminaire design and location.

Details including the intended staging of works consistent with the approved staging plan are to be provided to and approved by the Certifying Authority before the issue of a Construction Certificate for proposed Stage 1 of the development.

Completed works are to be inspected and approved by the Council's Development Engineer or nominee before the issue of an Occupation Certificate for the relevant stages of the project or before the release of any bond for completion of the relevant works.

28. An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways. The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb. Details including the intended staging of works consistent with the approved staging plan are to be provided to and approved by the Certifying Authority before the issue of a Construction Certificate for proposed Stage 1 of the development, and must include:

- Swept Path Diagrams confirming that the proposed internal road network can accommodate the swept path of a Medium Rigid garbage collection vehicle with a minimum length of 8.8 metres.
- Provide minimum cover requirements and access for ongoing maintenance for all future underground utilities services (ie stormwater drainage, sewer, water, telecommunications infrastructure) associated with the subject site.

Completed works are to be inspected and approved by the Council's Development Engineer or nominee before the issue of an Occupation Certificate for the relevant stages of the project or before the release of any bond for completion of the relevant works.

29. Works for the proposed footpath / emergency access from Beardy Street should be designed to provide emergency access for essential service vehicles and discourage use by general traffic (eg by use of "threshold" treatments). Details are to be submitted with the application for a Construction Certificate for proposed Stage 9 of the development. Approved works are to be completed prior to the issue of an Occupation Certificate for proposed Stage 9.
30. Dedication to Council of a splay corner 3 m x 3m at the south-west corner of the subject site adjacent to the 90 degree bend at Beardy & Martin Streets to improve traffic and pedestrian safety. Confirmation is to be provided to the relevant certifying authority prior to the issue of a Construction Certificate for proposed Stage 2 of the development.
31. Construction of a new vehicular access over the full width of the footpath at the proposed site entrance in Martin Street, to provide effective all-weather access and egress to site and a safe and nuisance-free surface over Council's footpath in accordance with a separate approval under Section 138 of the Roads Act 1993. Works are to be completed in accordance with such approval prior to the issue of an Occupation Certificate for proposed Stage 1 of the development.

ADVISING: The driveway is to be minimum of 8 metres wide at the rear of the layback and 6 metres wide at the property boundary. Segmental paving may be used provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.

32. Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate signage and pavement markings.

ADVISING: Dimensions of parking spaces to be in accordance with Council's Parking Code and Access and Mobility Code. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.

33. Traffic and pedestrian safety at the intersection of Martin Street and Beardy Street is to be protected by provision of centreline pavement markings for a minimum distance of 10 metres either side of the intersection. Details are to be submitted with the Application for a Construction Certificate for proposed Stage 1 of the development. Approved works are to be completed prior to the issue of an Occupation Certificate for proposed Stage 1.

Utility Services and Drainage

34. Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of a telecommunications and electricity services for each proposed stage, are to be submitted prior to the issue of a Construction Certificate for each stage of the development.
35. Protection of the development, including the full integration of the existing drainage channel in Lot 1 DP 1141726, by provision of underground drainage pipelines (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedance Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP, to connect to Martins Gully. The stormwater system is to be provided with appropriate Gross Pollutant Trap(s) and effective long term erosion and scour protection from any stormwater pipes outlet(s).

Full Engineering details including the intended staging of works consistent with the approved staging plan are to be provided to and approved by the Certifying Authority before the issue of a Construction Certificate for proposed Stage 1 of the development.

Completed works are to be inspected and approved by the Council's Development Engineer or nominee before the issue of an Occupation Certificate for the relevant stages of the project or before the release of any bond for completion of the relevant works.

36. The extension of water reticulation mains, from the water main in the northern side of Beardy Street and interconnect this to provide a loop with an extension of the 150 mm Water Main on the northern side of the Railway in Beardy Street (min. 100 mm diameter), is required to serve the proposed development.

The objective of the water main interconnection is to maximise pressure and flow rates. The design of this water reticulation main will need to fully consider the issues of construction within Martins Gully and alignment within the subject site for maintenance access.

Details including the intended staging of works consistent with the approved staging plan are to be provided to and approved by the Certifying Authority before the issue of a Construction Certificate for proposed Stage 1 of the development.

Completed works are to be inspected and approved by the Council's Development Engineer or nominee before the issue of an Occupation Certificate for the relevant stages of the project or before the release of any bond for completion of the relevant works.

37. If any stage of the development results in the temporary construction of a "dead end" main, then a legal agreement is to be drawn up at the developer's expense between the developer and Council as the water supply authority. The agreement is to include a contribution of capitalised maintenance and operational costs to Council to cover the design life (100 years) of any system that is not part of a minimum maintenance gravity system. This agreement is also to include a charge to cover the capitalised cost of future flushing of the

main and to be executed before the issue of an Occupation Certificate for the relevant stages of the development

Fees will be refunded less expenses, upon request and completion of the main as a looped system.

38. Extension of sewer reticulation mains from the subject site to the existing 450 mm sewer trunk main (Council Pipe 0808) in Martins Gully via an appropriate connection and internal reticulation is required to serve the proposed development.

Details to be submitted for the approval of Council's Development Engineer or nominee and separate written approval from the NSW Office of Water obtained before such works commence.

Completed works are to be inspected, tested and results approved by the Council's Development Engineer or nominee, or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of an Occupation Certificate for the relevant stages of the development.

ADVISING: Where the finished surface level of a lot is less than 1.2 metres above the top of the sewer main adjacent to that lot, the lowest surface level within the lot and the minimum permissible floor height of any habitable structure (which is to be at least 1.2m above the top of the sewer main level) shall be recorded on the sewer design plan and the title plan submission(s).

39. The owner is required to enter into an agreement for payment of a contribution towards water and sewer infrastructure provided by Council for the benefit of this site. A draft agreement based on all stages of the project is enclosed for the owner's signature and return to Council with payment. Payment of the required contributions or completion of appropriate arrangements for payment must be made before the issue of a Construction Certificate for each proposed stage of the development. Council can advise the necessary amounts (which may be subject to future indexation) for each stage at the relevant time. Upon payment, Council will issue a Certificate of Compliance, pursuant to s.64 of the Local Government Act 1993, and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.
40. Roof water is to be drained to the proposed rainwater tanks for each unit, and tank overflow and surface stormwater from paved and impervious areas is to be collected and directed to the internal road network within the Estate before disposal to Martins Gully, to protect the site and adjoining property from effects of flooding. Relevant connection works are to be completed before the issue of an Occupation Certificate for any relevant stage of the development.
41. Details of any water sewerage or drainage work/connections within the estate including metering for individual home sites are to be subject to the approval of Council, as the relevant local water supply and regulatory authority, pursuant to Section 68 of the Local Government Act 1993. All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer.

Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any potable water supply or sewerage system serving the

site, pursuant to Chapter 7 of the Local Government Act 1993 with all relevant work completed in accordance with such approval.

Flooding issues and works adjacent to Martin's Gully:

42. Work must not commence over any part of the site subject to the required Controlled Activity Approval for the project under the Water Management Act 2000 until a copy of the required Approval from the NSW Office of Water (Department of Environment, Climate Change and Water) or other agency responsible for this Approval has been provided to Council.

Note: The attached General Terms of Approval issued by the Office of Water for the project do not constitute the required Controlled Activity Approval under the Water Management Act 2000, which can only be issued after this development consent but before the commencement of any relevant works.

43. Subject to the above requirement for Approval from the NSW Office of Water (Department of Environment, Climate Change and Water), the proposed site filling, retaining wall and associated channel modification works proposed in the submitted Yeats Consulting Engineers report for the western bank of Martins Gully within the site are to be undertaken and satisfactorily completed before the issue of a Construction Certificate for proposed Stage 1 of the development.

The developer is to ensure that all finished floor levels of all buildings in the proposed estate are to be a minimum of 500mm above the calculated 1% Annual Exceedence Probability (AEP) flood level, to ensure an acceptable level of flood protection for the development.

In this case a minimum Finished Floor Level of not less than the levels to Australian Height Datum as detailed in the table below is to be shown on the plans submitted with the application for a Construction Certificate in relation to the relevant Stages of the project.

Proposed Unit Numbers Affected	Finished Floor Level including 500 mm freeboard (m AHD)	Associated River Station in Council Flood Study 2004
19,20 & 21	983.57	1020
22, 85 & 86	983.37	1000
24, 71 & 72	983.26	980
26, 27 & 70	983.16	960
28	983.87	940
29	982.60	920
31	982.29	900
32	982.02	880

Confirmation by survey that the “as constructed” floor levels are in accordance with the certified construction details is required before the issue of an Occupation Certificate for any relevant stage of the development.

Building Matters

44. A Construction Certificate must be obtained before work commences in each stage, in accordance with cl.146 of the Environmental Planning and Assessment Regulation 2000. The plans accompanying the Construction Certificate application are to demonstrate compliance with the Building Code of Australia for the Class 1a, 9b and 10b buildings.

Detailed plans are to be submitted to the Principal Certifying Authority for authentication of BCA compliance and issue of a Construction Certificate.

Note- Should the external configuration of the building be modified as a result of achieving BCA compliance, the plans accompanying this development consent must also be modified.

45. A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to the Certifying Authority prior to the issue of an Occupation Certificate for the Community Centre, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the Commissioner of NSW Fire Brigades and an additional copy to be displayed in a prominent location within the building.

Note: The proposed Community Centre is to be protected by a Fire Hydrant system in accordance with AS2419.1-2005.

46. An annual fire safety statement shall be provided to Council at least once every 12 months as required under the Environmental Planning and Assessment Act, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the Commissioner of NSW Fire Brigades and an additional copy to be displayed in a prominent location within the building.

Food and Hairdressing Premises

47. The design and construction of the kitchen in the Community centre must:
- be appropriate for the activities for which the premises are used;
 - provide adequate space for the activities to be conducted on the food premises and or the fixtures, fittings and equipment used for those activities;
 - permit the food premises to be effectively cleaned and, if necessary, sanitised; and
 - to the extent that is practicable (i) exclude dirt, dust, fumes, smoke and other contaminants; (ii) not permit the entry of pests; and (iii) not permit any harbourage for pests.

It is understood that the kitchen is not intended for commercial use (i.e. will not offer food for sale) and is intended only for private use by residents. If, in future, the kitchen is intended to offer food for sale, then it must be designed and installed in accordance with AS 4674: *Design, construction and fit-out of food*

premises and the *Food Safety Standards* to ensure the public health and safety of patrons and staff. A copy of the Standards can be downloaded from the ANZFA website <http://www.foodstandards.gov.au> or a hard copy obtained from Council on request.

The proposed hairdressing facility must be registered with Council's Environmental Health Unit before operation commences, and the registration maintained during the life of the facility.

Swimming Pool

48. The pool and associated fencing must comply with the following:-
- The swimming pool must be maintained to comply with the requirements of the *Swimming Pools Act 1992* and AS 1926. A resuscitation chart must be displayed within the swimming pool enclosure at all times;
 - Fencing surrounding the pool area, including self-closing and self-latching gates must be installed in accordance with AS 1926.1: *Swimming Pool Safety – Part 1: Safety barriers for swimming pools* prior to filling the pool with water;
 - The swimming pool must be used or operated so as to prevent any excessive noise (namely noise that is sufficient to provoke justifiable public complaint, having regard to the provisions of the Protection of the Environment Operations Act 1997 or other nuisance/pollution) being emitted from within the swimming pool enclosure. Noise levels must be restricted at the boundaries of the site so that pool pumps etc are not audible from within a habitable room in an adjoining residence;
 - The pool concourse must have sufficient elevation to prevent entry of surface water into the pool; and
 - Pool backwash must be conveyed to Council's sewer. An air gap of 150mm must be provided between the yard gully and the waste pipe and the yard gully must be located 75mm (minimum) above surrounding ground level to prevent surface water from entering Council's sewers.

Occupation Certificates

49. An Occupation Certificate must be obtained before the approved use of any building on the site commences, in accordance with the EP&A Act and to ensure the health and safety of the building's occupants.

ADVISINGS: Failure to obtain an Occupation Certificate is an offence under the legislation.

Other Advice:

In the event that Aboriginal artefacts/objects or places are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the NSW Department of Environment Climate Change and Water) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General for National Parks for any Aboriginal archaeological sites and that are to be damaged or destroyed as a result of any development.

The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

Further, in the event that any relic subject to the NSW Heritage Act, being any deposit, object or material evidence:

- (a) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- (b) which is 50 or more years old,*

Is discovered during site works, the developer shall cease work on that part of the site and immediately notify the Heritage Branch of the NSW Department of Planning in accordance with Division 9 of Part 6 of the Act, as well as notifying Council.

The developer should note that if any work is undertaken in relation to Martin's Gully, further approval is likely to be required under the Fisheries Management Act 1994 from the NSW Department of Primary Industries.

The developer/operator of the site is take account of the advice provided to Council by the Crime Prevention Officer of the NSW Police (New England Local Area Command) as dated 8 April 2011, including the need for good quality door and window locks and security doors for the homes to be installed on the estate.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979:

Part B – Approval for Water supply, sewerage and stormwater drainage work – still to be sought/granted.

General terms of other approvals integrated as part of this consent:

General Terms of Approval Issued on 16 March 2011 by the NSW Office of Water (Department of Environment, Climate Change and Water) for the project under the Water Management Act 2000 - See overleaf.



**Office
of Water**

General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	90 ERM2011/0277	File No:	9054687-1
Site Address	Lot 3 DP 787147; 89 - 103 Martin St, Armidale		
DA Number	DA-61-2011		
LGA	Armidale Dumaresq Council		
Number	Condition		
Plans, standards and guidelines			
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA-61-2011 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.		
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.		
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Works Schedule (iii) Erosion and Sediment Control Plan (iv) Soil and Water Management Plan		
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Laying pipes and cables in watercourses (iii) Riparian Corridors (iv) In-stream works (v) Outlet structures		
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.		
Rehabilitation and maintenance			

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6	The consent holder must carry out a maintenance period of ten (10) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.		
7	N/A		
Reporting requirements			
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
Security deposits			
9	N/A		
Access-ways			
10	N/A		
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.		
Bridge, causeway, culverts, and crossing			
12	N/A		
13	N/A		
Disposal			
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
Drainage and Stormwater			
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.		
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
Erosion control			
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
Excavation			
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
19	N/A		

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Maintaining river				
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.			
21	N/A			
River bed and bank protection				
22	N/A			
23	The consent holder must establish a riparian corridor along the Martins Gully Creek in accordance with a plan approved by the NSW Office of Water.			
Plans, standards and guidelines				
24	N/A			
25	N/A			
26	N/A			
27	N/A			
END OF CONDITIONS				