

ANNEXURE A - DRAFT CONDITIONS OF APPROVAL 87/2018/DA

General Requirements

The following conditions of consent are general conditions applying to the development.

1. The development is to be carried out in accordance with the details submitted with application **87/2018/DA** and the stamped plans (as amended by the following conditions).
2. All building works must be carried out in accordance with the provisions of the Building Code of Australia.
3. Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.
4. A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-
 - a. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
 - b. Prominently displayed in the building.
5. Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

6. The development must be undertaken in accordance with the Bushfire Safety Authority (D17/3282) dated 13 February 2018 and issued subject to the following conditions:
 - i. At the commencement of building works and in perpetuity the entire area of Lots 204, 222 and 239 DP 753149 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
 - ii. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - iii. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to occupation of the development.
 - iv. Construction shall comply with section 3 and section 6 (BAL 19) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed

Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006', except that the roof, southern elevation and eastern elevation shall be constructed to comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

- v. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used shall be non-combustible.
- vi. Landscaping of the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Prior to Commencement of Works

The following conditions of consent must be complied with prior to any works commencing on the development site.

- 7. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 8. Signage is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The signage shall indicate:
 - a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 9. No works are to commence until a Traffic Control Plan (TCP) has been prepared by a qualified person and approved by Council.
- 10. A drainage design indicating all engineering details relevant to collection and disposal of stormwater is to be approved by Council in accordance with Section 68 of the Local Government Act, 1993. Details are to include existing site levels, finished levels, pipeline sizes and grades. All stormwater is to be disposed of by a drainage system to Council's drainage network.

A separate application must be made to Council accompanied by the appropriate form and fee.

- 11. Council must be provided with photographic evidence of any existing damage to Council infrastructure fronting or adjacent to the development site. Otherwise any

damage is assumed to be related to the development and must be rectified in accordance with Council's current standards at no cost to Council.

12. The applicant is to make a contribution to Council in accordance with S94A of the Environmental Planning and Assessment Act 1979 in accordance with the Greater Taree Section 94A Contributions Plan 2006. The amount payable is set out as follows:

Development Cost: >\$200k 1.0% **Total: \$62,879.10**

Note: The proposed cost of carrying out development will be indexed to reflect quarterly variations in the consumer price index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics between the date the proposed cost was determined by Council and the date the levy is paid. Please contact Council's Customer Service staff to determine the amount payable prior to payment.

During Works

The following conditions of consent must be complied with during the construction stage of the development

13. Any demolition work carried out with respect to the development is to be carried out in accordance with the requirements of AS 2601-2001 – *The Demolition of Structures*.
14. Five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to Council. Such written notice is to include:
- a. The date when demolition will commence,
 - b. Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - c. The licence number of the demolisher, and relevant licenses, and
 - d. Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
15. Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition License" AND a current WorkCover "Class 2 (Restricted) Asbestos Licence". Demolition works are restricted as follows:
- Monday to Friday inclusive: 7:00am - 5:00pm
Saturdays: 8.00am-12noon
Sundays and Public Holidays: No work
- Any asbestos containing materials must be disposed of at a landfill facility that is licensed to receive asbestos.
16. Toilet facilities for employees must be provided in accordance with SafeWork NSW requirements.
17. A suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with the relevant requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the *Roads Act 1993* as the Roads Authority is required to be obtained prior to its erection.

18. Soil erosion and sediment control measures are to be provided on the development site in accordance with Council's Development Control Plan 2010.
19. Traffic movements associated with the construction of the development must be undertaken in accordance with the approved TCP.
20. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
21. A suitable metal waste skip-bin is to be provided on the development site for the duration of the construction phase of the development.
22. Work during construction which may result in noise nuisance being created shall be restricted to hours of operation between 7 a.m. to 5 p.m. Monday to Friday, and 8 a.m. to 12 noon Saturdays. No work is permitted on Sundays and Public Holidays. All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like during the demolition, excavation and building works.
23. All building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
24. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Prior to the Occupation of the Building

The following conditions of consent must be complied with prior to the occupation of the building

25. A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, prior to the occupation of the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:-

- a. Forwarded to Greater Taree City Council;
 - b. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
 - c. Prominently displayed in the building.
26. Downpipes and the associated stormwater disposal system including overflow from rainwater tanks installed in conjunction with the development are to be suitably connected to the site stormwater connection point immediately after the guttering is positioned in order to prevent erosion of the site from roof water runoff. The site stormwater connection point is then to be connected to the inter-allotment drainage easement servicing the allotment.
 27. Pursuant to the provisions of Section 88e of the Conveyancing Act 1919 the following restriction is to be entered on to the title of Lot 239 DP 753149:
 - i. The Registered Proprietor shall take all necessary, adequate and sufficient steps to demolish or remove any building and its associated infrastructure located on

the land, if the coastline continues to recede and advice is received from Council that the dwelling is at imminent risk of collapse.

- ii. The Registered Proprietor shall promptly carry out all actions that are identified in the Coastal Engineering Risk Management Plan lodged with development application 87/2018/DA in relation to the coastal hazards identified on the site.
- iii. In addition to any powers vested in Greater Taree City Council pursuant to statute, that Council:
 - a) for the purpose of ensuring observance of any covenant above, may, by its employees, agents, contractors or persons authorised by it or its General Manager, enter upon the land after giving notice to the registered proprietor or its authorised officer or representative and view the condition of the land and anything upon it;
 - b) where the covenant is breached, the Council may do such things including the carrying out work or demolition by its employees, agents, contractors or persons authorised by it or its General Manager as may be reasonably necessary to remedy the breach;
 - c) may recover from the registered proprietor in a court of competent jurisdiction, any expense reasonable incurred by it in exercising any power authorised by a) and b) above.