

## Consent Conditions

83 Albert Street Taree NSW 2430, 85 Albert Street Taree NSW 2430 Lot 21 Sec 8 DP 50231	514/2018/DA
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### General Requirements

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

#### 1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Site Plan - Proposed	TAR-AR-DA100- A	Group GSA	21.05.18
Site Plan - Demolition	TAR-AR-DA105- A	Group GSA	21.05.18
Roof Plan	TAR-AR-DA202- A	Group GSA	21.05.18
Elevations – Southeast & Northeast	TAR-AR-DA300- A	Group GSA	21.05.18
Elevations – Northwest & Southwest	TAR-AR-DA301- A	Group GSA	21.05.18

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**Reason:** Information and to ensure compliance.

#### 2. Design Changes – Plan amendments

The proposal must be amended in the following manner:

- a) Removal of the proposed Underground OSD Tank on Site Plan.

**Reason:** Alternate stormwater disposal arrangements are required.

#### 3. Compliance with National Construction Code Series - Building Code of Australia

All building work must be carried out in accordance with the requirements of the *National Construction Code Series - Building Code of Australia*.

**Reason:** Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

#### 4. Access and facilities for people with disabilities

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.

**Reason:** To ensure the development provides equitable and dignified access and facilities for people with disabilities.

**5. Land to be consolidated**

All separate parcels of land (lots 21, 22 and 23 DP 50231) must be consolidated into one allotment and evidence of the consolidation by the Register General of the NSW Land Registry Services submitted to Council.

**Reason:** To ensure development is not constructed over lot boundaries.

**6. Adjustment to utility services**

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

**Reason:** To ensure utility services remain in a serviceable condition.

**7. Support for neighbouring buildings**

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 one 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.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

**Reason:** To protect development on adjoining premises. Prescribed condition under the Environmental Planning and Assessment Regulation 2000.

**8. MidCoast Water approval**

A Certificate of Compliance from MidCoast Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

**Reason:** To ensure suitable water and sewage disposal is provided to the development.

**9. Engineering work.**

All engineering work must be carried out to comply with Council's engineering guidelines, specifications and standards and must be inspected in accordance with Council's holding points. Upon completion of the public works a final inspection must be arranged with Council and a Certificate of Practical Completion issued.

**Reason:** To ensure compliance with Council's specification for engineering works.

### **Prior to Commencement of Works**

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

#### **10. Heritage requirements**

The following procedures shall be undertaken prior to the commencement of works:

Significant heritage items are to be retained from the building identified prior to and during demolition. A location is to be nominated within the buildings and grounds for the display and interpretation of items. Items are to be securely stored during construction and installed prior to occupation. The collection of items are to be overseen and undertaken by a qualified heritage professional

**Reason:** Preservation of significant cultural heritage.

#### **11. Archaeological Discovery during excavation**

- a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupation Certificate;<sup>3</sup>
- d) If the discovery is on Council's land, Council must be informed.

**Reason:** Preservation of significant cultural heritage.

#### **12. Soil and Water Management Plan**

A Soil & Water management Plan must be prepared by a suitably qualified and practicing engineer, detailing temporary and permanent measures proposed to be installed, and submitted with the engineering drawings.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

#### **13. Public safety management plan**

Prior to the commencement of any demolition work, a Public Safety Management Plan for those works within the road reserve in accordance with Section 138 of the *Roads Act 1993* must be submitted to and approved by Council. The public safety management plan must include provision for (but not be limited to):

- a) a pedestrian barrier, alternative footpaths and ramps as necessary;
- b) an awning sufficient to prevent any substance from, or in connection with, the work falling into the road reserve;
- c) lighting of the alternative footpath between sunset and sunrise;
- d) the loading and unloading of building materials;
- e) parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contained within the vehicle;
- f) removal of any such hoarding, fence or awning as soon as the particular work has been completed.

The approved Public Safety Management Plan must be implemented prior to the commencement of work.

**Reason:** To ensure public health and safety during the construction of the development.

#### **14. Bond required to guarantee against damage to public land**

Prior to the commencement of works, a Damage Bond Application form together with payment of a bond in the amount of \$2000 and an administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of an occupation certificate by the certifying authority.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

**Reason:** Protection of public assets.

#### **15. Install erosion and sediment control measures**

Prior to the commencement of any demolition work, suitable erosion and sediment controls must be installed in accordance with *"The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction"* (Landcom) and maintained for the duration of the work.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

#### **Prior to Commencement of Construction**

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

## **16. Detailed Contaminated Site Investigation and Remedial Action Plan**

Following demolition of all structures and prior to the commencement of any construction works, a detailed contaminated site investigation and remedial action plan must be carried out by a duly qualified contaminated land consultant in accordance with:

- a) Council's Contaminated Land Policy,
- b) Managing Land Contamination Planning Guidelines (1998),
- c) Relevant EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites, and
- d) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).

The detailed contaminated site investigation and report and remedial action plan must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Section 8.3 of Council's Contaminated Land Policy and a copy of these documents must be provided to Council and the Certifying Authority prior to the commencement of any construction works. The front cover of the reports must include details of the consultant's certification.

The detailed site investigation and remedial action plan must be accompanied by a report summary, presenting (as a minimum) project background, scope, objectives, key issues, investigation findings, conclusions and recommendations.

**Reason:** to protect public health and the environment.

## **17. Implementation of Remedial Action Plan**

Prior to the commencement of any construction works, the site must be remediated in accordance with:

- a) The approved Remedial Action Plan;
- b) Council's Contaminated Land Policy;
- c) State Environmental Planning Policy No.55 - Remediation of Land;
- d) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- e) The guidelines in force under the Contaminated Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation. The environmental consultant must supervise all aspects of the remediation and validation works in accordance with the remedial action plan required by this consent.

**Reason:** to protect public health and the environment.

## **18. Validation Report**

Prior to the commencement of any construction activities, the proponent must submit a detailed Validation Report to Council and the Certifying Authority. The Validation Report must be prepared in accordance with:

- a) Council's Contaminated Land Policy;
- b) NSW Contaminated Land Planning Guidelines (1998);
- c) Relevant NSW Environment Protection Authority Guidelines, noting in particular the NSW Office of Environment and Heritage (2011) Guidelines of Consultants Reporting on Contaminated Sites and the NSW

Environment Protection Authority Technical Note: Investigation of Service Station Sites (2014);

- d) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- e) The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

The Validation Report must verify that the land is suitable for the proposed use(s) and that remediation and validation of the site has been undertaken in accordance with the remedial action plan required by this consent.

The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Council's Contaminated Land Policy. The front cover of the report must include the details of the consultant's certification.

**Reason:** To ensure environmental protection and compliance with regulatory requirements.

## **19. Environmental Management Plan**

Prior to the commencement of any construction works, a Construction Environmental Management Plan (CEMP) must be prepared by a suitably qualified person and be provided to Council. The Construction Environmental Management Plan must:

- a) include management strategies for the potential risks to on-site workers and visitors, off-site receptors and the environment;
- b) address all environmental aspects of the development, and include where relevant, but not be limited to the following:
  - I. Asbestos and lead paint management plan;
  - I. Primary contact information;
  - II. Site security details;
  - III. Timing and sequencing information;
  - IV. Site soil and water management plan;
  - V. Noise and vibration control plan;
  - VI. Dust control plan;
  - VII. Odour control plan;
  - VIII. Health and safety plan;
  - IX. Waste management plan;
  - X. Incident management contingency;
  - XI. Unexpected finds protocol.

The environmental site management measures must remain in place and be maintained throughout the period of development. The Construction Environmental Management Plan must be kept on-site from the commencement and for the duration of the proposed works.

**Reason:** To protect public health and the environment.

## **20. Acoustic Attenuation**

Prior to commencement of construction activities, plans and specifications detailing the measures to reduce noise impacts on surrounding receivers must be submitted to Council. In particular, the positioning and noise levels of mechanical plant must be provided.

Evidence from an appropriately qualified acoustic consultant person demonstrating that the design will achieve the requirements of the Acoustic Assessment prepared by JHA Consulting Engineers (JHA) (Project Number 180035, Rev B, dated 15/05/2018) must be submitted with the plans and specifications.

**Reason:** To maintain the amenity of building occupants.

## 21. Removal of Fibre Cement Fragments

An appropriately licensed NSW SafeWork Asbestos Removalist must undertake an emu-bob across the site to remove all visible surface fibre cement fragments. A clearance certificate surface prepared by a NSW SafeWork licensed asbestos assessor and receipts for the disposal of material must be provided to Council and the certifying authority prior to the commencement of any works.

**Reason:** To protect public health and the environment.

## 22. Works within the road reserve

Prior to the commencement of construction, an application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for the road reserve works listed in the table below. Each work must be carried out in accordance with the standard specified in the column opposite the work. All works must include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities.

Work	Standard to be provided
Footpath for the full frontage of the site	Full width at a cross-fall of 1 % or 1:100 (maximum 2.5% or 1 in 40) in accordance with Council Standard Drawing No. 103 in the red colour exposed aggregate. Colour to be confirmed prior to construction.
Removal of the disused driveway and vehicular crossing	Minimum 5.5m wide pavement, or to edge of existing road pavement including any necessary relocation of services.
New kerb and gutter and road pavement to merge with existing	Provision of concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter to Council's Adopted Engineering Standard.
Design of 90 degree parking area for four spots including two raised blisters either end to blend with existing parking.	Design to be submitted to council prior to construction of the 4 bay emergency call car bay.
Construction of emergency Fire hydrant booster	Construction and setback into existing retaining wall as noted on plans. To remain clear of pedestrians.

**Reason:** To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

## 23. Traffic management plan

Prior to the commencement of construction, a traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development must be submitted to and approved by Council. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work*

*Sites Version 2 and Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads*.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites manual*.

The approved Construction traffic management plan must be implemented prior to the commencement of work.

**Reason:** To ensure public safety during the construction of the development.

## **24. Car parking**

Prior to the commencement of construction, plans and specifications detailing access, parking and manoeuvring on the site must be submitted to and approved by Council. Vehicular access, parking and manoeuvring must be in accordance with *Australian Standard AS/NZS 2890.1: Parking facilities: Off-street car parking*. Plans must include the following items:

- a) Car park and driveway layout;
- b) Pavement description (i.e. being concrete/ bitumen or a similar hardpaved surface);
- c) Site conditions affecting the access;
- d) Existing and design levels;
- e) Longitudinal section from the road centreline to the car space(s);
- f) Cross sections at appropriate intervals, with a maximum separation of 15 metres.
- g) Drainage (pipes, pits, on-site detention, etc.).
- h) A physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways.
- i) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: *Parking facilities - Off-street parking for people with disabilities*;
- j) Turning paths; and
- k) Line-marking and signs.

The engineering plans and specifications must be designed by a qualified practising civil engineer. The civil engineer must be a corporate member of the Institution of Engineers Australia or must be eligible to become a corporate member and have appropriate experience and competence in the related field.

**Reason:** To ensure suitable vehicular access and manoeuvrability is provided within the development.

## **25. Stormwater details**

A drainage design detailing the method of stormwater disposal from the site must be submitted to and approved by Council in accordance with Section 68 of the Local Government Act, 1993. The stormwater system must be designed to comply with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage. The stormwater disposal system must discharge to the kerb and gutter via a suitably manufactured kerb adaptor.



The engineering plans must include connection to the kerb via a suitable kerb adaptor and the pipeline located within the road reserve must be sewer grade or hot dipped galvanised rectangular hollow section. Where the slope of the pavement area is such that it drains towards the footpath, a 300mm (minimum) wide grate must be provided across the paving within the property and the stormwater collected and discharged to the kerb and gutter (grate selection should consider traffic loads and bicycles).

Internal carparking and manoeuvring areas must have a 100mm concrete kerb along any edges that may allow stormwater to discharge onto neighbouring properties.

**Reason:** To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

## **26. Toilet facilities - sewerred areas**

Prior to the commencement of work, toilet facilities must 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 a standard flushing toilet connected to a public sewer.

**Reason:** To maintain public health.

## **During Works**

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

## **27. Standards for demolition work**

All demolition works must be undertaken in accordance with the provisions of *Australian Standard AS 2601: The demolition of structures*. Prior to demolition, all services must be disconnected and capped off.

**Reason:** To protect public health and safety.

## **28. Decommissioning and Removal of Underground Petroleum Systems**

Decommissioning and removal of all underground petroleum storage systems (and all associated infrastructure including pipes and lines) must be undertaken in accordance with the approved Remedial Action Plan by an appropriately licenced, suitably qualified and experienced person in accordance with SafeWork NSW and *Australian Standard AS 4976-2008: The removal and disposal of underground petroleum storage tanks* requirements prior to the commencement of any construction works.

**Reason:** To protect public health and the environment.

## **29. New Information/Unexpected Finds**

In the event that remediation and/or construction works uncover previously unidentified contaminants (including underground storage tanks), works must immediately cease, Council must be notified in writing within seven (7) days and an appropriately qualified environmental consultant appointed to undertake an

assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

**Reason:** to ensure public health and environmental protection.

### **30. Removal of asbestos**

All asbestos containing material associated with demolition/renovation works must be removed, handled and disposed of in accordance with the requirements of the NSW WorkCover Authority and the following requirements:

- a) If asbestos is present in an amount greater than 10m<sup>2</sup>, then the demolition and removal must be undertaken by a WorkCover licensed demolition contractor who holds the appropriate WorkCover licence (e.g. Asbestos Demolition Licence) for the material to be demolished.
- b) All asbestos must be removed from the site and be disposed of at an approved licensed waste facility. All asbestos waste must be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags.
- c) The bags are to be marked "Caution Asbestos" with 40mm high lettering. Twenty four (24) hours' notice must be given to the waste facility prior to disposal.
- d) Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council within fourteen (14) days of the material being disposed.

**Reason:** To protect public health and safety and to ensure the correct disposal of asbestos waste.

### **31. Site access**

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**Reason:** To ensure public health and safety during the construction of the development.

### **32. Importation of Fill Materials**

Importation of any fill material to the site must be limited to the following material:

- a) Virgin excavated natural material (VENM)
- b) Excavated natural material (ENM) certified as such in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
- c) Material subject to a Waste exemption certified as such under Clause 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

Any waste-derived material that is subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be held by the landowner and be made available to Council upon request.

**Reason:** To ensure public health and environmental protection.

**33. Waste Classification and Disposal of Contaminated Soil and Material(s), Solid and Liquid**

All soils and material(s), liquid and solid to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the Environment (Waste) Regulation 2014 and related guidelines, in particular NSW Environment Protection Authority Waste Classification Guidelines (2014), prior to off-site disposal to an appropriately licensed waste facility.

**Reason:** To ensure public health and environmental protection.

**34. Reuse of Soils within the Site**

Any existing soils to be reused within the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW Environment Protection Authority guidelines and National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013), to ensure that the soil is suitable for the proposed land use.

**Reason:** To ensure public health and environmental protection.

**35. Construction times**

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.  
Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

**Reason:** To maintain amenity during construction of the development.

**36. External materials, finishes, and colours**

All external materials, finishes and colours must be provided in accordance with the approved schedule of external materials, finishes and colours.

**Reason:** To ensure the visual amenity of the streetscape.

**Prior to Occupation of the Building**

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

**37. Completion of car parking areas and provision of signs**

The car parking areas must be constructed in accordance with the approved plans and be fully line-marked. Signs must be erected clearly indicating the location of entry/exit points, visible from both the street and the subject site.

**Reason:** To ensure that adequate parking facilities for the development are provided on site.

**38. Internal driveway in accordance with the approved plans**

A driveway must be constructed from the property boundary to the proposed car spaces in accordance with the approved plans. A single car holding bay is to be provided to allow waiting for vehicles travelling in the opposite direction in conjunction with a give-way sign and a visibility mirror.

**Reason:** To ensure suitable vehicular access is provided to the development.

**39. Inspections of engineering work**

All engineering work must comply with Council's engineering guidelines, specifications and standards and must be inspected in accordance with Council's holding points. Upon completion of the public works a final inspection must be arranged with Council and a Certificate of Practical Completion must be issued by Council.

**Reason:** To ensure compliance with Council's specification for engineering works.

**40. Fire Safety Certificate (Part 9 of the Act)**

As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:

- a) must cause a copy of the Certificate (together with a copy of the Fire Safety Schedule) to be given to the Commissioner of the NSW Fire Brigade, and
- a) must cause a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be prominently displayed in the building.

**Reason:** Fire safety and statutory requirement under the *Environmental Planning and Assessment Regulation 2000*.

**41. Washbay Wastewater**

All water used in the car wash bay must drain to MidCoast Council's Water Services sewer following treatment in an oil plate separator or other system as approved by MidCoast Council's Water Services. External vehicle wash bays must be roofed.

**Reason:** To ensure that waste water is disposed of in a manner that is not harmful to the environment.

**42. Sign quality**

All signs must be neat and professionally sign written. Signs must be maintained in a structurally sound, neat and attractive condition.

**Reason:** To ensure that signs are consistent with Council's controls.