

## **CONDITIONS OF DEVELOPMENT CONSENT**

### **ADMINISTRATIVE CONDITIONS**

1. The development shall be carried out in accordance with the plans and supporting documents endorsed with the Council stamp and authorised signature as set out below, except where modified by any conditions of this development consent.

#### **PLANS AND DOCUMENTS**

Plan No. 2018/AF-041/1 to 2018/AF-041/14 inclusive, details of which are provided as follows:

<b>Plan No.</b>	<b>Drawing No.</b>	<b>Plan/Document Description</b>	<b>Revision</b>	<b>Dated</b>
2018/AF-041/1	1/8	Sub-Floor Plan	May 2018	February 2018
2018/AF-041/2	2/8	Ground Floor Plan	May 2018 & November 2018	February 2018
2018/AF-041/3	3/8	First Floor Plan	Revised	February 2018
2018/AF-041/4	4/8	Second Floor Plan	Unrevised	February 2018
2018/AF-041/5	5/8	Roof Plan	November 2018	February 2018
2018/AF-041/6	6/8	North Elevation & South Elevation	November 2018	February 2018
2018/AF-041/7	7/8	East Elevation, West Elevation & Street View-Impression	November 2018	February 2018
2018/AF-041/8	8/8	Section/Courtyard South Elevation & Section/Courtyard North Elevation	November 2018	February 2018
2018/AF-041/9	L01	Cover Sheet and Podium Planting Schedule for Development Application	B	18 October 2017
2018/AF-041/10	L02	Landscape Plan – General Arrangement – for Development Application	B	11 October 2017
2018/AF-041/11	L03	Podium Planting Plan for Development Application	B	10 July 2017
2018/AF-041/12	L04	Landscape Elevations – for Development Application	B	10 October 2017
2018/AF-041/13	L05	Landscape Details – for Development Application	B	15 October 2017

#### **REPORTS / DOCUMENTATION – ALL RECOMMENDATIONS AND REQUIREMENTS CONTAINED WITHIN:**

<b>Report No./Title</b>	<b>Dated</b>	<b>Prepared by</b>
Shaul/Rubinstein Unit Trust Proposed Commercial/Residential Development 84-86 Hyde Street, Bellingden, Geotechnical Assessment	6 March 2017	Regional Geotechnical Solutions
Shaul/Rubinstein Unit Trust Proposed Commercial/Residential Development 84-86 Hyde Street, Bellingden, Site Contamination Assessment	15 February 2017	Regional Geotechnical Solutions

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail to the extent of the inconsistency.  
[To ensure the legality of the development]

2. Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: A reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

3. The applicant shall enter into a Planning Agreement (PA) with Council, in accordance with Part 7 Division 7.1 Subdivision 2 of the *Environmental Planning and Assessment Act 1979* and the terms of the offer made to the Council on 21 November 2018 by the Applicant. The PA shall be prepared at the sole cost of the proponent.  
[To provide for public utility infrastructure]

4. Nothing in this consent shall authorise the use of the ground floor retail tenancy as detailed on the approved plans for any land use of the site beyond the definition of a shop.

A shop is defined as:

***“shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.”***

(Note: development is defined by the Bellingen Local Environmental Plan 2010 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application, unless deemed otherwise under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

[To promote the orderly development of the land and provide for changes of use that are of minimal environmental impact]

5. The shop top housing is approved for permanent residential use and not for short term tourist and visitor accommodation unless deemed otherwise under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.  
[To minimise the environmental impact of the development]

6. This development consent does not authorise the installation of the “green roof” depicted on the approved landscaping plans. Any reference to the green roof is to be deleted from the approved plans prior to the issue of a Construction Certificate.

[To clarify the terms of the consent]

7. No signage is endorsed under this development consent unless deemed otherwise under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.  
[To ensure signage is regulated in accordance with the desired amenity and visual character of an area]

8. This development consent does not approve the subdivision of the building under the *Strata Schemes Development Act 2015*.

**Note.** In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property.

[To promote the orderly development of the land]

9. The fit-out for the shop has not been approved in this application and these elements require separate approval from Council, unless deemed otherwise under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

[To confirm the scope of the consent]

10. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title for Lots 1 & 2 DP 900116 shall be complied with.

[To maintain the integrity of the electricity network]

11. Satisfactory arrangements shall be made with Essential Energy for the provision of power with respect to all proposed improvements which form part of the development. It is the proponent's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions. Refer to Essential Energy's Contestable Works team for requirements.

[To design and manage development likely to affect an electricity transmission or distribution network]

12. Satisfactory arrangements shall be made with Essential Energy with respect to the solar energy system that forms part of the development. It is the proponent's responsibility to enter into the required Connections Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer to Essential Energy's Network Connections team for requirements via email [networkconnections@essentialenergy.com.au](mailto:networkconnections@essentialenergy.com.au) or via weblink <https://www.essentialenergy.com.au/our-network/connecting-to-the-network>

[To design and manage development likely to affect an electricity transmission or distribution network]

13. Satisfactory arrangements shall be made with Essential Energy with respect to the proposed electric car charging stations that form part of the development. It is the proponent's responsibility to enter into the required Agreements and/or other requirements with Essential Energy for the development, which may include the payment of fees and contributions.

[To design and manage development likely to affect an electricity transmission or distribution network]

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

14. No building work shall commence until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

**Note.** The proponent may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and the role of Principal Certifying Authority.

[To ensure the legality of the development]

15. Pursuant to s4.17(1) of the Environmental Planning and Assessment Act 1979, the Planning Agreement that relates to the development application the subject of this consent must be entered into before the issuing of any Construction Certificate.

[To ensure that the matters agreed to in the Planning Agreement are formalised.]

16. Prior to the commencement of building work on Hyde Street, an easement shall be created to permit the encroachment on Hyde Street and a public positive covenant created on Lots 1 and 2 DP 900116 (or their successor title) to permit Council to enforce the approved work. The instruments shall be created under Part 6 Division 4 of the *Conveyancing Act 1919* and shall stipulate obligations for the maintenance and repair of the encroachment, maintenance of public liability insurance, indemnity to Council, and removal of the easement upon the expiration of the life of the encroachment.

Documents giving effect to the creation of the easement and positive covenant, showing the terms of the instruments, shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The instruments shall be registered in accordance with the terms approved by Council. Bellingen Shire Council shall be nominated in the instruments as the only party authorised to release, vary or modify the instruments.

The instruments and any associated documentation shall be prepared and registered at the sole cost of the proponent, including the reasonable costs of Council in obtaining legal advice on the instrument's terms, the cost and expense of negotiating the terms and conditions of the covenant, producing documents and otherwise facilitating the preparation and registration of the required documents.

[To ensure that legal mechanisms exist to permit the relevant encroachments]

17. Contributions described in the following Table shall be paid to Council prior to the issue of a Construction Certificate. The contributions are current at the date of this consent and shall be adjusted in accordance with the relevant contributions plan. The amount payable shall be calculated on the basis of the contribution rates that are applicable at the time of payment.

Contribution Plan	Unit Type	Contribution Base Rate	Unit Rate	Contribution Levied	Contribution Base Rate valid to
<i>Community Facilities and Open Space Infrastructure Section 94 Developer Contribution Plan 2014</i>	Increase in Occupancy Catchment Nos: 10 & 17	<b>\$322.18</b>	<b>28.74</b>	<b>\$9,259.45</b>	30 June 2019
<i>Local Roads and Traffic Infrastructure Section 94 Developer Contribution Plan 2015</i>	Increase in Occupancy Catchment Nos: 10 & 17	<b>\$665.08</b>	<b>28.6</b>	<b>\$19,021.29</b>	30 June 2019

**Note 1.** The Contribution Base Rate is adjusted at 1 July each year according to the previous Quarter Consumer Price Index (CPI) for Sydney All Groups.

**Note 2.** The rate is determined under Council's contribution plans which are available for inspection at Council's Customer Service Centre, Hyde Street Bellingen during normal office hours.

**Note 3.** Any dispensation from the requirement to pay developer contributions in a Voluntary Planning Agreement shall be deducted from the contribution levied in the Table.

**Note 4.** Alternative payment arrangements, works in kind or material public benefits are subject to the terms of the respective contribution plans.

[Contribution towards the provision or improvement of amenities or services under section 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979*]

18. A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, is to be paid in respect to this building work. Prior to the issue of a Construction Certificate, proof that the levy has been paid shall be submitted to Council.

**Note.** Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's Customer Service Centre, Hyde Street Bellingen. The levy rate is 0.35% of building work costing \$25,000 or more.

[Provision for long service payments to building and construction workers]

19. Prior to the issue of a Construction Certificate for works above the existing ground level (excluding any structural piling, shoring works or the like), a schedule of materials and finishes and design details (inclusive of a sample board of materials and colours) of all external elements of the building, including landscaping materials for the first floor structures and the Hyde Street electric vehicle charging station, shall be submitted to and approved by Council.

**Note.** The proponent shall be aware that a reflectivity report may need to be submitted to Council addressing the potential for reflected solar glare on drivers, pedestrians and occupants of neighbouring buildings.

[To ensure the development conserves the heritage significance of the heritage conservation area and to minimise the potential for adverse impacts from solar glare]

20. Prior to the issue of a Construction Certificate, a supervising consultant being a suitably qualified and practicing Civil Engineer (that being either an engineer eligible for admission as a Chartered Professional Engineer CPEng or a Registered Professional Engineer, RPEng) shall be nominated and approved by Council so as to oversee relevant civil works which require certification to meet the conditions of this consent.

[To ensure work associated with the development is carried out to an acceptable standard]

21. Prior to the issue of a Construction Certificate, details depicting proposed caging within the sub-floor area to provide secure access and storage for individual units must be provided to and approved by Council, and depicted on any Construction Certificate Plans approved by a Principal Certifying Authority.

[To provide appropriate private storage opportunities]

22. Prior to the issue of a Construction Certificate for works within the road reserve a separate consent pursuant to the Road Act 1993 shall be issued for that work.

[To ensure the legality of the development]

23. Prior to the issue of a Roads Act Consent the proponent shall provide evidence of construction insurance for all works occurring within the existing road reserve.

[To ensure work associated with the development is carried out to an acceptable standard]

24. Prior to the issue of a Construction Certificate for the civil works, the detailed design drawings for the development certified by a suitably qualified and practicing engineer

shall be submitted to and endorsed by Council. The design drawings shall conform to Council's design standards, relevant Austroads guidelines, Development Control Plan and conditions of this consent. The design shall include but not be limited to:

- a) Driveway Access and internal car parking layout including:
  - i. Detailed design drawings of the driveway access.
  - ii. A profile and layout to accommodate template for a B99 vehicle given in Appendix C of AS2890.1:2004 for all commercial related carparks.
  - iii. A profile and layout to accommodate template for a B85 vehicle given in Appendix C of AS2890.1:2004 for all non-commercial related carparks.
  - iv. Disabled car parking space dimensions and head clearance in accordance with AS 2890.6:2009 Off-street Parking for People with Disabilities.
- b) Detailed design for the Required Lane Frontage Works including:
  - i. Details for the construction of road pavement, kerb and gutter and associated drainage for the full property frontage of the lane.
  - ii. Kerb and gutter or concrete invert on the frontage side of the lane on an alignment of 2.25 metres from the centerline of the laneway reserve.
  - iii. Any required infill pavement between the existing lane and the new kerb and gutter/concrete invert.
  - iv. A minimum sealed pavement width of 4.5m.
  - v. Location of all existing features, lot layout, easements, utilities, stormwater and road infrastructure, vehicular access ways.
  - vi. The extent of earthworks required.
  - vii. Roofwater connections to the required lane kerb.
  - viii. The extension of the required roadworks to beyond the road frontage until an adequate tie in with the existing profile can be achieved.
  - ix. Include the extension of any required drainage to a legal point of discharge.
- c) Detailed design for the rehabilitation of Halpins Lane through reshaping and placement of a 25mm AC seal including:
  - i. Intersections with Oak Street and Church Street.
  - ii. Earthworks.
  - iii. Any required stormwater infrastructure.
  - iv. Location of all existing features, lot layout, easements, utilities, stormwater and road infrastructure, vehicular access ways.
  - v. Tie in works to existing accesses.
  - vi. The design shall generally be based on a minimum sealed width of 4.5m.
- d) The upgrade of the existing sewerage house connection to a 150mm diameter connection point.
- e) Detailed design for the road frontage works to Hyde Street including:
  - i. Full details on the proposed charging station, including details confirming that this area shall be developed to physically preclude any charging from occurring on the far side of a vehicle from the charging station.
  - ii. Reconstruction works of the footpath in front of Lots 1 and 2 DP900116. (Consistent with the materials outlined in the Bellingen Main Street Master Plan.)
  - iii. Removal of existing driveway crossovers.
- f) Detailed design for the works attributable to the construction of all on-street car parking bays including:
  - i. The provision of kerb and gutter.
  - ii. No parking spaces in front of vehicle accesses.

- iii. Associated drainage.
    - iv. Footpath connectivity with a minimum 1.2m wide concrete footpath and kerb ramps.
    - v. Street lighting.
    - vi. The provision to not adversely impact the heritage listed street trees through the design and construction of the works.
  - g) Detailed design for the installation of street lighting to service the proposed on street carparks including:
    - i. All works in accordance with AS1158.
    - ii. The extent of works shall be from all proposed carparks to the southern end of the western walkway through the development, adjacent to lot 2 DP1031805.
    - iii. The design shall be accompanied by certification from an electricity provider.
    - iv. Street light lamps shall be LED type fittings in accordance with AS1158.
    - v. Designed so as to not cause nuisance to other residences in the area or to motorists on nearby roads and cause no adverse impact on the amenity of the surrounding area by light overspill.
  - h) Detailed design making provision for the provision of a dedicated footpath between Oak Street and the western pedestrian entry to the development site, or construction details depicting roadworks necessary to establish this area as a Shared Zone, that will facilitate safe pedestrian access between Oak Street and the western pedestrian entry.
  - i) Detail plans showing erosion and sediment control measures in accordance with 'Managing Urban Stormwater: Soils and Construction – Volume 1, 4<sup>th</sup> Edition'.  
[To provide adequate safety and lighting and to minimise the impacts of the development with respect to utilities, safety, drainage, the public interest and security]
25. Prior to the issue of a Construction Certificate for building works, detailed stormwater plans demonstrating compliance with Level 3 treatment requirements as per Chapter 12 of Council's DCP 2017 shall be submitted and endorsed by Council. The plans shall be certified by a suitably qualified and practicing engineer.  
[To ensure that stormwater treatments are designed to meet the needs of the receiving environment]
26. Prior to the issue of a Construction Certificate, a report from a practicing structural engineer detailing the structural adequacy of the suspended awning and any works required to render the awning adequate shall be submitted to and endorsed by Council.  
[To ensure the structural soundness of awnings over public road]
27. Prior to the issue of a Construction Certificate for building works the applicant shall submit to Council, and have approved, a dewatering management plan. The plan shall address:
- a) The dewatering of the site due to a rain event or the presence of a water table.
  - b) The environmentally sensitive release or removal of unwanted water.
  - c) Shall take into consideration Geotechnical report titled "Shaul/Rubinstein Unit Trust Proposed Commercial/Residential Development 84-86 Hyde Street, Bellingen Geotechnical Assessment" prepared by Regional Geotechnical Solutions and dated 6 March 2017.
- [To minimise the likely impacts of the development in respect of utilities, safety, drainage, the public interest and security]

28. Prior to the issue of a Construction Certificate, all undertakings provided in the BASIX Certificate, including all matters required to be depicted on DA plans, shall be provided for in the Construction Certificate plans and documentation.

**Note.** The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

[To ensure the development accords with clause 97A of the *Environmental Planning and Assessment Regulation 2000*]

29. The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.1-2009 Design for Access and Mobility Part 1: General Requirements for Access. Details shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Access to and within retail and commercial tenancies and associated common areas must comply with the requirements of Part 03 of the BCA and AS 1428.1. Details verifying compliance must be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

[To ensure appropriate disabled access]

30. The shop top housing shall be developed to the gold and silver level requirements of Chapter 13 of the *Bellingen Shire Development Control Plan 2017*. A Livable Housing Australia – Assessment Form completed by an accredited Livable Housing Australia Design Guideline Assessor detailing compliance, shall be submitted to the Principal Certifying Authority with the plans for the relevant Construction Certificate.

[To ensure new housing stock is easier to access, navigate and live in, as well more cost effective to adapt when life's circumstances change]

31. Prior to the issue of the relevant Construction Certificate, the proponent shall provide the Principal Certifying Authority with a report from a suitably qualified acoustic consultant confirming that the development will, in accordance with the recommended standards in *Australian Standard AS2107:2000 Acoustics – Recommended Design sound Levels and Reverberation Times for Building Interiors*, achieve a satisfactory level of 30dBA internally, with a maximum design level of 35dBA.

The report shall include a description and assessment of the impact of noise emissions from land uses in the vicinity, inclusive of live music from the Federal Hotel, road traffic and vibration noise from the adjoining Waterfall Way, and any potential conflict between residential and other uses on the site such as plant and servicing areas. The report must be accompanied by construction details of acoustic control measures that will be incorporated into the development to achieve the relevant noise criteria, and all recommendations made in the above report must be fully complied with.

[To ensure that residential accommodation is not adversely affected by road or commercial noise and to preserve the rich mix of retail, entertainment and commercial activity in the Bellingen Central Business District by minimising the potential for land use conflict through design]

32. Prior to the issue of a Construction Certificate, a lighting strategy shall be submitted for pedestrian access points along the eastern and western boundaries of the site that will assist with minimising opportunities for concealment, whilst also preserving the amenity of any adjoining residential occupancies. Details of proposed lighting shall be depicted on plans submitted with the Construction Certificate. External lighting shall demonstrate compliance with *Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting* and:



- a) Shall be provided to the pedestrian entrances of the building for resident and employee safety;
- b) Shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill;
- c) Should be carefully considered in areas covered by CCTV to allow for optimum viewing;
- d) All external lighting fixtures should be vandal resistant; and
- e) Should include transition lighting throughout the site to reduce vision impairment (i.e. impairment caused by walking from dark to light places and light to dark places).

Upon installation of lighting, but before it is finally commissioned, the proponent shall submit to the Principal Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

[To provide for crime prevention through environmental design and prevent light intrusion]

33. Prior to the issue of a Construction Certificate, the proponent shall submit to Council a Waste Management Plan that documents how waste will be appropriately managed so as to minimise any adverse impacts upon occupants or surrounding properties. The Plan shall address relevant matters in the NSW EPA Document *"Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities December 2012"*. The plan must show that the bin area is drained to the sewer and must also include details of an area to be set aside for the storage of large non-recyclable items to await collection.

The above matters shall be shown in the Construction Certificate drawings and submitted to the satisfaction of Council prior to the issue of the relevant Construction Certificate.

[To ensure that waste is managed so as to minimise any potential adverse impacts]

## **PRIOR TO COMMENCEMENT OF WORK**

34. The proponent shall give at least two (2) days' written notice to Council of the date work is intended to commence and the details of the appointed Principal Certifying Authority (PCA). Where the PCA is not Council, the proponent shall also give a minimum two (2) days' notice to the PCA of the intention to commence work.

[To inform the relevant authorities and facilitate auditing]

35. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) Showing the name, address and telephone number of the principal certifying authority for the work, and
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

36. Prior to any demolition work commencing, satisfactory arrangements shall be made with Essential Energy for the disconnection of any power supply to the properties.

[To guide the demolition of structures]

37. The proponent shall prepare, have approved by Council and implement a Traffic Management Plan for the development. The plan must:
- a) Be prepared by a suitably qualified and experienced person, in consultation with Council and the Roads and Maritime Services.
  - b) Detail the measures to ensure pedestrian and vehicle safety as well as network efficiency during development works.
  - c) Demonstrate how vehicle and pedestrian access shall be maintained throughout the course of construction.
  - d) Show how it is proposed to cater for safe passage of pedestrians past the site including:
    - i. The route and control measures required to direct and keep them within it.
    - ii. A safe clear zone from any obstructions.
    - iii. The type(s) of materials on which pedestrians are required to traverse on.
    - iv. The width of the pathway on the route.
    - v. The location and type of proposed hoardings; and
    - vi. The location of existing street lighting.
  - e) Detail heavy vehicle routes, access and parking arrangements.
  - f) Include a Driver Code of Conduct to:
    - i. Minimise the impacts of works on the local and regional road network.
    - ii. Minimise conflicts with other road users.
    - iii. Ensure truck drivers use specified routes.
  - g) Include a program to monitor the effectiveness of these measures; and
  - h) If necessary, detail procedures for notifying Council, residents and the community (including local schools), of any potential disruptions to routes.
  - i) The number and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

Should the Traffic Management Plan trigger the requirement for a Traffic Control Plan, the plan shall be submitted to and approved by Council prior to commencement of work.

[To minimise the impacts of the development on the safe and efficient operation of the road network]

38. Prior to the commencement of work a Remedial Action Plan (RAP) prepared by a suitably qualified and experienced contaminated land practitioner in accordance with Bellingen Shire Council's *Contaminated Land Policy* and *Contaminated Land Policy Guidelines* shall be submitted to and approved by Council. The RAP shall be accompanied by advice from a NSW Environment Protection Authority accredited Site Auditor stating that the RAP is practical and will result in the site being made suitable for the intended use.

Any variations of the Council approved RAP must be approved by an accredited Site Auditor and the Council prior to being undertaken.

[To reduce the risk of harm to human health or any other aspect of the environment]

39. A site specific noise management plan must be submitted to and endorsed by Council prior to the commencement of work and complied with during all demolition, excavation and construction work. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include, but not be limited to, the following:

- a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;

- b) Confirmation of the noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008*;
- c) The course of action that will be undertaken following receipt of a complaint concerning site noise emissions;
- d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum;
- e) The plant and equipment to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

[To minimise the impact of demolition, excavation and construction work on the amenity of the locality]

40. Prior to the commencement of works, the proponent shall prepare a Dilapidation Report of the public infrastructure in the vicinity of the site (including but not limited to roads, kerbs, footpaths, nature strip, street trees and furniture) and submit a copy of this report to Council. The proponent shall:
- a) Repair, or pay the full costs associated with repairing any public infrastructure that is damaged during works; and
  - b) Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

[To ensure that works do not degrade public infrastructure]

41. A Dilapidation Report shall be prepared for the following adjoining properties that may be subject to potential damage as a result of any works being undertaken.
- 92-94 Hyde Street, Bellingen
  - 82 Hyde Street, Bellingen

This action is designed to assist all parties should damage occur and is not a preventative action. The Dilapidation Reports shall be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage.

Please note the following:

- a) The Dilapidation Report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

[To provide appropriate levels of protection to adjoining infrastructure]

42. No work shall occur within the road reserve until a separate consent for the work has been issued in pursuance to the *Roads Act 1993*. This will require a separate application

to be made to Council for a Roads Act Consent and requires payment of an application fee as per Council's Fees and Charges Schedule current at the time of application.  
[To ensure the legality of the development]

43. Prior to any demolition works commencing, work plans required by AS 2601—2001, The Demolition of Structures shall be submitted to the Principal Certifying Authority. The work plans required by AS 2601-2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.  
[To guide the demolition of structures]

44. Before commencing demolition of any building requiring asbestos removal work within the meaning of the *Work Health and Safety Regulation 2017*, the proponent shall submit to the Principal Certifying Authority a copy of a valid contract for the work with the licensed asbestos removalist who is licensed to carry out the asbestos removal work. The contract shall identify the volumes and type of asbestos to be removed and the receiving landfill site.  
[To minimise the risk of asbestos exposure through handling, transportation and disposal]

45. The proponent shall carry out all reasonable and feasible measures to minimise dust generated during development works.  
[Dust minimisation]

46. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance must be in force before any building work authorised to be carried out by this development consent commences.  
[To ensure legality of the development]

47. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following:
- a) the name and licence number of the principal contractor and the name of the insurer by which the work is insured under Part 6 of that Act for all work where a principal contractor is required to be appointed;
  - b) the name of the owner-builder and if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit, for all work to be done by an owner-builder.

**Note.** If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Council written notice of the updated information.  
[To inform Council and facilitate auditing]

48. Prior to carrying out any stormwater drainage work or sewerage work, including the connection of a private drain or sewer with a Council main, an approval pursuant to section 68 of the *Local Government Act 1993* must be obtained for those activities.  
[To ensure the legality of the development]

49. A temporary hoarding or temporary construction site fence designed and constructed in accordance with the requirements of the SafeWork NSW must be erected between the

work site and adjoining lands before the works begin and must be kept in place and maintained until after the completion of the works.

If necessary, an awning sufficient to prevent any substance from, or in connection with, the construction or demolition work falling into a public place, is also to be erected.

**Note.** Where the hoarding or construction site fence is required to be erected over the footpath or part of any public place, the approval of Council must be obtained first.  
[To maintain public safety]

## DURING WORKS

50. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times during development work and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

[To ensure the development is carried out in accordance with the plans and specifications to which the development consent relates]

51. All works shall comply with the terms of the approved plans under this development consent, and any endorsed Plan of Management required as a condition of development consent, including, but not restricted to, the following plans.

- a) Plans approved as part of Condition 1 of this consent.
- b) Traffic Management Plan
- c) Demolition of Structures Plan
- d) Remedial Action Plan
- e) Erosion & Sediment Control Plan
- f) Noise Management Plan
- g) Waste Management Plan

[To ensure that the development proceeds in accordance with the approved plans]

52. The land shall be remediated in accordance with:

- a) the contaminated land planning guidelines;
- b) the guidelines (if any) in force under the *Contaminated Land Management Act 1997*; and
- c) the Council endorsed Remedial Action Plan (RAP).

All remedial works in the approved RAP shall be completed under the supervision of an appropriately qualified and experienced environmental consultant.

[To reduce the risk of harm to human health or any other aspect of the environment]

53. Within 30 days after the completion of remediation work, a notice of completion of remediation work prepared in accordance with the provisions of *State Environmental Planning Policy No 55-Remediation of Land* shall be submitted to Council.

**Note.** A site audit statement (within the meaning of Part 4 of the *Contaminated Land Management Act 1997*) may be given in partial compliance with this requirement.

[To reduce the risk of harm to human health or any other aspect of the environment]

54. For any excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation, and
- b) where necessary, underpin the building, structure or work 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 that condition not applying.

[To ensure structural integrity]

55. Volumes of lawful waste disposal shall generally reconcile with the relevant estimated volumes of waste documented in the Site Waste Minimisation and Management Plan and written records demonstrating lawful disposal of waste shall be retained for possible inspection by relevant regulatory authorities.

[To facilitate sustainable waste management]

56. The development site shall be left clear of waste and debris at the completion of the works and kept in a clean and tidy condition at all times.

[To minimise the impact of works on the locality]

57. No waste materials shall be burnt or buried on the site and all waste materials must be disposed of at a waste management facility.

[To minimise the impact of works on the locality]

58. If any deposit, artefact, object or material evidence defined as a relic under the *Heritage Act 1977* is identified as having been uncovered due to development activities:

- a) all work shall cease immediately in that area; and
- b) the Office of Environment and Heritage shall be advised of the discovery.

**Note.** Depending on the possible significance of the relics uncovered, an archaeological assessment and an excavation permit under the *Heritage Act 1977* may be required before further work can continue in that area.

[To conserve items having interest due to age or association with the past]

59. If any Aboriginal object (including evidence of habitation or remains) is identified as being present or uncovered due to development activities:

- a) all works shall cease immediately in that area; and
- b) the Regional Operations Group of the Office of Environment and Heritage and the Coffs Harbour and District Local Aboriginal Land Council must be advised of the discovery.

Work shall resume in the area only in accordance with the requirements of the Office of Environment and Heritage and the *National Parks and Wildlife Act 1974*.

**Note.** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

[To conserve Aboriginal objects and Aboriginal places of heritage significance]

60. If any human remains are suspected to have been uncovered due to development activities:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the NSW Police must be advised of the discovery.

Work shall resume in the area only in accordance with the requirements of the NSW Police and the Office of Environment and Heritage.

[To minimise the impact of works]

61. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.  
**Note 1.** Under Part 6 of the *Environmental Planning and Assessment Act 1979*, the proponent is required to obtain Construction and Occupation Certificates for the proposed building works.  
**Note 2.** Part 8 of the *Environmental Planning and Assessment Regulation 2000* sets out the requirements for the certification of the development.  
[To ensure the work is carried out to an acceptable standard and in accordance with the State's Building Code]
62. All plumbing work shall be carried out by a Licensed Plumber and Drainer and in accordance with the Plumbing Code of Australia (Volume 3 of the National Construction Code Series), Australian Standard AS 3500 and NSW Variations.  
[To ensure the legality of the development]
63. All construction works shall be strictly in accordance with the Reduced Levels as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels shall be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.  
[To ensure the height of the development is in accordance with the approved plans under this development consent]
64. A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site shall be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate shall be submitted prior to the construction of the external walls above the ground floor level of the building.  
[To ensure the building is set-out in relation to boundaries in accordance with the approved plans under this development consent]
65. The electric vehicle charging station on Hyde Street shall be developed to physically preclude any charging from occurring on the far side of a vehicle from the charging station.  
[To maintain user safety by separating pedestrian and vehicular activity]
66. All civil works associated with the development must be undertaken in accordance with the *Bellingen Shire Development Control Plan 2017*, Council's 'Standard Conditions for Engineering Works Associated with Developments,' contemporary industry standards and conditions of this consent.  
[To ensure work associated with the development is carried out to an acceptable standard]
67. The proponent shall have construction insurance for all works occurring within the existing road reserve.  
[To ensure work associated with the development is carried out to an acceptable standard]
68. The surface levels and profiles of all infrastructure appurtenances, such as electrical and telecommunications pits or covers must be finished consistent with the designed and constructed surface levels and planes of the finished development. These installations must not create trip hazards or discontinuities with the finished land profiles.

[The likely impacts of the development in respect of safety, construction, amenity, site attributes and public interest]

69. Any utility service installations or adjustments which involve existing road pavement within Hyde Street must not be trenched. Such services, except drainage, must be laid using under road boring techniques and placed in durable traffic load supporting conduits with not less than 450 mm cover.

[The likely impacts of the development in respect of utilities and existing infrastructure]

70. Any development work involving the generation of vibration, other than works required in an emergency to avoid the loss of life, shall be carried out in accordance with NSW Transport Roads & Maritime Services – Construction of Noise and Vibration Guideline dated August 2016. Note reference to DIN4150 for criteria associated with heritage listed structures.

[To minimise the impact of works on the locality]

71. Sediment and soil erosion control measures must be implemented, managed and maintained during all development works to prevent sediment leaving the site or entering downstream properties, roads, drainage systems, waterways or environmentally sensitive areas. Sediment and soil erosion control measures must be designed and implemented in accordance with the Landcom publication Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition (reprinted July 2006) and any approved plans to the satisfaction of the principal certifying authority.

[To minimise and control erosion and sedimentation]

72. All roads (including the upgrade of existing roads) shall be constructed as per Council's standards. The pavement design (showing all calculations and CBR values) of the proposed public road must be submitted to Council for approval.

The design shall be based on the following design ESA's:

Road Name	Design ESA
Halpins Lane	3x10 <sup>5</sup>

[To ensure the road meets Council standards]

73. The proponent must provide no less than two (2) working days' notice of the intention to facilitate the required inspections listed within section 0011 of Bellingen Shire Council Standard Conditions for Engineering Works Associated with Developments as well as sewer reticulation prior to backfill.

**Note:** If an inspection is arranged and the work is not in conformance with the approved plans and specifications, then additional inspection fees as prescribed by Council's Schedule of Fees and Charges are applicable. If more than one inspection is required for any key stages of work an additional inspection fee may be charged as per the current Fees Schedule.

[To ensure that infrastructure to be vested in the Council meets Council standards]

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE**

74. A person must not commence occupation or use of the new building prior to obtaining an Occupation Certificate from the Principal Certifying Authority.

[To ensure the legality of the development]



75. Prior to the issue of an Occupation Certificate, a suitable sign shall be placed on the southern elevation of the development, to advise motorists of the location of underground car parking that is available for customers of the shop.  
[To ensure appropriate use of on-site parking facilities]
76. Prior to the issue of an Occupation Certificate, a statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* shall be submitted to the principal certifying authority. The design quality principles need not be verified for any BASIX affected building to the extent to which they aim to:
- a) reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated; or
  - b) improve the thermal performance of the building.
- [To ensure that an architect supervises the design]
77. Prior to the issue of a final Occupation Certificate, Lots 1 & 2 DP 900116 must be consolidated and proof of the registration of that consolidation with the NSW Land Registry Services submitted to the Principal Certifying Authority.  
[To remove the fire source feature associated with the existing boundary between these lots]
78. Prior to the issue of a final Occupation Certificate, an easement for access shall be granted in favour of the Council over the pathway and covered pathway linking Hyde Street to Halpins Lane, and proof of the registration of that easement with the NSW Land Registry Services submitted to the Principal Certifying Authority.  
[To provide pedestrian connectivity]
79. The height of the development shall not exceed the design height as specified in the approved plans Plan No. 2018/AF-041/6 and Plan No. 2018/AF-041/7 and written certification from a registered surveyor shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.  
[To restrict the height of buildings in a manner that preserves the character and amenity of the locality]
80. Prior to the issue of an Occupation Certificate, certification from a suitably qualified person that all of the commitments listed the BASIX Certificate have been fulfilled shall be submitted to the Principal Certifying Authority.  
[To ensure building sustainability targets are achieved]
81. Prior to the issue of any Occupation Certificate, the proponent shall obtain a certificate of compliance under section 307 of the *Water Management Act 2000* evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development.
- Note.** Section 64 of the *Local Government Act 1993* authorises Council to issue certificates of compliance under section 306 of the *Water Management Act 2000*. Section 64 of the *Local Government Act 1993* also authorises Council to impose pre-conditions to the issuing of certificates of compliance.

As a precondition to the issuing of a certificate of compliance, Council requires:

- a) In addition to the primary meter, secondary meters installed for all individual units and the shop.
- b) The payment of developer charges for the cost of works to augment the water supply system and sewer mains, pumping stations and treatment works as prescribed by Council's adopted section 64 plans.
- c) The construction of all requisite works referenced in this consent.

A developer charges notice of payment is attached to this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

**Note:**

The contribution rate levied for the shop component is 1 ET initially, subject to review after 12 months from the issue of an Occupation Certificate for the shop to determine actual consumption and discharge rates associated with the operation of the development. In this respect, an agreement for sampling and metered consumption & discharger under Councils Developer Servicing Plan must be entered into with Council prior to the issue of the Occupation Certificate. The agreement must be endorsed by Council prior to the use of the land for a shop and must be complied with at all times.  
[To provide adequate services; contribution towards services and facilities]

- 82. Prior to the issue of an Occupation Certificate, a Final Dilapidation Report, including a photographic survey, must be submitted after the completion of works. A copy of this report must be supplied to Council, the Principal Certifying Authority and any property owners the subject of the initial Dilapidation Report submitted prior to the commencement of works. Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council.  
[To provide appropriate protection to adjoining structures]

- 83. Prior to the issue of an Occupation Certificate, the relevant civil works including works approved under the Roads Act Consent shall be constructed.  
[The likely impacts of the development in respect of construction, traffic and safety]

- 84. Prior to the issue of an Occupation Certificate the proponent shall repair any public infrastructure deemed damaged as a result of the works.  
[To ensure that works do not degrade public infrastructure]

- 85. The proponent shall undertake the repair and maintenance of all Council assets associated with the development for a minimum period twelve (12) months being from the date the works are accepted on maintenance by Council. All necessary rehabilitation works must be undertaken to the satisfaction of Council prior to management passing to Council. The proponent shall obtain consent under the *Roads Act 1993* to undertake any work on public roads.  
[To ensure appropriate management and maintenance of new road infrastructure]

- 86. The proponent shall lodge a maintenance bond with Council being 5% of the total cost of all Council assets associated with the development. The bond shall be secured by either cash deposit or bank guarantee by a financial institution acceptable to the Council and shall remain current until written release is provided by Council pursuant to maintenance of the assets passing to Council.

**Note:**

- a) Maintenance bonding is for due performance by the developer of relevant aspects of the development activities required in the conditions of consent and **NOT** to transfer any responsibility of the developer in those matters to the Council.
- b) An 'agreement to meet costs' satisfactory to Council and giving authority to Council to expend monies from the bond(s) to effect finalisation/restoration on default of the developer are to be provided before any activity takes place.

- c) Should finishing/restoration costs exceed the available bond(s), the balance of the costs will be a charge against the land.

[To cover any costs of maintenance work due to sub-standard work]

87. Prior to the issue of an Occupation Certificate, the proponent shall submit and have approved works as executed plans (completion drawings) in accordance with Standard Conditions for Engineering Works Associated with Developments and Water Services Association of Australia.

[To ensure Council's records accurately reflect development undertaken in the Shire]

88. Prior to the issue of an Occupation Certificate, the proponent shall submit and have approved all quality testing required for compliance with 'Standard Conditions for Engineering Works Associated with Developments' and the conditions of this consent.

[To ensure Council's records accurately reflect development undertaken in the Shire]

89. Prior to the issue of an Occupation Certificate, a compliance certificate prepared by a suitably qualified and practicing Civil Engineer (that being either an engineer eligible for admission as a Chartered Professional Engineer CPEng or a Registered Professional Engineer, RPEng) shall be submitted to Council. The compliance certificate shall certify construction of the required works in accordance with the approved design and specifications included in this development consent and associated authorisations under the *Roads Act 1993* and *Local Government Act 1993*.

[The likely impacts of the development in respect of traffic, utilities, drainage and public interest]

90. Prior to the issue of an Occupation Certificate and for the life of the development the required Level 3 stormwater treatment requirements pursuant to Section 12.6.1 of Chapter 12 – Stormwater of the *Bellingen Shire Development Control Plan 2017* shall be installed and maintained.

[To ensure that stormwater systems are maintained and functional]

91. A positive covenant shall be placed on the land for the continued maintenance of the required Level 3 stormwater treatment requirements pursuant to section 12.6.1 of Chapter 12 – Stormwater of the *Bellingen Shire Development Control Plan 2017* and proof of the registration of that covenant with the NSW Land Registry Services shall be submitted to the Principal Certifying Authority.

[To ensure that stormwater systems are maintained and functional]

92. Prior to the issue of an Occupation Certificate, all measures necessary to achieve compliance with a Council endorsed structural engineer's report regarding the suspended awning over the public road shall be implemented and certification of satisfactory completion of works submitted to the principal certifying authority.

[To ensure the structural soundness of awnings over public road]

93. Prior to the issue of an Occupation Certificate a positive covenant shall be placed on the land for the continued maintenance of the installed vehicle charging station on Hyde Street in accordance with manufacturers specifications, and proof of the registration of that covenant with the NSW Land Registry Services submitted to Council and the Principal Certifying Authority.

[To ensure that stormwater systems are maintained and functional]

94. On completion of any part of the building containing residential units and prior to the issue of the Occupation Certificate the applicant shall engage an appropriately qualified Acoustic Consultant to conduct a test for noise attenuation to confirm the buildings compliance with the design noise levels required to be achieved for the development, as prescribed in the conditions of this development consent.

[To ensure that the development is compatible with the amenity of the area]

95. Any noise generating equipment or machinery externally located on the building shall be enclosed and certified by a suitably qualified Acoustic Engineer that the use of these items will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim/final Occupation Certificate.

[To ensure a reasonable level of amenity is maintained to adjoining properties.]

96. Prior to the issue of an Occupation Certificate for the development, appropriate addressing must be provided for the development. The primary premises numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary or at the primary entry point and clearly visible from Hyde Street.

The primary property address for this development is 86 Hyde Street, Bellingen NSW 2454. This address also applies to the ground floor retail premises.

The addresses for the residential component of the development are provided below.

*Unit 1 – Unit 101/90 Hyde Street, Bellingen NSW 2454*  
*Unit 2 – Unit 102/90 Hyde Street, Bellingen NSW 2454*  
*Unit 3 – Unit 103/90 Hyde Street, Bellingen NSW 2454*  
*Unit 4 – Unit 104/90 Hyde Street, Bellingen NSW 2454*  
*Unit 5 – Unit 105/90 Hyde Street, Bellingen NSW 2454*  
*Unit 6 – Unit 106/90 Hyde Street, Bellingen NSW 2454*  
*Unit 7 – Unit 107/90 Hyde Street, Bellingen NSW 2454*  
*Unit 8 – Unit 108/90 Hyde Street, Bellingen NSW 2454*  
*Unit 9 – Unit 109/90 Hyde Street, Bellingen NSW 2454*  
*Unit 10 – Unit 110/90 Hyde Street, Bellingen NSW 2454*  
*Unit 11 – Unit 111/90 Hyde Street, Bellingen NSW 2454*  
*Unit 12 – Unit 112/90 Hyde Street, Bellingen NSW 2454*  
*Unit 13 – Unit 113/90 Hyde Street, Bellingen NSW 2454*  
*Unit 14 – Unit 114/90 Hyde Street, Bellingen NSW 2454*  
*Unit 15 – Unit 115/90 Hyde Street, Bellingen NSW 2454*

The address numbers are to be positioned on the site prior to the issue of the Occupation Certificate. Any variation to the above premises numbering requires a new application to be lodged with Council.

[To ensure addresses are consistent and comply with established guidelines for the provision of services, utilities and post]

97. Prior to the issue of an Occupation Certificate, on-site car parking spaces shall be allocated and delineated as follows:

- 15 - Residential
- 5 - Employees
- 16 - Shop

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

[To ensure appropriate use of designated parking spaces]

98. Prior to the discharge of any trade waste to the Council sewerage system, the proponent must obtain an approval to discharge liquid trade waste under section 68 of the *Local Government Act 1993*.

**Note.** Applications should be lodged with Council well in advance of the intended discharge commencement date to facilitate the processing of the application, including referral to the Department of Primary Industries-Water for concurrence.

[To ensure compliance with Council's Liquid Trade Waste policy]

## OPERATIONAL MATTERS

99. The hours of operation for the shop are to be restricted to 7am to 9pm (inclusive). Upon expiration of the permitted hours, all service shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

[To preserve the amenity of the locality]

100. No deliveries, loading or unloading associated with the shop use of the premises are to take place between the hours of 7pm to 7am on any day.

[To preserve the acoustic amenity of the locality]

101. The proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

[To ensure work is undertaken in accordance with the development consent]

102. Any vehicle accessing the site to unload goods in association with the approved shop must do so from within the designated loading dock, and must not be greater than a 12.5m rigid vehicle. All loading/unloading and deliveries must occur within the property boundaries.

[To ensure that the development does not obstruct other properties or the public road]

103. All vehicles entering and exiting the basement garage to Halpins Lane shall do so in a forward direction at all times.

[To provide for safe vehicle movements]

104. All driveways, parking bays and turning areas shall be:

- a) used solely for vehicular access and parking;

- b) kept clear of obstructions capable of impeding traffic; and
- c) maintained in a serviceable condition.

[To provide unobstructed and functional vehicular access and egress]

105. Fire safety exits and paths of travel to fire safety exits shall be kept clear at all times to provide unimpeded access to exits and a safe passage for occupants to open space in accordance with Section D of the BCA.  
[To facilitate the evacuation of personnel in the case of fire]
106. Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and shall not be blocked or obstructed by furniture, equipment or the like.  
[To facilitate containment in the case of fire]
107. For the control of Legionnaires' disease:
- a) all cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and the NSW Health Code of Practice for the Control of Legionnaires Disease or their successors; and
  - b) the occupier of the building must register and provide particulars of any water cooling and warm water systems as required under the provisions of the *Public Health Act 2010* and *Public Health Regulation 2012* or their successors.

## **ADVISORY NOTES**

### **COMMERCIAL DEVELOPMENTS**

The commercial development should make adequate provision for future changes of use, including adequate provision for:

- a) the installation of a mechanical exhaust system for future premises where food is prepared, including the provision of a shaft that complies with the National Construction Code for the ductwork and the flue of the system;
- b) sanitary facilities in accordance with Part F of the National Construction Code for the future use of commercial tenancies; and
- c) the installation of a grease trap and associated piped connections in accordance with the requirements of AS 4674-2004 Design, Construction and Fitout of food premises.

### **STATUTORY REQUIREMENTS**

The proponent shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the proponent to obtain, renew or comply with such licences, permits or approval/consents.

### **WORKS AUTHORISATION DEED**

It is recommended that developers familiarise themselves with the requirements of the 'Works Authorisation Deed' process and contact Roads and Maritime Services to obtain further advice where necessary. Further information on undertaking Private Developments adjacent to classified roads can be accessed at:  
<http://www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf>.

### **ELECTRICAL NETWORK**

Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines.

### **NOISE CONTROL**

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

### **HEALTH AND SAFETY**

The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions to secure the health and safety of workers and workplaces.

### **DEVELOPER CHARGES NOTICE OF PAYMENT**

under Section 306 of the *Water Management Act 2000*

Development Application No:	2018/DA-00025
Development Application Consent Date:	TBC
Land No:	L7353, 7354
Property Description:	Lots 1 & 2 DP 900116; 84 Hyde Street & Hyde Street BELLINGEN NSW 2454

To undertake the development approved by the abovementioned development consent, you are required to pay a levy for existing and/or projected water and/or sewer works under section 64 of the *Local Government Act 1993*. The specified amount is described in Table 1 below.

The monetary contributions and unit rates in Table 1 are current from the date of this letter until the end of this financial year. The charges and rates are subject to Annual CPI increases and may otherwise be adjusted by Developer Servicing Plan updates.

Table 1: Charges Pursuant to the *Water Management Act 2000* to be levied in respect of the residential component of the development.

Contribution Type	Contribution Area	Contribution Base Rate	Unit Rate	Contribution Levied
Sewerage				
	Bellinghen	\$5,774	6.5	\$37,531
Water				
	Bellinghen	\$6,309	6.5	\$41,009
Total Contribution Required				\$78,540

Please note that this notice is not a Certificate of Compliance under the *Water Management Act 2000*. A Certificate of Compliance for the development may be subject to additional preconditions under section 306 of the *Water Management Act 2000*, including the construction of works to serve the development. Where works are required to be undertaken, these works are described in the conditions of your development consent.

Table 2: Charges Pursuant to the *Water Management Act 2000* to be levied in respect of the shop component of the development.

Contribution Type	Contribution Area	Contribution Base Rate	Unit Rate	Contribution Levied
Sewerage				
	Bellinghen	\$5,774	1	\$5,774
Water				
	Bellinghen	\$6,309	1	\$6,309
Total Contribution Required				\$12,083

**Note:**

The contribution rate levied for the shop component is 1 ET initially, subject to review after 12 months from the issue of an Occupation Certificate for the shop to determine actual consumption and discharge rates associated with the operation of the development. In this respect, an agreement for sampling and metered consumption & discharge under Councils Developer Servicing Plan must be entered into with Council prior to the issue of the Occupation Certificate. The agreement must be endorsed by Council prior to the use of the land for a shop and must be complied with at all times.

Payment can be made at Council's Customer Service Centre, by cheque or by credit card. When making payment, please enclose a copy of this notice of payment or bring a copy to Council with you.