

ATTACHMENT A

General Conditions

1. Development in accordance with approved plans

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

- Statement of Environmental Effects by Geolink dated 11/10/2022 incorporating Appendices A – Q and as modified by architectural plans by prepared by Benson McCormack Architecture being Revision B and dated March 2023.
- Any plans and / or documentation submitted to satisfy the conditions of this consent. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails. Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time. [Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development]

2. Development in accordance with Australian Standards

The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The development will require a Fire Safety Schedule. [Reason: To ensure the development is constructed in accordance with appropriate standards]

Prior to the Issue of a Construction Certificate

3. Payment of Long Service Levy

The applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The applicable fee at the time of payment of the Long Service Levy will apply. [Reason: To ensure the Long Service Levy is paid].

4. No work to commence until issue of Construction Certificate

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. Building work includes the partial demolition of a building. [To ensure the legality of the development]

5. Submission of Construction Site Management Plan

The applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters: location and materials for protective fencing and hoardings to the perimeter on the site; provisions for public safety; pedestrian and vehicular site access points and construction activity zones; details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site; protective measures for on-site tree preservation (including in accordance with AS 4970-2009 protection of trees on development sites and Council's DCP, if applicable)

and trees in adjoining public domain (if applicable); details of any bulk earthworks to be carried out; location of site storage areas and sheds; equipment used to carry out all works; a garbage container with a tight-fitting lid; dust, noise and vibration control measures; location of temporary toilets. The applicant must ensure a copy of the approved construction site management plan is always kept on-site during construction. [Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.]

6. Submission of Erosion and Sediment Control Plan

The applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier: a) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and b) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). The applicant must ensure the erosion and sediment control plan is always kept on-site during site works and construction. [Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.]

7. Submission of Stormwater Management Plan and Computer Modelling

A detailed stormwater management plan and computer modelling (MUSIC and DRAINS) demonstrating compliance with Level 3 stormwater treatment requirements as per Chapter 12 of the Bellingen Development Control Plan 2017 shall be submitted and endorsed by Council. All structures and hard stand areas to discharge to a legal point of discharge. [Reason: To ensure that stormwater treatments are designed to meet the needs of the receiving environment]

8. Liveable Housing Design Requirements

The development must meet the requirements of the Liveable Housing Design Guidelines and Chapter 13 of the Bellingen Shire Council Development Control Plan 2017 wherein all units are required to satisfy Liveable Housing Guidelines Silver Level universal design features and a total of 20% of units are required to satisfy requirements to incorporate Liveable Housing Guidelines Gold Level universal design features. Details indicating compliance shall be submitted to, and endorsed by, the principal certifying authority prior to the issue of a construction certificate. [Reason: To ensure the provision of adequate parking, access, and facilities for people with disabilities].

9. Essential Energy Requirements

The applicant must meet the requirements of Essential Energy being to:

- a. Provide a safe distance of a minimum 5.0 metres clearance (horizontal distance) from the low voltage overhead powerlines located across the Rawson Street frontage of the properties.
- b. Maintain minimum safety clearance requirements at all times for the proposed driveway access and/or exit (concrete crossovers), as such driveway access will pass under Essential Energy's existing overhead powerlines located across the Rawson Street frontage of the properties. The driveway must comply with the clearances for trafficable land, ground clearances must be maintained. Refer to Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

- c. Any proposed driveway access and/or exit (concrete crossovers) (Watson Street frontage) must remain at least 1.0 metres away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- d. Any excavation works in this area or works on the proposed driveway must comply with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
- e. Any landscaping, tree planting, gardens in this area must comply with *ISSC 20 Guideline for the Management of Activities with Electricity Easements and Close to Infrastructure*.
- f. Prior to any demolition works commencing, any service line/s to the properties must be disconnected.
- g. The engagement of an Accredited Service Provider to ensure adequate provision of power is available to all units in accordance with the *NSW Service and Installation Rules*. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
- h. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant'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, contributions and if required, new designated electrical infrastructure, such as a pad/kiosk substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.

Reason: To ensure relevant utility and service providers requirements are provided to the certifier.]

10. **Details of Sewer Service Line**

Council must be provided with details from a registered surveyor or suitably qualified and experienced engineer indicating the size of the sewer service line from the existing sewer network located in Park St through to lot 1DP863743. Should the line be identified as less than 150mm the line shall be upgraded to a minimum 150mm diameter network. All costs associated with these works are the responsibility of the proponent. An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry any required sewerage works. [To prevent risks to public health and ensure legality of development.]

11. **Rawson Street Upgrade Work**

Prior to the issue of a Construction Certificate a separate consent pursuant to the Roads Act 1993 shall be issued for works required within the road reserve. This includes but is not limited to:

- Upgrades to Rawson Street between Watson Street and Park Street, including kerb and gutter, shoulder widening and stormwater drainage for both the eastern and western sides so as to maximise the availability of on-street parking
- The reinstatement of redundant driveway crossings with kerb and gutter
- The reinstatement of existing footpaths where required

Note: A Roads Act Consent requires payment of an application fee as per Council's Fees and Charges Schedule current at the time of application

[To ensure adequate on street parking and that vehicular access is designed and constructed to Council's standards]

12. Flood Design

Prior to the issue of a construction certificate, a structural engineer's report shall be submitted to the principal certifying authority certifying that the structure can withstand the force of flood water, debris and buoyancy in a Probable Maximum Flood event and that cladding and other non-structural components are designed to cater for the force of floodwater, debris and buoyancy up to the General Flood Planning Level. [To ensure building safety in a probable maximum flood]

13. Site Waste Minimisation and Management Plan

A Site Waste Minimisation and Management Plan consistent with Chapter 14 of the Bellingen Shire Development Control Plan 2010 shall be submitted to and endorsed by the principal certifying authority. [Reason: To ensure that construction and ongoing waste is managed appropriately and sustainably]

14. Confirmation of Intent for Use as Affordable Housing

The proponent is to submit to Council a letter confirming their intent for the development to be used as affordable housing as defined in State Environmental Planning Policy (Housing) 2021 (as at August 2022) for a period of at least 15 years commencing on the day an occupation certificate is issued and that the affordable housing will be managed by a registered community housing provider. Further the proponent is to provide an undertaking that this requirement will be communicated to any future owner or owners of the development. [Reason: To confirm the intent of the application]

15. Crime Prevention

A safety and security plan supporting the principles of crime prevention through environmental design be submitted prior to the issue of a construction certificate. The plan is to include consideration of lighting, apartment security and appropriate locations for the provision of CCTV. [Reason: To minimise the potential for crime]

16. Approval to Undertake Sewer Work

An application under Section 68 of the Local Government Act 1993 to undertake sanitary plumbing and drainage work shall be submitted to and approved by Council prior to the issue of a construction certificate [Reason: To prevent risks to public health and to protect waters and land resources]

17. Performance Bond

Prior to the issuing of a Section 138 Roads Act consent a performance security bond in the form of an unrestricted Bankers Guarantee of cash bond to and in accordance with Council's policies including, "Standard Conditions for Engineering Works Associated with Developments", must be provided to Council's satisfaction and as relevant to the development works within the road reserve. The bond must be provided to Council in accordance with the following, extended as appropriate for the individual items:

a) Damage/repair/completion security = \$20,000

Prior to the Commencement of Works

18. Dilapidation Report

The proponent shall submit and have endorsed by Council a dilapidation report of the public infrastructure in the vicinity of the site (including roads, kerbs, footpaths, nature strip, street trees and furniture) and submit a copy of this report to Council. The dilapidation report is to include any local road which is being used as a route for the importation of fill. 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]

19. Works in Road Reserve

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]

20. Contamination Clearance Certificate

That the proponent provide the principal certifying authority with a clearance certificate from a consultant expert in contamination assessment which certifies that the site is clear of any contamination post demolition. The clearance certificate is to reference the recommendations of the report by Regional Geotechnical Solutions dated 15 July 2022 and incorporate the results of additional sampling (post demolition) of the upper soil profile within the former building footprints.

21. Construction Noise Management Plan

A detailed Construction Noise Management Plan shall be prepared and provided to the principal certifying authority for approval before work commences.

22. Erosion and Sediment Controls

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site). [Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways]

23. Notice to Council of Commencement of Work and PCA

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]

24. Erection of Sign

A sign must be erected in a prominent position on the site showing the name, address and telephone number of the principal certifier for the work and showing the name of the principal contractor (if any) and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work is being carried out but must be removed when the work has been completed. [Reason: Prescribed condition EP&A Regulation]

25. Tree Protection

Before the commencement of any site work, the principal certifier must ensure the measures for tree protection, if required, detailed in the construction site management plan are in place. [Reason: To protect and retain trees]

26. Works Requiring Local Government Approval

Before carrying out any water supply, sewerage or stormwater drainage work, an approval under section 68 of the Local Government Act 1993 must be obtained for those activities. [Reason: to ensure the legality of the development]

During Works

27. Compliance with BCA

Building work must be carried out in accordance with the requirements of the BCA [Reason: Prescribed condition EP&A Regulation]

28. Compliance with Construction Noise Management Plan

While building work is being carried out the applicant is to ensure that the work is compliant with the approved Construction Noise Management Plan and in particular that any noise does not exceed an LAeq 915min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out. [Reason: To protect the amenity of the neighbourhood]

29. Management of Excavated and Fill Material

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. [Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.]

30. Discovery of Artefacts or Relics

If any deposit, artefact, object, or material evidence defined as a relic under the Heritage Act 1977 or an Aboriginal object is identified as having been uncovered due to development activities all work shall cease immediately in that area and the Heritage Council NSW shall be advised of the discovery. [To conserve items having interest due to age or association with the past]

31. Hours of Work

The principal certifier must ensure that building work or vegetation removal is only carried out between 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturday with no work on Sundays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods, or materials must not be delivered to the site outside the approved hours of site works. Any variation to the hours of work requires Council's approval.

32. Compliance with BASIX

Whilst building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate approved by this consent, for the development to which the consent applies. [Reason: to ensure BASIX commitments are fulfilled in accordance with the BASIX certificate prescribed under the EP&A Regulation]

33. Implementation of Construction Site Management Plan

While vegetation removal, excavation and building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and available to Council officers upon request (Reason: To ensure the required site management measures are implemented during construction]

34. Plumbing Work

All plumbing work shall be carried out by a licensed plumber and drainer in accordance with the Plumbing Code of Australia and relevant Australian Standards [Reason: To ensure that plumbing works are legally and safely carried out]

35. Critical Stage Inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. [Reason: To require approval to proceed with the building work following each critical stage inspection]

36. Replacement of Infrastructure

While building work is being carried out, the applicant must pay any costs incurred because of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area). [Reason: To ensure payment of approved changes to public infrastructure]

37. Protecting Property

As the development involves filling the level of the land, the person having the benefit of the development consent must protect the adjoining property from possible damage from the excavation. [Reason: Prescribed condition under the EP&A]

38. Documentation to be On-Site

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

39. Mark out by Surveyor Including Finished Ground Floor Level

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier – a) all footings/foundations and b) at other stages of construction – any marks that are required by the principal certifier and c) the finished floor levels being equal to or above the General Flood Planning Level. A registered surveyor's certificate shall be submitted to the principal certifying authority prior to works proceeding above the ground finished floor level. [Reason: To ensure buildings are sited and positioned in the approved location.

40. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site. [Reason; To prevent risks to public health and to protect waters and land resources from adverse impacts related to effluent treatment and disposal].

41. Waste Management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.[Reason: To comply with the agreed plan]

42. Compliance with Requirements

All works must comply with:

- a. The conditions of this consent
- b. Council endorsed design drawings
- c. Water Services Association of Australia Sewerage Codes
- d. Bellingen Shire Council Standard Conditions for Engineering Works Associated with Developments
- e. Development Control Plan 2017
- f. Contemporary industry standards [Reason; to ensure work is carried out to an acceptable standard]

43. Flood Proofing

The building shall be flood proofed up to the General Flood Planning Level in accordance with Appendix 8.5 of the Bellingen Shire Development Control Plan 2017 [Reason: To reduce the potential for flood damage]

Prior to Occupation Certificate

44. Certificate of Compliance (Engineering)

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 either a Chartered Professional Engineer CPEng or a Registered Professional Engineer, RPEng) shall be submitted to Council. The compliance certificate shall certify:

- 1) Construction 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.
- 2) Construction of the required Council infrastructure works in accordance with the approved design and specifications included in this development consent and associated authorisations under the Roads Act 1993, Environmental Planning and Assessment Act 1979 and Local Government Act 1993.

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

45. On-going Maintenance of Stormwater Drainage

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]

46. Legal Obligation to Maintain Drainage Devices

A positive covenant shall be created under the *Conveyancing Act 1919* that burdens the developed lot and requires the Association to ensure that it will keep, protect, maintain, test, and repair any installed Level 3 stormwater treatment devices within the Association Property so that they remain in working order. The covenant shall only be

amended, released or varied with the consent of Council and shall be described on the plan of subdivision and accompanying administration sheet and instrument to the satisfaction of Council prior to the issue of an occupation certificate [Reason: To ensure that stormwater systems are maintained and functional]

47. Legal Obligation for Affordable Housing

A Restriction as to User shall be created under the *Conveyancing Act 1919* that burdens the developed lot to require that the developed lot be used for the purposes of “affordable housing” as defined in the State Environmental Planning Policy (Housing) 2021 as at 12 August 2022 for a period of at least 15 years commencing on the day the occupation certificate is issued. [Reason: To ensure the intent of the approval]

48. Provision of Stormwater Connection

Prior to the issue of an occupation certificate all stormwater from roof and hard stand structures shall be conveyed in a controlled and nuisance free manner to a legal point of discharge that:

- a. does not affect adjoining properties
- b. is directed away from any buildings

The legal point of discharge shall be either the kerb invert of Watson Street or approved interallotment drainage. [Reason: To ensure that stormwater is delivered to a legal point of discharge]

49. Road Works to be Completed

All works shall be constructed and completed in accordance with the required Road Act Consent Approval in pursuance to the Roads Act 1993. [Reason: To ensure that on-street parking and vehicular access to and egress from the development site is designed and constructed to Council’s standards.

50. Repair of Damaged Infrastructure

Prior to the issue of an occupation certificate the proponent shall repair any public infrastructure deemed damaged because of the works. [Reason: To ensure that works do not degrade public infrastructure]

51. Certification of Easements

Prior to the issuing of an occupation certificate the proponent shall submit certification from a registered surveyor to the principal certifying authority certifying that:

- a. All services and drainage lines are wholly contained within the respective lot and easements. [Reason: To ensure the development is appropriately located and designed]

52. Implementation of Crime Prevention Strategies

The recommendations of the safety and security plan supporting the principles of crime prevention through environmental design are to be implemented. [Reason: To ensure the implementation of the crime prevention strategy]

53. Legal Obligation for Coordinated Management of Stage 1 and Stage 2

Prior to the issue of an occupation certificate a positive covenant shall be created under the *Conveyancing Act 1919* that burdens Stages 1 and 2 to provide that they be jointly managed to ensure the benefits (such as the off street parking) and burdens (such as building and landscape maintenance) are equitably allocated across the two stages. If

necessary, this is to include the provision of rights of carriageway. [Reason: To ensure continuity of management in the event there is different ownership of the two stages]

54. Completion of Landscaping

All landscaping work indicated on the approved landscape plan is to be completed prior to the issue of an occupation certificate.

Ongoing Use and Occupation

55. Annual Fire Safety Statement

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation. [Reason: To ensure annual checks on fire safety measures.]

56. Control of Noise

During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA at the boundary adjacent to any habitable room of an adjoining residential premises. [Reason: To protect the residential amenity of neighbouring properties.]

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable). [Reason: To protect sewerage and stormwater systems.]

57. Development to be used for Affordable Housing

The development is to be used as affordable housing as defined in State Environmental Planning Policy (Housing) 2021 (as at August 2022) for a period of at least 15 years commencing on the day an occupation certificate is issued with the affordable housing to be managed by a registered community housing provider.

58. Maintenance of Landscaping

The landscaping shown on the approved landscape plan is to be maintained in good condition in perpetuity.