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# Attachment A – Draft conditions of consent

## Schedule A Administration Conditions

1. Development Description

Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described.

1. Development in Accordance with Plans

The Applicant shall carry out the development generally in accordance with the:

a) Statement of Environment Effects dated December 2023 (Rev 2.0) prepared by Salvestro Planning;

b) Letter prepared by Salvestro Planning dated 15 December 2023 entitled Addendum to Statement of Environmental Effects;

c) Letter prepared by Dryside Engineering, dated 18 May 2023;

d) Engineering Specification for Acoustic Services dated 21 July 2023 and prepared by JHA Services;

e) Environmental Planning and Assessment Act and Environmental Planning Instruments (where applicable), the Local Government Act, the Plumbing and Drainage Act and other applicable statutory codes or legislation;

f) Following drawings, except for:

i) Any modifications which are Exempt or Complying Development;

ii) Otherwise provided by the conditions of this consent.

|  |  |  |  |
| --- | --- | --- | --- |
| **Architectural (or Design) Drawings prepared by Glendenning Szoboszlay Architects** | | | |
| Drawing No. | Revision | Name of Plan | Date |
| 1200 | DA/CC01 | Section Sheet 1 | 16/8/23 |
| 1201 | DA/CC01 | Section Sheet 2 | 16/8/23 |
| 1202 | DA/CC01 | Section Sheet 3 | 16/8/23 |
| 1203 | DA/CC01 | Section Sheet 4 | 16/8/23 |
| 1204 | DA/CC01 | Section Sheet 5 | 16/8/23 |
| 1304 | DA/CC01 | Block C - Elevation Sheet 1 | 16/8/23 |
| 1301 | DA/CC01 | Block A/K Elevation Sheet 2 | 16/8/23 |
| 1302 | DA/CC01 | Block A/K Elevation Sheet 3 | 16/8/23 |
| 1303 | DA/CC01 | Block A/K Elevation Sheet 4 | 16/8/23 |
| 1100 | DA/CC01 | Block A – Proposed Ground Floor Plan | 16/8/23 |
| 1102 | DA/CC01 | Block A – Proposed First Floor Plan East | 16/8/23 |
| 1103 | DA/CC01 | Block A – Proposed First Floor Plan West | 16/8/23 |
| 1105 | DA/CC01 | Block A – Roof Plan West | 16/8/23 |
| 1104 | DA/CC01 | Block A – Roof Plan East | 16/8/23 |
| 1101 | DA/CC01 | Block K – Proposed Sub Floor Plan | 16/8/23 |
| 1106 | DA/CC01 | Block C – Proposed Ground Floor Plan | 16/8/23 |
| 0101 | DA/CC01 | Proposed Site Plan | 16/8/23 |
| **Stormwater Drawings prepared by Glendenning Szoboszlay Architects** | | | |
| H1100 | A | Hydraulic Services Stage 1 Drainage Services Layout | 18/07/23 |
| H2100 | A | Hydraulic Services Stage 2 Drainage Services Layout | 18/07/23 |
| H3100 | A | Hydraulic Services Stage 3 Drainage Services Layout | 18/07/23 |
| H4100 | A | Hydraulic Services Stage 4 Drainage Services Layout | 18/07/23 |
| **Landscape Drawings prepared by Glendenning Szoboszlay Architects** | | | |
| Drawing No. | Revision | Name of Plan | Date |
| 7000 | DA/CC01 | External Works GA Plan | 18/8/23 |
| 7001 | DA/CC01 | External Works Details Sheet 1 | 18/8/23 |
| 7002 | DA/CC01 | External Works Details Sheet 2 | 16/8/23 |
| 7003 | DA/CC01 | External Works Details Sheet 3 | 16/8/23 |
| 7004 | DA/CC01 | External Works Details Sheet 4 | 16/8/23 |
| **Demolition Drawings prepared by Glendenning Szoboszlay Architects** | | | |
| Drawing No. | Revision | Name of Plan | Date |
| 0300 | DA/CC-01 | Block A – Demolition Ground Floor Plan | 16/8/23 |
| 0301 | DA/CC-01 | Block A – Demolition First Floor Plan | 16/8/23 |
| 0303 | DA/CC-01 | Block C – Demolition Plan | 16/8/23 |

1. Inconsistency between Documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

1. Limits of Approval

This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

1. Prescribed Conditions

The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

1. Compliance with Disability Discrimination Act

The applicant/property owner should note that the *Commonwealth Disability Discrimination Act 1992* provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded.  This may require action to provide or improve access in addition to the minimum requirements of the Building Code of Australia, particularly if such work would not cause "unjustifiable hardship" for the proprietors or owners, an issue which Council may be unable to assess in detail.  The Human Rights and Equal Opportunity Commission has released Advisory Notes on access to Premises which are available for Council on request.  The Commission can also provide further information on this issue (Telephone No. 02 9284 9761).

In addition to Human Rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.

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

*The building shall comply with the requirements of the Commonwealth Disability (Access to Premise Standard) 2010.*

*(Reason: To inform of relevant access requirements for persons with a disability)*

1. Structural Adequacy

The applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.

*Notes: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*

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## Schedule B Performance Conditions

### Before Commencement of Work

1. Notification to Neighbours

The person having the benefit of this development consent must give at least two days’ notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.

*(Reason: To notify the surrounding residences of the approved development)*

1. Construction Certificate Required

Prior to commencement of any works, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least 48 hours prior to the commencement of any works.

*(Reason: Statutory requirement)*

1. Demolition

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 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. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

*(Reason: Statutory requirement)*

1. Utility Services

Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the development. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council.

*(Reason: Protection of infrastructure)*

#### Demolition

1. Demolition
   1. That five working days (i.e., Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
      1. The date when demolition will commence,
      2. Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
      3. The licence number of the demolisher, and relevant SafeWork NSW licenses, (see minimum licensing requirements in (d) below, and
      4. Copies of the demolisher’s current public liability/risk insurance policy indicating a minimum cover of $20,000,000.00.
   2. Demolition of buildings and structures shall be undertaken by contractors who hold a current SafeWork NSW Demolition Licence and must comply with all current and relevant Australian Standards.
   3. Work shall not commence until the Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos containing material, approval to commence demolition shall not be given until:
      1. An inspection and report by a licensed asbestos assessor or an independent competent person has been provided to Council; and
      2. Council is satisfied that all measures are in place so as to comply with SafeWork NSW’s How to Safely Remove Asbestos Code of Practice.

*Note: A copy of SafeWork NSW’s How to Safely Remove Asbestos Code of Practice can be obtained from SafeWork NSW Authority’s website* [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

*An asbestos assessor licence is required for air monitoring, clearance inspections or the issuing of clearance certificates for class A asbestos removal work, where a class A licence is required. (Clause 489 of the WHS Regulation).*

*A competent person who is not a licensed asbestos assessor can carry a clearance inspection for licensed asbestos removal work that does not require a class A licence. (Clause 473(2)(a)(b) of the WHS Regulation).*

* 1. Demolition works involving the removal and disposal of asbestos containing material must only be undertaken by contractors who hold a current SafeWork NSW Asbestos Removal Licence.

*Note: A licence for friable asbestos removal work is now a ‘Class A’ asbestos removal licence and a licence for bonded asbestos removal work is now a ‘Class B’ asbestos removal licence under the Work Health and Safety Regulation 2011 (WHS Regulation).*

*A non-friable class B asbestos removal licence allows the licence holder to remove non friable asbestos and ACD associated with the removal of non-friable asbestos. ACD is asbestos contaminated dust or debris and means any dust or debris that has settled within a workplace and is, or assumed to be, contaminated with asbestos.*

*A friable class A asbestos removal licence allows the licence holder to remove friable asbestos and non-friable asbestos and ACD associated with the removal of friable and non-friable asbestos. ACD is asbestos contaminated dust or debris and means any dust or debris that has settled within a workplace and is, or assumed to be, contaminated with asbestos.*

*Further information can be obtained from SafeWork NSW Authority’s website* [*www.safework.nsw.gov.au*](http://www.workcover.nsw.gov.au)

* 1. In addition to the above provisions, any work carried out on asbestos containing material must be in accordance with Chapter 8 Asbestos under the *Work Health and Safety Regulation 2011* and in accordance with the provisions of the SafeWork NSW – Working with Asbestos Guide.

*Note: Further information can be obtained from SafeWork NSW Authority’s website* [*www.safework.nsw.gov.au*](http://www.safework.nsw.gov.au)

* 1. At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
     1. The date when demolition will commence;
     2. Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
     3. The telephone number of SafeWork NSW’s Hotline 13 10 50.

*(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)*

1. Site Safety Fencing - Demolition only

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition. The fencing must be erected before the commencement of any demolition work and maintained.

The site shall be maintained in a clean and orderly condition during demolition works.

*(Reasons: Statutory Requirement and health and safety)*

1. Erosion and Sediment Control During Demolition

Erosion and sedimentation controls shall be in place prior to the commencement of demolition works and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

1. Disconnection of Utilities and Services

All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

*(Reasons: Maintain health and safety)*

1. Approval from Councils Engineering Department

The applicant shall lodge a Load Carrying Permit for Local Roads Application with Council’s Engineering Department and the approval shall be obtained prior to the commencement of any work.

*(Reasons: Compliance with councils Engineering Department)*

#### Work over a Public Footway

1. Approval under s138 of the Roads Act 1993

Where construction / building works require the use of a public place including a road or footpath the applicant shall obtain approval under s138 of the Roads Act 1993. The applicant shall lodge a Traffic and / or Pedestrian Management Plan including a site plan, details of any barricade construction and period of work to the satisfaction of Council.

*(Reasons: Statutory requirement)*

### Before Issue of a Construction Certificate

1. Section 94A Development Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following section 94A monetary contributions:

1. $75,716.68, being 1% of the cost of carrying out the development as determined by the Council in accordance with Act and Regulations
2. The contribution shall be paid in the form of cash or bank cheque, made out to Moree Plains Shire Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
3. The contributions will be adjusted in accordance with the requirements of the Moree Plains Development Contributions Plan 2006.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

1. Prescribed Conditions of Development Consent

In accordance with Division 8A of Part 6 of the Act, the following conditions are prescribed for development that involves building work:

1. That the work must be carried out in accordance with the requirements of the National Construction Code,
2. 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, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(Reason: Statutory requirement)

1. Long Service Levy

For work costing $250,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

(Reason: Statutory requirement)

1. Details of Materials, Colours and Finishes

Final design details of the proposed external materials and finishes shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

*(Reason: Visual amenity)*

1. Appropriate Building Work Plans and Specifications

The Applicant shall provide the Certifying Authority with specifications for the development:

1. That describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply, and
2. Design drawings for all structural elements of the building including connection details and member specifications, and
3. Design drawings for the roof and wall frames, including a bracing and tie down schedule showing all calculations, kN ratings and wind classification., and
4. Copies of any compliance certificate to be relied on.

(Reason: Structural safety)

1. Footing System Requirements - General

The Applicant shall provide the Certifying Authority with detailed design drawings for the footing system certified by a practicing structural engineer as compliant with the relevant sections of Part 3.2 ‘Footings and Slabs’ of the NCC prior to the issue of a Construction Certificate.

The footing system shall be designed for an ‘E-D’ (Extremely reactive clay sites which can experience extreme ground movement from moisture changes) class site in accordance with Part 3.2.4 ‘Site classification’ of the NCC unless accompanied by a detailed Site Classification Report from an appropriately qualified and accredited professional.

(Reason: Structural safety)

1. Verification of Support for New Loads

For alterations and additions to an existing building, a certificate from a qualified practicing structural engineer (National Engineering Registration Board) must be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the NCC.

*(Reason: Structural safety)*

1. Roof and Surface Drainage

a) To prevent surface water from entering the building:

1. The floor level shall be a minimum of 225 mm above finished ground level.
2. Seepage and surface waters shall be collected and diverted clear of the building site by a subsurface/surface drainage system.

*Note: Care is to be taken to ensure that no run-off is diverted to adjoining properties*

b)

* + 1. All roof and surface waters shall be piped to the street table drain by means of approved piping.
    2. Guttering and down-piping shall be provided and connected to the existing rain water drains.
    3. Guttering and downpipes shall be provided to discharge surplus roof water a minimum of 3 m clear of any structure and incorporate protection against scouring of the ground surface at the point of discharge and be disposed of without nuisance.

*Note:  This still allows the use of a water storage tank with the system.*

c) All surplus roof water must discharge a minimum of 3 m clear of any structure and incorporate protection against scouring of the ground surface at the point of discharge and be disposed of without nuisance.

d) A down-pipe shall be provided and connected to the existing rain water drains.

*(Reason: To ensure appropriate disposal of storm water from the site)*

1. Structural Certification for Design

The Applicant shall provide the Certifying Authority with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the NCC prior to the issue of a Construction Certificate.

The footing system shall be designed for an ‘E’ (Extremely reactive clay sites which can experience extreme ground movement from moisture changes) class site in accordance with Part 3.2.4 ‘Site classification’ of the NCC unless accompanied by a detailed Site Classification Report from an appropriately qualified and accredited professional.

(Reason: Structural safety)

BCC.19a. Structural Adequacy Certificate – Flood Hazard Areas

The Applicant shall provide the Certifying Authority with certification from a practising structural engineer that the building comply with:

1. B1.6 ‘Construction of buildings in flood hazard areas’ of the NCC and with the relevant sections of the ABCB ‘Standard for Construction of Buildings in Flood Hazard Areas’, or
2. Performance requirement BP1.4 of the NCC,

prior to the issue of a Construction Certificate.

*(Reason: Structural safety and floodplain risk management)*

1. Filling works – Class E and P Soil Types

Retaining walls or other types of soil retaining methods must be installed where the soil type is not described in Table 3.1.1.1 of the National Construction Code – Volume 2. Details of retaining walls or other soil retaining methods necessary to prevent the movement of excavation or filling works, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

*(Reason: Structural safety)*

1. Filling works – Other Soil Types

Filling works shall be carried out in accordance with Clause 3.1.1.4 of the National Construction Code – Volume 2. Retaining walls or other types of soil retaining methods must be installed where the gradient is more than that described, or the soil type is not described in Table 3.1.1.1 of the National Construction Code – Volume 2. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

*Note: Embankments that are to be left exposed at the end of the construction works must be stabilised by vegetation or similar works to prevent soil erosion.*

*(Reason: Structural safety)*

1. Access for People with Disabilities – Upgrade of Existing Building

The affected part of the building must be upgraded to comply with the Disability (Access to Premises – Buildings) Standards in accordance with the Disability Discrimination Act 1992. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on and Construction Certificate drawings.

*(Reason: To inform of relevant access requirements for persons with a disability)*

*Note: Affected part means the principal pedestrian entrance of an existing building that contains a new part and any part of an existing building that contains a new part, that is necessary to provide a continuous accessible path of travel from the entrance to the new part.*

1. Car Parking

Line marking of previously approved car parking spaces in the car parking area adjoining Boston Street shall be undertaken in accordance with *Australian Standard AS 2890.1 - Parking Facilities: Off-Street Car Parking.*

Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

*(Reason: Parking and access)*

1. Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the National Construction Code and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

*(Reason: Compliance with relevant standards and Amenity)*

#### Engineering

1. Section 305 Compliance Certificate

A compliance certificate application under section 305 of the *Water Management Act 2000* must be lodged with Council (as the local water supply authority). This compliance certificate shall be obtained prior to the issue of a Construction Certificate. Any works or contribution required as a result of this application shall be completed prior to the granting of the compliance certificate.

*(Reason: To ensure adequate maintenance of existing water and sewer infrastructure for the existing population and to provide the same level of water and sewerage services to the population resulting from new developments)*

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### During Construction

1. Overland Flow of Surface Waters

The applicant shall ensure that the development will not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council’s storm water system.

(Reason: Health and amenity)

1. Erosion and Sediment Control

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

(Reason: Environmental protection)

1. Approved Plans 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 Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.

(Reason: To ensure compliance with approved plans)

1. Site Notice

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:

1. Showing the name, address and telephone number of the principal certifying authority for the work, and
2. 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
3. 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

(Reason: Statutory requirement)

1. Waste Management

Building litter must be prevented from spreading around the site and beyond the site boundary.

Sufficient suitable containers must be provided on building sites and removed from the site at regular intervals to store building waste that is likely to become windblown.

***Note:*** *Building Waste includes: plastic containers, plastic and paper wrappings or any waste that can be carried by wind.*

*(Reason: To prevent windblown litter from building sites fouling roads and public land)*

1. Hours of Work

The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:

1. Between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
2. Between 8:00 am and 1:00 pm, Saturdays;
3. No work on Sundays and public holidays.
4. Works may be undertaken outside these hours where:
5. The delivery of materials is required outside these hours by the Police or other authorities;
6. It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
7. Variation is approved in advance in writing by Council.

(Reason: Safety and amenity)

1. Maintenance of Site
2. Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
3. Waste materials must be disposed of at a waste management facility.
4. The work site must be left clear of waste and debris at the completion of the works.

(Reason: To ensure that building and any other site works are undertaken in a manner which will be non-disruptive to the local area.)

1. Source and Content of Imported Fill

The person responsible for importing fill if any, to the site shall provide validation by way of a statutory declaration confirming the source and content of the fill to ensure that it is suitable for the proposed land use and free from contamination. Details are to be provided to Council prior to the pouring of any slab or footings.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

1. Finished Floor Levels – Non-Habitable Rooms in Flood Hazard Areas

The development is on land which is flood prone and as a result the Applicant is to ensure that the finished floor level (FFL) of non-habitable rooms are constructed above RL 209.11m (AHD). The applicant is to provide certification from a registered surveyor confirming that the FFL has been constructed to the required RL prior to:

1. Proceeding past floor level for platform flooring; or
2. Prior to pouring the concrete slab in slab on ground construction.

*(Reason: Statutory requirement and floodplain risk management)*

1. Flood Compatible Materials

Materials used for structural purposes and located below the FHL must be capable of resisting damage, deterioration, corrosion or decay taking into account the likely time the material would be in contact with flood water and the likely time it would take for the material to subsequently dry out.

*(Reason: Floodplain risk management)*

*Note: Materials used for structural purposes include loadbearing columns, bracing members, structural connections, fasteners, wall framing members and the like.*

DC.14a Flood Compatible Materials

Construction below the flood planning level is to be of suitable flood compatible materials as outlined in Schedule 1 of Moree Plains DCP 2013 or equivalent alternative methods of flood proofing including techniques to prevent water ingress into building structures.

*(Reason: Floodplain risk management)*

1. Requirements for General Utilities – Flood Hazard Areas
2. Utilities and related equipment, other than an electrical meter for the building, must not be placed below the FHL unless they have been designed specifically to cope with flood water inundation.
3. Buried systems must be placed at a depth sufficient to prevent damage due to scour and erosion during the DFE.
4. Exposed systems must be designed to withstand the flood related actions (buoyancy, flow, debris and wave).

(Reason: Floodplain risk management)

1. Requirements for Electrical Utilities – Flood Hazard Areas

Unless the electrical supply authority determines otherwise-

1. Electrical switches must be placed above the FHL.
2. Electrical conduits and cables installed below the FHL must be waterproofed or placed in waterproofed enclosures.

(Reason: Floodplain risk management)

1. Requirements for Mechanical and HVAC Systems, Tanks and the like – Flood Hazard Areas

Ductwork, tanks, gas storage cylinders and the like must be placed above the FHL or designed, constructed, installed and anchored to resist all flood-related actions and other actions during the DFE with appropriate load factors as given in the relevant sections of the ABCB ‘Standard for Construction of Buildings in Flood Hazard Areas’. Potential buoyancy and other flood related actions on the empty tank during the DFE condition must be considered.

(Reason: Floodplain risk management)

1. Traffic Control Plan

Council’s standard Traffic Control Plan (TCP) relating to construction work in the Road Reserve shall be adopted at all times during construction work in the Road Reserve.

*(Reason: To ensure safe vehicular and pedestrian access around the site)*

1. Diversion of Surface Waters

The applicant must ensure that the development will not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council’s storm water system.

*(Reason: To ensure appropriate disposal of storm water from the site)*

#### Work Over a Public Footway

1. Public liability insurance

Where construction / building works require the use of a public place including a road or footpath the applicant shall have (at all times whilst undertaking work on the public place) public liability insurance to a level of $20,000,000 indemnifying Council in the event of any accident/incident occurring as a result of the construction / building works. In addition, the public liability insurance policy shall indemnify Moree Plains Shire Council of any liability and note them as an interested party on their insurance in the event of:

* 1. Accidents/incidents occurring from the construction / building works interfering with public thoroughfare.
  2. Moree Plains Shire Council shall be named on the public liability policy as an interested party. Evidence (photocopy) of which is to be provided to Council.

*(Reasons: Statutory requirement)*

### Before Occupation Certificate / Commencement of Use

1. Occupation Certificate Required

Occupation or use of the whole or any part of a new building shall not commence unless an occupation certificate has been issued by the Certifying Authority. The final occupation certificate shall not be issued until such time as all relevant conditions of the development consent have been complied with.

(Reason: Statutory requirement)

1. Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

1. The National Construction Code;
2. Australian Standard AS1668 and other relevant codes;
3. The development consent and any relevant modifications; and,
4. Any dispensation granted by the New South Wales Fire Brigade.

*(Reason: To ensure compliance with approved plans)*

1. Final Fire Safety Certificate

Prior to issuance of the Final Occupation Certificate, the owner of the building shall furnish the Principal Certifying Authority with a Final Fire Safety Certificate which states that each essential fire safety measure, specified in the fire safety schedule:

1. Has been assessed by a properly qualified person, and
2. Was found, when it was assessed, to be capable of performing to a standard not less than required by the current fire safety schedule.

*(Reason: To ensure compliance with the requirements of the Environmental Planning and Assessment Act and Regulations)*

#### Engineering

1. Stormwater Drainage – Works as Executed

A copy of the stormwater drainage plan showing work as executed details shall be submitted to and approved of by Council’s Engineering Department prior to the issue of a Final Occupation Certificate. The work as executed plan shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention.

*(Reason: To ensure compliance with the approved design)*

1. Back Flow Prevention Device

Suitable backflow prevention device(s) must be installed in accordance with the Plumbing Code of Practice. Once installed, the device(s) shall be inspected and approved of by Council’s Engineering Department prior to the issue of a Final Occupation Certificate.

*(Reason: Health and amenity)*

1. Vehicle Movement

All vehicle movements to and within the site shall be in a forward direction under no circumstances shall vehicles be permitted to reverse on or off a public road.

*(Reason: Safety and access)*

1. Stormwater Discharge

Overland flows from the site must not impact on adjoining or adjacent land and all excess storm water must be discharged to Council’s storm water system.

*(Reason: To ensure appropriate disposal of storm water from the site)*

BOC.12 Property Specific Emergency Evacuation Plan and Flood Preparation Plan

The Applicant shall prepare, and provide Council with a copy of, an updated property specific Emergency Evacuation Plan and Flood Preparation Plan to cover the development in the event of flood inundation.

The Plan shall address evacuation triggers, destination and requirement to leave doors open (if shown as required by analysis of the tie down system) and other appropriate considerations identified in Schedule 2 of Council’s DCP 2013 or other pertinent reference material.

*(Reason: Floodplain risk management)*

#### Protecting Public Infrastructure

1. Damage to Public Infrastructure

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations. Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Prior to the issue of a Final Occupation Certificate the applicant shall submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification for the approval of Council. Any damage to public infrastructure caused during construction shall be made good prior to the issue of a Final Occupation Certificate.

*(Reason: To protect Council infrastructure)*

*Note: The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council’s property (such as road pavement, kerb and guttering, footway, stormwater drainage etc), unless the applicant/owner notifies Council in writing and provides proof of any existing damage to Council’s property. However, if in the opinion of Council, works associated with the development have worsened any existing damage, Council may require full reinstatement. If damage does occur during construction, prior to reinstating any damage to Council’s property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners’ expense and shall be inspected by Council prior to placement of concrete and/or asphalt.*

BOC.23. Car Parking Areas:

The car parking areas shall be paved in a bitumen, seal coat, asphaltic or bituminous concrete, cement concrete, or concrete paving blocks. The layout and dimensions of car parking areas shall be accordance with the standards of Moree Plains Shire Council Council’s DCP and parking requirements of AS 2890.1-2004 off-street car parking.

The design of off-street disabled parking shall be as per AS2890.6.

Note: The constructed disabled parking shall be inspected at the by Council’s Engineering Department prior to the issue of a Final Occupation Certificate.

*(Reason: Council requirement)*

### Before Certificate of Completion

1. Sewerage Connection

The applicant shall provide a suitable connection to Council’s sewerage system prior to the issue of a certificate of completion.

*Note: Please contact Council’s Water & Waste Department on 02 6757 3222 to arrange for service connections to be made.*

*(Reason: Health and amenity)*

1. Annual Fire Safety Certification

The owner of the building shall certify to the council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

*(Reason: Statutory requirement)*

### Operational Matters

1. Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

*(Reason: Safety and amenity)*

1. Public Way to be Unobstructed

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council’s footpath.

*(Reason: Safety and amenity)*

1. External Lighting

External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

*(Reason: Neighbourhood amenity)*

## Advisory Notes

**Other Approvals and Permits**

1. The Applicant is solely responsible for obtaining any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993.*

**Responsibility for other Consents / Agreements**

1. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

**Disability Discrimination Act**

1. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the National Construction Code which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

***Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

1. The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister. This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**Site Contamination issues During Construction**

1. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

**Discovery of Aboriginal Heritage**

1. If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

**Insurance Requirements (not applicable to Crown Developments)**

1. No building works shall be commenced, and no Council inspection will be carried out on the subject building works until evidence of compliance with Part 6 of the *Home Building Act, 1989*, has been provided to Council in the form of a Certificate of Insurance provided for by the above Act.

**Covenants**

1. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.

**Dial Before You Dig**

1. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

***Telecommunications Act 1997 (Commonwealth)***

1. Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact: Telstra’s Network Integrity Team on Phone Number 1800810443.

**General**

1. Development Consent does not lapse if the approved use has actually commenced, or the proposed work is physically commenced before the lapse date except where a condition specifies a limit to the duration of the consent.
2. Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
3. Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under 4.55 of the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.
4. This development consent does not include approval for any increase in existing staff (48) or student numbers.