

# Attachment A - Draft Conditions - Development Consent DA 48/2023 New Shire Offices, at 33 Maitland Street Bingara (updated 21 May 2024)

## Part A – General conditions

### 1. Plans and Documents

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision No	Plan Title	Drawn By	Date
231967/DA/001	B	Existing and Demo Site Plan	Struxi Design	31 Jan 24
231967/DA/002	B	Proposed Site Plan	Struxi Design	31 Jan 24
231967/DA/003	B	Locality and Parking Plan	Struxi Design	31 Jan 24
231967/DA/004	B	Vehicle Access Plan	Struxi Design	31 Jan 24
231967/DA/005	B	Stormwater Schematic	Struxi Design	31 Jan 24
231967/DA/101	B	Existing and Demo Floor Plan	Struxi Design	31 Jan 24
231967/DA/102	B	Proposed Floor Plan	Struxi Design	31 Jan 24
231967/DA/401	B	Building Elevations	Struxi Design	31 Jan 24
231967/DA/402	B	Building Elevations	Struxi Design	31 Jan 24
231967/DA/901	B	Illustrative Views	Struxi Design	31 Jan 24
231967/DA/D-001	B	Demolition Staging Plans	Struxi Design	31 Jan 24
202317 JW-1 [A] – Landscape Plan			jw concepts	8 Nov 2023
202317 JW-2 [A] – Landscape Plan			jw concepts	8 Nov 2023

<b>Approved Plans</b>				
202317 JW-3 [A] – Landscape Plan			jw concepts	8 Nov 2023
202317 JW-4 [A] – Landscape Plan			jw concepts	8 Nov 2023

<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date</b>
Amended Statement of Environmental Effects		Revolution Town Planning	27 Nov 2023
Response to Request for Additional Information		Revolution Town Planning	5 Feb 2024

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

## Part B – Before the issue of a Construction Certificate

### 2. Landscaping Plan

Before the issue of the relevant construction certificate, detailed landscaping plans shall demonstrate to the certifier's satisfaction, that the plans are consistent with the landscaping intent shown on the approved plans.

Reason: To ensure landscaping is designed and achieves the design intent of the Architect.

### 3. Construction Site Environmental Management Plan

Before the issue of a construction certificate a construction site environmental management plan must be prepared, and be provided to the principal certifier. The plan must include the following matters:

- a. The location and materials for protective fencing and hoardings on the perimeter of the site;
- b. Provisions for public safety;
- c. Pedestrian and vehicular site access points and construction activity zones;

- d. Details of construction traffic management including:
  - i) Proposed truck movements to and from the site;
  - ii) Estimated frequency of truck movements; and
  - iii) Measures to ensure pedestrian safety near the site;
- e. Details of bulk earthworks to be carried out;
- f. The location of site storage areas and sheds;
- g. The equipment used to carry out works;
- h. The location of a garbage container with a tight-fitting lid;
- i. Dust, noise and vibration control measures;
- j. The location of temporary toilets;
- k. The protective measures for the preservation of the existing retained trees on-site and in adjoining public areas including measures in accordance with AS 4970 – Protection of trees on development sites;
- l. Erosion and sediment control measure in accordance with *Managing Urban Stormwater: Soils and construction - Volume 14th edition* (The Blue Book)

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

#### **4. Design amendments**

Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

- a. The width of the access from Cunningham Street is to be adjusted on the plans to reflect the legal width of that right of way.
- b. Provide a marked delivery bay to handle a medium rigid vehicle in the general location indicated as delivery bay on the endorsed plans.

Reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development

#### **5. Long Service Levy**

Before the issue of the relevant construction certificate the long service levy of as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the certifier

Reason: To ensure the long service levy is paid

## **6. Waste Management Plan**

Before site work commences, a waste management plan for the development must be provided to the certifier.

The plan must be prepared in accordance with:

- a. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
- b. include the following information—
  - i. the contact details of the person removing waste,
  - ii. an estimate of the type and quantity of waste,
  - iii. whether waste is expected to be reused, recycled or sent to landfill,
  - iv. the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. To ensure resource recovery is promoted and local amenity protected during construction

Reason: To ensure resource recovery is promoted and local amenity protected during construction

## **7. Utilities and services**

Before the issue of the relevant construction certificate, written evidence of the following service provider requirements must be provided to the principal certifier:

- a) a letter from Essential Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
- b) a response from Gwydir Shire Council as the Water Authority as to whether the plans accompanying the application for a construction certificate would affect any infrastructure, and whether further requirements need to be met.
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

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

## **8. Site Clearance Certificate**

Before the issue of the relevant construction certificate, a contamination-related site clearance certificate is to be provided to the principal certifier.

Reason: To ensure that the site is free of contamination prior to construction of the new facility.

## **9. Boundary Re-establishment Survey**

Before the issue of the relevant construction certificate, a boundary re-establishment survey is to be conducted to confirm the boundaries of the land and the right of way.

Reason: To ensure that the development is within the legal boundaries of the land, and that the right of way is correctly identified.

## **~~10. Embodied Energy Compliance~~**

~~Before the issue of the relevant construction certificate, a suitably qualified person shall provide written evidence to the Principal Certifier of their satisfaction that the Embodied Emissions information provided is consistent with SEPP Sustainable Buildings 2022.~~

~~Reason: To ensure compliance with the requirements of the SEPP.~~

## **10. Resolution of Right of Way**

Prior to the issue of a Construction Certificate, and subject to the agreement of the affected landowners, an 88B instrument shall be established over the right of way providing access to the property, which runs across the rear of Lots A DP152922 and Lot 1 DP 209422 (being 37 and 39 Maitland Street) to ensure that:

- a. the development site is specifically benefited by the right of way;
- b. each lot containing the right of way has legal access to the right of way; and
- c. to ensure that the maintenance of the right of way rests with the owner of the consolidated development lot as required in Condition 10.

In the absence of landholder agreement, Council shall either:

- a. Proceed to acquire the right of way under the provisions of the *Land Acquisition (Just Terms Compensation) Act* or
- b. Reconfigure the development to avoid the need to use the right of way.

In this regard:

- i. A turning area, to cater for a minimum medium rigid vehicle, is to be provided opposite the proposed generator;
- ii. The disabled parking space is to be provided between the truck turning area and the main building;
- iii. The six other spaces are to be placed at right angles to the access aisle east of the truck turning bay;
- iv. The entrance to the main parking area from Cunningham Street shall be labelled and pavement marked for entry and exit.
- v. All the above are to comply with AS2890 Parts 1 and 2 and be to the satisfaction of Council.

Reason: To confirm access to the site, and to adjoining properties.

## **10(a) Landscaping and Paint Treatment**

Prior to the issue of a Construction Certificate, the following are to be provided, to Council's satisfaction:

- a. A detailed landscaping plan that includes street furniture within the proposed community open space area to provide seating, tables and the like, to encourage people to gather and utilise the space; and
- b. A schedule of paint colours for the former Memorial Hall façade that draws on the historic period of the façade's original construction.

Reasons: To enhance the appearance of and functionality of the development.

## Part C – Before building work commences

### 11. Modification to the Demolition approval

Before any site work commences, Development Consent DA24/2023 for the demolition of the former Council building and Soldier Memorial Hall at 33 Maitland Street and the adjoining building at 35 Maitland Street shall be modified to provide consistency with the plans, the subject of this application.

Reason: To ensure that the provisions of DA24/2023 are complied with, and are consistent with the planned development.

### 12. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between—

6am to 6pm on Mondays to Saturdays

Reason: To protect the amenity of neighbouring properties

### 13. Dilapidation report

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier that all reasonable steps were taken to obtain access to the adjoining properties.

No less than seven calendar days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council at the same time.

Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

#### **14. Erosion and sediment controls in place**

Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways

#### **15. Payment of fees**

Before any site work commences, any required authority fees shall be paid and written evidence of these payments provided to the principal certifier.

## **Part D – During building work**

#### **16. Discovery of relics and Aboriginal objects**

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified
  - i) for a relic – the Heritage Council; or
  - ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a. for a relic – the Heritage Council; or
- b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Reason: To ensure the protection of objects of potential significance during works.

#### **17. Hours of Site Work**

Site work must only be carried out between the following times –

For work creating noise that would be audible within the nearest residence, from 8am to 5:30 pm on Mondays to Fridays and from 8am to 1pm on Saturdays and public holidays. For work creating noise that would NOT be audible within the nearest residence, from 6am to 6pm on any day.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Reason: To protect the amenity of the surrounding area

**18. Implementation of the site management plans while site work is being carried out:**

- a) the measures required by the construction site management plan and the waste management plan must be implemented at all times, and
- b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

Reason: To ensure site management measures are implemented during the carrying out of site work

**19. Procedure for critical stage inspections**

While building work is being carried out, the 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 building work following each critical stage inspection

**20. Responsibility for changes to public infrastructure**

While site work is being carried out, any costs incurred as a result 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) must be paid as directed by the consent authority.

Reason: To ensure payment of approved changes to public infrastructure

**21. Soil management**

While site 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 of at an approved waste management facility and the



classification, and the volume of material removed must be reported to the principal certifier.

- b. Any fill material imported to the site must be:
- i. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
  - ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or
  - iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and 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 not contaminated and is safe for future occupants

## 22. Surveys by a registered surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- a. All footings / foundations in relation to the site boundaries and any registered and proposed easements
- b. At other stages of construction – any marks that are required by the principal certifier.

Reason: To ensure buildings are sited and positioned in the approved location

# Part E – Before the issue of an Occupation Certificate

## 23. Consolidation of Lots and Establishment of an 88B Instrument over the Right of Way

Before the issue of an occupation certificate:

~~The~~ the lots, the subject of the development, (with the exception of the right of way) are to be consolidated into a single allotment. This includes the following lots:

- Lots 20 and 38 DP 758111
- Lot 1 DP 87721
- Lots B and C DP 156384

~~a.—Subject to the agreement of the affected landowners, An 88B instrument shall be established over the right of way providing access to the property, which runs across the rear of Lots A DP152922 and Lot 1 DP 209422 (being 37 and 39 Maitland Street) to ensure that:~~

- ~~i.—the development site is specifically benefited by the right of way~~

~~ii.—each lot containing the right of way has legal access to the right of way; and~~

~~iii.—to ensure that the maintenance of the right of way rests with the owner of the consolidated development lot as required in a. above.~~

~~a. Reason: To ensure that the development can function without the requirement for rights of way across the existing lots.~~

~~Reason: To confirm access to the site, and to adjoining properties as well as ensure that the overall development is on a single title.~~

## **24. Completion of landscape and tree works**

Before the issue of an occupation certificate the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s)

## **25. Completion of public utility services**

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation

## **26. Post-construction dilapidation report**

Before the issue of an occupation certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and
- c. a copy of the post-construction dilapidation report must be provided to the principal certifier and to the relevant adjoining property owner(s).

Reason: To identify any damage to adjoining properties resulting from site work on the development site

## **27. Removal of waste upon completion**

Before the issue of an occupation certificate:

- a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and
- b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored

## **28. Repair of infrastructure**

Before the issue of an occupation certificate any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council

Reason: To ensure any damage to public infrastructure is rectified

## **29. Works-as-executed plans and any other documentary evidence**

Before the issue of the relevant occupation certificate, works-as- executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:

- a. All stormwater drainage systems and storage systems, and
- b. A copy of the plans must be provided to council with the occupation certificate

Reason: To confirm the location of works once constructed that will become council assets

# **Part F – Occupation and ongoing use**

## **30. Location of mechanical ventilation**

During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa above the ambient background noise at the boundary adjacent to any habitable room of the nearest residential premises.

Reason: To protect the residential amenity of neighbouring properties

### **31. Maintenance of wastewater and stormwater treatment device**

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

Reason: To protect sewerage and stormwater systems

### **32: Public Safety and Security**

That access to the rear of the site, be restricted by locking of the gate during non-business hours.

Reason: To improve safety and security of the site.

- ENDS -

## **Advisory Notes to Development Consent DA 48/2023 New Shire Offices, at 33 Maitland Street Bingara**

In addition to the conditions of development consent DA 48/2023 the following advisory notes may be relevant for a person involved in carrying out the development approved under the consent and should be read in conjunction with the Notice of Determination.

The advisory notes do not form part of the development consent. However, they provide information on how the obligation to lawfully carry out the approved development can be undertaken.

### **General Advice – Consent**

#### *Complying with conditions of the Development Consent*

Your development consent contains the conditions of consent that must be met to lawfully complete your development. If a condition requires further reports, payment of scheduled fees or an inspection, the condition is to be met at your expense unless otherwise specified in the condition.

Read all of the conditions of consent carefully before you start work and note which conditions must be met at each stage of the development. Liaise regularly with your builder and principal certifier to ensure all conditions are satisfied. If you have any questions regarding a condition, you can contact council's duty planner or an industry professional with relevant expertise for clarification.

Complying with the conditions of your consent will help avoid delays, or worse – a costly fine from council.

#### *Application of prescribed conditions*

In addition to the conditions of this consent, prescribed conditions may also apply. If prescribed conditions within Division 2 Part 4 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) related to your development and were in force at the time your application was lodged, these conditions must be met whether or not they were specified within this consent.

#### *Bonds and Security Deposits*

A bond or security deposit may be applied to ensure public infrastructure like roads and footpaths are not left damaged as a result of the development. In this case as the proponent is Gwydir Shire Council, a security deposit is not required. Council may wish to impose such a deposit, however, on the head contractor for the build.

### *Contributions*

The development requires a monetary contribution towards shared public infrastructure such as parks or drainage infrastructure. This requirement is conditioned within the development consent, and may be subject to consumer price index (CPI) increase.

### *Long Service Levy*

The New South Wales Parliament has imposed a levy on building and construction work costing \$250,000 and above (inclusive of GST). The levy is paid into a fund administered by the Long Service Corporation, and from this fund, the Corporation makes long service payments to building and construction workers.

The Levy is payable for building and construction projects costing \$250,000 and above (inclusive of GST) and is payable to the Long Service Corporation. Evidence of payment of the levy is required to obtain a Construction Certificate.

The Long Service Corporation website has further information about the long service levy, including how to calculate your contribution on the approved development.

<https://www.longservice.nsw.gov.au/bci/levy>

### *Offences and Penalties*

Only the approved development of this consent may be carried out on your land in accordance with the approved plans. Other development on the land to which the this consent does not apply must be carried out according to law.

A person carrying out unauthorised work may be charged with a criminal offence under the EP&A Act 1979 and if convicted, a monetary penalty may be applied.

## **General Advice – Construction**

### *Construction Certificate*

A Construction Certificate is required before building work approved under this development consent can lawfully start.

A Construction Certificate confirms your detailed plans comply with the Building Code of Australia and are consistent with the approved plans, documents and conditions of consent in accordance with EP&A Regulation.

Having a Construction Certificate means you can commence building work on the site in accordance with the approved plans. Private accredited certifiers and local councils can issue Construction Certificates.

Any works undertaken without a Construction Certificate will be unauthorised and you will not be able to obtain an Occupation Certificate for those works at the completion of building work.

Further advice about Construction Certificates is available on the Department of Planning and Environment's website.

<https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/your-guide-to-the-da-process>

### *Appointing a Principal Certifier*

A Principal Certifier (PC) (previously known as a principal certifying authority or PCA) is the only person/ body who can issue partial or final occupation certificates.

A PC must be appointed by the landowner before work commences. A builder cannot appoint the PC unless they are also the landowner.

A PC can be either an accredited private or Council certifier. The PC will inspect work during construction to ensure the works completed are consistent with the approved plans and comply with required building standards. However, it remains your responsibility to ensure all conditions of development consent are met.

If the appointed PC changes for any reason, all building works must stop until another PC has been appointed, and Council has been notified 2 days in advance in writing.

If the development consent allows for two different types of development that each require a separate PC, each PC is only engaged for one development type.

Further advice on finding and appointing a PC can be found on the NSW Fair Trading Website.

<https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-renovate/finding-and-appointing-a-certifier>

### *Utilities and authorities*

It is your responsibility to find out if the land associated with the approved development is affected by utility assets above and below ground before you start approved work. Damage to these utilities can be avoided through a 'Dial Before You Dig' enquiry on 1100 or <https://www.1100.com.au/>

You may be required to liaise with relevant authorities and utility providers for some works depending on the circumstances of your development consent. For this consent these include:

- Energy authorities, providers and operators
- Water authorities
- Telecommunications providers and operators
- Australia post

Please allow for the necessary approvals and charges imposed by the above authorities that may be associated with potential impacts of your development on infrastructure owned by a utility provider. For example, a utility authority may have specific safety requirements, or only allow authorised representatives to complete the work in the vicinity of underground infrastructure such as gas, water or power.

### *Fire safety*

Ensuring your development is safe from risk of fire is important. Fire safety provisions are considered during the initial development application and further details are assessed before the issue of the construction certificate.

A Fire Safety Certificate may be required prior to obtaining an occupation certificate. If fire safety measures beyond those approved under the development consent are required prior to obtaining a Fire Safety Certificate under the EP&A Regulation, you must ensure these are met through a modification to the initial application.

Further information relating to building fire safe developments can be found on the Fire and Rescue NSW website.

<https://www.fire.nsw.gov.au/page.php?id=9140>

Further information about Fire Safety can also be found in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2021-0689>

### *Contaminated land and materials*

The potential for workers to be exposed to contaminants during construction works should be minimised through the development and implementation of a construction WH&S management plan including induction procedures.

Asbestos contamination is widespread in urban areas in NSW, and you should be aware of the dangers associated with handling asbestos material that may unknowingly be present on the site.

If asbestos is found during work, ensure the removal, transportation and disposal, regardless of quantity, is carried out in a safe and professional manner. Further information and regulation around handling asbestos can be found here

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace
- Safe Work Australia Code of Practice - How to Safely Remove Asbestos
- Protection of the Environment Operations Act 1997; and



- Protection of the Environment Operations (Waste) Regulation 2014

If contamination is unexpectedly found during works, all work should cease and the consent authority and the Environmental Protection Authority (EPA) should be notified as soon as possible and consider if a Remediation Action Plan (RAP), or amendment to an approved RAP, is required.

If contamination occurs as result of works, the local council or the EPA have the authority to issue clean up notices, and in some cases fines, so please ensure the RAP or waste management plan are followed appropriately.

#### *Virgin Excavated Natural Material – EPA advice, and applying for waste recovery exemption*

Virgin Excavated Natural Material (VENM) is undisturbed, uncontaminated, and chemically stable soil. If the development requires additional soil material, you need to provide evidence the soils is classed as VENM.

Information about soil classification can be found on the EPA website.

<https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

In addition to the above, you may want to use alternative fill material to VENM. You can apply for an exemption under the waste recovery framework to use a select list of materials as a substitute for VENM.

Further information about waste recovery exemptions can be found on the EPA website. <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework>

#### *Façade Preservation*

Your development consent requires you to protect the retained façade from the former shire offices from the impacts of the approved development.

You need to ensure that damage to the façade does not occur during the works. You need to show how this is going to be done in the Construction Environmental Management Plan.

#### *Noise*

Your Construction Environmental Management Plan needs to outline how the requirements of the EPA publication The Interim construction noise guideline (2009).

### **General Advice – Occupation**

#### *Occupation Certificate*

An Occupation Certificate is required before the development can be lawfully occupied or used as intended.

An Occupation Certificate confirms the development has been completed. Having an occupation certificate means you will be able to commence using the development for the occupation or as otherwise intended. You may not use the development as intended without an Occupation Certificate if one is required.

Further advice about Occupation Certificates is available on the Department of Planning and Environment's website.

<https://pp.planningportal.nsw.gov.au/post-consent-certificates/occupation-certificate>

*Licenses to operate/ Change of use*

You may decide to change the use of the completed development in the future. This may require a separate development application for the proposed change of use. Some changes of use may be approved as complying development. Some uses may also require additional inspections, licenses or approvals before the new use can start such as medical facilities, food and beverage providers or liquor and gambling outlets.

### **Useful contacts for further information**

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm or [info@service.nsw.gov.au](mailto:info@service.nsw.gov.au)

<https://www.planningportal.nsw.gov.au/basix>

Department of Fair Trading 13 32 20 <https://www.fairtrading.nsw.gov.au/>

Dial Prior to You Dig 1100 <https://www.1100.com.au/>

Long Service Payments Corporation 131441 <https://www.longservice.nsw.gov.au/> NSW

Information on asbestos and safe work practices.

<https://www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx>

Water Efficiency Labelling and Standards (WELS) <https://www.waterrating.gov.au/>

SafeWork NSW – Workplace Health and Safety Regulator

<https://www.safework.nsw.gov.au/> 13 10 51

icare – Insurance and Care NSW <https://www.icare.nsw.gov.au/>

SIRA – State Insurance Regulatory Authority <https://www.sira.nsw.gov.au/>