# Attachment A – Revised Draft Conditions - Development Consent DA 48/2023 New Shire Offices, at 33 Maitland Street Bingara (22 July 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 | C | Existing and Demo Site Plan | Struxi Design | 2 July 24 |
| 231967/DA/002 | D | Proposed Site Plan | Struxi Design | 2 July 24 |
| 231967/DA/003 | C | Locality and Parking Plan | Struxi Design | 2 July 24 |
| 231967/DA/005 | B | Stormwater Schematic | Struxi Design | 22 July 24 |
| 231967/DA/101 | B | Existing and Demo Floor Plan | Struxi Design | 31 Jan 24 |
| 231967/DA/102 | C | Proposed Floor Plan | Struxi Design | 2 July 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 | C | Demolition Staging Plans | Struxi Design | 2 July 24 |

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| --- | --- | --- | --- |
| **Document Title** | **Version Number** | **Prepared By** | **Date** |
| Amended Statement of Environmental Effects |  | Revolution Town Planning | 03 July 2023 |

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

1. **Signage**

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is ‘exempt development’ under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Reason: To ensure that any signage receives appropriate approvals.

# Part B – Before the issue of a Construction Certificate

1. **Landscaping Plan**

A detailed landscape plan prepared by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate and shall include:

1. Landscaping for the community forecourt and greenspace including street furniture comprising seating, tables and the like, to encourage people to gather and utilise the space as well as the car parking area adjoining Cunningham Street;
2. Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
3. Details of planting procedure and maintenance;
4. Landscape specification;
5. Details of drainage and watering systems;
6. Details of garden edging and turf; and

Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.Reason: To ensure landscaping is designed to complement the development

1. **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:

1. The location and materials for protective fencing and hoardings on the perimeter of the site;
2. Provisions for public safety;
3. Pedestrian and vehicular site access points and construction activity zones;
4. Details of construction traffic management including:
   1. Proposed truck movements to and from the site;
   2. Estimated frequency of truck movements; and
   3. Measures to ensure pedestrian safety near the site;
5. Details of any bulk earthworks to be carried out;
6. The location of site storage areas and sheds;
7. The equipment used to carry out works;
8. The location of a garbage container with a tight-fitting lid;
9. Dust, noise and vibration control measures including measures to comply with the EPA’s Interim Construction Noise Guideline (2009);
10. Measures to ensure that all demolition is in accordance with AS 2601-2001 Demolition of Structures, together with the relevant requirements of the NSW Work Health and Safety Act and Regulation (2011) and the Demolition Code of Practice (NSW Work Cover July 2015)
11. The location of temporary toilets;
12. 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;
13. Erosion and sediment control measure in accordance with *Managing Urban Stormwater: Soils and construction - Volume 14th edition* (The Blue Book)
14. Details of the measures taken to protect the retained façade from the former Memorial Hall from damage during the construction process.

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

1. **Long Service Levy**

Before the issue of the relevant construction certificate the long service levy 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

1. **Waste Management Plan**

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

The plan must be prepared in accordance with:

1. the Environment Protection Authority’s Waste Classification Guidelines as in force from time to time, and
2. include the following information—
   * 1. the contact details of the person removing waste,
     2. an estimate of the type and quantity of waste,
     3. whether waste is expected to be reused, recycled or sent to landfill,
     4. 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.

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

1. **Stormwater, utilities and services**

Before the issue of the relevant construction certificate:

1. written evidence of the following service provider requirements must be provided to the principal certifier:
   1. a letter from Essential Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
   2. 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.
   3. 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.

Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate. These plans shall detail drainage of the site, and connection to the public stormwater infrastructureReason: To ensure appropriate treatment of stormwater, and relevant utility and service providers’ requirements are provided to the certifier.

1. **Site Clearance Certificate – Contamination Status**

Before the issue of the relevant Construction Certificate, a site contamination clearance certificate confirming that the site the subject of DA24/2023 is suitable for the development 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.

1. **Paint Treatment**

Before issue of the relevant Construction Certificate, a schedule of paint colours for the former Memorial Hall façade to Council’s satisfaction shall be provided to the Certifier that draws on the historic period of the façade’s original construction.

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

1. **Operational Traffic Management**

Before the issue of the relevant Construction Certificate, an Operational Traffic Management Plan is to be prepared which addresses the following matters for the operation of the premises:

1. Safe movement of pedestrians within the site
2. Safe operation of delivery vehicles on the site
3. Collection of garbage outside the business hours of the development.

Reason: To improve traffic safety

1. **Parking**

Prior to the issue of the Construction Certificate, a plan demonstrating that all driveways, vehicular crossings, manoeuvring areas and car parking spaces have been designed in accordance with Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities) and AS 2890.6 (For spaces for persons with disabilities) shall be submitted to the Principal Certifier. This Plan shall also include the proposed line marking for car parking on Maitland Street and for all parking areas including areas to be reserved for large vehicle manoeuvring and emergency access as shown on plan 231967/DA/002D.Reason: To ensure that the parking provided is compliant with the standard and meets the likely demands of the development.

1. **Plant and Equipment**

Before the issue of the relevant Construction Certificate, an equipment plan shall be developed to the satisfaction of Council and provided to the certifier that indicates:

1. Locations of all mechanical plant and equipment (to minimize acoustic impacts)
2. Evidence that low noise equipment has been selected
3. The likely acoustic performance at the nearest sensitive receiver.

Reason: To ensure that the overall acoustic performance of the development minimizes the impact on sensitive receivers.

1. **Public Safety**

Before the issue of the relevant Construction Certificate, plans are to be amended to:

1. provide lighting to the community forecourt and the rear areas and Cunningham Street parking, to provide illumination to public areas when public movement is likely to occur. Such lighting is to be in accordance with AS 1158.3.1- 2020Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting — Performance and design requirements and AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
2. Show the provision of CCTV to public areas and spaces in accordance with AS4806-2006 – Closed Circuit TV (CCTV).

Reason: To improve public safety.

1. **Charging Station**

Prior to the issue of the relevant Construction Certificate details of the electrical design arrangements to facilitate electric vehicle charging in the car park, including provision for the charging of e bikes and mobility scooters, shall be submitted to the principal certifier.

Condition reason: To provide for future needs of the occupants.

1. **Fire Safety Measures**

Prior to the issue of a construction certificate, a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such a list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

Reason: To ensure that fire safety measures are compliant

1. **Structural details**

Prior to the issue of a construction certificate engineer's details prepared by a practising Structural Engineer are to be submitted to the Principal Certifier for approval. These details shall include all reinforced concrete work, structural beams, columns and other structural members (including the structural integrity of the remaining façade along Maitland Street). A copy shall be forwarded to Council where Council is not the PCA.

Reason: To ensure the structural integrity of the development.

1. **Access for Persons with a Disability**

Prior to the issue of a construction certificate details of access and sanitary facilities for persons with disabilities must be provided to the Principal Certifier in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1.

Reason: To ensure appropriate access for persons with disabilities.

# Part C – Before building work commences

1. **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.

1. **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

1. **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.

Reason: To ensure that statutory fee requirements are met.

1. **Road Opening Permit**

A permit under Section 138 of the Roads Act shall be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, prior to any physical works within the road reserve occurring.

Reason: To ensure that statutory approvals are in place prior to commencement of works.

1. **Demolition Notification Requirements**

The following notification requirements apply to this consent:

(a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

(b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

1. (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.**Before You Dig Australia**

The applicant shall contact “Before You Dig Australia” at https://www.byda.com.au/ to obtain a Service Diagram prior to the issuing of the Construction Certificate. The reference number for the enquiry obtained from “Before You Dig Australia” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Reason: To avoid damage to underground infrastructure.

# Part D – During building work

1. **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

1. for a relic – the Heritage Council; or
2. 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:

1. for a relic – the Heritage Council; or
2. 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.

1. **Hours of Site Work**

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

1. 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.
2. 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

1. **Implementation of the site management plans while site work is being carried out:**
   1. the measures required by the construction site management plan and the waste management plan must be implemented at all times, and
   2. 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

1. **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

1. **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

1. **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:

1. 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.
2. Any fill material imported to the site must be:
3. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
4. a material identified as being subject to a resource recovery exemption by the NSW EPA, or
5. 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.

1. **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:

1. All footings / foundations in relation to the site boundaries and any registered and proposed easements
2. 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

1. **Protection of existing façade**

The existing façade of the former Memorial Hall shall be protected during the construction works so as to ensure its ongoing stability and to avoid damage to the façade.

Reason: To protect the existing façade during the building works.

1. **Compliance with Construction Site Environmental Management Plan**

At all times during construction, the provisions of the Construction Site Environmental Management Plan shall be complied with.

Reason: To ensure that the Construction Site Environmental Management Plan is complied with during works.

# Part E – Before the issue of an Occupation Certificate

1. **Consolidation of Lots**

The site shall be consolidated into one allotment by a Plan of Consolidation prepared by a Registered Surveyor and is to include Lot 20 Sec 38 DP758111, Lot 1 DP 87721 and Lot A DP 156384. This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final Occupation Certificate.Reason: To ensure that the development can function without the requirement for rights of way across the existing lots.

1. **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)

1. **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

1. **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:

1. 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
2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and

a copy of the post-construction dilapidation report must be provided to the principal certifier and to the relevant adjoining property owner(s).

In the event that the post construction dilapidation report identifies damage, this is to be made good at the proponent’s cost in consultation with the affected landholders.

Reason: To identify any damage to adjoining properties resulting from site work on the development site and to require rectification if so occurring

1. **Removal of waste upon completion**

Before the issue of an occupation certificate:

1. 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
2. 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

1. **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

1. **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:

1. All stormwater drainage systems and storage systems, and
2. 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

1. **Management 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 managed and 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

1. **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

1. **: Public Safety and Security**

Access to the rear of the site is to be restricted by locking of the gate adjoining the community area off Maitland Street during non-business hours.

Reason: To improve safety and security of the site.

1. **Operational Traffic Management Plan**

The premises shall be operated in accordance with the approved Operational Traffic Management Plan.

Reason: To ensure the safe operation of the development

1. **Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained for the life of the development. Maintenance includes watering, weeding, removal of rubbish, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain the landscaping in accordance with the approved plans.

Reason: To ensure the maintenance of landscaped areas

1. **Noise Control**

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

Reason: To protect neighbourhood amenity

1. **Amenity of the neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To protect neighbourhood amenity

1. **Activities and storage of goods outside buildings**

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

Reason: To maintain the visual amenity of the premises

1. **Loading & Unloading of vehicles**

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading/unloading area.

Reason: To ensure the safe operation of the site.

1. **Entering & Exiting of vehicles**

All vehicles shall enter and exit the premises in a forward direction.

Reason: To ensure the safe operation of the premises

1. **Maximum Vehicle Size**

The maximum size of truck using the proposed development shall be limited to a Medium Rigid Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.

Reason: To ensure that vehicles operate within the limits of the site.

1. **Annual Fire Safety Statement**

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

1. Within 12 months after the date on which the fire safety certificate was received.
2. Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
3. An annual fire safety statement is to be given in or to the effect of Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
4. A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
5. **Operational Conditions**

The following conditions comprise the operational requirements under the Environmental Planning and Assessment Act 1979:

(a) Requirement for a Construction Certificate - The erection of a building must not commence until a Construction Certificate has been issued.

(b) Appointment of a PCA - The erection of a building must not commence until the applicant has appointed a PCA for the building work and if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

(i) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

(ii) notify the PCA of the details of any such appointment; and

(iii) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

(c) Notification of Critical Stage Inspections - No later than two days before the building work commences, the PCA must notify the consent authority and the Council (if not the consent authority) of his or her appointment and the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

(d) Notice of Commencement - The applicant must give at least two days’ notice to the Council and the PCA of their intention to commence the erection of a building.

(e) Critical Stage Inspections - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

(f) Notice to be given prior to critical stage inspections - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

(g) Occupation Certificate - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PCA appointed for the building work can issue the Occupation Certificate. An Occupation Certificate Application Form is attached for your convenience.

Reason: Statutory compliance

1. **Prescribed Conditions**

Pursuant to Section 4.17(11) of the Environmental Planning and Assessment Act 1979 and Sections 69 to 75 (inclusive) of the Environmental Planning and Assessment Regulation 2021, the following prescribed conditions are required to be imposed on this consent:

(a) Compliance with the Building Code of Australia (Section 69 of Regulations) - Development that involves building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.

(b) Erection of signs (Section 70 of Regulations) - It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out:

(i) showing the name, address and telephone number of the principal certifier for the work, and

(ii) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

The sign must be maintained while the building work, subdivision work or demolition work is being carried out, and removed when the work has been completed.

(c) Shoring and adequacy of adjoining property (Section 74 of Regulations) - If the development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, it is a condition of the development consent to protect and support the building, structure or work on adjoining land from possible damage from the excavation. If necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation is required.

* + - * 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 may require a monetary contribution towards shared public infrastructure such as parks or drainage infrastructure. Any such 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 – Demolition**

All demolition needs to comply with AS 2601 Demolition of Structures

**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) are to be implemented.

**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 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/