

## ADDENDUM REPORT

<b>PANEL REFERENCE &amp; DA NUMBER</b>	<b>PPSNTH-289 - DA2024/0096 – PAN-406775</b>
<b>PROPOSAL</b>	<p>Proposed construction of a shop top housing development, group home, and infill affordable housing.</p> <p>The project is inclusive of parking, waste management, landscaping, associated civil works, and removal of existing vegetation.</p>
<b>ADDRESS</b>	<p>Lot 155 DP 834821, Lot 156 DP 834821, Lot 157 DP 834821, and Lot 158 DP 834821</p> <p>146-152 Johnston Street CASINO NSW 2470</p>
<b>RECOMMENDATION</b>	Approval subject to conditions
<b>ADDENDUM MATTER</b>	<p>Amendments to the determination report as addressed by the panel, including:</p> <ul style="list-style-type: none"> <li>- errors on page 47 (car parking), and</li> <li>- errors on pages 19 and 22-23 - reference to State Environmental Planning Policy (Sustainable Buildings) 2022.</li> </ul> <p>Amendments to recommended conditions, including:</p> <p><b>APPLICANT</b> response to recommended conditions - Amendments to the recommended condition of consent including amendments to condition no. 2, 4, 8, 19, 52, 56, and 57, and the removal of condition no. 58</p> <p><b>PANEL</b> response to recommended conditions- Amendments to the recommended conditions of consent including amendments to conditions 1, 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 26i, 30, 37, 39, 41, 42, 44, 47, 49, 51, 56, 60, 65, 70, 72, 73, 74, and 76.</p> <p><i>Note: as a result of changes to the condition, condition numbering has changed throughout.</i></p>
<b>APPENDIX</b>	APPENDIX A: recommended conditions of consent (as amended)
<b>DATE OF ADDENDUM</b>	23 July 2024

Council completed their assessment and recommended the development application be determined by way of approval subject to conditions. The determination report and recommended consent conditions were uploaded to the Portal for submission on 12 July 2024.

Prior to submission of the recommended conditions, on 18 June 2024 a draft set of condition were tabled at Councils Development Assessment Panel Meeting (DAP), which formed the recommended consent conditions.

A copy of the (DAP approved) recommended condition was provided to the applicant for comment. Upon receiving their response, the applicant provided comment on a number of conditions, including condition no. **2, 4, 8, and 58.**

Council has been working with the applicant to resolve some minor disparities within the recommended conditions to which have been included in the addendum. As a result, changes to the recommended conditions of consent, to which the applicant agrees, include amendments to conditions no. 2, 4, 8, 19, 52, 56, and 57, and the removal of condition no. 58 in its entirety, **refer to table 1 below**.

*Table 1: Applicant and Council condition resolution*

<p><b>Condition 2 – AMENDED</b></p> <p><b>2. Fencing</b></p> <p>Fencing shall be design and constructed in accordance with the approved plans. The maximum height of any fencing, from natural ground level (NGL), inclusive of any fill and or retaining wall, shall be no higher than 2.2 metres. <del>except where the following applies:</del></p> <p><del>a) Clark Street Chiff Housing Lots 155 and 156 DP 834821:</del></p> <p><del>i. Fencing along the eastern boundary – up to 1.2 metres on the property boundary, and 1.5 metres setback 1 meter of the property boundary; and</del></p> <p><del>ii. Fencing along the southern boundary – up to 1.2 metres on the property boundary, 1.5 metres 0.6 metres of the property boundary, and 2.1 metres setback 1.5 metres of the property boundary.</del></p> <p><del>b) Johnston Street Core and Cluster Housing Lots 157 and 158 DP 834821:</del></p> <p><del>i. Fencing along the southern boundary – 2.2 metres setback 1.5 metres of the proposed boundary.</del></p> <p><del>c) Boundary fencing between Lots 155 and 156 DP 834821, and Lot 157 and 158 DP 834821, shall be no higher than 1.8 metres high, inclusive of any fill and or retaining walls.</del></p> <p><b>Reason:</b> <i>To provide acceptable streetscape, maintain amenity and privacy</i></p>
<p><b>Reason for amendment – condition 2</b></p> <p>The recommended plans for approval detail the proposed heights with the condition of consent stating that the fencing shall be designed and constructed in accordance with these plans, therefore further detailing is not required.</p> <p>A 2.2-metre-high fence provides the development with adequate security, particularly in relation to the shop top housing and ground home development, thus providing a level of security the proponent deems necessary for the site, while allowing for the development to be compatible with the surrounding area, particularly in relation to the Clark Street frontage and the adjoining residential developments.</p>
<p><b>Condition 4 – AMENDED</b></p> <p><b>4. Hours of operation of the commercial premise</b></p> <p>Hours of operation of the commercial premises are restricted to the following hours:</p> <ul style="list-style-type: none"> <li>• 7:00 am to 7:00 pm – Monday<del>s</del> to Friday<del>s</del></li> <li>• 8:00 am to 5:00 pm – Saturday<del>s</del></li> <li>• No operations are to be carried out on Sunday<del>s</del> or public holidays</li> </ul> <p><del>All ancillary residential administration (non-commercial) related activities are permissible 24/7.</del></p> <p>All deliveries, including loading and unloading, and the collection of waste and recyclables shall be carried out between the hours of 7:00 am and 5:00 Monday to Friday.</p>

**Reason:** To protect the amenity of the local area.

**Reason for amendment – condition 4**

This condition was intentionally left open for the proponent to include what the owner deemed necessary and appropriate to suit the operational needs of the development.

24/7 use for all ancillary residential administration related activities allows guests/residents to check in and or out at any time, particularly in the event of an emergency. Additionally, no-restricted operational hours allows relevant personnel including counsellors, doctors, etc. unlimited access to attend to residents should they be required to do so.

**Condition 8 – AMENDED**

**8. Crime Prevention Through Environmental Design (CPTED)**

The development shall be designed having regard to CPTED principles. In this regard, the following is to be provided:

- a) ~~Security~~ Fencing be provided to the entirety of the development;
- b) Access to the development will be limited to **authorised persons and visitors**, those residing in the residential units, and staff utilising the commercial component of the shop top housing development;
- c) The registered community housing provider is to manage who is permitted to access the site; and
- d) Security cameras are to be provided at the entrance and within the development.

Any of the identified security or target hardening measures implemented are to be maintained at all times.

**Reason for amendment – condition 8**

a) By including the word ‘security’ contradicts condition no. 2, particularly the approved plans where fencing along Clark Street is proposed to be 1.2m in height, *refer to condition 2 above and the reason for amendment.*

b) At the request of the applicant, the development permits management of access, but not restrict.

<p>Condition 19 – <b>REMOVED</b> and <b>REPLACED</b></p> <p><b>19. Lot Consolidation</b> (removed)</p> <p>Lot 155 and Lot 156 DP 834821, and Lot 157 and Lot 158 DP 834821 shall be consolidated into two larger allotments prior to the issue of a construction certificate.</p> <p><i><b>Reason:</b> To clarify what has been approved.</i></p> <p><b>19. Lot Consolidation</b> (replaced)</p> <p>Lots 155 and 156 DP 834821 are to be consolidated into one lot under one title, and Lots 157 and 158 DP 834821 are to be consolidated into one lot under one title. The plan of consolidation shall be registered with NSW Land Registry Services (formerly Land and Property Information (LPI)), prior to the issue of a Construction Certificate</p> <p><i><b>Reason:</b> To ensure associated allotments are consolidated prior to the commencement of building works.</i></p>
<p><b>Reason for amendment – condition 19</b></p> <p>Clearly outlines what is required, that being the consolidation of the required lots prior to issue of a Construction Certificate.</p>
<p>Condition 52 – <b>AMENDED</b></p> <p><b>51. Parking and allocation of parking</b></p> <p>Prior to the issue of any occupation certificate the applicable car parking spaces must be fully constructed and numbered in accordance with the following approved allocation:</p> <ul style="list-style-type: none"> <li>a) A total of 6 car spaces, plus 1 accessible car parking space to be allocated to the in-fill affordable housing development;</li> <li>b) A total of 2 car parking spaces must be allocated to the group homes development;</li> <li>c) A total of 4 car parking spaces, <del>including 1 accessible car parking space,</del> must be allocated to the residential component of the shop top housing development;</li> <li>d) A total of <del>3</del> 2 car parking spaces, <del>including 1 accessible car parking space,</del> must be allocated to the commercial component of the shop top housing development; and</li> <li>e) <b>A total of 2 accessible car parking spaces must be allocated to the shop-top housing and group home development.</b></li> </ul> <p><i><b>Reason:</b> To ensure adequate car parking spaces are provided to all residential components of the development.</i></p>
<p><b>Reason for amendment – condition 52</b></p> <p>The applicant sought confirmation that any amendment to the parking/site layout to comply with this condition will be thought the CC phase and would not require a section 4.55 application to be lodged.</p> <p>By re-wording this condition allows for the same number of parking spaces allocated to each component of the development application, while allowing the provision of 2 accessible parking spaces to be provided to the shop-top housing and group home development.</p> <p>No changes to the total number of car parking and accessible car parking spaces allocated/proposed.</p>
<p>Condition 56 – <b>AMENDED</b></p>

<p><b>56. Submission of applicable local telecommunications supply authority certifying documentation</b></p> <p>The production of written evidence from the local telecommunications supply authority prior to the issue of the <del>subdivision</del> Occupation Certificate certifying that the provision of telecommunications at the front boundary of the allotment has been completed.</p> <p>Unless agreed otherwise by Council an acceptable form is Telstra's "Telstra Network Infrastructure Letter" or NBN's "Provisioning of Telecommunication Services - Confirmation of final payment" letter.</p> <p><i>The NBN letter must reference:</i></p> <ul style="list-style-type: none"> <li>• Over which Lot and Deposited Plan the agreement applies to,</li> <li>• Identification of the number of lots to be serviced</li> </ul> <p>Alternatively, evidence of the pit and pipe infrastructure exemption is to be provided to Council prior to the release of the <del>subdivision</del> Occupation Certificate.</p> <p><i>Reason: To advise of the correspondence required to be obtained from the local telecommunications supply authority.</i></p>
<p><b>Reason for amendment – condition 56</b></p> <p>By removing condition no. 58 (subdivision certificate to be obtained) in its entirety resulted in a subdivision certificate not being required. Therefore, condition 56 is required to be complete prior to release of the occupation certificate.</p>
<p>Condition 57 – <b>AMENDED</b></p> <p><b>57. Electrical infrastructure</b></p> <p>A Certificate of Compliance from a relevant energy supplier shall be required confirming that it has provided electrical power to each lot, and adequate street lighting for the development as required by the Australian Standard and that charges for the extension of electricity supply have been paid prior to release of the relevant <del>subdivision</del> Occupation Certificate.</p> <p><i>Reason: To ensure adequate provision of utility services. (EPA Act Sec 4.15)</i></p>
<p><b>Reason for amendment – condition 57</b></p> <p>By removing condition no. 58 (subdivision certificate to be obtained) in its entirety resulted in a subdivision certificate not being required. Therefore, condition 57 is required to be complete prior to release of the occupation certificate.</p>
<p>Condition 58 – <b>REMOVED</b> (lot consolidation covered within condition 19)</p> <p><del><b>58. Submitting a Subdivision Certificate application</b></del></p> <p><del>Prior to registration of the Plan of Subdivision, a Subdivision Certificate shall be obtained. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Revenue Policy.</del></p> <p><del><i>Reason: To advise what documentation must accompany a Subdivision Certificate application.</i></del></p>
<p><b>Reason for removal – condition 58</b></p> <p>The development application does not require a subdivision certificate as the required lot consolidation can be achieved without development approval, however, is required to be complete prior to issues of the Construction Certificate.</p>

On 22 July 2024, the Panel provided a response by way of email, including a number of comments in relation to the determination report and recommended condition. The following comments included:

1. *The option for resident management (which was considered desirable and incorporated in a similar development recently considered by the Panel at Tamworth) is not specifically mentioned in the Assessment nor required by, for example, Condition 10. While noting the requirement for an emergency management plan (conditions 54 and 55), what is envisaged as the means for protecting residents and alerting management/Police especially if there is an incident outside office hours, sadly noting the recent tragic DV incident in the very same street in Casino, where there was a reported delay of one hour in Police attending and an alleged murder (<https://www.abc.net.au/news/2024-06-29/nsw-north-casino-police-critical-incident-woman-dead/104039794>).*

RVC response: This was not proposed as part of the development application, and therefore has not been included based on the assumption the proponent deem it not necessary based on what has been proposed. In respect to the panels comment and concern, this will be referred to the application for comment. If the panel deem it necessary, a condition of consent can be included.

2. *No heritage issues are identified. I assume there is limited potential for any Aboriginal heritage finds on site and Council concluded no unexpected finds protocol was warranted?*

RVC response: Additional condition provided by Councils Environmental Health Officers

**Discovery of relics and Aboriginal objects (added – during building works)**

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

**Reason:** *To ensure the protection of objects of potential significance during work*

3. *Note the report content re airborne hazard from the adjoining service station. Thank you. At our briefing I do recall the issue of fire risk was also raised, e.g. from any LPG tank etc. As I recall we just wanted to clarify that the fuel installations complied with the relevant Australian Standard or other safety requirements in connection with boundary setbacks to residential uses?*

RVC response: Councils Environmental Health Officers note there are no LPG tanks on site or above ground fuel storage systems. Underground petroleum storage systems (UPSS) only. Officers are satisfied with the airborne hazardous report provided, and notes the buildings are located a safe distance from the active service station. Further noting , reasoning as to why the carpark is located on the western boundary as opposed to the buildings.

4. I've noted the discussions re the issues of DCP parking and housing requirements. In the table at p. 49 concerning parking, the 'requirement' total in relation to the Land Use section should be 15, not 10, as per the discussion on the following page.

RVC response: Correct, this is an error. Table should identify what is required vs what is proposed, refer to amendment below.

Richmond Valley DCP 2021			
Land Use	Requirement		Proposed
Shot-top housing (Core Building)		4	4
• Resident	1 space per dwelling	1	1
• Visitor	1 space per 10 dwelling		
Commercial – office space at Core building (3-4 staff)	1 space per 30m <sup>2</sup> (GFA = 246m <sup>2</sup> )	8	3
Group home (cluster 1)	1 space per 10 beds	1	1
	1 space per 2 supervisors or carers	1	1
Total		<del>10</del> 15	10
Housing SEPP 2021			
Multi-dwelling housing (In-fill affordable housing)	0.5 space per dwelling (2 bed)	3	6
Total		3	6
On-street parking			
Johnston Street	Existing on-street parking	>4	0
Clark Street	N/A	-	-
Total		>4	>4
Overall total = 16 on-site + >4 on-street parking (Johnston Street)			

This is to be included in the amended determination report.

5. Also having regard to the assessment report, I'm wondering why there appear to be no conditions addressing:
- Asbestos removal/management & unexpected contaminant finds during construction (p.25, 60-61 of the AR)?

RVC Response: Additional condition provided by Councils Environmental Health Officer

<p><b>Unexpected Finds – Contaminated Land</b></p> <p>If unexpected soil and/or groundwater contamination is encountered during any works; all work must cease, and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines.</p> <p>Note: The environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard acceptable to Richmond Valley Council Environmental Health Officers</p> <ul style="list-style-type: none"> <li>EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).</li> <li>Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment &amp; Management' scheme (SSA CPSS CSAM).</li> </ul> <p>Prior to recommencement of works</p>
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If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines.  
The verification documentation must be provided to the satisfaction of the Principal Certifier and Richmond Valley Council Environmental Health Officers, prior to the recommencement of any works.

**Reason:** To ensure unexpected finds are managed appropriately to protect health and safety.

- b. Evidence of BASIX compliance before occupation per the Sustainability SEPP and the relevant provisions of the Regs? (nb SEPP BASIX 2004 mentioned at p.23 of the AR has been incorporated in the Sustainability SEPP in 2022)?

RVC response: Building comment - Yes this is correct, evidence is required for BASIX sign off. However, any certificate required as part of the OC will be requested for by the Principal Certifier as part of the CC. This is a matter for CC not DA

Page 22-23 of this report is an error. Report should reference the State Environmental Planning Policy (Sustainable Buildings) 2022, refer the amendment below.

**State Environmental Planning Policy ~~(Building Sustainability Index: BASIX) 2004 (Sustainable Buildings) 2022~~**

State Environmental Planning Policy ~~(Building Sustainability Index: BASIX) 2004 ('BASIX SEPP')~~ (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development. The application is accompanied by BASIX Certificate No. ~~1139640M\_02~~ 1731235M prepared by ~~Northrop Consulting Engineers Pty Ltd~~ Senica Consultancy Group Pty Ltd dated ~~29 September 2020~~ 20 December 2023, committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the ~~BASIX SEPP~~ Sustainable Buildings SEPP. The proposal is consistent with the ~~BASIX SEPP~~ Sustainable Buildings SEPP subject to the recommended conditions of consent.

Chapter 3 of the SEPP relating to the non-residential buildings is not considered to be applicable to the development, as the cost of works for the commercial component is less than \$5 million.

*This is to be included in the amended determination report.*

- c. Potential noise attenuation requirements in construction materials (see conclusion at p.66 of the Assessment Report)?

RVC response: Additional condition provided by Councils Environmental Health Officer

**Acoustic Treatment (added)**

All acoustic treatment recommendations presented in the Environmental Noise Impact Report prepared by Time Fitzroy & Associated dated 29 September 2023, must be incorporated into the design, construction and ongoing operation of the premises.


**Reason:** To preserve the environment and existing or likely future amenity of the neighbourhood.

In response to the above, where relevant the report has been amended to rectify the above.



In addition to the above, the panel provide comment on a number of council recommended conditions of consent, to which Council has provided the following response and amended the conditions where relevant. Refer to Appendix A for recommended conditions (as amended).

Table 2: Panel response to Council

<p><b>Condition 1</b></p> <p>Panel: <i>Date references on Waste Management Plan and BASIX Certificate are incorrect. Should be 8 January 2024 and 15 February 2024 respectively. Also, I could not see the BCA Assessment on the portal but perhaps missed it.</i></p> <p>RVC: Amended. No changes made to the date regarding the BASIX Certificate dated 20 December 2023, refer to image included.</p>	
<p><b>Condition 2</b></p> <p>Panel: <i>It appears all text after “no higher than 2.2m” is redundant.</i></p> <p>RVC: Amended, text removed.</p>	
<p><b>Condition 4</b></p> <p>Panel: <i>Is missing some times in the final paragraph; Query why there can be no operations on Sunday or public holidays given location on Johnston Street adjacent a petrol station which presumably does not have those constraints?</i></p> <p>RVC: Condition amended to include ‘All ancillary residential administration (non-commercial) related activities are permissible 24/7’ and added hours for deliveries including waste collection.</p>	
<p><b>Condition 7</b></p> <p>Panel: <i>couple of typos g) should be ‘damaged’; and h) should be ‘finding’</i></p> <p>RVC: Corrected</p>	
<p><b>Condition 8</b></p> <p>Panel: <i>(note typo in heading ‘CEPTED’) part (b) - Noting that the Applicant has seen the draft conditions (and possibly concurred), I still wonder how practical this is as written. I assume this means no invited guests in units, if so how is that enforced, and also is this for the whole complex (both proposed lots)? What about counselling/medical visits and the like, admin./govt./trades access to units, which I assume is the sort of thing envisaged by part (c)?</i></p> <p>RVC: Corrected and amended to include ‘authorised persons and visitors’</p>	
<p><b>Condition 9</b></p> <p>Panel: <i>should this refer to ‘these documents’ as there are responses from two agencies referenced?</i></p> <p>RVC: Amended - changed from ‘this’ to ‘these’.</p>	
<p><b>Condition 10</b></p>	

Panel: <i>suggest this could tie to c54</i>
RVC: Condition 10 removed and has now been include as part of condition 54
<b>Condition 12, 13, 14</b>
Panel: <i>suggest move to “during construction”</i>
RVC: Building comment - these are general conditions of consent and covers more than just during construction. E.g., material for landscaping as landscaping to be complete prior to OC, and fill material required prior to works commencing. Where relevant, conditions are broken down under relevant headings.
<b>Condition 15</b>
Panel: <i>should this be prior o CC?</i>
RVC: EHO comment – no changes
<b>Condition 19</b>
Panel: <i>noted consolidation into 2 lots as also suggested by the plans. Are the components of the project to be separately managed or is there another operational or legal reason why the site is not to be consolidated into <u>one</u> lot?</i>
RVC: To be confirmed by proponent
<b>Condition 20</b>
Panel: <i>agree this is a before CC issue as indicated by coming under Before Issue of a CC. However, text of 20 says “prior to works commencing”. Suggest it change to prior to CC</i>
RVC: Amended - changed to ‘prior to release of the CC’.
<b>Condition 21</b>
Panel: <i>suggest this does to Before Building Work Commences section</i>
RVC: Moved from prior to CC to Before Building works commence
<b>Condition 22</b>
Panel: <i>is “within close proximity” specific enough? Are there terms/distances specified by EE</i>
RVC: This is the exact wording from Essential Energy recommendations.
<b>Condition 23</b>
Panel: <i>heading - is “to be cross referenced” correct? Also, suggest this condition moves to During Construction. It also doubles up (although not quite consistent) with 12 which could perhaps be deleted –</i>
RVC: Amended, removed ‘to be cross referenced’ for heading
<b>Condition 24</b>
Panel: <i>suggest to move to During Construction</i>
RVC: EHO comment – moved to During Construction

<p><b>Condition 26i</b></p> <p>Panel: <i>suggest specifically reference industrial noise policy as relevant</i></p> <p>RVC: Building comment – this is about construction works and relates to the actual development whilst being constructed. It is for the development to address construction requirements prior to CC. nothing to do with the road noise and related only to construction noise.</p>
<p><b>Condition 30</b></p> <p>Panel: <i>suggest merge with 14 and retain here. Could also add a iii) the recommendations of the Waste Management Plan dated 8 January 2024</i></p> <p>RVC: EHO comment - Two different conditions- one refers to the lawful disposal of waste the other refers to the ongoing management of waste.</p>
<p><b>Condition 37</b></p> <p>Panel: <i>seems loose. Suggest tie to stormwater plans/exact points?</i></p> <p>RVC: Development Engineers comment - There are 2 street frontages and no underground stormwater system, so dispersal of stormwater at separate outlets is necessary (a large single point of discharge is not feasible).</p> <p>The intention of leaving this condition relatively open is due to the fact that the installation and construction of infrastructure can often encounter unforeseen issues resulting in need to change/alter the works to be undertaken.</p> <p>If the stormwater plans are called in the consent condition, this will lock the developer into the required stormwater works with any change/alteration that may be required resulting in a formal modification to the DA.</p> <p>I will note that a future Section 138 Roads Act approval will be required before the installation of the stormwater infrastructure in the road reserve of Johnston Street (where the multiple outlets are proposed) due to the infrastructure to be installed (concrete box culverts), at this time Council will have the ability to condition for the exact works required with any change/alteration required assessed and approved outside of the DA consent, meaning a formal modification, re-advertisement and panel meeting(s) would not be warranted.</p>
<p><b>Condition 39</b></p> <p>Panel: <i>as there are a number of buildings it's possible they'll stage construction. Suggest this refer to "relevant construction certificate" at first bullet point. Also helpful to number rather than use bullet points –</i></p> <p>RVC: Building comment - yes, there is the potential for part cc's to be issued but the cc will only reference the relevant stage of building works.</p>
<p><b>Condition 41</b></p> <p>Panel: <i>comments similar to stormwater at 37. Query 'discharge to street gutter'. Is this the proposal and are Council's engineers satisfied? Should this be pre CC?</i></p> <p>RVC: Condition removed</p>

Engineers comment - This is fine and typical for the roof water condition, presume there will still be S68's for internal drainage as per usual (my S138 will only pertain to box culverts and outlets in road reserve).
<p><b>Condition 42</b></p> <p>Panel: <i>is last paragraph still relevant? TfNSW has commented?</i></p> <p>RVC: Development Engineers comment - Yes, Roads Act requires s138 application on classified roads to be forwarded to TfNSW for concurrence. The DA indicates the overall development, it does not include the detailed design and approval of plans for works that will occur in the road reserve.</p>
<p><b>Condition 44</b></p> <p>Panel: <i>typo - Saturdays.</i></p> <p>RVC: Amended, changed from 'Saturdays' to 'Saturday'.</p>
<p><b>Condition 47</b></p> <p>Panel: <i>does Council have a hoarding standard it wants to impose?</i></p> <p>RVC: Building comment - no</p>
<p><b>Condition 49</b></p> <p>Panel: <i>suggest this refers to in accordance with the construction site management plan which is required at c 26</i></p> <p>RVC: Building and EHO comment – no changes - generic amenity condition that extends beyond construction into operation stage</p>
<p><b>Condition 51</b></p> <p>Panel: <i>suggest this reads Registered Surveyor must survey the finished habitable floor level of the relevant building...</i></p> <p>RVC: Development Engineers comment - This is to ensure that the survey is undertaken during the building works, and not when the building is completed and too late to make adjustments. Council has previously experienced a house that was not checked during the initial construction , with the final survey showing the entire completed house was in fact 400mm too low.\</p>
<p><b>Condition 56</b></p> <p>Panel: <i>query. There's consolidation but not subdivision. Should this and 58 refer to Consolidation Certificate?</i></p> <p>RVC: replaced 'subdivision certificate' with 'occupation certificate' – condition 58 removed no subdivision certificate required</p>
<p><b>Condition 60</b></p> <p>Panel: <i>suggest reword as A final fire safety certificate must be provided to the Principal Certifier or Council prior to the issue of the Final Occupation Certificate. Each essential fire safety measure specified in the current schedule must be assessed by a properly qualified...As with potential for more than one Construction Certificate it might be appropriate to issue more than</i></p>

*one occupation certificate given there is more than one building? Suggest consent contains flexibility for “relevant” CC and OCs.*

RVC: Amended to include ‘before issues of the relevant final OC’.

#### **Condition 65**

Panel: *suggest delete. If final floor levels have been surveyed and certified during construction (refer c51), this seems redundant and onerous.*

RVC: Development Engineers comment - This is the final survey and certification of the floor level finally constructed. The during construction is an initial check only that construction is meeting the requirements.

This condition requires the registered surveyor to submit sufficient documentation to Council for our records, which is separate to the surveyor certifying the finished habitable floor level onsite via survey.

It is not a redundant condition, an improved definition would be the ‘second part’ of the floor level certification process.

I.e., the first part of the floor level certification process is C. 51 requiring the surveyor to survey the actual floor and certify that it meets requirements, second part is C. 65 requiring certification documentation to be submitted to and approved by Council in Council’s required format for record purposes.

This condition is to remain.

#### **Condition 70**

Panel: *suggest tie to the Waste Management Plan which recommends bin types and sizes*

RVC: EHO comment – removed as can be covered in condition no. 79

#### **Condition 72**

Panel: *should this be ‘terraces’ (plural)*

RVC: amended – The Terraces are not to be enclosed by any means unless prior consent is obtained.

#### **Condition 73**

Panel: *suggest this be explicit in requiring AFSS to be prepared by a suitably qualified person.*

RVC: amended - The owner of the building must provide Council an annual fire safety statement in relation to each fire safety measure implemented in the building. The annual fire safety statement **prepared by a suitably qualified person** is to be given within 12 months after which the last fire safety certificate statement was given. A copy of each statement is to be given to the Commissioner of New South Wales Fire Brigades and a further copy is to be prominently displayed in the building.

#### **Condition 74:**

Panel: *suggest tie this to requirement for Operational management Plan and be consistent with that.*

RVC: EHO comment – standard condition typically seen at RVC

**Condition 76**

Panel: *are we satisfied that 76 ( a fairly standard condition) does not hinder achievement of police recs at 7?*

RVC: EHO comment - Yes - intent of condition 76 is to ensure lights does not cast onto adjoining land creating a nuisance to neighbouring or adjacent premises.

**APPENDIX A – Draft DA Conditions prior to Consent** – refer to attached conditions uploaded in the portal.

*As amended conditions include one document including ‘track changes’ to clearly show where changes have occurred, and the other document being the as amended draft conditions recommended.*