

ATTACHMENT A

DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. The development must be carried out in accordance with the documents listed below, except where amended by other conditions of this consent.
 - Architectural Drawings Package Dunn & Hiram Architects.
Job No. 19_315 Drawings:
 - DA 01-00 Rev B 20/04/2022
 - DA 01-01 Rev C 20/04/2022
 - DA 01-02 Rev C 20/04/2022
 - DA 01-03 Rev C 20/04/2022
 - DA 01-04 Rev A 20/04/2022
 - DA 01-05 Rev A 20/04/2022
 - DA 01-06 Rev A 20/04/2022
 - DA 01-07 Rev A 20/04/2022
 - DA 01-10 Rev A 20/04/2022
 - Arboricultural Impact Assessment prepared by Wade Ryan Contracting, Revision 22/04/2022 pages 1-6.
 - Draft Landscape Plan prepared by Somewhere Landscape Architects, Project J581 drawings L01, L02 and L03.
 - Stormwater and Civil Services drawings prepared by JHA Services Job No. 210032. Drawings C000 Rev P4, C100 Rev P7, C101 Rev P7, C102 Rev P3, C110 Rev P5, C111 Rev P5, C112 Rev P5, C113 Rev P5, C114 Rev P6, C201 Rev P4, C300 Rev P5, C301 Rev P4, C400 Rev P4 issued 14/04/2022.
2. In the event of any inconsistency between conditions of this consent and documents referred to above, the conditions of this consent prevail.
3. The applicant must ensure that all obligations under the *Building and Construction Industry Long Service Payments Act 1986* have been satisfied prior to the issue of a Construction Certificate and/or commencing any work approved by this consent.
4. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
5. This development consent lapses unless building, engineering or construction work relating to the development is physically commenced on land to which the consent applies before the date that is five (5) years from when this consent operates.
6. If, at any time, Council is aware of environmental impacts resulting from the construction of the proposed development that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, Council may order the applicant to cease activities causing impact until all concerns have been addressed to the satisfaction of Council.
7. The design, construction and fit-out of food premises must comply with Australian Standard 4674-2004.
8. The applicant must implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.

9. The construction of the building, the subject of this development consent must not commence until:
- A Construction Certificate has been issued.
 - A principal certifier has been appointed.
 - A notice of intention to commence work has been issued to Council as the consent authority.
10. The building work subject to this consent must be carried out in accordance with the requirements of the Building Code of Australia.
11. Construction work on the site must only be carried out between the hours of 7.00am and 8.00pm, Monday to Saturday inclusive and 8.00am to 8.00pm on Sundays or Public Holidays.
12. All plumbing and drainage (water supply, sanitary plumbing and drainage, stormwater drainage and hot water supply) are to comply with the *Plumbing and Drainage Act 2011*.
13. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, identifying the following:
- the name, address and telephone number of the principal certifier for the work,
 - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the work is being carried out but must be removed when the work has been completed
14. All external lighting is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.
15. Approval must be obtained under Section 138 of the *Roads Act 1993* to carry out works on or within a public road from the appropriate roads authority prior to the work commencing.
16. The development must be carried out in general accordance with relevant requirements of Managing Urban Stormwater: Soils and Construction (4th Edition, Landcom 2004), commonly referred to as the “Blue Book”.
17. Appropriate site security fencing shall be erected to restrict unauthorised access to construction work sites.
18. Before the issue of a relevant Construction Certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier’s satisfaction, that it complies with:
- a) AS/NZS 2890.1 - 2004 (off-street car parking)
 - b) AS/NZS 2890.6 - 2009 (off-street parking for people with disabilities)
19. It is a condition of this consent that the s7.12 levy must be paid to Council in accordance with the *Cobar Local Infrastructure Contributions Plan 2012* (the Plan). The levy payable is 1% of the estimated cost of carrying out the development. The levy payable is \$75,100.00 (non-taxable supply) based on the estimated cost of the development as submitted with the application and it is subject to indexation in accordance with clause 2.18 of the Plan being payable prior to the issue of a construction certificate.

- 20.** Prior to the issue of a Construction Certificate the following Section 64 water and sewer charges (pursuant to the *Local Government Act 1993* and Cobar Shire Council Development Servicing Plans for Water Supply and Sewerage 2013) must be paid. The charges payable are based on 7.14 Water Equivalent Tenements and 11.9 Sewer Equivalent Tenements. For the 2022/2023 financial year the charges are:

Water Supply: \$9,889.00 (non-taxable supply)

Sewer Supply: \$13,054.00 (non-taxable supply)

Note: In accordance with the Plan these charges are subject to indexation each financial year.

- 21.** Before commencing work on site, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters as relevant to the subject construction site:

- Location and materials for protective fencing and hoardings to the site perimeter on the site
- Provisions for public safety
- Pedestrian and vehicular site access points and construction activity zones
- Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measure to preserve pedestrian safety in the vicinity of the site protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on developments sites and trees in adjoining public domain) (if applicable)
- Details of any bulk earthworks to be carried out
- Location of site storage areas and sheds
- Equipment used to carry out all works
- A garbage container with a tight-fitting lid
- Dust, noise and vibration control measures
- Location of temporary toilets or existing on-site toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

- 22.** Demolition works must be carried out in accordance with Australian Standard 2601-The demolition of structures
- 23.** All waste materials are to be removed from the site and deposited at an approved landfill site. Particular care and attention are to be paid to the disposal of any waste containing lead paint or other hazardous materials.
- 24.** It is a condition of this consent that the management recommendations detailed in Section 3 of the Aboriginal Due Diligence Assessment Report – Cobar Childcare Centre and Ward Oval Masterplan project prepared by OzArk Environmental and Heritage (Report item 3364, Version 3.0 Final 29/06/2022) must be implemented.
- 25.** Prior to the issue of an Occupation Certificate the applicant must provide to the principal certifier written advice from the plumbing regulator (currently Cobar shire Council on behalf of NSW Fair Trading) that the development has been finalised relative to the *Plumbing and Drainage Act2011*; including but not limited to:
- a. plumbing and drainage work notifications,
 - b. inspections of plumbing and drainage work and
 - c. supply of certificates and plans.

- 26.** A separate application or applications shall be lodged with Council for approval under s68 of the *Local Government Act 1993* to carry out the activities listed below.

Table to s68 Local Government Act 1993

Part B Water supply, sewerage and stormwater drainage work.

1. Carry out water supply work
2. Draw water from a council water supply or a stand pipe or sell water so drawn
3. Install, alter, disconnect or remove a meter connected to a service pipe
4. Carry out sewerage work
5. Carry out stormwater drainage work
6. Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

Part C Management of waste.

4. Dispose of waste into a sewer of the council.
- 27.** It is a condition of this consent that the core operating hours of the child care facility are between 6am and 7pm Monday to Friday with it being noted that staff may arrive before and depart after these hours for setup and cleaning purposes.
- 28.** Under the terms of this consent the use of the courtyard playground shall be limited to between 7am to 7pm Monday to Friday.
- 29.** It is a condition of this consent that the acoustic assessment of all mechanical plants shall continue during the detailed design phase of the project in order to confirm that any noise control measures will achieve the relevant noise criteria at the nearest noise sensitive receivers as recommended in the Noise Assessment prepared by JHA Services Project Number 210032 Revision B 29/07/2021.

Compliance with this condition to be verified by the principal certifier prior to issuing an Construction Certificate.

- 30.** It is a condition of this consent that an emergency and evacuation plan must be prepared prior to an Occupation Certificate being issued. The required plan needs to consider:
- The mobility of children and how this is to be accommodated during an evacuation.
 - The location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings.
 - How children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff-ratios.
- 31.** It is a condition of this consent that all civil works approved under s138 of the *Roads Act 1993* must be completed prior to occupying the Centre Based Child Care Facility and the issue of an Occupation Certificate.
- It is noted that the approved civil works must include the provision of an accessible parking space that complies with AS2890.5-1993 (on-street parking).
- 32.** Prior to the issue of an occupation certificate, the applicant must finalise the draft Plan of Management for the Cobar Early Learning Centre, dated 5 August 2021. The adopted Plan of Management (the Plan) must be in substantial accordance with the draft and include a

review provision. The Plan must be implemented at all times and communicated to stakeholders including; staff, parents and carers.

Under the terms of this consent the Plan is noted as being an available mechanism for managing the orderly and safe “drop off” and “pick up” of children, particularly at peak times.

REASONS FOR THE IMPOSITION OF THE CONDITIONS

1. To ensure the proposed development:
 - a) achieves the objects of the *Environmental Planning and Assessment Act 1979*;
 - b) complies with the provisions of all relevant environmental planning instruments.
2. To ensure the protection of the amenity of land adjoining and in the locality of the proposed development.
3. To minimise any potential adverse environmental, social or economic impacts of the proposed development.
4. To ensure the development does not conflict with the public interest.
5. To ensure the protection of public and environmental health.
6. To provide a safe and healthy environment for the occupiers of the premises.