

## Conditions

### **1. DEVELOPMENT GENERAL**

#### **1. DEVELOPMENT AS PER PLANS**

The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 - List of approved plans attached to DA No. 124/21 and the conditions of consent with the exception of the following development on the approved plans which are not approved;

- The Future Community Centre
- The Trailer Parking Compound
- The Future Roofed Carport with Solar Array

A separate Development Application is required for these developments.

#### **1A. OCCUPATION OF DEVELOPMENT**

Any person residing at the proposed development must comply with the definition of “seniors” in cl 82 of *State Environmental Planning Policy (Housing) 2021*, that is over 60 years of age (cl 82(a)), a resident at a facility at which residential care is provided (cl 82(b)) or have been assessed as being eligible to occupy housing for aged persons (cl 82(c) and/or are persons with a disability.

If the development is to be subdivided, a positive covenant is to be placed on the title for each lot indicating the limits on occupation imposed by *State Environmental Planning Policy (Housing) 2021*. Alternatively, if the development is not to be subdivided, the lease for occupation for each dwelling must include the limits on occupation imposed by *State Environmental Planning Policy (Housing) 2021*

### **2. STAGED DEVELOPMENT**

Development may be undertaken in stages with each stage completed in accordance with the approved plans and conditions of the consent. Prior to occupancy of each stage the works are to be completed to Council's satisfaction

### **3. CONSTRUCTION CERTIFICATE REQUIRED**

A Construction Certificate must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited Certifying authority certifying that the proposed works are in accordance with the Code of Australia PRIOR to any works commencing.

Note 1: No building, engineering or excavation work must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

Note 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia. This may entail alterations to the proposal so that it complies with these standards.

### **4. CONSTRUCTION CERTIFICATE (STAGED DEVELOPMENT)**

A Construction Certificate is to be obtained for each stage of the development where building works are required.

## **5. SUFFICIENT INFORMATION**

Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia. Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:

- a) Structure - Section B- (Part B1)
- b) Fire Resistance - Section C- (Parts C1, C2, C3)
- c) Access and Egress – Section D- (Parts D1, D2, D3)
- d) Services and Equipment – Section E- (Parts E1, E2, E3, E4)
- e) Health and Amenity – Section F- (Parts F1, F2, F3, F4, F5)
- f) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)
- g) Special Use Buildings- Section H- (Parts H1, H2, H3)

## **6. CC PLANS CONSISTENT WITH DA PLANS**

Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

## **7. EARTHWORKS**

Any earthworks (including any structural support or other related structure for the purposes of the development):

- a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- c) retained material must have a gradient of at least 5%, and
- d) must be constructed in accordance with the approved plans for such work(s).

## **8. PLUMBING AND DRAINAGE WORKS**

A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

## **9. STORMWATER/SEWER CONNECTION TO MAINS**

Prior to works commencing all plans and specifications relating to any proposed sewer or stormwater works to be carried out within the site and / or works proposed to be connected to Council infrastructure shall be submitted to and approved by Council. The development will not be permitted to connect and discharge into Council's mains, without these service drawings being approved by Council.

## **10. HOLD / WITNESS POINT SCHEDULE (ROAD)**

Forming part of this consent is a Hold/Witness Point Schedule. All witness and hold point are to be met otherwise works may be required to be removed and redone.

### **SCHEDULE OF HOLD AND WITNESS POINTS FOR CONSTRUCTION OF ROAD**

| PROCESS                             | HOLD/WITNESS POINT |
|-------------------------------------|--------------------|
| Notification of Work                | Hold               |
| Traffic Management Plan             | Hold               |
| Unsuitable material below fill      | Hold               |
| Unsuitable material below sub grade | Hold               |

|  |         |
|--|---------|
| Preparation and maintenance of sub grade | Hold    |
| Final pavement surface                   | Hold    |
| Preparation of pavement (sealing)        | Hold    |
| Spray rates                              | Hold    |
| Spraying                                 | Witness |
| Formwork                                 | Witness |
| Placing of concrete                      | Witness |
| Culvert bedding                          | Witness |
| Culvert back fill                        | Hold    |
| Sub soil drain                           | Hold    |

## **11. HOLD / WITNESS POINT SCHEDULE (WATER / SEWER)**

Forming part of this consent is a Hold/Witness Point Schedule. All witness and hold point are to be met otherwise works may be required to be removed and redone.

### **SCHEDULE OF HOLD AND WITNESS POINTS FOR CONSTRUCTION OF WATER/SEWER**

| PROCESS   | HOLD/WITNESS POINT |
|---|--------------------|
| Section 68 approval and required insurances (design and drawing approval)         | Hold               |
| Site preparation and clearing   | Hold               |
| Traffic Management Plan   | Hold               |
| Pipeline installation, pressure testing (w&s) and passed prior to backfilling     | Hold               |
| In case of sewer, junction details to be provided to Council                      | Hold               |
| Tracer wire installed, trench backfilled, compacted and any resurfacing completed | Witness            |
| Works as executed plans provided to Council                                       | Hold               |

## **2. PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE**

### **12. BASIX COMMITMENTS**

The commitments listed in the BASIX Certificate are to be placed on a copy of the plans. Two (2) copies are to be and submitted to Council prior to the release of the Construction Certificate.

### **13. ACCESS FOR PEOPLE WITH DISABILITIES**

Provision must be made in each independent living unit, on the site and to facilities and services nearby for:

- a) Access for people with disabilities to each independent living unit in accordance with the Building Code of Australia;
- b) Toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons residing in each independent living unit;
- c) Motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia;
- d) Access for people with disabilities within the development is to comply with Schedule 4 of *State Environmental Planning Policy (Housing) 2021*.
- e) Access external to the site is to be provided in accordance with cl 93(3) of *State Environmental Planning Policy (Housing) 2021* to services and facilities. Evidence is to be provided that the requirements in cl 93(b) and (c) are satisfied in relation to whether the access to the facilities and services in Deniliquin is available by "means of a suitable access pathway" (cl 93(3)(b)). This will require an assessment of existing footpaths and gutter crossings. This may require the provision of additional footpaths and gutter crossings to the facilities and services in Deniliquin. The provision of these facilities should be consistent with the staging of the proposed development.

Note: These matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

### **14. STRUCTURAL CONCRETE & STEELWORK**

Prior to the issue of a Construction Certificate details of all structural concrete and structural

steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practicing Structural Engineer.

## **15. STORMWATER PLANS**

Prior to issue of the Construction Certificate, plans are to be submitted to Council for approval for the control of stormwater from the roof and hardstand areas

## **16. FRAME AND TRUSS DETAILS**

Prior to the release of the Construction Certificate two (2) copies of the design details for the floor, frame, truss including frame bracing and tie down report must be submitted to the Principal Certifying Authority.

Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:

Structure - Section B- (Part B1)

- i. Fire Resistance - Section C- (Parts C1, C2, C3)
- ii. Access and Egress – Section D- (Parts D1, D2, D3)
- iii. Services and Equipment – Section E- (Parts E1, E2, E3, E4) iv.
- Health and Amenity – Section F- (Parts F1, F2, F3, F4, F5)
- v. Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5) vi.
- Special Use Buildings- Section H- (Parts H1, H2, H3)
- vii. Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)

## **17. LANDSCAPE PLAN**

A detailed landscape plan and legend showing all stages of the works shall be submitted and approved prior to the release of the Construction Certificate for each stage.

- a) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.
- b) The landscape plan is to provide details of proposed landscaping at the end of the roads entering the site from both entrances from Poitiers Street so that the view along the internal driveways from Poitiers Street terminates with a significant landscaped feature.
- c) The internal driveways from Poitiers Street are to be amended to provide at least two areas along each of these internal roads where the driveway width is reduced to a minimum 3.5m for a length of 5m to provide landscaping and reduce vehicle speed on these internal driveways. The two areas are to be on opposite sides of the driveway. The areas of reduced width on these internal roads are to be landscaped and details shown on the landscape plan.

## **18. LANDSCAPING – CONSTRUCTION**

Prior to the release of Construction Certificate, detailed construction plans for the landscape treatments for each stage and as documented in this Development Application shall be submitted for approval and be consistent with the overall landscape plan required by condition 17 and any other conditions relating to the provision of landscaping for the site and areas outside the site.

Detailed plans are to show all landscape treatments that include but are not limited to: Entry treatments, signage, tree planting, carparks, shrub planting, turfing, signage, paths, pavement treatments etc.

A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted. Plant species are to be identified by full botanical name. All plants

proposed are to be detailed in the plant schedule.

The detailed landscape construction plans are to include the quantity and location of any and all street trees proposed for installation as part of this development.

#### **18A. FENCING**

Boundary fencing to Harfleur Street, as part of Stages 2 and 5, shall consist of the same 2.1m high brickwork base wall and brick piers with capping as proposed for the Poitiers Street frontage and the Hardinge Street frontage except that the wrought iron infill panels can be replaced with solid panel to protect the open space areas of the properties that back onto Harfleur Street.

Note: This matter must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

#### **18B. INTERSECTION TREATMENT**

The intersection of the two internal roads where they form a T-intersection is to be treated in a manner that ensures the safety of vehicles and pedestrians using this T-intersection.

Note: This matter must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

#### **19. LONG SERVICE LEVY**

Prior to the issue of a Construction Certificate, Council must be satisfied that the amount of the long service levy payable under Part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect of the erection of the building, has been duly paid or if the levy must be paid by instalments, pursuant to Section 43 of that Act, the first instalment of that long service levy has been duly paid.

### **3. PRIOR TO COMMENCEMENT OF WORKS**

#### **20. NOTICE OF COMMENCEMENT**

The erection of the building the subject of this development consent must not be commenced until the person having the benefit of the development consent has lodged a notice of commencement form with Council as the Principal Certifying Authority for the work. This is to be lodged at least two days prior to commencing the building work.

#### **21. NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS**

Prior to the commencement of any residential building work within the meaning of the Home Building Act 1989 a contract of insurance must be in force in accordance with Part 6 of this Act.

**22. NOTIFICATION OF PRINCIPAL CONTRACTOR/ OWNER BUILDER** Residential building work within the meaning of the [Home Building Act 1989](#) must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the Principal Contractor, and
  - (ii) the name of the Insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an Owner-Builder:
  - (i) the name of the Owner-Builder, and
  - (ii) if the Owner-Builder is required to hold an Owner-Builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

### **23. SIGNAGE**

A sign must be erected in a prominent position on any site on which subdivision work is being carried out **PRIOR TO THE COMMENCEMENT OF WORK:**

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out but must be removed when the work has been completed.

### **24. RUBBISH AND DEBRIS**

Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

Note 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

Note 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

Note 3:

The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

### **25. EROSION AND SEDIMENT CONTROL**

Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.8 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

Note: All erosion and sediment control measures must be in place prior to earthworks commencing.

## **26. PROTECTION OF PUBLIC PLACES**

If the work involved in the erection or demolition of a building or structure:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Note 1: Any such hoarding, fence or awning must be removed when the work has been completed.

Note 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

Note 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

## **27. TOILET FACILITIES**

Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

Note 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

Note 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

Note 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

## **28. PLUMBING AND DRAINAGE WORKS**



A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works". Note:

A copy of the Notice of Works form can be found on Council's website.

### **29. CONDITION OF INFRASTRUCTURE FRONTING THE SITE**

Prior to works commencing on site Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb or gutter or footpath fronting the site. Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

### **30. WASTE BINS**

The builder / developer is to provide on-site waste bins for waste materials generated during construction and a bin with a tight-fitting lid for food scraps. Waste containers shall be maintained and regularly emptied.

### **31. WASTE REMOVAL**

Prior to commencing work on site, the builder/developer shall provide on-site waste bins for waste materials generated during construction. Alternatively, the builder / developer shall remove waste from the site on a daily basis and dispose of it at Council's waste disposal depot.

### **32. STREET TREE PLANTING**

Street tree planting is required along Poitiers Street, Harfleur Street and Hartinge Street frontages of the proposed development. Details of street tree planting including details of returfing the nature strips is to be provided as part of the landscaped plan required by condition 17. For street tree planting, the landscape plan should include the following:

- Retention of existing street trees
- Details of the street tree species to be planted
- Details of the root barrier system to be incorporated in the planting to ensure protection of infrastructure;
- Details of siting of the trees at suitable intervals ensuring adequate site distances are maintained from proposed and existing access points and road intersections; and
- Details of Council infrastructure ensuring that the proposed street trees are a minimum of 1.5m from Council sewer mains, water mains and stormwater pipes.

Landscaping of the nature strip in accordance with the approved plan is to be completed prior to the occupation of the proposed development.

### **33. PEDESTRIAN ACCESS Gateway – Harfleur Street and Hardinge Street frontage.**

Provision is to be made for a secure Pedestrian access gate to the Harfleur Street frontage as part of Stage 2 to allow residents to access the commercial complex to the north-west of the site. A further secure Pedestrian access gate to be made to the Hardinge Street frontage as part of Stage 5 to allow residents to access Hardinge Street. The access should be openable by way of key or secure access code only and shall be restricted to use by residents and maintenance staff only. Details of the proposed access gate shall be provided to Council for approval prior to the commencement of works for that stage of development.

## **4. DURING WORKS**

### 34. SEWER MAINS EXTENTION

Sewer mains must be extended to the site, at full cost to the developer, in accordance with Council's Development Manual. The works must be carried out by Council or a licensed approved contractor under Council supervision via a Section 68 Local approval.

### 35. BUILDING INSPECTIONS

If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.

| COLUMN 1           | COLUMN 2   |
|--------------------|--|
| Site Inspection    | When all earthworks (cut and fill) approved under this consent are completed (excluding earthworks that are exempt development) and prior to any footings being excavated on the subject site. The applicant shall contact Council to arrange for this inspection. |
| Footings           | When the footings have been excavated and all steel reinforcement has been placed in position.   |
| Slab               | When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.  |
| Bearers and joists | Prior to the laying of the floor.  |
| Wall frame         | When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.   |
| Roof frame         | When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.  |
| Wet areas          | When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.   |
| Drainage           | When the stormwater and roof water drainage system has been completed.   |

Note 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

Note 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

Note 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

### 36. DEVELOPMENT APPLICATION RECORD TO BE KEPT ONSITE

The Builder must at all times maintain, on the job, a legible copy of the plan and specification

approved with the Construction Certificate.

### **37. CONFORM WITH APPROVED PLANS**

Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

### **38. HOURS OF OPERATION**

The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

### **39. FIRE PRECAUTIONS**

During on site works, adequate fire precautions must be undertaken ensuring the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.

### **40. SOIL DISTURBANCE OBSERVATION**

During any soil disturbance or excavations, observation of soil material disturbed must occur. Where unconsolidated, odorous, noxious or stained soils are encountered, work must stop in that area. The impacted soils must be evaluated and where necessary remediated by an appropriately qualified environmental consultant prior to the recommencement of work.

### **41. EXCAVATIONS AND BACKFILLING**

All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

### **42. SECURITY FENCE**

A temporary security fence shall be provided to the perimeter of the site to prevent public access during the construction phase. The temporary security fence shall not be erected in the Council road reserve without Councils approval.

### **43. SECTION 138 ROADS ACT APPROVAL**

Prior to works or activities commencing within the road reserve, approval under Section 138 of the *Roads Act 1993* is required from Council.

A road opening application is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works. It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP.

### **44. PLUMBING INSPECTIONS**

A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

| COLUMN 1                | COLUMN 2  |
|-------------------------|---|
| Internal Sewer Drainage | When all internal plumbing and drainage work is installed and prior to concealment. |
| External Sewer Drainage | When all external plumbing and drainage work is installed and prior to concealment. |
| Stormwater Drainage     | When all external stormwater drainage work is installed and prior to concealment.   |
| Stack Work              | When all work is installed and prior to concealment.                                |
| Final                   | Prior to occupation of the building or structure.                                   |

#### **45. DUST SUPPRESSION**

Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.

#### **46. DISTURBED AREAS STABILISED**

All disturbed development areas shall be progressively stabilised and/or revegetated so that no development areas remain exposed to potential erosion damage for a period of greater than 14 days.

#### **47. PUBLIC ROADS MAINTAINED CLEAN**

The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

#### **48. SECTION 138 ROADS ACT APPROVAL**

Prior to works or activities commencing within the road reserve, approval under Section 138 of the *Roads Act 1993* is required from Council.

A road opening application is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works. It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP.

#### **49. VEHICLE LOADING / UNLOADING ONSITE**

For the purposes of safety and preventing obstruction, all vehicles being loaded and/or unloaded are to stand wholly within the site.

#### **50. ABORIGINAL FINDINGS**

If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.

#### **51. ABORIGINAL DUE DILIGENCE**

Advising: It is the responsibility of the applicant to ensure that all reasonable precautions are taken to prevent the occurrence of damage to Aboriginal objects. Applicants should be aware that if any Aboriginal objects are harmed during works they could be liable to prosecution under the strict liability offence of the National Parks and Wildlife Act 1974, unless they can demonstrate they have followed the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW".

Further information on the code is available at the Office of Environment and Heritage (OEH) website: [www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf](http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf)

#### **52. STREET TREE PLANTING**

The establishment of street tree/s in accordance with the approved plan referred to in condition No 32 shall be carried out at full cost to the applicant.

Works shall be carried out by Council or a contractor approved by Council. Works include the supply, planting and two years maintenance for each street tree. Street trees are to be supplied in pot sizes ranging from 45ltr to 100ltr dependant on availability, with 45ltr being the minimum pot size.

### **5. PRIOR TO OCCUPATION**

### **53. COMPLIANCE WITH BASIX**

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

### **54. FINAL PLUMBING INSPECTION**

A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

Note: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

#### **55. GUTTER LAYBACK REINSTATEMENT**

Two (2) new layback gutter crossings are to be provided to the Poitiers Street frontage as per the approved plan and the existing layback gutter crossing removed with the kerb reinstated over the redundant laybacks to Council's specification as outlined in Council's Development Manual.

#### **56. REPLACE REDUNDANT KERB LAYBACK**

Prior to issue of occupation certificate, the redundant kerb layback in Harfleur St shall be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's specification as outlined in Council's Development Manual.

#### **57. LANDSCAPING SCREENING**

The boundary of the site with frontage to Harfleur Street is to be screened with shelter screen tree planting. Details of the proposed plantings are to be submitted to Council for approval prior to the works being undertaken. The trees are to be maintained by provision of permanent drippers and a water supply line. Due consideration must be given to plant species utilised in landscaping and drought tolerant species are preferred. The landscaping must be maintained to Council's satisfaction.

Details are to be provided on the landscape plan (see condition 17)

#### **58. CONSOLIDATION OF ALLOTMENTS**

Lot 1 DP 732067 and Lot 2 DP1220715 are to be consolidated with into a single lot. This must be completed prior to the issue of an Occupation Certificate.

Note: Evidence of consolidation must be provided to Council

#### **59. SATISFY CONDITIONS OF APPROVAL**

Use of the site for the proposed development shall not take place until all conditions required, prior to commencement of work for this approval, have been satisfied.

#### **60. BASIX**

Prior to the issue of a Final Occupation Certificate, documentary evidence must be provided to the Principal Certifying Authority to demonstrate fulfilment of the commitments listed in BASIX Certificate for this development.

#### **61. SEALED DRIVEWAY**

Prior to issue of a Final Occupation Certificate a sealed driveway is to be constructed from the Council kerb to the property boundary. The driveway shall be in accordance with the specifications outlined in Council's Development Manual.

#### **62. OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained pursuant to Section 6.9 of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to

Council with all required attachments – failure to submit the completed

Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

Note: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

### **63. FINAL DOCUMENTS TO BE PROVIDED**

Prior to the issue of an occupation certificate, Council must be in receipt of the following documentation, relevant to this development;

1. BASIX/NatHERS Commitments Statement (signed by supervisor/builder)
2. Glazing Compliance Certificate
3. Waterproofing Compliance Certificate
4. Bushfire Compliance Statement
5. Certificate of Compliance – Electrical (including smoke alarms)
6. Certificate of Compliance – Gas (if available)
7. Termite Barrier Installation Certificate/s
8. Termite Barrier Installation Certificates Part A Part B
9. Copy of Durable Notice permanently fixed to building (or in meter box)
10. Registered Surveyor – Floor Height Confirmation
11. Certificate of Compliance – screw piers
12. Roof Truss Design Certificate
13. Section J Statement of Compliance
14. Final Fire Safety Certificate
15. Electrical Services Compliance Certificate
16. Mechanical Services Compliance Certification
17. Structural Engineer's Certification

Stormwater

Certificate of Compliance - LG Act 1993

1. Plumber's work-as-executed stormwater plan

Water

2. Certificate of Compliance

Sewer (Drainage)

3. Certificate of Compliance – Plumbing and Drainage
4. Plumber's work-as-executed drainage plan

- Justification for any missed critical stage inspection and supporting documentation

### **Reasons for conditions**

The conditions have been imposed for the following reasons:

1. To ensure compliance with the terms of the Environmental Planning and Assessment Act;
2. To ensure that appropriate environmental and amenity controls are in place for the construction of the proposed development and the operation of the use.
3. To ensure adequate services are available to service the development.



