**AMENDED DRAFT CONDITONS OF CONSENT**

**PART A – DEFERRED COMMENCEMENT CONDITIONS**

This is a deferred commencement condition in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until the following matters have been completed, to the satisfaction of Council:

1. Evidence to demonstrate that the required easement/s have been created and registered on title over Lot 24 DP1159420 (17 Mortimer Street, Mudgee) to facilitate stormwater drainage from the development.

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twenty-four (24) months of the date of determination.

If sufficient evidence of the satisfaction of the above matters is not received by Council within this timeframe, the consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

If sufficient evidence of the satisfaction of the above matters is received by Council within the above notified timeframe, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of the consent.

The development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

**Condition Reason:** To ensure stormwater can be legally disposed of from the development site.

**PART B – CONDITIONS OF CONSENT**

**APPROVED PLANS**

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

| **Title / Name:** | **Drawing No / Ref** | **Rev** | **Date:**  | **Prepared by:** |
| --- | --- | --- | --- | --- |
| **Architectural Plans** |
| Cover Page | 0001 | D | - | Integrated Design Group |
| BASIX Commitments | 0002 | A | 14/3/2024 | Integrated Design Group |
| BASIX Commitments | 0003 | A | 14/3/2024 | Integrated Design Group |
| Area Calculations | 0004 | D | 6/9/2024 | Integrated Design Group |
| Site Analysis | 0005 | A | 14/3/2024 | Integrated Design Group |
| Location Plan | 0100 | E | 6/9/2024 | Integrated Design Group |
| Site Plan | 0101 | E | 6/9/2024 | Integrated Design Group |
| Boundary Plan | 0102 | D | 6/9/2024 | Integrated Design Group |
| Waste Management Plan | 0103 | C | 6/9/2024 | Integrated Design Group |
| Floor Plan 01 | 1001 | B | 8/8/2024 | Integrated Design Group |
| Floor Plan 02 | 1002 | C | 6/9/2024 | Integrated Design Group |
| Floor Plan 03 | 1003 | B | 8/8/2024 | Integrated Design Group |
| Floor Plan 04 | 1004 | B | 8/8/2024 | Integrated Design Group |
| Floor Plan 05 | 1005 | B | 8/8/2024 | Integrated Design Group |
| Floor Plan 06 | 1006 | B | 8/8/2024 | Integrated Design Group |
| Type 1 | 1100 | A | 14/3/2024 | Integrated Design Group |
| Type 2 | 1101 | A | 14/3/2024 | Integrated Design Group |
| Type 3 | 1102 | A | 14/3/2024 | Integrated Design Group |
| Type 4B | 1103 | B | 8/5/2024 | Integrated Design Group |
| Type 5 | 1104 | B | 8/5/2024 | Integrated Design Group |
| Type 6A | 1105 | B | 8/5/2024 | Integrated Design Group |
| Type 6B | 1106 | B | 8/5/2024 | Integrated Design Group |
| Type 6C | 1107 | B | 8/5/2024 | Integrated Design Group |
| Type 7A | 1108 | B | 8/5/2024 | Integrated Design Group |
| Type 7B | 1109 | B | 8/5/2024 | Integrated Design Group |
| Type 7C | 1110 | B | 8/5/2024 | Integrated Design Group |
| Type 4A Plans | 1111 | B | 8/5/2024 | Integrated Design Group |
| Type 4A Elevations & Sections | 1112 | A | 8/5/2024 | Integrated Design Group |
| Site Section 01 | 3000 | B | 8/5/2024 | Integrated Design Group |
| Site Section 02 | 3001 | C | 6/9/2024 | Integrated Design Group |
| Site Section 03 | 3002 | B | 8/5/2024 | Integrated Design Group |
| Typical Road Sections | 3003 | B | 8/8/2024 | Integrated Design Group |
| Shadow Diagrams | 9100 | D | 6/9/2024 | Integrated Design Group |
| Overshadowing Impact | 9101 | A | 8/5/2024 | Integrated Design Group |
| Finishes Schedule | 9200 | A | 14/3/2024 | Integrated Design Group |
| **Civil Plans** |
| Schedule of Drawings | C01 | A | 19-07-23 | Barnson |
| Existing Site Plan | C01 | B | 07-02-24 | Barnson |
| Proposed Site Plan | C02 | D | 14-06-24 | Barnson |
| Proposed Road Plan | C03 | B | 07-02-24 | Barnson |
| Proposed Road Specification Plan | C04 | A | 19-07-23 | Barnson |
| Proposed Road #1 Plan and Long Section | C05 | A | 19-07-23 | Barnson |
| Proposed Road #1 Plan and Long Section (Cont.) | C06 | B | 07-02-24 | Barnson |
| Proposed Road #2 Plan and Long Section | C07 | A | 19-07-23 | Barnson |
| Proposed Road #3 Plan and Long Section | C08 | A | 19-07-23 | Barnson |
| Modified Flood Plan | C03 | B | 07-02-24 | Barnson |
| Proposed Stormwater Management Plan | C10 | C | 26-02-24 | Barnson |
| Proposed Stormwater Management Plan – Detail | C11 | D | 14-06-24 | Barnson |
| Proposed Stormwater Details | C12 | A | 19-07-23 | Barnson |
| Proposed Sewer Plan | C13 | A | 07-02-24 | Barnson |
| Proposed Sewer Details | C14 | A | 07-02-24 | Barnson |
| Proposed Water Reticulation Plan | C15 | B | 26-02-24 | Barnson |
| Proposed Water Reticulation Details | C16 | A | 07-02-24 | Barnson |
| **Landscape Plans** |
| Hardscape Plan (Sheet 1)  | LPDA23-269 | G | Aug 2024 | Integrated Design Group |
| Landscape Plan 1 (Sheet 2) | LPDA23-269 | G  | Aug 2024 | Integrated Design Group |
| Landscape Plan 2 (Sheet 3) | LPDA23-269 | G  | Aug 2024 | Integrated Design Group |
| Landscape Plan 3 (Sheet 4) | LPDA23-269 | G  | Aug 2024 | Integrated Design Group |
| Specifications & Details 1 (Sheet 5) | LPDA23-269 | G  | Aug 2024 | Integrated Design Group |
| Details 2 (Sheet 6) | LPDA23-269 | G | Aug 2024 | Integrated Design Group |
| **Documents** |
| Noise Impact Assessment | MAC231784-01RP1V2 | - | 15 May 2024 | Muller Acoustic Consulting |
| Memorandum re: Stormwater Mitigation on 10-12 Burrundulla Avenue Mudgee – Detailed Design | 123046 | - | 25 June 2024 | WMA Water |
| BASIX Certificate | 1739845M | - | 14 March 2024 | Eco Certificates Pty Ltd |
| Site Contamination Investigation | 40777ER01\_A | - | 9 June 2023 | Barnson |

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

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

**GENERAL**

1. For clarity, this development consent provides approval for multi dwelling housing and associated works, only.

**Condition Reason:** To provide clarity on what has been approved under the development consent.

1. All recommendations contained in the approved documents, shall be complied with prior, during and at the completion of the development, as required.

**Condition Reason:** To ensure compliance with the recommendations contained in approved supporting documentation.

1. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

**Condition Reason:** To ensure any works are carried out lawfully.

1. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

**Condition Reason:** To ensure surface water does not become a nuisance.

1. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.

No works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.

**Condition Reason:** To preserve the stability and structural adequacy of Council’s water and sewer mains, whilst ensuring access is readily available for maintenance and/or construction purposes.

1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the
*Building Code of Australia*.

It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 198*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia.*

In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

This section does not apply—

1. to the extent to which an exemption from a provision of the *Building Code of Australia*
or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
2. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

**Condition Reason:** Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

1. All building work must be carried out in accordance with the *Building Code of Australia.*

**Condition Reason:** Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.

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—

* 1. showing the name, address and telephone number of the principal certifier for the work, and
	2. 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
	3. stating that unauthorised entry to the work site is prohibited.

The sign must be—

1. maintained while the building work, subdivision work or demolition work is being carried out, and
2. removed when the work has been completed.

This section does not apply in relation to—

1. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
2. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

**Condition Reason:** Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

1. It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—
2. BASIX development,
3. BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Condition Reason:** Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

a. for work that requires a principal contractor to be appointed—

 i. the name and licence number of the principal contractor, and

ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,

b. for work to be carried out by an owner-builder—

1. the name of the owner-builder, and
2. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.

 If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

**Condition Reason:** Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

1. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.

**Condition Reason:** To comply with the Environmental Planning and Assessment Act

1. In accordance with the requirements of Essential Energy, a safe clearance of 4.3m measured horizontally is required to the centre line of the 22000 volt high voltage and 400/230 volt overhead powerlines which run along Burrundulla Avenue and George Street.

**Condition Reason:** To ensure safe clearance from overhead powerlines in accordance with Essential Energy requirements.

1. Fencing shall be provided to the development in accordance with the following requirements:

a) A 1.8 metre high screen fence is to be provided to all side and rear boundaries, behind the front building line.

b) A 1.8 metre high screen fence is to be provided between the private open space areas of the units.

c) all required fencing shall be provided prior to occupation of the dwelling unit.

d) all required fencing shall be maintained at all times.

e) fencing provided along property boundaries and between courtyards must not disrupt overland flow of stormwater and floodwater.

**Condition Reason:** To ensure adequate privacy to occupants and neighbours, and to protect the character of the surrounding area.

1. The principal private open space in the front setback associated with Unit 3 shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary. Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of ‘Colorbond’ or similar fencing of these is prohibited in favour of timber or masonry materials.

**Condition Reason:** To ensure adequate privacy to occupants, and to protect the character of the surrounding area.

1. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.

**Condition Reason:** To protect the character of the surrounding area.

1. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation and maintained for the life of the development.

**Condition Reason:** To ensure adequate facilitates are provided to occupants.

1. Clothes lines are to be located behind the front building line and obscured by fencing and/or landscaping.

**Condition Reason:** To protect the character of the surrounding area.

1. All external lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property, in accordance with Australian Standard 4282: Control of Obtrusive Effects of Outdoor Lighting.

**Condition Reason:** To protect the amenity of the surrounding area.

**Prior to Issue of CONSTRUCTION Certificate**

1. Prior to the issue of a Construction Certificate, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing $250,000 or more.

Note - The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.

Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the Long Service Levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

**Condition Reason:** To ensure the correct levy is paid in accordance with NSW State Government requirements.

1. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and Mid-Western Regional Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of any Construction Certificate. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

|  |
| --- |
| **Section 7.11 Contributions** |
| ***MUDGEE CATCHMENT*** |
|  | **Per studio or 1 bed dwelling** | **Proposed: 10** |
| Transport Facilities |  $3,039.00  | $30,390.00 |
| Recreation and Open Space |  $1,524.00 | $15,240.00 |
| Community Facilities |  $444.00 | $4,440.00 |
| Stormwater Management |  $390.00 | $3,200.00 |
| Plan Administration |  $695.00 | $6,950.00 |
| **Sub Total** |  **$6,022.00** | **$60,220.00** |
|  | **Per 2 or more bed dwelling**  | **Proposed: 37** **minus 1 x credit for existing lot.** |
| Transport Facilities |  $5,057.00  | $182,052.00 |
| Recreation and Open Space |  $2,541.00  | $91,476.00 |
| Community Facilities |  $740.00  | $26,640.00 |
| Stormwater Management |  $534.00  | $19,224.00 |
| Plan Administration |  $1,160.00  | $41,760.00 |
| **Sub Total** |  **$10,032.00** | **$361,152.00** |
|  |  |  |
| **TOTAL CONTRIBUTION:** |  | **$421,372.00** |

*Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.*

*Note – Council’s Mid-Western Regional Contributions Plan 2019 is available for perusal at Council’s Administration Centre at 86 Market Street, Mudgee or on Council’s website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.*

**Condition Reason:** To comply with legislative requirements.

1. A Notice under Section 306 of the Water Management Act 2000 shall be obtained from Mid-Western Regional Council prior to the issue of a Construction Certificate. The applicant is to apply for the s306 Notice, by way of written request to Council.

**Condition Reason**: To ensure a Notice under Section 306 of the Water Management Act 2000 is obtained.

1. Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.

The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.

**Condition Reason:** To ensure the property is adequately serviced and necessary approvals are obtained prior to works commencing onsite.

1. A detailed engineering design is to be submitted to and approved by the Certifier (ie Council or a private Certifier) prior to the issue of any Construction Certificate for the Development.The engineering design is to comply with Council’s Development Control Plan and the Standards referenced within Appendix B and D. Detailed plans shall be provided for the following civil works:
2. All internal access roads, driveways and footpaths.
3. Piped stormwater drainage.
4. On site detention structures.
5. Car parking and manoeuvring areas.
6. Servicing.
7. Earthworks and retaining wall as required.

**Condition Reason:** To ensure civil works are designed in accordance with the relevant Australian Standard and Council's DCP.

1. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S138 Roads Act Approval and prior to the issue of any Construction Certificate for the Development**.** The engineering design is to comply with Council’s Development Control Plan and the Standards referenced within Appendix B and D.

A S138 Roads Act Approval is required for but not limited to the following civil works:

1. Required road connections to George Street and Burrundulla Avenue.
2. Stormwater drainage works within the George Street frontage.
3. Any new concrete driveway access crossings.
4. Removal and reinstatement of any redundant access crossings.

*Note - no works can commence prior to the issue of the S138 Roads Act Approval.*

**Condition Reason:** To ensure consent is granted for all works in the road reserve in accordance with Council's Policy and Development Control Plan.

1. A Drainage Report prepared in accordance with the Institution of Engineers publication *Australian Rainfall and Run-off* shall be submitted to and approved by the Certifier (ie Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:
2. Drainage design for the proposed detention system must be accompanied by fully detailed runoff calculations by a suitably qualified professional Engineer.
3. Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
4. Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a **1.5/5/20/50/100** year event.
5. Drainage design must ensure that no stormwater runoff is permitted to discharge aver adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.

**Condition Reason:** To ensure drainage works are designed in accordance with the relevant Australian Standard, Australian Rainfall and Runoff and Council's DCP.

1. A copy of the Contractor’s public liability insurance cover for a minimum of $20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Construction Certificate. The insurance cover shall include the following:
2. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
3. Public Liability Insurance is to include Mid-Western Regional Council as an interested party.
4. The copy of the Contractor’s public liability insurance cover is to include the Certificate of Currency.

 **Condition Reason:** To ensure the contractor holds the appropriate level of insurance.

1. An Erosion and Sediment Control Plan is to be submitted to an approved by the Certifier (ie Council or a private Certifier) prior to the issue of a Construction Certificate. the Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:
2. Saving available topsoil for reuse in the revegetation phase of the development;
3. Using erosion control measures to prevent on-site damage;
4. Rehabilitating disturbed areas quickly; and
5. Maintenance of erosion and sediment control structures.

**Condition Reason:**  To ensure the site is effectively managed with respect to erosion and sediment control.

1. Details of the internal circulating driveways and car parking spaces are to be submitted to and approved by the Certifier (ie Council or a private Certifier), prior to the issue of a Construction Certificate. These details shall comply with the requirements of *AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking* and the relevant conditions of this development consent.

The plans shall include the provision of the following:

* A total of 93 off-street car parking spaces.

 **Condition Reason:** To ensure driveways and car parking spaces are designed in accordance with the relevant Australian Standard and Council's DCP and sufficient details are shown on the plans.

1. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Construction Certificate. The accesses are to be designed and constructed in accordance with Council’s Access to Properties Policy.

**Condition Reason:** To ensure consent is granted for all works in the road reserve in accordance with Council's Policy.

1. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.

**Condition Reason:** To ensure the works do not impact upon Council footway and road reserve areas.

1. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:
2. A plan view of the entire site and frontage roadways indicating:
3. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
4. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
5. The locations of proposed work zones in the frontage roadways.
6. Location of any proposed crane, concrete pump, truck standing areas on and off the site.
7. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
8. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
9. An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
10. The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
11. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
12. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
13. During excavation, demolition and construction phases, noise generated from the site must be controlled.
14. All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
15. During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
16. All traffic control plans must be in accordance with the RMS publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum for six (6) weeks prior to the activity proposed being undertaken.

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

1. To minimise overlooking to adjoining properties, the following windows which face adjoining properties are to have either an opaque finish, appropriate fixed screening 1.7m above the finished floor level or minimum sill height of 1.7m:
	1. West facing upper storey bedroom window of Unit 21 directly opposite Unit 4, 12 Denison Street.
	2. West facing upper storey bedroom windows directly opposite 21 George Street associated with Types 6A, 6B and 6C units (Units 26, 28, 31, 32 and 34).
	3. East facing upper storey living room windows directly opposite 8 Burrundulla Avenue associated with Type 4A dwellings above the garage (Units 40 and 45).

Plans are to be updated in relation to the above prior to the issue of a Construction Certificate.

 **Condition Reason:** To protect the privacy of adjoining properties.

1. The internal road system bounded by Burrundulla Avenue and George Street is to incorporate traffic calming device/s to ensure a low speed environment within the development.  Detailed design drawings in accordance with the relevant standards for the traffic calming device/s are to be submitted to and approved by the Certifier (ie Council or a private Certifier), prior to the issue of a Construction Certificate.

**Condition Reason:** To protect the amenity of the surrounding area and ensure traffic calming device/s are designed in accordance with the relevant standards.

**Prior to commencement of works**

1. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

a) A Construction Certificate has been issued by the Certifier (ie Council or an accredited certifier); and

1. A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
2. If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
3. At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

**Condition Reason:** Legislative requirement pursuant to Section 6.6 and 6.7 of the EP&A Act 1979

1. The site shall be provided with a waste enclosure (minimum1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE - ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

**Condition Reason:** To restrict pollution and protect the amenity of the neighbourhood during construction

1. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

**Condition Reason:** To ensure any utility relocation woks are carried out with out cost to Council and the requirements of the relevant authority.

1. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
2. diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
3. sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
4. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

**Condition Reason:** To ensure the site is effectively managed with respect to erosion and sediment control.

1. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (ie Council or the Principal Certifier), prior to the commencement of works.

**Condition Reason:** To ensure no substance other than rainwater enters the stormwater system and waterways

**DURING CONSTRUCTION**

1. The civil works associated with the S138 approval are to be inspected by Council to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
2. Installation of sediment and erosion control measures;
3. Water and sewer line installation prior to backfilling;
4. All subsoil and piped drainage prior to backfill;
5. Subgrade, subbase, base course layers and prior to installation of any kerb and gutter
6. Formwork and steel in place, prior to pouring of any concrete and
7. Practical Completion.

**Condition Reason:** To ensure the works are constructed in accordance with Council's Standards and hold point inspections are carried out.

1. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the water, sewer and stormwater works.

**Condition Reason:** To ensure the works are constructed in accordance with Council's Standards and hold point inspections are carried out.

1. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993)* and in accordance with the National Specification – Water Supply Code of Australia.

*Note: Council does not permit other bodies to insert new junctions into ‘live’ water and/or sewer mains. Please contact Council’s Operations Water and Wastewater Department by calling 🕿 1300 765 002 or 02 6378 2850 or by emailing* *council@midwestern.nsw.gov.au* *to obtain a quote for the connection of sewer (Private Works Order).*

**Condition Reason:** To ensure the servicing of the development in accordance with Council's standards.

1. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Sewerage Code of Australia.

*Note - Council does not permit other bodies to insert new junctions into ‘live’ water and/or sewer mains. Please contact Council’s Operations Water and Wastewater Department by calling 🕿 1300 765 002 or 02 6378 2850 or by emailing* *council@midwestern.nsw.gov.au* *to obtain a quote for the connection of sewer (Private Works Order).*

**Condition Reason:** To ensure the servicing of the development in accordance with Council's standards.

1. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

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

1. Site work must only be carried out between the following times –
* **7am** to **5pm** Monday to Saturday

No site work is permitted on Sundays or Public Holidays.

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.

**Condition Reason:** To protect the amenity of the surrounding area.

1. While site work is being carried out, noise and vibrations generated from the site must be managed in accordance with the recommendations of the approved Noise Impact Assessment.

**Condition Reason:** To protect the amenity of the surrounding area.

1. The development site is to be managed for the entirety of work in the following manner:
	1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
	2. Appropriate dust control measures;
	3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
	4. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Condition Reason:** To minimise the impact of the development and to ensure that appropriate facilities are provided.

1. The Applicant must minimise the dust generated by the development at all times.

**Condition Reason:** To protect the amenity of the surrounding area

1. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.

**Condition Reason:** To ensure the building work is consistent with approvals, endorsed plans, specifications and relevant documentation.

1. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

**Condition Reason:** To ensure work is carried out by an authorised person and comply with certain legislation and minimum standards.

1. 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.

**Condition Reason:** To require approval to proceed with building work following each critical stage inspection.

1. Any existing soils to be re-used on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the relevant EPA guidelines, including the *Waste Classification Guidelines (2014)*, to ensure that the soil is suitable for the proposed residential land use.

**Condition Reason:** To ensure soil re-used on site is not contaminated and is safe for future occupants

1. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority, (eg SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

*Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of wast*e.

**Condition Reason:** To ensure soil removed from the site is appropriately disposed of.

1. If unexpected soil contaminants are discovered during works which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the developer, which is agreed to by Council.

*Note – Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review and new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.*

**Condition Reason:** To ensure appropriate steps are taken in the event of unexpected soil contaminants found on site.

**Prior to Issue of OCCUPATION Certificate**

1. Prior to the issue of an occupation certificate, the developer shall obtain a Certificate of Compliance under Section 307 of the Water Management Act 2000, from Council.

Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

**Condition Reason:** To ensure a Certificate of Compliance is obtained.

1. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.

**Condition Reason:** To ensure compliance with the requirements of the consent.

1. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate number 1739845M issued on 14 March 2024 and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.

**Condition Reason:** To ensure a building is capable of using energy efficiently and water consumption is reduced.

1. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this development.

**Condition Reason:** To ensure water and sewer infrastructure is covered by appropriate easements.

1. Following completion of the civil works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
2. PDF; and
3. Dwg format or “Autocad compatible”
4. MapInfo tab files with individual layers, supplied in individual tables

All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of the Occupation Certificate.

**Condition Reason:** To confirm the location of works once constructed that will become Council assets.

1. The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

**Condition Reason:** To ensure compliance with Council's requirements.

1. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the use of the facility during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building(s) in a prominent location and kept up to date at all times.

The evacuation plan shall include recommendations on the installation of suitable “Road Subject To Flooding” signage at the George Street Site entry.

The management plan shall be submitted to and approved by Mid-Western Regional Council prior to the use / occupation of the development.

**Condition Reason:** To ensure safe evacuation of occupants from the site in the event of a flood

1. The developer shall arrange for the installation of suitable “Road Subject To Flooding” signage at the George Street Site entry in accordance with the approved Flood Evacuation Management Plan.

**Condition Reason:** To ensure appropriate warning signage is installed in accordance with the approved Flood Evacuation Management Plan.

1. 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.

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

1. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.

**Condition Reason:** To ensure compliance with Council's S68 approvals.

1. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

**Condition Reason:** To ensure runoff does not impact on the building or adjoining properties.

**OPERATIONAL / ONGOING**

1. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.

**Condition Reason:** To ensure the safe and efficient operation of the site.

1. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.

**Condition Reason:** To ensure the safe and efficient operation of the site.

**ESSENTIAL ENERGY GENERAL COMMENTS:**

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy’s records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure. Development Applications (essentialenergy.com.au)
4. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.
6. It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions.

**ADVISORY NOTES:**

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of an Occupation Certificate.

Please be advised that as a precondition to the granting of a Compliance Certificate, a monetary contribution may be required in accordance with Council’s Developer Servicing Plans 2008 (including indexation, where applicable). Where required, full payment shall be made to Council’s Administration Centre prior to release of the Occupation Certificate.

*Note – Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.*

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
3. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
4. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979.