

**Conditions of development consent—the Act, s 4.17(11)**

**Development generally**

Section 69: Compliance with *Building Code of Australia* and insurance requirements under the [Home Building Act 1989](#)

Section 70: Erection of signs

Section 74: Shoring and adequacy of adjoining property

Please refer to the NSW State legislation for full text of the above Sections under Part 4 Division 2 of the [Environmental Planning and Assessment Regulation 2021](#).

## **General Conditions which must be fulfilled**

### **1. Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. All conditions of consent must be fulfilled at the expense of the Applicant.

#### **Approved plans**

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Plan Title</b>                     | <b>Drawn by</b>                  | <b>Date of plan</b>            |
|--------------------|------------------------|---------------------------------------|----------------------------------|--------------------------------|
| RD25007            | Page 02-11 & 15-17     | Architectural Plans                   | Raymond Design                   | 18 <sup>th</sup> February 2026 |
| G37876R-02A        | A                      | Waste Management Plan                 | Traffix Group                    | 30 March 2026                  |
| G378764-01A        | A                      | Traffic Impact Assessment             | Traffix Group                    | March 2026                     |
| 24488K             | 1                      | Preliminary Site Investigation Report | Provincial Geotechnical Pty. Ltd | 17 <sup>th</sup> December 2025 |
| N/A                | N/A                    | Embodied Emissions Materials Form     | Efficient Energy Choices         | Not Dated                      |

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. The development must comply with the definition of a centre-based child care facility as outlined within the Wakool Local Environmental Plan (LEP) 2013. Under the LEP:

#### ***centre-based child care facility means—***

*(a) a building or place used for the education and care of children that provides any one or more of the following—*

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

*(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*

*but does not include—*

- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

No other use is permitted for the building unless prior consent by Council is obtained. All relevant Australian Standards must be complied with throughout the life of the development.

**Reason: To ensure all parties are aware of the approved plans and supporting**

documentation that applies to the development.

**2. Hours of operation**

The hours of operation for the business are:

- a) Mondays to Fridays, 6:30am to 6:30pm.

**Reason: To reduce any adverse impacts of the business on neighbouring properties.**

**3. Imported Fill Material**

Any imported fill must comprise either uncontaminated Virgin Excavated Natural Material (VENM)(as defined within the *Protection of the Environment Operations Act 1997*) or Excavated Natural Material (ENM)(as defined within the NSW EPA Resource Recovery Order '*The excavated natural material order 2014*').

**Reason: To ensure fill which is placed on the site is not contaminated and to comply with relevant EPA requirements.**

**4. Number of children in care**

The maximum number of children permitted under care on the premises must not exceed 90 at any one time.

**Reason: To ensure compliance with the Child Care Planning Guidelines.**

**5. Staff**

The maximum number of staff is limited to 16 persons.

**Reason: To ensure the approved activity is undertaken as per the application.**

**6. Essential fire safety measures**

In granting this consent, Council requires the essential fire safety measures, as determined by the Principal Certifier upon assessment of the Construction Certificate, to be installed and maintained to comply with the requirements of the Building Code of Australia. Before the issue of an Occupation Certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate must state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

- a) The measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- b) As at the date of the assessment the measure was found to be capable of functioning at a standard not less than required by the Schedule attached to the Construction Certificate.

**Note: Annual Fire Safety Statements must be submitted to Council and to the Commissioner of Fire and Rescue NSW (FRNSW) (<https://www.fire.nsw.gov.au/page.php?id=9418>) within each twelve-month period certifying the maintenance standard of the Essential Fire Safety Measure installed on the property. Please see the following link for further information regarding notification to FRNSW (<https://www.fire.nsw.gov.au/page.php?id=9157>).**

**Reason: To comply with the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).**

**7. Loading and unloading**

All loading and unloading associated with the development must be carried out within the site.

**Reason: To ensure such operations do not interfere with use of the adjoining road reserve.**

**8. Vehicle access and egress**

The internal access, parking and turning areas have been designed to accommodate cars and service vehicles only. No large vehicles such as semi-trucks or b-doubles are to enter the site. All vehicles must enter and exit the site in a forward direction.

**Reason: To provide safe movement of vehicles and pedestrians and to comply with Council's Development Control Plan.**

**9. Amenity protection**

The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:

- (a) The appearance of any buildings, works or materials used.
- (b) The parking or movement of motor vehicles.
- (c) The transporting of materials or goods to or from the site.
- (d) Noise, air and water discharges from the site.
- (e) Electrical interference.
- (f) The storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials.
- (g) Emissions or discharges into the surrounding environment including, from wastewater, sediment, dust, vibration, odours or other harmful products.

The Applicant must notify, at the earliest opportunity, Murray River Council of any incident which has caused, or threatens to cause, material harm to the environment, or affect the amenity of the neighbourhood. Within 7 days of the date of the incident, the Applicant must provide Murray River Council with a detailed report on the incident, and such further reports as may be requested.

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

**10. Security**

Any security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia and be connected to a security service.

**Reason: To ensure the use of the property does not detrimentally affect neighbouring properties.**

**11. Flood Planning Level**

The finished floor level of all habitable rooms must be constructed at least the height of the Flood Planning Level of 77.55m AHD (300mm above the 1 in 100 levee breach event flood level of 77.25m AHD).

**Reason: To ensure the development is not significantly impacted by flood events.**

**12. Flood-Compatible Materials**

All building materials, fixtures, electrical components, and services installed below the adopted flood level must be flood-compatible. Materials and components must be selected and installed to withstand inundation without posing safety risks or causing significant damage.

**Reason: To ensure public safety and improve the resilience of the development during flood events.**

**13. Engineering Guidelines**

The development must comply with Council's Engineering Guidelines for Subdivisions and Development Standards for all components unless otherwise specified by Council.

**Reason: To ensure the development is carried out in accordance with Council's Development Requirements.**

**14. Aboriginal Cultural Heritage**

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.
- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:
  - o Not further harm the object(s);
  - o Immediately cease all work at the particular location;
  - o Secure the area to avoid further harm to the Aboriginal object(s);
  - o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location;
  - o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
- If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the [\*Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales\*](#). All reasonable precautions must be taken to prevent damage to Aboriginal objects.

**Reason: To protect Aboriginal heritage and to ensure compliance with the [\*National Parks and Wildlife Act 1974\*](#).**

### **Compliance with Government Department conditions of consent**

#### **15. DCCEEW**

The Applicant must comply with all comments and requirements outlined in NSW Department of Climate Change, Energy, the Environment and Water correspondence (Dated 2 April 2026), attached to this Development Consent as Appendix 1.

**Reason: To ensure compliance with Department of Climate Change, Energy, the Environment and Water requirements.**

## **Conditions which must be fulfilled before the issue of a Construction Certificate**

### **16. Construction Management Plan**

Before the issue of a Construction Certificate, a Construction Management Plan must be prepared and submitted to Council. This must include (but not limited to) the following information:

- vehicle movements.
- parking of construction worker vehicles.
- delivery arrangements.
- noise and vibration mitigation.
- rubbish and waste removal.
- complaints handling, etc.
- How much material will be removed from site, and end location of this material.

**Reason: To ensure a Construction Management Plan is provided.**

### **17. Section 7.12 Levy Development Contribution**

Before the issue of a Construction Certificate, Section 7.12 Levy Development Contributions must be paid to Council. Section 7.12 charges are 1% of the cost of the development, including GST, which equates to **\$65,892.82**. Please see attached **Fee Invoice** for more information, and please contact Council's Administration for payment.

The subject Section 7.12 Levy Development Contribution is imposed under the Murray River Council Section 7.12 Levy Development Contribution Plan 2026, of which is available for inspection at Murray River Council's Moama office, 52 Perricoota Road, Moama NSW 2731, and on Council's website at [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au).

**Reason: To comply with Council's Development Contribution policies.**

### **18. Liquid Trade Waste**

Before the issue of a Construction Certificate, a Liquid Trade Waste Approval must be issued by Council. You can obtain an application to discharge Liquid Trade Waste from Council (Note: a fee on application submission will apply).

**Reason: To ensure compliance with Murray River Council Liquid Trade Waste Regulation Policy and State Government requirements.**

#### 19. Section 64 Servicing Charges

Before the issue of a Construction Certificate, Section 64 sewerage and water headworks charges must be paid to Council. The fees are charged and calculated in accordance with Council's Adopted Fees and Charges at the time the Development Application is determined. See below:

|                                                                                |                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DEVELOPMENT</b>                                                             | Child Care Centre - Barham                                                                                                                                                                             |
| <b>CONTRIBUTION RATE-</b>                                                      | 90 Students, 16 Educators<br>Total = 106 people<br>Water = 0.06 ET per person<br>Sewer = 0.10 ET per person                                                                                            |
| <b>SEWER-</b><br>Rate of 1 ET for 2026/27 Financial Year = \$5,596.50          | Sewer = 0.10 ET per person.<br>Applicable Sewer ET = $0.10 \times 106 = \mathbf{10.6 \text{ ET}}$<br>Charge in FY 26/27 = $10.6 \times \$5,596.50$<br>Charge in FY 26/27 = <b>\$59,322.90</b>          |
| <b>FILTERED WATER-</b><br>Rate of 1 ET for 2026/27 Financial Year = \$4,477.00 | Water = 0.06 ET per person,<br>Applicable Filtered Water ET = $0.06 \times 106 = \mathbf{6.36 \text{ ET}}$<br>Charge in FY 26/27 = $6.36 \times \$4,477.00$<br>Charge in FY 26/27 = <b>\$28,473.72</b> |
| <b>RAW WATER</b><br>Rate of 1 ET for 2026/27 Financial Year = \$448.00         | Water = 0.06 ET per person,<br>Applicable Raw Water ET = $0.06 \times 106 = \mathbf{6.36 \text{ ET}}$<br>Charge in FY 26/27 = $6.36 \times \$448.00$<br>Charge in FY 26/27 = <b>\$2,849.28</b>         |

Please see the attached **Fee Invoice** for more information, and please contact Council's Administration for payment.

**Reason: To comply with Council's Development Contribution policies.**

**20. Service Infrastructure Engineering Plans-**

Before the issue of a Construction Certificate, the applicant must submit detailed engineering plans for all proposed services, including filtered water, raw water, sewer and stormwater. All plans must comply with Council's Engineering Guidelines and be to the satisfaction of Council.

**Reason: To ensure all essential services are appropriately designed and approved prior to construction.**

**21. Stormwater Management Plan-**

Before the issue of a Construction Certificate, a Stormwater Management Plan must be prepared by a suitably qualified engineer and submitted to Council for approval. The plan must comply with Clause 4.2 of Council's adopted Engineering Guidelines for stormwater and must demonstrate that post-development stormwater discharge rates do not exceed pre-development discharge rates for storm events up to and including the 1% AEP event. Adequate on-site detention (OSD) must be provided. This plan must supplement the Service Infrastructure Engineering Plan.

**Reason: To ensure stormwater is appropriately managed and does not adversely impact neighbouring properties or Council networks.**

**22. Laneway Upgrade – Engineering Plans-**

Before the issue of the Construction Certificate, detailed engineering plans must be submitted for the upgrade of the laneway. The design must ensure adequate cover is provided over all existing sewer and water infrastructure and must comply with Council's Engineering Guidelines. All plans must be to the satisfaction of Council.

**Reason: To ensure the laneway upgrade protects existing infrastructure and is constructed to Council standards.**

**23. Noise control**

Before the release of a Construction Certificate, the Applicant must supply an Acoustic Assessment Report from an accredited acoustic engineer to Murray River Council for approval. If there are any changes required, these must be installed and maintained for the life of the development, in order to reduce noise to acceptable levels.

**Reason: To protect the amenity of the area and to comply with the [Protection of the Environment Operations Act 1997](#) and [Noise Policy for Industry 2017](#).**

**24. Flood Emergency Response Plan-**

Due to the flood-affected nature of the site, a Flood Emergency Response Plan (FERP) must be prepared and submitted to Council for approval before the issue of the Construction Certificate. The plan must outline evacuation procedures, triggers, and emergency management measures for the development.

**Reason: To ensure appropriate planning and response measures are in place to protect occupants during flood events.**

**25. Long Service Levy**

Before the issue of a Construction Certificate, the long service levy as calculated at the date of this consent, must be paid to the Long Service Corporation of Council under the *Building and Construction Industry Long Service Payments Act 1986*, Section 34, and evidence of the payment must be provided to the Principal Certifier.

**Reason: To ensure the long service levy is paid.**

## **Conditions which must be fulfilled before the commencement of any works**

### **26. Food Preparation Requirements**

Before the commencement of any construction works associated with areas used for the storage, preparation, handling or service of food, detailed plans and specifications must be submitted to and approved by Council's Environmental Health Coordinator. The plans must demonstrate compliance with the NSW Food Act 2003, the Australia New Zealand Food Standards Code and relevant NSW Food Authority guidelines.

Documentation must include details of the proposed layout, floor, wall and ceiling finishes, fixtures, fittings and equipment, including but not limited to food preparation benches, storage cupboards and shelving, hand wash basins, equipment washing sinks, food preparation sinks, floor wastes and drainage, splashbacks, refrigeration, cleaning facilities and all other food handling infrastructure. Construction of any food handling areas must not commence until written approval of the detailed plans has been obtained from Council.

**Reason: To ensure compliance with the NSW Food Act 2003.**

### **27. Registration as a fixed food premises**

Before the commencement of any food preparation activities, the childcare centre must be registered with Murray River Council as a fixed food premises in accordance with the *Food Act* 2003, and an inspection of the food premises must be conducted by Council's Environmental Health Coordinator to verify compliance with the Food Standards Code. Food preparation must not commence until the registration and inspection requirements have been satisfied.

**Reason: To ensure compliance with the NSW Food Act 2003.**

### **28. Construction Certificate**

A Construction Certificate must be **submitted to and approved by a nominated Certifier** before any building works taking place on the subject site. The Construction Certificate must be lodged via the [NSW Planning Portal](#).

**Reason: To comply with the Environmental Planning and Assessment Act 1979.**

### **29. Erosion and sedimentation controls in place**

Erosion and sedimentation controls must be installed and maintained on site in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book)(as amended from time to time).

**Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.**

### **30. Temporary water closet**

A temporary water closet accommodation must be provided onsite during construction. This facility must be located onsite to not create a nuisance to any adjoining properties.

**Reason: To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.**

**31. Water Services Connection**

Before the commencement of works, the proponent must apply to Council for a Water Services Connection.

**Reason: To ensure that appropriate approvals are obtained before works.**

**32. Section 68 Application**

An application under Section 68 of the Local Government Act 1993 must be lodged with Council via the NSW Planning Portal (**application fees apply**) and approved before the following works commencing on the site:

- **Part B** - To carry out water supply, sewerage and stormwater drainage work in accordance with Part B of Section 68 of the Local Government Act 1993.

Once the Section 68 approval has been granted, before any sanitary plumbing and drainage work or water supply work (up to the point of connection) is commenced, a Notice of Work (NoW) must be submitted to Council 48 hours **before works commence**. On completion of work, the licensed plumber/drainage must apply for an inspection (inspection fees apply) and a Certificate of Compliance (CoC) must be submitted to Council. A Sewer Service Diagram (SSD) must also be provided to Council upon completion of the drainage works.

**Reason: To comply with the Local Government Act 1993 and to ensure the installation of plumbing and drainage work is in accordance with Australian Standards and the Plumbing Code of Australia.**

**33. Payment of Fees**

Before any site work commences, the following must be paid to council and written evidence of these payments provided to the Principal Certifier:

- a) inspection fees.

**Reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.**

**34. Road Opening Permit**

Before the commencement of works, the proponent must apply to Council for a road opening permit.

**Reason: To ensure that appropriate approvals are obtained prior to works.**

**Conditions which must be complied with during works and in perpetuity**

**35. Vehicles during construction**

Vehicle access to the construction site must be restricted to a single, all-weather driveway. This access point must be stabilized and maintained until construction onsite is completed. Vehicles must be clean and free of debris before leaving the site. Deposited material may be ordered to be removed at the Applicant/operator's expense.

**Reason: To ensure sediment is not trafficked onto Council's road network.**

**36. Waste Containment**

Designated waste containment areas must be provided on site and maintained to prevent any windblown litter escaping from the site.

**Reason:** To comply with the [\*Protection of the Environment Operations Act 1997\*](#) and to preserve the environmental health and amenity of the adjoining area.

**37. Council property**

Any damage or deterioration to any Council property including footpaths, road reserves, or removal of any existing street trees, must be reinstated to its original condition at the Applicant's expense to the satisfaction of Council. Replacement tree(s) must be the same species and size as the one removed.

**Reason:** To maintain safe access for pedestrians and to protect the amenity of the area.

**38. Minimise dust and noise**

The Applicant must undertake measures to minimise dust and noise and ensure the impact on neighbouring properties is minimised. The operating noise level of plant and equipment during works must not exceed 5LAeq above the background noise level when measured at the boundaries of the premises. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

**Reason:** To minimise environmental and amenity impacts and to comply with the [\*Protection of the Environment Operations Act 1997\*](#), and to preserve the environmental health and amenity of the adjoining area.

**39. Time of construction work**

Work must not commence on the site before 7am on weekdays and Saturdays and 8am on Sundays and public holidays. All works must cease by 8pm on any day.

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

**40. Waste Management Plan**

The works must be undertaken in accordance with the submitted and approved Waste Management Plan. Every effort must be made to recycle or repurpose waste generated onsite.

**Reason:** To protect the natural environment.

## **Conditions which must be fulfilled before the issue of an Occupation Certificate or use of the development**

### **41. Occupation Certificate**

The Applicant must not allow or permit the building (or part of the building, in the case of alteration or additions) to be occupied or used, until:

- a) All conditions of this consent have been completed in full;
- b) An application for an Occupation Certificate has been completed and lodged with the Principal Certifier via the [NSW Planning Portal](#); and
- c) The Principal Certifier has issued an Occupation Certificate.

**Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).**

### **42. Landscaping**

Before the issue of an Occupation Certificate or use of the development, all landscape works must be completed in accordance with the stamped approved plan. Landscaping must be maintained:

- In accordance with the approved plan, and
- In a healthy state, and
- In perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising landscaping dies or is removed, it must be replaced with vegetation of the same species and the same maturity, as the vegetation which died or was removed.

**Reason: To ensure the site is appropriately landscaped.**

### **43. Car parking**

Before the issue of an Occupation Certificate or use of the development, all areas set aside of access and vehicle parking on the approved construction plans must be constructed to the satisfaction of the Council, including:

- (a) Surfaced with an impervious all-weather seal coat;
- (b) Drained in accordance with an approved stormwater drainage plan;
- (c) Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
- (d) Measures taken to prevent damage to fences or landscaped areas;
- (e) Provision of traffic control signage or structures as required;
- (f) Provision of signage directing drivers to areas set aside of car parking;

**Reason: To ensure there is suitable car parking on the site.**

### **44. Waste receptacle area**

Before the issue of an Occupation Certificate, an adequate waste receptacle area must be provided on-site to store all waste pending disposal. Such area must be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety and public convenience.

**Reason: To ensure a waste receptacle area is provided.**

**45. Fire Safety Certificate**

On completion of the erection of the building, and before the issue of an Occupation Certificate, the owner must provide Council with a Fire Safety Certificate certifying all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the Building Code of Australia.

**Note: Annual Fire Safety Statements must be submitted to Council and to the Commissioner of Fire and Rescue NSW (FRNSW) (<https://www.fire.nsw.gov.au/page.php?id=9418>) within each twelve-month period certifying the maintenance standard of the Essential Fire Safety Measure installed on the property. Please see the following link for further information regarding notification to FRNSW (<https://www.fire.nsw.gov.au/page.php?id=9157>).**

**Reason: To comply with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.**

**46. Emergency Management Plan**

Before the issue of an Occupation Certificate or use of the site, an Emergency Management Plan must be submitted to Council for approval. This plan is to include but is not limited to natural disaster risk management (e.g., bushfire, building fire, flooding etc.). The plan must outline in the event of a major flood (predicted to be greater than 1:10 ARI), the emergency contingency plan requires the sealing of the sewer inlets.

**Reason: To ensure an Emergency Management Plan is developed and approved.**

**47. Provision of Services-**

The development must be adequately serviced with filtered water, raw water, sewer, and stormwater before the issue of the Occupation Certificate. All services must be installed, connected, and fully operational to the satisfaction of Murray River Council.

**Reason: To ensure the development is appropriately serviced before occupation.**

**48. Water meters**

Before the issue of an Occupation Certificate, water meters must be connected to the property.

**Reason: To ensure availability of metered water to the site.**

**49. Laneway Upgrade – Completion of Works-**

All approved laneway upgrade works must be fully completed in accordance with the approved engineering plans and to the satisfaction of Murray River Council before the issue of the Occupation Certificate or use of the site.

**Reason: To ensure safe and compliant access infrastructure is in place before occupation.**

**50. Street number**

Street No. **41-43** has been allocated to this property. Upon completion of construction and before the issue of an Occupation Certificate or use of the site, this number must be clearly and permanently displayed on the wall of the building facing the street; or on a sign posted in a prominent position along the front boundary of the allotment.

**Reason: To ensure the site is adequately identified and to comply with the Local Government Act 1993.**

**51. Acoustics treatment**

Any works required because of the submitted Acoustic Assessment Report must be completed before the issue of the Occupation Certificate or use of the development and must remain for the life of the development.

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

## **Conditions which must be fulfilled before the release of a Subdivision Certificate**

### **52. Subdivision Certificate**

A Subdivision Certificate Application must be submitted to and approved by Council. The Subdivision Certificate Application must be lodged via the [NSW Planning Portal](#).

The application must include formal subdivision plans, an Administration Sheet and relevant Instrument Sheet. Easements must be shown over all services and covenants as required by the conditions of consent must be incorporated into the appropriate instruments.

Correspondence outlining how each relevant condition of consent has been met must be provided along with supporting documentation. The Subdivision Certificate is not released before all applicable conditions of consent for this development being complied with to the satisfaction of Council.

**Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).**

### **53. Conveyancing Act 1919 Instruments**

Before the issue of a Subdivision Certificate, a copy of an instrument prepared in accordance with the [Conveyancing Act 1919](#) must be submitted for Council's endorsement.

The instrument must contain the following:

- An access easement for vehicle access to the southern property (Lot 7 DP 1052096) must be registered in favour of the northern allotment (Lot 6 DP 758053) as per the stamped plans in order to allow access to the waste storage area of the proposed childcare.

The wording of the restriction must be to the satisfaction of Council before the release of the Subdivision Certificate.

**Reason: To ensure the development is carried out as assessed.**

### **54. Electricity**

The Applicant must provide both allotments with electricity at their own cost. A Notice of Arrangement (NOA) requested from the Distribution Network Service Provider (DNSP) being Essential Energy must be supplied to Council. The NOA will confirm a satisfactory electricity supply has been provided to each of the proposed lots within the development. The request for an NOA is to be made to the 'Contestable Works' section of Essential Energy.

It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity, which may include the payment of fees and contributions.

Alternatively, written correspondence/evidence outlining final agreement has been made between the electricity provider and the Applicant to provide electricity to each allotment must be obtained. The submitted written correspondence/evidence must be to the satisfaction of Council before the issue of a Subdivision Certificate.

**Reason: To satisfactorily service the lots created.**

## **Advice To Applicant**

### **Private covenants may apply**

The land subject to this consent may have restrictive private covenants applying to it. It is the responsibility of the Applicant and owner/builder to ensure private covenants are adhered to. In accordance with Section 3.16 of the [Environmental Planning and Assessment Act 1979](#), Council does not enforce or regulate private covenants and therefore accepts no responsibility for checking the compliance of development with such covenants.

**Reason: To advise of the details of Section 3.16 Suspension of laws etc by environmental planning instruments of the [Environmental Planning and Assessment Act 1979](#) and Section 1.9A of Council's Local Environmental Plans.**

### **Before You Dig Australia**

Underground assets may exist in the area subject to this application. In the interests of health and safety and to prevent damage to third party assets, please contact Before You Dig Australia at [www.byda.com.au](http://www.byda.com.au) before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting Before You Dig Australia, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care which must be observed when working in the vicinity of plant or assets on the relevant property by contacting Before You Dig Australia in advance of any construction or planning activities.

**Reason: To protect underground assets.**

### **Compliance with conditions**

It is the responsibility of the Applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent. Please contact Murray River Council on 1300 087 004 or [admin@murrayriver.nsw.gov.au](mailto:admin@murrayriver.nsw.gov.au) if there is any difficulty in understanding or complying with any of the above conditions.

**Reason: To ensure the Applicant is aware of their obligations.**

### **Compliance with legislation**

The development must be in accordance with the relevant provisions and Regulations of the [Biodiversity Conservation Act 2016](#), the [Fisheries Management Act 1994](#), the [Heritage Act 1977](#), the [Local Government Act 1993](#), the [National Parks and Wildlife Act 1974](#), the [Protection of the Environment Operations Act 1997](#), the [Roads Act 1993](#), the [Rural Fires Act 1997](#), the [Water Management Act 2000](#) and all other applicable legislation.

**Reason: To comply with relevant legislation.**

### **Offence to pollute waters**

The Applicant must take all necessary precautions and implement measures to prevent pollution of waterways during construction and operation of the development. The Applicant should be aware that under Section 120 of the [Protection of the Environment Operations Act 1997](#) it is an offence to pollute waters.

**Reason: To advise of NSW Environment Protection Authority requirements.**

**Disability Discrimination Act 1992**

It is the Applicant's responsibility to ensure compliance with the requirements of the [Disability Discrimination Act 1992](#) (DDA). Note: Compliance with the Building Code of Australia (BCA) does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.

**Reason: To comply with the [Disability Discrimination Act 1992](#).**

**Engineering Guidelines**

The Applicant must comply with Council's Engineering Guidelines for Subdivisions and Development Standards (as applicable) in conjunction with advice from Council.

**Reason: To ensure the development is carried out in accordance with Council's Development Requirements.**

**Water supply work, sewerage work and stormwater drainage work**

Water supply work or sewerage work which is plumbing and drainage work within the meaning of the [Plumbing and Drainage Act 2011](#) must comply with that Act and the regulations under that Act. Any water supply work or sewerage work which is not plumbing and drainage work under that Act, and any stormwater drainage work, must comply with the [Plumbing Code of Australia](#).

**Reason: Council and Statutory requirement of [Local Government \(General\) Regulation 2021](#).**

**Works in road reserve**

An application must be made to Council before constructing hard surface driveways, footpaths or the like on or over the road reserve. Any works in the road reserve, including landscaping, or the temporary placement of cranes etc. for installation of a moveable dwelling, require approval under Section 138 of the [Roads Act 1993](#). Please contact Council's Infrastructure Department for more information.

**Reason: To comply with the [Roads Act 1993](#).**

**Advertising signs**

Advertising signs, unless exempt development, must not be erected, fixed, painted or displayed without prior Council consent. All signs must be designed to complement development on-site and be always maintained in good order and condition.

**Reason: To ensure the development is carried out as assessed.**

**On-site accessible car parking space**

Under the Building Code of Australia, there may be a requirement for a minimum of one (1) on-site car parking space to be designed as an accessible car parking space. This requirement will be assessed at the Construction Certificate application stage by the Principal Certifier. If triggered, this on-site accessible car parking space must be designed in accordance with *Australian Standard 2890.6* and the Building Code of Australia.

**Reason: To advise the Applicant on-site accessible car parking space(s) may be required to be provided.**

**On-site toilet(s)**

Under the Building Code of Australia, there may be a requirement to provide toilets onsite (including accessible toilets). This requirement will be assessed at the Construction Certificate application stage by the Principal Certifier.

**Reason: To advise the Applicant on-site toilets may be required to be provided.**