

## SUPPLEMENTARY ANNEXURE – ITEM 20

### DRAFT CONDITIONS OF CONSENT

#### General Conditions

#### 1. Approved Plans and Supporting Documents

The development shall be carried out in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any modification application**. Where the plans relate to alteration or additions only those works shown in colour or highlighted/shaded are approved.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
1 Page	Site Plan	Owner — Ian Kable	Nil
1 page	Floor Plan	Owner — Ian Kable	Nil
1 page	Elevations	Owner — Ian Kable	Nil
Form 003	Statement of Environmental Effects	Owner — Ian Kable	6 June 2023
Bushfire Report	Bushfire Report	Owner — Ian Kable	Nil

**Note 1:** *Modifications to the approved plans will require the lodgment and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

**Note 2:** *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

**Note 3:** *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

*(Reason: To confirm and clarify the terms of consent)*

#### 2. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the Environmental Planning and Assessment Regulation 2021, must comply with the Building Code of Australia in all other respects.

*(Reason: Prescribed statutory control)*

### **3. Erection of Signs**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—

- (a) showing the name, address and telephone number of the principal certifier for the work,
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours,
- (c) stating that unauthorised entry to the work site is prohibited.

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

This does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

**Note:** Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (clause 227A currently imposes a maximum penalty of \$1,100 for non-compliance with this requirement).

### **4. Transportable Dwelling**

The proposed transportable dwelling is to be constructed in accordance with the requirements of the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

*(Reason: Legislative Requirement)*

### **5. Development Control Plan No 15**

Once the transportable dwelling has been placed on site, all work including external painting, is to be completed within a period of six (6) months.

Relocatable dwellings should be completed in accordance with the following timetable:

1. Building to be established on permanent foundations, piers etc within four (4) weeks of location on site.
2. Building to be re-joined, if cut for transportation, and made weatherproof within four (4) weeks of location on site.
3. Brick veneering, repairs to roofing, windows, doors, guttering etc to be completed within eight (8) weeks of placement on site.
4. All external painting, paths, steps and all other work, including landscaping, is required to complete the project to be carried out within twelve (12) weeks of delivery to site.
5. Building to be painted and fitted out internally, all plumbing and electrical work completed, and connection made to sewer septic tank, as appropriate, within twenty-six (26) weeks of commencement.

If the scope of work cannot be completed within the time period of six (6) months, the applicant should provide a written schedule of work with the application, giving an undertaking to have completed all upgrading work by mutually nominated date. Such schedule of work should be agreed upon by council and the applicant prior to submission of the development application.

If the building has not been completed in 6 months or the agreed time the applicant must submit to council a written application giving the reasons why the dwelling has not been completed in the time specified and specifying the period when the building will be completed. If reasonable reasons are not given council may commence legal proceedings under the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 for not building in accordance with the approval.

*(Reason: Council Requirement)*

## **6. Bush Fire Prone Areas**

The approved development is to incorporate the measures as set out in Australian Standard AS3959-2018 and the National Construction Code 2022 requirements relating to construction in bushfire prone areas.

*{Reason: Statutory requirement}*

## **7. Bush Fire Prone Areas - Construction**

The structure is to be constructed in accordance with the provisions of the publication "Planning for Bushfire Protection November 2019", and to a BAL 12.5 Bush Fire Attack Level (BAL) of construction under AS3959-2018 "Construction of buildings in bushfire-prone area"

*{Reason: Statutory requirement}*

### **Before issue of a construction certificate**

## **8. Home Building Act 1989**

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier 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 becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

*(Reason: Statutory Requirement)*

## **9. Site Safety Fencing**

Erect site fencing to a minimum height of 1.8m complying with Workcover Guidelines, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained. The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2021. The site shall be maintained in a clean and orderly condition during demolition and construction works.

*(Reason: Statutory & Public Safety)*

## **10. Principal Certifying Authority Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

*(Reason: Statutory Requirement)*

## **11. Toilet Amenities on Construction Sites**

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with SafeWork NSW requirements. Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

*(Reason: Statutory Requirement - Health and amenity)*

## **12. Erosion & Sediment Control**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must always be kept on site during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating prior to and during all construction works.

*(Reason: Environmental protection)*

## **13. Sewerage Work Approvals — Section 68 Local Government Act**

Prior to the commencement of works, the applicant is to obtain all relevant approvals to carry out sewerage work, from Cabonne Council and comply with any conditions of those approvals pursuant to Section 68 of the Local Government Act.

*(Reason: Statutory)*

### **During building work**

## **14. Construction Hours**

Construction work may only be undertaken during the following hours

<b>DAYS</b>	<b>HOURS</b>
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holidays	No work

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

*(Reason: Safety and amenity)*

## **15. Waste Management**

Requirements for waste management shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

*(Reason: Compliance with approval)*

## **16. Stormwater Discharge**

During construction, all roof water shall be conveyed to a water tank or street frontage, with the overflow of any tank directed 3m away. The work must be completed prior to the issue of an Occupation Certificate.

*(Reason: Stormwater Disposal)*

## **17. Prevention of Nuisances**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

*(Reason: Health and amenity)*

## **18. Plumbing and Drainage Works**

All plumbing and drainage work shall be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code AS3500.

*(Reason: Statutory requirement)*

## **19. Adjustment to Utility Services**

Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

*(Reason: Information)*

## **20. Contaminated Lands — Unexpected Finds**

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council's Development Services Department.

**Note:** Council may also request that an NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

*(Reason: To ensure compliance with Statutory Requirements)*

## **21. Obstruction of Road & Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless the written approval is obtained from Cabonne Council. A Penalty Infringement Notice may be issued for any offence.

*(Reason: Protection of infrastructure, safety & information)*

## **22. Heritage**

During construction, the development is to proceed with caution. If any Aboriginal objects are found, works should stop, and Heritage NSW contacted. If an Aboriginal relic is uncovered, work must cease immediately, and Heritage NSW must be contacted. All workers on the site are to be made aware of this condition.

*(Reason: Heritage)*

## **Occupation and ongoing use**

### **23. Occupation Certificate (Section 6.9 of the Act)**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part. The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

*(Reason: Statutory requirement)*

### **24. Damage to Public Assets**

Any damage caused to footpaths, roadways, utility installations, trees and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Applicant.

*(Reason: Safety & Amenity)*

## **25. Drainage Records**

To provide an accurate record of drainage works. The below listed records are to be submitted to Council prior to the release of the final Plumbing and Drainage Certificate. ANY OCCUPATION CERTIFICATE MUST NOT BE ISSUED until the final Plumbing and Drainage certificate has been issued by council. (Templates can be found on council's website [www.cabonnecouncil.nsw.gov.au](http://www.cabonnecouncil.nsw.gov.au)).

- Notice of Works,
- Certificate of Compliance, and
- Sewer Service Diagram drawn to the scale of 1 in 200 of drainage.

*(Reason: Statutory requirement)*

## **26. Access Compliance Certificate**

Council prior to any Occupation Certificate being issued for the dwelling must issue an Access Compliance Certificate for the access.

*(Reason: To ensure that safe and practical access is provided to the subject land)*

## **27. Bushfire Prone Areas Water And Utility Services**

Prior to the issuing of an Occupation Certificate, the provision of water, electricity and gas must comply with applicable requirements of Table 7.4a the NSW Rural Fire Service Planning for Bush Fire Protection 2019 (or as amended).

*(Reason: Statutory requirement and to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities)*

## **28. Water Supply (Residential Development)**

Prior to the issue of an Occupation Certificate, a minimum of 90,000 litres of tanked water supply for domestic consumption must be provided onsite. In addition to the domestic water supply, an additional 20,000 litres of water supply shall be reserved for firefighting purposes onsite.

Where the total volume is provided in a single tank, the draw off point for the domestic supply is to be located at or above the 20,000-litre level. The tank shall be fitted with a 65mm Storz fitting and ball or gate valve. Water tanks for firefighting purposes shall be of a noncombustible material, generally located in close proximity to the dwelling and allow access for fire fighting vehicles.

*(Reason: Fire Safety)*



## **29. Bushfire Prone Areas —Asset Protection Zones**

An Asset Protection Zone for protection from bushfire is to be provided and maintained in accordance with the recommendations outlined by the New South Wales Rural Fire Service. An Asset Protection zone between 20m metres is to be provided around the entire dwelling and a continuous access be provided surrounding the development and maintained for the term of the development.

*{Reason: Statutory requirement}*

## **30. Bush Fire Prone Areas — Asset Protection Zones and Landscaping**

The area around the proposed dwelling must be managed as an inner protection area for the following distances (or to the property boundary, whichever occurs first):

- North — 20m
- South — 20m
- West —20m
- East — 20m

The APZs must also be in accordance with the following requirements of Appendix 4 of RFS Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly

*(Reason: Statutory requirement and to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities)*