

PARAMETERS OF THIS CONSENT

- 1** The development shall be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./ Document	Supporting	Version	Prepared by	Dated
SITE PLAN		B	Hadlow Design Services	08.06.17
ELEVATIONS & FLOOR PLAN		B	Hadlow Design Services	08.06.17

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature shall be kept on site at all times while work is being undertaken.

- 2** All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

This condition does not apply:

- a) To the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- b) To the erection of a temporary building.

- 3** The development shall comply with the *Disability (Access to Premises) Standards*.

- 4** The development shall be wholly contained within the B3 Commercial Core Zone portion of the site.

No part of the proposal is approved to be located/constructed/operated/etc., on any portion of the site which is zoned E2 Environmental Conservation Zone.

- 5** The only signage authorised by this consent is a single business identification sign as shown on the approved plans. Any additional signage will require further development consent unless specifically identified as “exempt development” under an environmental planning instrument.

- 6** 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 Certifying Authority.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH PRIOR TO THE
ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 7** Prior to the issue of any Construction Certificate that includes any works on and/or connection to any water supply infrastructure, approval/s under Section 68 of the *Local Government Act 1993* for water supply works to service the proposal shall be obtained from Council. Such approval/s shall be included by the Certifier as part of the relevant Construction Certificate.
- 8** Prior to the issue of any Construction Certificate that includes any works on and/or connection to any sewer drainage infrastructure, approval/s under Section 68 of the *Local Government Act 1993* for sewer drainage works to service the proposal shall be obtained from Council. Such approval/s shall be included by the Certifier as part of the relevant Construction Certificate.
- 9** Prior to the issue of any Construction Certificate that includes any works on and/or connection to any stormwater infrastructure, a Stormwater Management Plan shall be provided to the Certifier for approval. This Stormwater Management Plan shall include (but not be limited to) the following:
- a) All stormwater shall be designed in accordance with AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage, Council's *Development Control Plan 2013*, and *Australian Rainfall and Runoff*; and
 - b) Treatment of stormwater to achieve appropriate quality in respect to relevant legislative and industry requirements/guidelines/standards for stormwater quality; and
 - c) Consideration of potential scour and mitigation measures that may be required due to the increased velocity/receiving flows at the outlet.
- This Stormwater Management Plan shall be approved by the Certifier as part of the relevant Construction Certificate.
- 10** Prior to the issue of any Construction Certificate, engineer's certification for the protection the Council flood mitigation (stormwater) pipe from the load created by the proposal, shall be provided to Council. The Certifier shall not issue any Construction Certificate for works within the zone of influence of this pipe, unless written approval has been provided from Council authorising the works.
- 11** Prior to the issue of any Construction Certificate that includes works within the road reserve, an approval/s under Section 138 of the *Roads Act 1993* shall be obtained from Council. All such approval/s shall be included by the Certifier as part of the relevant Construction Certificate.
- 12** Prior to the issue of any Construction Certificate, plans and details demonstrating traffic and parking arrangements shall be provided to the Certifier for approval. These plans and details shall provide for not less than sixteen (16) car parking spaces provided onsite. These plans and details shall demonstrate compliance with Chapter B2 of Council's *Development Control Plan 2013*, *AUSTROADS*, and *AS 2890*. These plans and details shall include dimensions and details for all parking spaces, manoeuvring areas (including swept paths for the longest vehicle entering and exiting

the site) which ensure that all vehicles can enter and leave the site in a forward direction, appropriate advisory signage, disabled parking and access, pedestrian considerations, etc. These plans and details shall be approved by the Certifier as part of the relevant Construction Certificate.

- 13** Prior to the issue of any Construction Certificate for building works, fire safety details in accordance with Division 2 of Part 9 of the *Environmental Planning and Assessment Regulation 2000* shall be provided to the Certifier for the preparation of a Fire Safety Schedule. These details shall be prepared by an appropriately qualified person and shall include sufficient information for the Certifier to prepare and issue a Fire Safety Schedule. These details shall specify current and proposed fire safety measures and nominate standard of performance, and identify each Fire Safety measure that is/are Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect to each such measure. A Fire Safety Schedule shall be issued by the Certifier as part of any Construction Certificate.
- 14** Prior to the issue of any Construction Certificate, engineer's details and certification for all of the following shall be provided to the Certifier for approval:
- a) Structural certification demonstrating that the building/s have been designed so that all structural members (both existing and proposed) will be capable of withstanding flood forces and the impact of any flotsam (carried by floodwaters) likely to occur for a range of floods (up to and including 1% AEP flood level) for the site (refer to the NSW Government's Floodplain Management Manual for guidance on structural design of buildings in flood prone areas). Velocities to be adopted for the calculation of forces created by flood waters and debris loading are to be at least three (3) times the velocities determined in Council's current Flood Management Study for a 1% AEP flood; and
 - b) Engineering details of the construction requirements related to flood resistance, including use of flood damage-resistant materials and installation of openings to allow for automatic entry and exit of floodwaters; and
 - c) Flood-free storage areas comprising a usable emergency storage area measuring not less than 20% of the total floor area of the development, located not less than 500mm above the 1% AEP flood level, and complying with Council's Flood Policy. The details shall include (at a minimum) a plan delineating the designated floor area to be used, and a method of conveying the types of equipment associated with the approved business into that area at short notice (including details of any plant or equipment needed to utilise flood-free storage areas in the event of a flood).

All of the above engineer's details and certification shall be approved by the Certifier as part of any Construction Certificate.

NOTE: For the purpose of this condition the 1% AEP flood level at this site may be assumed to be RL 8.12m AHD.

- 15** Prior to the issue of any Construction Certificate that includes earthworks, a Sediment and Erosion Control Plan shall be submitted to the Certifier for approval. This Sediment and Erosion Control Plan shall be prepared by an appropriately experienced and qualified professional, in accordance with the most recent version of the Landcom

publication "*Managing Urban Stormwater - Soils and Construction*." This Sediment and Erosion Control Plan shall include measures to manage weeds in and around the disturbed areas. This Sediment and Erosion Control Plan shall be approved by the Certifier as part of the relevant Construction Certificate.

- 16** Prior to the issue of any Construction Certificate that includes earthworks more than two meters (2m) below natural ground surface, an Acid Sulfate Soils Management Plan shall be submitted to the Certifier for approval. This Acid Sulfate Soils Management Plan shall be prepared by an appropriately experienced and qualified professional, in accordance with the most recent version of the Acid Sulfate Soils Management Advisory Committee (ASSMAC) Assessment Guidelines. This Acid Sulfate Soils Management Plan shall be approved by the Certifier as part of the relevant Construction Certificate.
- 17** Prior to the issue of any Construction Certificate, a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be obtained from Council and provided to the Certifier.
- 18** Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Section 94 Development Contributions Plans listed in the table below, a monetary contribution in accordance with the Schedule of Contributions below, shall be paid to Council prior to the issue of any Construction Certificate.

The contribution has been assessed pursuant to section 94 of the *Environmental Planning and Assessment Act 1979* and the Section 94 Development Contributions Plans listed in the table below, after identifying that this development will or is likely to require the provision of or increase the demand for public amenities and public services within the area.

Section 94 Development Contributions Plans

The specific public amenity or service in respect of which the condition is imposed:	The s 94 Contributions Plan under which the condition is imposed:	Date of s 94 Contributions Plan:
Town Centre Domain	Kempsey Town Centre Public Domain Section 94 Developer Contribution Plan	2 Aug 2010
Project Administration	Section 94 – Project Administration	10 Aug 2007

The above plans may be viewed during office hours at Council Offices located at 22 Tozer Street, West Kempsey or on Council’s website at www.kempsey.nsw.gov.au

Schedule of Contributions

Public amenity or service	Unit type	No. of units	Contribution rate (amount per unit)	Contribution levied	Date until which contribution rate is applicable	<i>Receipting code Office use only</i>
----------------------------------	------------------	---------------------	--	----------------------------	---	--

Public Domain	m ²	379.483	\$149.00	\$56,543.00	30 June 2017	APD
Sub total				\$56,543.00		
Project Administration	6% of total s 94 charge applicable			\$3,392.58	30 June 2017	AY
TOTAL				\$59,935.58		

PLEASE NOTE:- The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the relevant Section 94 Development Contributions Plans listed in the table above and if applicable, and any relevant Council Procedures. The amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The applicable contribution rates for specific dates can be obtained by contacting Council during office hours.

- 19** Prior to the issue of any Construction Certificate a Long Service Levy shall be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change without notice. The requirements of the State Government supersede this condition.

This payment may be made at Council's Customer Service Centre. Cheques shall be made payable to Kempsey Shire Council.

<p>THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY WORKS COMMENCING</p>

- 20** Council shall be notified of the commencement of works not less than two (2) days prior to any works commencing. The two (2) day notification to Council shall be in writing and specify the date of commencement.
- 21** Prior to the commencement of any works adequate erosion and sedimentation controls shall be in place in accordance with the *Kempsey Development Control Plan 2013*.
- 22** Prior to the commencement of any works a sign or signs shall be erected in a prominent position at the frontage to the site:
- a) Showing the name, address and telephone number of the Principal Certifying Authority (PCA) 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; and
 - c) Stating that unauthorised entry to the work site is prohibited.

The sign/s shall be maintained while the building work, subdivision work or demolition work is being carried out, and shall be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING ANY WORKS

23 Works shall not unreasonably interfere with the amenity of the neighbourhood. In particular noise, when audible on adjoining residential premises, can only occur:

- a) Monday to Friday, from 7:00am to 6:00pm.
- b) Saturday, from 8:00am to 1:00pm.

No work shall take place on Sundays or Public Holidays.

24 Construction noise is to be limited as follows:

- a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation shall not exceed the background level by more than 20 dB(A); or
- b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation shall not exceed the background level by more than 10 dB(A).

25 Vibration shall be in accordance with *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).

26 All demolition works shall be undertaken in accordance with the provision of *Australian Standard AS 2601 – The Demolition of Structures*.

All demolition waste shall be removed from the site and disposed of at an authorised waste transfer facility. Council requires the waste transfer facility receipts for disposal be retained and submitted to Council at the finalisation of demolition works.

Any asbestos wastes or suspected asbestos wastes associated with demolition works shall be disposed of in accordance with the requirements of "*Working with Asbestos Guide 2008*", the *Occupational Health and Safety Act 2000*, the *Occupational Health and Safety Regulations 2008*, and any other guidelines or requirements. All asbestos waste removal work shall be undertaken by a WorkCover licensed operator.

Until transferred to an authorised waste transfer facility all demolition waste shall be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of waste materials and all other items associated with the works at all times.

27 If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a

road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation; and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- 28** Works must not interfere in any way with the continued operation of the street, adjoining premises, public car parking areas, pedestrian walkways, etc., unless such interference is authorised by an approval under Section 138 of the *Roads Act 1993* to erect and maintain hoardings.

Hoardings shall only be erected within the road reserve in accordance with an approval obtained from Council under Section 138 of the *Roads Act 1993*. In addition to any condition of the Section 138 approval, the following hoarding requirements shall be complied with:

- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

- 29** All builders rubbish is to be contained on the site in 'Builders Skip' or an enclosure. Building materials are to be delivered directly onto the lease site. Roads, taxi-ways, airstrips, etc., are to be maintained clear of rubbish, building materials and all other items at all times.

- 30** All erosion and sediment controls shall be maintained at all times in until the site has been stabilised by permanent vegetation or hard surface.

- 31** A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal at the request of any officer of the PCA, Council, and/or any other Government Agency.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE
--

- 32** Prior to the issue of any Occupation Certificate, the following shall be completed:
- a) All requirements of any/all approval/s issued under Section 68 of the *Local Government Act 1993* (e.g., for water supply, onsite effluent management system, stormwater drainage, etc.); and

- b) All requirements of any/all approval/s issued under Section 138 of the *Roads Act 1993* (e.g., for any works within the road reserve, etc.); and
- c) All requirements of this consent and/or subsequently approved/endorsed documents and/or certifications (e.g., BCA, flood risk management, landscaping, carparking, acid sulfate soils, etc.).

33 A flood evacuation plan shall be prepared prior to the occupation of the building. This flood evacuation plan shall be prepared by an appropriately qualified person in accordance with the *Floodplain Development Manual*, Council’s Flood Policy, and all other relevant guidelines.

34 The cost of repairing any damage caused to Council or other Public Authority’s assets in the vicinity of the site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES

35 The hours of operation are restricted to the times set out in the following table:

Period	Start Time	Finish Time
Monday to Friday	6:00am	8:00pm
Saturday, Sunday & Public Holidays	8:00am	5:00pm

36 Any noise generated from the proposal shall not exceed the intrusive noise criterion of 5 dBA (LAeq 15) above background noise levels or result in offensive noise as defined by the *Protection of the Environment Operations Act 1997*.

Should Council receive a justifiable noise complaint, at Council’s request an Acoustic Assessment is to be provided to Council by the owner of the site. This noise report is to be prepared by a suitably qualified noise consultant, and is to include recommendations to bring the operation into compliance if the development is generating offensive noise.

37 All external lighting shall comply with AS4282 *Control of the Obtrusive Effects of Outdoor Lighting*. External lighting is not permitted to be directed into adjoining residential premises.

38 All driveways and parking areas shall be unobstructed and available for use by staff and patrons of the development at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the short term parking of vehicles.

39 All signage and associated structure/s must be maintained in a neat and attractive condition with a clean finish at all times. No variable message signage is approved as part of this consent.

- 40** All waste produced by the facility shall be collected and disposed of in a bulk garbage collection service provided at the facility. At no time shall any staff/patron/etc. be restricted/prohibited from disposing of waste in these bulk garbage collection service provided for the facility.
- 41** No loading and/or unloading shall occur within any road reserve.
- 42** All landscaping shall be maintained in a neat, tidy, and healthy manner in accordance with the approved plans. Landscaping adjacent to the front boundary is not to obstruct sightlines for traffic existing the site.
- 43** All designated flood-free storage areas shall be maintained for the exclusive use of flood free storage in perpetuity of the development. Outside of flood events, all designated flood-free storage areas shall be kept clear and not be used for any other purpose. Any plant or equipment needed to utilise flood-free storage areas in the event of a flood shall be kept on the premise at all times.
- 44** The flood evacuation plan shall be kept onsite and complied with in perpetuity of the development.
- 45** All building materials shall be low-glare materials so as not to result in glare at neighboring properties.
- 46** All upper story windows facing the east and/or south shall have visual obstruction devices fitted for the purpose of preventing any form of overlooking into adjoining properties.

ADVICE

- A** Certain additional approvals and action required by the by you prior to and during construction works. The *Environmental Planning and Assessment Act 1979* require you to:
- a) Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a *Construction Certificate*. An accredited certifier must obtain Council's approval to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
 - b) Nominate a *Principal Certifying Authority* (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with this requirement.
 - c) Give Council at least two (2) days notice of your intention to commence the erection of a building before commencing construction works by lodging the '*Notice of Commencement of Building Works and Appointment of the Principal Certifying Authority*' form enclosed. You cannot lawfully commence works without complying with this requirement.
 - d) Obtain an *Occupation Certificate* before commencing occupation or commencing to use the building or on the completion of other works including

the erection of a sign by lodging the 'Application for Occupation Certificate' form enclosed. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

- B** This consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of any Construction Certificate.

A person may apply to Kempsey Shire Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*. An application form is available from Council's website www.kempsey.nsw.gov.au or at Council Offices located at 22 Tozer Street, West Kempsey.

Please be advised that as a precondition to the granting of a Compliance Certificate, a monetary contribution in accordance with the following Schedule of Contributions must be paid in full.

Schedule of Contributions

Public service	No. of equivalent tenements (ET)	Contribution rate (amount per ET)	Contribution levied	Date until which contribution rate is applicable
Water	1 ET	\$9,570.00	\$9,570.00	30 June 2017
Sewer	2 ET	\$8,073.00	\$16,146.00	30 June 2017
TOTAL			\$25,716.00	

Contributions are levied in accordance with the *Kempsey Shire Council Macleay Water Development Servicing Plans for Water Supply Services* (July 2006) and the *Kempsey Shire Council Macleay Water Development Servicing Plans for Sewerage Services* (July 2006).

PLEASE NOTE:- The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the above mentioned development servicing plans. The amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The applicable contribution rates for specific dates can be obtained by contacting Council during office hours.

- C** All earthmoving contractors and operators should be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974.
- D** This consent does not authorise any form of residential and/or tourist purposes. The proposal shall not be used for any form of accommodation at any time.