

APPENDIX B

The following conditions have been imposed in accordance with the requirements of Section 80A of the *Environmental Planning Assessment Act 1979* having regard to the relevant matters identified under Section 79C of the Act.

PARAMETERS OF THIS CONSENT

- 1** The development is to 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./ Supporting Document	Version	Prepared by	Dated
Floor/Site Plan Drawing Ref: 52433-21DA.dwg Sheet Ref: G01 Sheet 01 of 02		Hadlow Design Services	22 August 2017
Subdivision and Civil Works Plan Drawing Ref: 52433-21DA.dwg Sheet Ref: G01 Sheet 02 of 02		Hadlow Design Services	22 August 2017
BASIX Certificate 850959S		Hadlow Design Services	22 August 2017
BASIX Certificate 850954S		Hadlow Design Services	22 August 2017

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 must 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.

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.

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188 of the *Environmental Planning and Assessment Regulation 2000*, 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.

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- 3** Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the council written notice of the following information:
- a) In the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor; and
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act.
 - b) In the case or 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 the 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 above information becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 4** This consent does not permit commencement of any site works. Works shall not commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 5** The garage on proposed Lot 41, Lot 42 and Lot 43 shall be constructed to comply with fire rating requirements of the Building Code of Australia.

<p>THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR ANY DWELLING AND/OR ANY SUBDIVISION CERTIFICATE</p>

- 6** Prior to the issue of a Construction Certificate for any dwelling to be constructed, or a Subdivision Certificate for the subdivision (whichever comes first), the contributions set out in the following Schedule shall be paid to Council. The particulars of the contributions levied pursuant to Section 94 of the Act are set out in the schedule below:

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.

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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:
Infrastructure within Catchment 2	Local Roads and Traffic Infrastructure Developer Contribution Plan 2009	Jan 2010
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
Outdoor Recreation	Outdoor Recreation 2001	Sep 2001

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	Receiving code Office use only
Local Roads Catchment 2	EP	5	\$2,603.00	\$13,015.00	30 June 2018	AR2
Public Domain	EP	5	\$459.00	\$2,295.00	30 June 2018	APD
Open Space	ET	2	\$728.00	\$1,456.00	30 June 2018	AX
Sub total				\$16,766.00		
Project Administration	6% of total s 94 charge applicable			\$1,005.96	30 June 2018	AY
TOTAL				\$17,771.96		

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, the *Kempsey Shire Council Procedure 1.1.17 – Developer Contributions Moratorium – Townships of Kempsey and Frederickton*. 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.

- 7** Prior to the issue of any Construction Certificate for any dwelling, or Subdivision Certificate (whichever comes first), a Certificate of Compliance pursuant to Section 306 of the *Water Management Act 2000*, identifying payment of the contributions, shall be obtained from Council and provided to the Certifier.

Please refer to the Advice section of this consent for additional information on water and sewer works and contributions.

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THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR BUILDING WORKS
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- 8** Prior to the issue of any Construction Certificate for any dwelling, evidence shall be provided to the Certifier demonstrating that all contributions required by this consent for the dwelling or the lot upon which it is situated, have been paid to Council.
- 9** Prior to the issue of any Construction Certificate that includes civil works, engineer's details for all proposed civil works relevant to the Construction Certificate, including foundation, cut and fill, retaining walls, reinforcing, driveway and car parking area pavement, etc., shall be provided to the Certifier for approval. All engineer's details shall be prepared by an appropriately qualified, experienced and practicing Engineer in accordance with Council's *Development Control Plan 2013* and the current Building Code of Australia. These engineer's details shall be approved by the Certifier as part of the relevant Construction Certificate.
- 10** The Certifier is to ensure that the plans submitted for approval with the Construction Certificate for either dwelling include all of the BASIX Certificate commitments relevant to that particular dwelling as indicated in BASIX Certificate 850959S, dated 22 August 2017 and/or BASIX Certificate 850954S, dated 22 August 2017. All such plans and specifications shall be approved by the Certifier as part of the Construction Certificate.
- 11** The plans submitted with the application for Construction Certificate shall demonstrate that the proposed carport for each dwelling complies with the fire rating requirements of the Building Code of Australia. These details shall be approved by the Certifier as part of any Construction Certificate.
- 12** Prior to the issue of any Construction Certificate approval/s under Section 68 of the *Local Government Act 1993* for installation/alterations to sewer, water supply, and stormwater drainage shall be obtained from Council. Such approval/s shall be included by the Certifier as part of any Construction Certificate.
- 13** Prior to the issue of any Construction Certificate which includes garage/driveway works an approval under Section 138 of the *Roads Act 1993* for all works within the road reserve shall be obtained from Council. This approval must include the complete removal of any existing driveway, and the making good of the road reserve. This approval shall be included by the Certifier as part of any Construction Certificate which includes garage/driveway works.
- 14** A Long Service Levy must be paid to the Long Service Payments Corporation, prior to the issue of any Construction Certificate. This 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.

These payments may be made at Council's Administration Office. Cheques are to be made payable to Council.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY WORKS COMMENCING
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- 15** 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.

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- 16** 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.

- 17** 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*.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING ANY WORKS

- 18** Works must not interfere in any way with the continued operation of the street, adjoining premises, 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.
- 19** Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction 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 construction work is to take place on Sundays or Public Holidays.

- 20** 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).
- 21** All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road

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reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

- 22** All erosion and sediment controls shall be maintained at all times until the site has been stabilised by permanent vegetation or hard surface.
- 23** 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 Principal Certifying Authority, Council, and/or any other Government Agency.

<p>THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE</p>
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- 24** Prior to the issue of any Occupation Certificate, the following shall be completed as relevant to the particular dwelling:
- a) All requirements of any approval issued under Section 68 of the *Local Government Act 1993* (e.g., for water supply, sewer, stormwater drainage, etc.); and
 - b) All requirements of any approval issued under Section 138 of the *Roads Act 1993* (e.g., for any works within the road reserve, etc.); and
- 25** Prior to the issue of any Occupation Certificate, the Certifier shall ensure that all requirements of the approved BASIX Certificate, and the associated plans and specifications approved as part of any Construction Certificate, have been completed.
- 26** Prior to the issue of any Occupation Certificate, certification shall be provided to the satisfaction of Council that demonstrates the carport complies with fire rating requirements of the Building Code of Australia 2016.
- 27** Prior to the issue of any Occupation Certificate a driveway shall be constructed to comply with the dimension and grade requirements of Australian Standard AS 2890.1 – 2004 as relevant to the particular dwelling.
- 28** 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, shall be met in full by the applicant/developer prior to the occupation/use of any part of the development.

<p>THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE</p>

- 29** Prior to the issue of any Subdivision Certificate, evidence shall be provided to Council demonstrating that all contributions required by this consent have been paid in full.
- 30** Prior to the issue of a Subdivision Certificate, evidence shall be provided that water supply, stormwater disposal and sewerage services have been separately provided to each lot, in accordance with approvals from Council issued under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993*.

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- 31** Prior to the issue of a Subdivision Certificate, written evidence from an electricity supply authority stating that satisfactory arrangements have been made for the provision of electricity supply throughout the subdivision shall be provided to Council.
- 32** Prior to the issue of a Subdivision Certificate, an application for a Subdivision Certificate shall be made with Council, on the approved form and including appropriate fees. Seven (7) copies of the plan of subdivision shall to be submitted with the application for a subdivision certificate.
- 33** A Section 88B Instrument and one (1) copy shall be submitted with the application for a Subdivision Certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for the items listed in the following table:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Easement for Services	<p>The creation of any necessary easements for services over the proposed new lots (including water, sewer, stormwater, electricity, telecommunication, etc).</p> <p>The instrument is to benefit and burden proposed allotments and parties as is appropriate, to the satisfaction of Council. No internal easements shall be maintained by Council. All internal easements shall be privately maintained between the parties as is appropriate, to the satisfaction of Council.</p>

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.

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- 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 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*.

C Prior to the issue of a Construction Certificate for any dwelling to be constructed or the issue of a Subdivision Certificate, a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be obtained from Council and submitted to the Principal Certifying Authority.

A Certificate of Compliance shall be issued by Council when all contributions are paid in full and all infrastructure necessary to service the development has been completed in full to the satisfaction of Council.

Contributions set out in the following table are to be paid to Council prior to the issue of any Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water dated July 2006. The Plans may be viewed during office hours at Council's Offices.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. Payments will only be accepted by cash or bank cheque.

The Certificate of Compliance under Section 306 of the *Water Management Act 2000*, identifying payment of the contributions, is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable	Office Use Only Receipting Codes
Water	2 ET	\$9,800.00	\$19,600.00	30 June 2018	AW
Sewer	2 ET	\$8,267.00	\$16,534.00	30 June 2018	AS
TOTAL			\$36,134.00		

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Right of Appeal

If you are dissatisfied with this decision, Section 97AA of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.

You are further advised that pursuant to Section 82A of the *Environmental Planning and Assessment Act, 1979*, a request may be made to review a determination at any time within six (6) months of the date of notification. This right of review does not apply in respect to designated development, integrated development or an application by the Crown.

Signature:

Leigh Cave
TOWN PLANNER
OPERATIONS

Date:

* 2017