

## APPENDIX D

PARAMETERS OF THIS CONSENT
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- 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./ Supporting Document	Version	Prepared by	Dated
SITE PLAN	Rev B	HOUSEPLAN COMPANY	22-11-17
FLOOR PLAN	Rev B	HOUSEPLAN COMPANY	22-11-17
ELEVATIONS 03-1	Rev B	HOUSEPLAN COMPANY	22-11-17
ELEVATIONS 03-2	Rev B	HOUSEPLAN COMPANY	22-11-17
BASIX Certificate 882241S	-	Dennis Partners	Friday, 08 December 2017
VISUAL IMPACT FROM PUBLIC AREAS	-	Provided by Caterina Cooper	Provided on 25 February 2018
SITE CONTAMINATION REPORT - RGS20606.1 – AC	-	Regional Geotechnical Solutions	21 September 2017
GEOTECHNICAL SITE CLASSIFICATION REPORT - RGS20606.1 – AC	-	Regional Geotechnical Solutions	21 September 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 development must be constructed as per the approved plans. Any changes to the building location or design require a Section 96 modification to be lodged with Council.

- 2** Any 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

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b) To the erection of a temporary building.

**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 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 above becomes out of date, further work must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

**4** All requirements of the approved Site Contamination Report and the approved Geotechnical Site Classification Report shall be complied with in perpetuity, including restricting all domestic construction and domestic activities to the 300m<sup>2</sup> investigation area identified in these reports.

**5** The following bushfire protection measures must be complied with in perpetuity:

### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

a) At the commencement of building works and in perpetuity the property around the proposed dwelling to a distance of 50 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

b) At the commencement of building works and in perpetuity the property around the existing dwelling to a distance of 20 metres or to the property boundary, whichever is the lesser, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

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### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- c) In recognition that no reticulated water supply is available to the development, a 30,000 litres fire fighting water supply shall be provided to the proposed dwelling and an additional 10,000 litres shall be provided at the existing dwelling. The fire fighting water supply shall be installed and maintained in the following manner:
- i) Fire fighting water supply may be provided by a tank, a swimming pool or a dam located not more than 20 metres from the respective dwelling.
  - ii) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
  - iii) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
  - iv) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and be accessible for a fire fighting truck.
  - v) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
  - vi) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
  - vii) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
  - viii) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply (tank or Storz fitting).
  - ix) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
  - x) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
  - xi) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
  - xii) A minimum 5hp or 3kW petrol or diesel powered pump(s) shall be made available to the water supply. A 19mm (internal diameter) fire hose(s) and/or reel(s) shall be connected to the pump. Fire hose(s) and/or reel(s) must be installed so that each elevation of the building can be reached by a fire hose(s). The fire hose(s) and/or reel(s) must be constructed in accordance with 'AS/NZS 1221:1997, Fire hose reels' and shall be installed in accordance with 'AS 2441:2005 Installation of fire hose reels'.
  - xiii) Pumps are to be shielded from the direct impacts of bush fire.

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- xiv) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
- Markers must be fixed in a suitable location so as to be highly visible; and
  - Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

- d) Electricity and/or gas services to the proposed dwelling are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- e) Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except no alternate access is required in this instance. In addition, a reversing bay may be provided in lieu of a loop road around the proposed dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.

### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- f) The proposed dwelling shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
- g) The existing dwelling is to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

### Landscaping

Landscaping within the required inner protection areas is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

- 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 (PCA).

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THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE
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- 7** Prior to the issue of any Construction Certificate, the Certifier shall ensure that the new dwelling is located wholly within the 300m<sup>2</sup> investigation area identified in the Site Contamination Report and Geotechnical Site Classification Report.
- 8** Prior to the issue of any Construction Certificate, an approval under Section 68 of the *Local Government Act 1993* for an onsite sewerage management system shall be obtained from Council. This approval shall be included by the Certifier as part of any Construction Certificate.
- 9** Prior to the issue of any Construction Certificate, details of the method of water supply for private potable water purposes shall be provided to the Certifier for approval. This shall be separate from any water supply required for bushfire protection purposes. The Certifier shall include the approved method of water supply for private potable water purposes as part of any Construction Certificate.
- 10** Prior to the issue of any Construction Certificate, detail of plant screening shall be submitted to the Certifier for approval. The intent of this condition is to provide vegetation to the east and south of the new dwelling to provide visual screening of the development when viewed from the Stuarts Point village.
- 11** 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.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY WORKS COMMENCING
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- 12** 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.
- 13** 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.

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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) m<sup>2</sup>.

- 14** 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
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- 15** 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.

- 16** 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).

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

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

- 19** 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.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE
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- 20** Prior to the issue of any Occupation Certificate, certification from a BPAD certified bushfire consultant shall be provided to the Principal Certifying Authority

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demonstrating that all bushfire requirements have been completed in accordance with the conditions of this consent.

- 21** Prior to the issue of any Occupation Certificate, the on-site effluent management system is to be completed in accordance with the Section 68 approval/s. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.
- 22** Prior to the issue of any Occupation Certificate, stormwater shall be collected and disposed of in a controlled manner such that stormwater flows are:
  - a) Clear of buildings, infrastructure, effluent disposal areas, watercourses, etc.;
  - b) Not concentrated onto adjoining land or road reserves; and
  - c) Not so as to cause soil erosion.
- 23** Prior to the issue of any Occupation Certificate, the Principal Certifying Authority 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.
- 24** Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the colour and materials have been completed as identified in the approved "VISUAL IMPACT FROM PUBLIC AREAS" document, and all screen plantings to reduce the visual impact have been established.
- 25** 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.

ADVICE
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- 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** Bushfire protection measures require a 20,000 litre dedicated water supply to be provided for firefighting purposes. This is required to be a separate water supply, not used for other purposes. Potable water supply, and any other water supply (e.g., laundry, garden hoses, etc.), are required to be provided via a separate source to the 20,000 litre dedicated bushfire water supply source.