

## GENERAL CONDITION

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1.	<b>Approved plans and supporting documentation</b>																																								
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	<p>In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2.	<p><b>Notification of Home Building Act 1989 requirements</b></p> <p>1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</p> <p>2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following –</p> <p>a) for work that requires a principal contractor to be appointed –</p> <p>i) the name and licence number of the principal contractor, and</p> <p>ii) the name of the insurer of the work under the <i>Home Building Act 1989</i>, Part 6,</p> <p>b) for work to be carried out by an owner-builder –</p> <p>i) the name of the owner-builder, and</p> <p>ii) if the owner-builder is required to hold an owner-builder permit under the <i>Home Building Act 1989</i> – the number of the owner-builder permit.</p> <p>3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>				
3.	<p><b>Fulfilment of BASIX commitments</b></p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled –</p> <p>a) BASIX development,</p> <p>b) BASIX optional development, if the development application was accompanied by a BASIX certificate.</p> <p>Condition Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>				

4.	<b>Maximum Building Height</b>
	This consent permits a maximum building height of 13.843 metres AHD.
	Condition reason: To ensure the building is constructed in accordance with this consent so not to result in greater impacts on surrounding properties.
5.	<b>Bushfire Protection Measures</b>
	The development and all associated structures the subject of this consent must be constructed and maintained in perpetuity to comply with the approved Bushfire Hazard Assessment and Planning for Bushfire Protection 2019, and Sections 3 and 7 (BAL 29) of Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas'.
	All associated measures and works compliant with the Planning for Bushfire Protection 2019 'acceptable solutions' must be completed and maintained in perpetuity (e.g., property access, internal roads, dedicated water supply, electricity, gas, etc.).
	At the commencement of building works and in perpetuity, the eproperty around the proposal must be maintained as an asset protection zone (APZ) as outlined within section 3.2 and Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for asset protection zones.
	Condition Reason: To provide a buffer to protect life and property from bush fire attack
6.	<b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b>
	<ol style="list-style-type: none"> <li>1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</li> <li>2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</li> <li>4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6) This section does not apply – <ol style="list-style-type: none"> <li>a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</li> <li>b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol>

	Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021
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## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
7.	<b>Long Service Levy</b>
	Before the issue of a Construction Certificate, the long service levy of \$3,000.00, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the principal certifier.
	Condition Reason: To ensure the long service levy is paid.
8.	<b>Approval for works in road reserve</b>
	Before issue of a Construction Certificate which involves works within a road reserve, approval under Section 138 of the <i>Roads Act 1993</i> must be obtained from Council. The application must include details for the construction/upgrading of the vehicle access. All such Section 138 approvals must be included by the Certifier as part of the relevant Construction Certificate.
	Condition Reason: To ensure that infrastructure being built in the road reserve is fit for purpose and does not threaten public safety.
9.	<b>Onsite Wastewater Management Systems – Approval to Install</b>
	Before issue of the Construction Certificate, approvals to carry out all necessary onsite sewage management systems under Section 68 of the Local Government Act, 1993 must be obtained from Kempsey Shire Council. This Section 68 approval must be included by the Certifier as part of the relevant Construction Certificate.
	Condition Reason: To ensure that wastewater effluent is appropriately managed to prevent environmental protect pollution and public health and safety.

10.	<b>Flood Planning - Floor Level</b>
	Before the issue of a Construction Certificate, flood plans and specifications must be provided to the Certifier for approval. These flood plans and specifications must be prepared by an appropriately qualified professional and must demonstrate that all minimum habitable floor levels are above the flood planning level of RL 4.83 metres AHD. These flood plans and specifications must be approved by the Certifier as part of the relevant Construction Certificate.
	Condition reason: To minimise the impacts of flooding on the development.
11.	<b>Flood Construction</b>
	Before the issue of a Construction Certificate, Structural Engineers certification for flooding must be provided to the Certifier for approval. This Structural Engineers Certification must be prepared by an appropriately qualified Structural/Civil Engineer and must certify that the development has been adequately designed for the intended purposes and is capable of withstanding flood forces up to and including the 1% AEP flood event. The certification must account for (but not limited to) hydro static forces associated with still floodwater, hydrodynamic forces associated with pressure due to energy of moving floodwater, and impact forces including debris and buoyancy forces. The 1% AEP flood level for this site is RL 3.68 metres AHD. This Structural Engineers Certification must be approved by the Certifier as part of the relevant Construction Certificate.
	Condition reason: To minimise the impacts of flooding on the development.
12.	<b>Erosion and sediment control plan</b>
	Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifier: <ul style="list-style-type: none"> <li>a. Council's relevant development control plan,</li> <li>b. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> <li>c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</li> </ul>
	Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

## BEFORE BUILDING WORK COMMENCES

	Condition
<b>13.</b>	<p><b>Erection of Signs</b></p> <ol style="list-style-type: none"> <li>1) This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out;               <ol style="list-style-type: none"> <li>a) showing the name, address and telephone number of the principal certifier for the work, and</li> <li>b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>c) stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>3) The sign must be –               <ol style="list-style-type: none"> <li>a) maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b) removed when the work has been completed.</li> </ol> </li> <li>4) This section does not apply in relation to –               <ol style="list-style-type: none"> <li>a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol> </li> </ol> <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>14.</b>	<p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with '<i>Managing Urban Stormwater: Soils and Construction</i>' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways</p>

## DURING BUILDING WORK

	Condition
<b>15.</b>	<p><b>Maintain a copy of approvals and plans on site</b></p> <p>A copy of this Development Consent and the approved Construction Certificate, (including all plans, details, specifications, etc.) must remain on site at all times during construction works. These documents must be made readily available for perusal at the request of any contractor or worker engaged for the development works, the Principal Certifying Authority, an authorised officer of Council or any relevant government agency.</p>

	Condition Reason: To ensure that the works undertaken on site are consistent with the development consent.
16.	<b>Survey</b>
	An identification survey must be carried out by a registered surveyor upon completion of the floor slab form-work and roof framing. This survey must certify that the building height and habitable floor level of the proposed building is in accordance with this development consent. If the proposal is not in accordance with this consent, rectifications must be undertaken to ensure compliance.
	Condition reason: To ensure the building height and finished floor level are consistent with the development consent.
17.	<b>Demolition works</b>
	All demolition works are to be undertaken in accordance with the provisions of Australian Standard AS 2601-2001 <i>"The Demolition of Structures"</i> . Prior to the commencement of any demolition works, all services are to be disconnected and capped off.
	Condition reason: To protect the health and safety of people on site and on surrounding properties.
18.	<b>Obstruction of pedestrian or traffic movement</b>
	Works must not interfere with the continued operation of the street, public car parking areas, pedestrian walkways, adjoining premises, etc., unless such interference is by Council authorised hoardings. Hoardings must only be erected within the road reserve in accordance with an approval granted by Council under Section 138 of the <i>Roads Act 1993</i> . No third party advertising is permitted to be displayed on the any hoarding/fencing. Graffiti must be removed from any hoarding/fencing or the like, within 48 hours of its application.
	Condition Reason: To ensure public safety in the road reserve
19.	<b>Hours of work</b>
	Site work must only be carried out between the following times – a. For all construction work from 7am to 6pm on Monday to Friday; b. For all construction work from 8am to 3pm on Saturdays; c. No construction work is to be undertaken on Sundays or public holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition Reason: To protect the amenity of the surrounding area
20.	<b>Toilet Facilities</b>
	Toilet facilities must be available at or in the vicinity of the work site before works begin at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site. Each toilet must be: a. A standard flushing toilet connected to a public sewer; or b. Connected to an on-site effluent disposal system approved under the Local Government Act 1993; or c. Be a portable hire toilet which is regularly serviced by the hire agent. All waste must be disposed of at lawful premises.

	The availability of each toilet must be maintained until the works are completed.
	Condition Reason: To provide adequate facilities on site for workers and mitigate amenity impacts.
21.	<b>Noise and Vibration requirements</b>
	While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of < 5dB(A) above background noise, when measured at a lot boundary of the site.
	Condition Reason: To protect the amenity of the neighbourhood during construction.
22.	<b>Waste Management</b>
	During works, all construction waste must be contained on the subject land or otherwise as approved by Council or the Principal Certifier. Construction waste shall be stored in a suitable waste enclosure and disposed of at a facility that may lawfully accept the materials. Public roads and reserves are to be maintained clear of rubbish, building materials and other construction waste items.
	Condition Reason: To ensure local amenity is protected during construction.
23.	<b>Dust control</b>
	Dust from the site must be controlled so as to not result in a nuisance at neighbouring properties.
	Condition Reason: To minimise environmental and amenity impacts of dust from the development.
24.	<b>Delivery and storage of materials</b>
	Building materials must be delivered directly onto the subject development site and not stored on public land.
	Condition Reason: To ensure public safety and local amenity.
25.	<b>Deliveries</b>
	While site work is being carried out, deliveries of material and equipment must only be carried out between— <ul style="list-style-type: none"> <li>a. 7am to 6pm on Monday to Friday</li> <li>b. 8am to 3pm on Saturdays</li> </ul>
	Condition Reason: To protect the amenity of neighbouring properties
26.	<b>Discovery of relics and Aboriginal objects</b>
	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: <ul style="list-style-type: none"> <li>a. the work in the area of the discovery must cease immediately;</li> <li>b. the following must be notified <ul style="list-style-type: none"> <li>i. for a relic - the Heritage Council; or</li> <li>ii. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul> </li> </ul> Site work may recommence at a time confirmed in writing by:



	<ul style="list-style-type: none"> <li>a. for a relic - the Heritage Council; or</li> <li>b. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul>
	Condition Reason: To ensure the protection of objects of potential significance during works
27.	<p><b>Soil management</b></p> <p>While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.</li> <li>b. All fill material imported to the site must be: <ul style="list-style-type: none"> <li>i. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or</li> <li>ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or</li> <li>iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</li> </ul> </li> </ul>
	Condition Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants

### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
28.	<p><b>Repair of infrastructure</b></p> <p>Before the issue of an occupation certificate, any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council.</p>
	Condition Reason: To ensure all damage to public land is rectified
29.	<p><b>Removal of waste upon completion</b></p> <p>Before the issue of an Occupation Certificate:</p> <ul style="list-style-type: none"> <li>a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> <li>b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.</li> </ul>

	Condition Reason: To ensure waste material is appropriately disposed or satisfactorily stored.
30.	<b>Completion of works in road reserve</b>
	Prior to the issue of any Occupation Certificate, the principal certifier must ensure that all works within the road reserve have been completed in accordance with the approvals issued under Section 138 of the <i>Roads Act 1993</i> .
	Condition Reason: To ensure that infrastructure required to be built in the road reserve is consistent with the relevant approvals, fit for purpose and does not threaten public safety.
31.	<b>Compliant plumbing/OSMS works</b>
	Prior to the issue of any Occupation Certificate, the principal certifier must ensure that all plumbing/OSMS installation works have been completed in accordance with the approvals issued under Section 68 of the <i>Local Government Act 1993</i> .
	Condition Reason: To ensure that appropriate infrastructure has been provided to service the development and to protect public health and safety.