

PARAMETERS OF THIS CONSENT

1. **Approved Plans**

The development must 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
Location Plan - Drawing No. D01/A	A	Ian Bassett & Partners	18.04.23
Part Site Plan - Drawing No. D02/A	A	Ian Bassett & Partners	18.04.23
Elevations #1 - Drawing No. D05/B	B	Ian Bassett & Partners	10.10.23
Elevations #2 - Drawing No. D06/B	B	Ian Bassett & Partners	26.04.23
Cross Sections - Drawing No. D07/B	B	Ian Bassett & Partners	10.01.23
Building Area Site Plan - Drawing No. D03/A	A	Ian Bassett & Partners	18.04.23
Floor Plan - Drawing No. D04/B	B	Ian Bassett & Partners	16.04.23
Tree Plan - Drawing No. D10/A	A	Ian Bassett & Partners	18.04.23
Arboricultural Impact Assessment	-	Treehouse Arboriculture	26.10.23

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.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Erection of Signs**

(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.

(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—

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (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
- (c) stating that unauthorised entry to the work site is prohibited.

(3) The sign must be—

- (a) maintained while the building work, subdivision work or demolition work is being carried out, and
- (b) removed when the work has been completed.

(4) This section does not apply in relation to—

- (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
- (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

Notification of Home Building Act 1989 requirements

3.

(1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

(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—

- (a) for work that requires a principal contractor to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the Home Building Act 1989, Part 6,

(b) for work to be carried out 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 Home Building Act 1989—the number of the owner-builder permit.

(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.

(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.

Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

4. **Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

(a) BASIX development,

(b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

Condition reason: Prescribed condition under section 75 of the *Environmental Planning and Assessment Regulation 2021*.

5. **Bushfire Design and Construction**

New construction of the following must comply with section 3 and section 8 (BAL 40) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone area* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

- The whole of the underfloor and supports, including verandahs are to be constructed to the requirements of BAL 40.
- The whole of the roof area is to be constructed to BAL 40.
- The northern and eastern walls of bedroom 2 and bedroom 3 including soffits and eaves and all other exposed parts, are to comply with the requirements of BAL 40.
- The southern wall including soffits and eaves and all other exposed parts up to and including the kitchen window is to comply with the requirements of BAL 40.

New construction of all other facades must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone area* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

Condition reason: To ensure buildings are designed and constructed to withstand the potential impacts of bush fire attack.

Bushfire Asset Protection Zones

6.

At the commencement of building works and in perpetuity the property around the building must be maintained as an asset protection zone in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- northeast for a distance of 25 metres,
- east for a distance of 20 metres,
- southwest for a distance of 20 metres, and
- northwest for a distance of 25 metres.

When establishing and maintaining an inner protection area, the following requirements apply:

- 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 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth-barked and evergreen trees;
- create large discontinuities or gaps in the vegetation 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.

Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

7. **Bushfire Water and Utilities**

- A static water supply of not less than 20,000 litres is to be provided/available on site for firefighting purposes. Unobstructed access is to be provided at all times.
- An outlet for firefighting purposes is to be located within the Inner Protection Area (IPA) or non-hazard side and away from the dwelling (5-20 metres).
- Where the static water supply is to be provided in tank(s), then any new above-ground tanks are to be of metal construction and any underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank and clearly marked.

- A 65mm Storz connection with a ball valve is fitted to the outlet to ensure access to the static water supply for RFS firefighting vehicles. If the static water supply is to be contained in tank(s), then all tank penetrations, above-ground pipes and fittings should be metal. Access to the static water supply should be clearly identified with an SWS marker supplied or approved by the RFS.
- A hardened ground surface for truck access is to be supplied up to and within 4 metres of this water source and remain unobstructed at all times.
- All above-ground water service pipes external to the building are to be metal, including and up to any taps.
- Raised tank stands are constructed from non-combustible material or bush fire-resisting timber.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
- Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used.
- Electrical transmission lines are to be underground where practicable. Overhead lines are to be installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas and no part of a tree is closer to a power line than the distance set out in accordance with the specifications ISSC3 *Guidelines for Managing Vegetation Near Power Lines*.

Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire-fighting activities.

Development restriction

8. No development except driveways, pathways or the like is to occur within a 25 metre radius of the tree containing the existing White Bellied Sea Eagle nest unless it is demonstrated to Council that the nest is no longer used by the eagles.

Condition reason: To comply with Terms of Restriction on the land.

9. **Bushfire Access**

Property access roads shall comply with Section 5.3.2 and Table 7.4a of *Planning for Bush Fire Protection 2019*

Condition reason: To ensure safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

10. **Tree Removal**

This development consent authorises tree removal only as specified on the approved plans. The removal of any other vegetation is not permitted.

The following requirements apply during the approved tree removal works:

- a. All work is to be performed by a qualified arborist or tree felling contractor having the necessary insurance policies current at the time of removal.
- b. The cost of repairing any damage caused to Council or other private property in the vicinity of the site shall be met in full by the applicant/developer.
- c. Council shall be notified of the commencement of works not less than seven (7) days prior to commencement of any works. This seven (7) day notification to Council shall be in writing and specify the date of commencement. Notification is to include contact details of the supervisor for works on the site.
- d. All works are to be undertaken with care to ensure no damage to retained vegetation.
- e. All waste is to be contained on the site. Footpaths, road reserves and public reserves are to be maintained clear of waste. Waste in the form of removed vegetation shall not be burnt on-site. Waste is to be removed from the site within 2 weeks of ceasing actions on vegetation, otherwise the vegetated matter is to be re-used on site.

Condition reason: To ensure compliance with approved vegetation/tree removal.

PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

11. **Geotechnical Report**

Prior to the issue of any Construction Certificate, certification from a professional Engineer experienced in geotechnical investigations is to be provided to the Principal Certifying Authority, certifying that:

- a. The design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate;
- b. The civil engineering works will not be affected by landslip or subsidence either above or below the works;
- c. Adequate drainage has been provided in the design; and
- d. Suitable measures/methods will be implemented to ensure the stability of adjoining land and buildings will not be affected by the proposal.

Condition reason: To ensure the stability of the site and adjoining land.

Long Service Levy

12.

Before the issue of a Construction Certificate, the long service levy, 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 Certifier.

Condition reason: To ensure the long service levy is paid.

Section 68 Approval

13. An approval under Section 68 of the *Local Government Act 1993* to carry out water supply **and** sewerage works must be obtained from Council prior to the issue of a Construction Certificate.

Condition reason: To ensure compliance with the Local Government Act.

Stormwater management

14. Prior to the issue of any Construction Certificate, storm-water drainage engineers' details for storm-water drainage systems to convey storm-water throughout the development must be submitted to the Certifier for approval. These storm-water drainage engineers' details must be prepared by an appropriately experienced, qualified and practicing civil engineer. These storm-water drainage engineers' details must be in accordance with Council's Development Control Plan 2013, Australian Rainfall and Runoff, and AS/NZS 3500.3 - Plumbing and drainage, Part 3: Storm-water drainage. These storm-water drainage engineers' details must be approved by the Certifier as part of the relevant Construction Certificate.

Condition reason: To ensure stormwater from the development is appropriately managed.

Section 138 approval

15. An approval under Section 138 of the *Roads Act 1993* must be obtained from Council if any works are proposed within a road reserve of Old Coast Road, prior to the issue of a Construction Certificate. The application must include details for the construction of the works. All such Section 138 approvals must be included by the Certifier as part of the relevant Construction Certificate.

Condition reason: To ensure compliance with the Roads Act.

16. Engineering Details

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, driveway and car parking area pavement, etc.) must be provided to the Certifier for approval. All engineer's details must 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 must be approved by the Certifier as part of the relevant Construction Certificate.

Condition reason: To ensure the stability of the site and adjoining land.

BEFORE BUILDING WORK COMMENCES

17. Construction Certificate

The erection of the building the subject of this development consent **MUST NOT** be commenced until:

a. Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:

- i. the Council, or
- ii. a registered certifier, **and**

b. The person having the benefit of the development consent has:

- i. Appointed a principal certifier for the building work, and
- ii. Notified Council of the appointment, and

iii. Notified the principal certifier that the person will carry out the building work as an owner-builder; or appointed a contractor for the building work who is the holder of a contractor licence if any residential building work is involved, notified the principal certifier of any such appointment, and notified the contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; **and**

c. The person having the benefit of the development consent has given Council written notice, at least two days prior to work commencing on site, of the name and details of the principal certifier and the date construction work is proposed to commence.

Condition reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979.

18. Toilet facilities

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.

19. Residential Building Work

For 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, such a contract of insurance must be in force before any building work commences.

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

20. **Erosion & Sediment Control**

Erosion and sedimentation controls are to be in place in accordance with the NSW Landcom publication "Managing Urban Stormwater: Soils and Construction – Volume 1, Landcom 2004" and the Kempsey Development Control Plan 2010 prior to the commencement of works.

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

21. **Section 138 Consent**

Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. Engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.

Condition reason: To comply with the Roads Act.

Protection of trees to be retained

22.

All trees and vegetation to be retained must be clearly mapped and marked in the field prior to any works. The drip line of trees to be retained must be fenced off, and the fencing maintained for the duration of the works. No materials, plant equipment or vehicles must be stored in this area, and no soil/root disturbance is permitted.

Condition reason: To protect the health of existing trees.

DURING BUILDING WORK

23. **Obstruction of pedestrian or traffic movement**

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 *Roads Act 1993*.

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.

24. **Public amenity and construction hours**

Works must not unreasonably interfere with the amenity of the neighborhood. Noise that is audible at adjoining residential premises, can only occur:

- a. Monday to Friday, from 7:00am to 6:00pm.
- b. Saturday, from 8:00am to 1:00pm.
- c. Nil on Sundays or Public Holidays.

Construction noise must 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 must 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 must not exceed the background level by more than 10 dB(A).

Condition reason: To minimise amenity impacts on occupants of surrounding properties.

25. **Stormwater Drainage**

Stormwater must 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.

Condition reason: To ensure stormwater from the development is appropriately managed.

26. **Construction Waste and Materials**

All construction waste must be contained on the subject land in a suitable waste enclosure and disposed of at a facility that may lawfully accept the waste. Building materials are to be delivered directly onto the subject land. Public roads and reserves are to be maintained clear of rubbish, building materials and all other items.

Condition reason: To minimise environmental and amenity impacts of waste from the development.

27. **Maintain Erosion and sediment control**

Erosion and sediment controls must be maintained throughout the construction, in accordance with the Blue Book, until the site has been stabilised by permanent vegetation or hard surface.

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

28. **Dust control**

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.

29. **Delivery of materials**

Building materials must be delivered directly onto the property. Road reserves and public reserves must be maintained clear of building materials, rubbish, etc.

Condition of reason: To ensure public safety.

30. **Discovery of relics and Aboriginal objects**

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified
 - i) for a relic – the Heritage Council; or
 - 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 National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a) for a relic – the Heritage Council; or
- 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 National Parks and Wildlife Act 1974, section 85.

Condition reason: To ensure the protection of objects of potential significance during works.

Building Code of Australia

31.

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 was made.

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

Tree protection during work

32.

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- a) the relevant requirements of AS 4970 Protection of trees on development sites,

b) the Arboricultural Impact Assessment by Treehouse Arboriculture approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Condition reason: To protect trees during the carrying out of site work.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

33. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all requirements of this consent (including the approved documents and subsequent approvals) have been completed.
34. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all requirements of all approvals issued under Section 138 of the *Roads Act 1993* (e.g., for any works within the road reserve, etc.) have been completed.
35. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must ensure that all requirements of all approvals issued under Section 68 of the *Local Government Act 1993* have been completed.

Occupation Certificate

36. The development shall not be used or occupied until an occupation certificate has been issued by the principal certifier. The application for the occupation certificate must be submitted on the NSW Planning Portal.

Note: A copy of any relevant fire safety certificate and compliance certificates must be provided to Council prior to undertaking the final building inspection. Fire safety certificates are not required for class 1a and class 10 buildings (dwelling houses, ancillary sheds, etc.)

Condition reason: To ensure the development is completed and complies with the development consent.

Bushfire measures completed

37. Prior to the issue of any Occupation Certificate, certification from a qualified consultant must be provided to the Principal Certifying Authority demonstrating that all bushfire measures required by this consent have been completed.

Condition reason: To comply with Planning for Bushfire Protection 2019.

OCCUPATION AND ONGOING USE

38. During occupation and ongoing use of the building, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document Standards for Asset Protection Zones.

Condition reason: To reduce the impact of bushfires.

39. Any requirements relating to bushfire protection must be maintained in perpetuity and landscaping works must:

- a) be of low flammability vegetation species comprising maximum tree cover of less than 30%, and maximum shrub cover less than 20%;
- b) provide courtyards/pathways/lawns and/or ground cover plantings without flammable woodchips/mulch in close proximity to the building;
- c) restrict planting in the immediate vicinity of the building which may, over time, and if not properly maintained, come in contact with the building;
- d) not provide planting that forms a continuous canopy to the building (i.e. trees or shrubs be isolated or located in small clusters); and
- e) use smooth bark species of trees species which generally do not carry a fire up the bark into the crown and avoid deciduous species, climbing species or species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies.

Condition reason: To ensure appropriate landscaping to protect life and property for bush fire attack.

Rural Stormwater Disposal

40. Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
- Clear of buildings and infrastructure,
 - Clear of effluent disposal areas,
 - Not concentrated so as to cause soil erosion,
 - Not directly to a watercourse, and
 - Not directly onto adjoining land.

Condition reason: To minimise the impact of stormwater runoff from the development.