

DETAILS OF CONDITIONS

DEFERRED COMMENCEMENT CONDITIONS

Deferred Commencement

1 This consent shall not operate unless within six months from the date of this notice of determination, evidence is provided to the satisfaction of Council that the following matters have been resolved:

- a. A boundary adjustment subdivision is to be completed and registered between Lot 19 DP 755537 and Lot 2 DP 883504 so that a buffer of 80m including a 40m wide vegetation buffer can be wholly contained on the land containing the dwelling; or

A restriction as to user under Section 88b of the Conveyancing Act is to be registered on Lot 2 DP 883504 requiring the creation and maintenance of a 40 metre wide vegetation buffer is established to comply with Part F of the Nambucca Development Control Plan 2010 for as long as the dwelling remains in its current location; or

The subject dwelling is relocated 80m from the western boundary of the subject land and a 40 metre wide vegetation buffer is established to comply with Part F of the Nambucca Development Control Plan 2010.

- b. Lots 19 & 176 DP 755537, Lots 2 & 4 DP 250670 & Lots 12 & 13 DP 25067 are to be consolidated so that the dwelling on Lot 19 DP 755537 has legal access to Wilson Road, Congarinni North.

Alternatively, a right of carriageway is to be registered under Section 88b of the Conveyancing Act to enable Lot 19 DP 755537 to have legal access to Wilson Road, Congarinni North.

- c. A right of carriageway is to be registered under Section 88b of the Conveyancing Act to enable Lot 2 DP 883504 to have legal access to Wilson Road, Congarinni North.

This consent will operate, subject to the following conditions, upon satisfactory compliance with this deferred commencement condition. Written confirmation from Council of compliance is required under clause 95 of the *Environmental Planning and Assessment Regulation 2000*, which will include the date from which the consent operates.

GENERAL CONDITIONS OF THIS CONSENT

Development is to be in accordance with approved plan(s)

2 The development is to be implemented in accordance with the plan(s) endorsed with the Council stamp, dated TBA and set out in the following table except where modified by any conditions of this consent.

Plan Title/Description	Dwg. No	Prepared by	Dated
Floor Plan		Applicant	Undated
Photos of House		Applicant	Undated
GIS photos of location of dwelling		Applicant	30/08/2018

In the event of any inconsistency between conditions of this development consent and the plan(s) referred to above, the conditions of this development consent prevail.

Site Drainage

3 Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

Residential Building Work

- 4 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.

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:
- The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of that Act; or
- b In the case of work to be done by an owner-builder:
- The name of the owner-builder, and
 - 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 in accordance with the above points 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.

Site Construction Sign

- 5 A sign must be erected before the commencement of the work in a prominent position within the frontage of the subject land:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- 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 is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Erosion & Sediment Control

- 6 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 Nambucca Development Control Plan 2010 prior to the commencement of works. Particular attention is to be given to the provision of the following sediment and erosion control measures:

- Temporary driveway from the edge of road to the building site;
- Temporary downpipes connected immediately after the roof has been erected;
- Sediment fencing.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

Notice of Plumbing Works

- 7 The licensed plumber must submit a Notice of Works (NoW) to Council prior to any work being commenced on-site:

- a No later than 20 business days before the work concerned is carried out in the case of work that requires a proposed alternative solution; or
- b No later than 2 business days before the work is carried out in any other case.

Toilet facilities

- 8 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.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

Building Code of Australia

- 9 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.

Shoring and Adequacy of Adjoining Property

- 10 If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a Protect and support the adjoining premises from possible damage from the excavation, and
 - b Where necessary, underpin the adjoining premises to prevent any such damage.

Construction Times

- 11 Any works involving the generation of noise which extends beyond the boundary of the land, other than works required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm, shall only be carried out between 7:00 am and 6:00 pm Monday to Saturday inclusive. No works shall occur on public holidays.

The builder/site manager is responsible to instruct and control sub-contractors regarding the hours of work

Construction Waste and Materials

- 12 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.

Maintenance of Erosion and Sediment Control Measures

- 13 Erosion and sediment control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface. The measures must ensure that only clean stormwater leaves the site.

Discovery of a Relic

- 14 The development is to proceed with caution. If any Aboriginal objects are found, works are to stop immediately and the NSW Office of Environment and Heritage (OEH) notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and OEH are to be notified.

Plumbing Standards & Inspections

- 15 All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the *Local Government Act 1993*, *Plumbing and Drainage Act 2011*, the *Plumbing Code of Australia*, and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Works must only be installed by a licensed person and must be inspected and given final clearance from Council prior to issue of an Interim or Occupation Certificate.

The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works:

- a All sanitary plumbing and drainage (under slab, connection to Councils sewer and all associated trenches).
- b All potable water supply plumbing (under slab, connection to Councils water supply and all associated trenches).
- c Completion of all plumbing and drainage works (Certificate of Compliance and Sewer Service Diagram required).
- d Rainwater supply.

Council requires a Certificate of Compliance for all rough-ins (pipework enclosed in wall cavities) to be supported by evidence of hydrostatic test of pipework. The Certificate of Compliance must be provided to Council prior to the issue of an Occupation Certificate.

Note: Council requires a minimum of 48 hours' notice to undertake each inspection. You will need to quote your development application number when you contact Council to arrange your inspection and payment of inspection fee.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING

Occupation Certificate/Letter of Completion

- 16 The development shall not be used or occupied until an Occupation Certificate or Letter of Completion has been issued by the Principal Certifying Authority.

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.)

Works to be Completed

- 17 All of the works required by this development consent, including any other certificates/approvals that are necessary for the completion of this development, are to be completed prior to the issue of an Occupation Certificate or occupation of the development (whichever occurs first).

Rural Stormwater Disposal

- 18 Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
- a Clear of buildings and infrastructure,
 - b Clear of effluent disposal areas,

- c Not concentrated so as to cause soil erosion,
- d Not directly to a watercourse, and
- e Not directly onto adjoining land.

Install System of Sewage Management

- 19 Prior to occupation of the development, install an approved system of sewage management in accordance with an approval obtained from Council under Section 68 of the *Local Government Act 1993*. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

Damage to Council's Infrastructure

- 20 Where any damage occurs to Council's infrastructure during construction, such as kerb and gutter, footpaths, inlet pipes, etc, fronting the development site, the principal contractor shall replace or make good the damaged infrastructure prior to occupation of the development. Approval from Council must be obtained for all works on public land.

Landscape Buffer

- 21 Prior to commencement of use of the development, provide a 40 m wide landscaped buffer to the west of the dwelling. It is to be planted with advanced stock (2-3 years old) and incorporate trees capable of achieving mature heights of at least 4.0m and understorey vegetation capable of achieving heights of 1.5-2.0m. The landscape buffer is to be maintained for the life of the development.

Advice: *It is recommended that Council is consulted to determine compliance with the above condition prior to the commencement of planting.*

REASONS FOR CONDITIONS

- To ensure that the proposed development:
 - a achieves the objectives of the *Environmental Planning and Assessment Act 1979*;
 - b complies with the provisions of all relevant Environmental Planning Instruments;
 - c is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- To ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- To minimise any potential adverse environmental, social or economic impacts of the proposed development.
- To ensure that all traffic, car parking and access requirements arising from the development are addressed.
- To ensure the development does not conflict with the public interest.