GENERAL CONDITIONS

1 Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans	Revision			
Plan number	number	Plan title	Drawn by	Date of plan
DA0361/24 –	-	Drawing Schedule	Edmiston	Undated
Sheet 1 of 15		23-0038	Jones	
DA0361/24 -	В	Site / Roof Plan	Edmiston	25/03/2024
Sheet 2 of 15		23-0038 – DA01	Jones	
DA0361/24 -	В	Demolition Plan	Edmiston	25/03/2024
Sheet 3 of 15		23-0038 – DA02	Jones	
DA0361/24 -	Α	Lower Floor Level	Edmiston	15/01/2024
Sheet 4 of 15		23-0038 – DA03	Jones	
DA0361/24 -	Α	Ground Floor Level	Edmiston	15/01/2024
Sheet 5 of 15		23-0038 – DA04	Jones	
DA0361/24 –	Α	Upper Floor Level	Edmiston	15/01/2024
Sheet 6 of 15		23-0038 – DA05	Jones	
DA0361/24 -	Α	Roof Plan	Edmiston	15/01/2024
Sheet 7 of 15		23-0038 – DA06	Jones	
DA0361/24 -	Α	North Elevation	Edmiston	15/01/2024
Sheet 8 of 15		23-0038 – DA07	Jones	
DA0361/24 -	Α	South Elevation	Edmiston	15/01/2024
Sheet 9 of 15		23-0038 – DA08	Jones	
DA0361/24 -	В	East Elevation	Edmiston	25/03/2024
Sheet 10 of 15		23-0038 – DA09	Jones	
DA0361/24 -	В	West Elevation	Edmiston	25/03/2024
Sheet 11 of 15		23-0038 – DA10	Jones	
DA0361/24 -	В	Section A	Edmiston	25/03/2024
Sheet 12 of 15		23-0038 – DA11	Jones	
DA0361/24 -	В	Section B	Edmiston	25/03/2024
Sheet 13 of 15		23-0038 – DA12	Jones	
DA0361/24 –	Α	3D Views	Edmiston	15/01/2024
Sheet 14 of 15		23-0038 – DA13	Jones	
DA0361/24 –	В	Essential Energy	Edmiston	25/03/2024
Sheet 15 of 15		Encroachment	Jones	
		Diagrams		
		23-0038 - DA16		

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Approved documents				
Document number	Version number	Prepared by	Date of Document	
DA0361/24 -	BASIX Certificate	Mantle	21 November 2023	
Document 1	1376953S	Sustainable		
DA0361/24 -	Waste Minimisation	Edmiston	20 September 2023	
Document 2	& Management Plan	Jones		
DA0361/24 -	Geotechnical	ACT	24 August 2022	
Document 3	Investigation &	Geotechnical		
	Slope Stability Risk	Engineers Pty		
	Assessment	Ltd		
DA0361/24 -	Clearance Report	Powerline	29/03/2022	
Document 4		Design		

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. [0001]

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

2 Earthworks, retaining walls and structural support

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that if fill brought to the site must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
- (d) that if excavated soil is to be removed from the site it must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

Reason: To ensure the environmental, social and economic impact of the development are minimised. [11.16]

3 Water & Sewer Inspections

All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council before the issue of any Occupation Certificate.

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

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(a) Sanitary drainage under hydrostatic test and before backfilling trenches or covering; (b) Hot and cold water plumbing under pressure test before covering; Internal stackwork under hydrostatic test before covering; and (c) The installation of the septic tank and any sullage trenches before backfilling or (d) covering. Issue of final satisfactory inspection. (e) Reason: To ensure that the development complies with the Water Authority's standards. [2.16] 4 **Demolition Standards** Building demolition works are to be carried out in accordance with AS 2601 (2001) -The Demolition of Structures. Developers are reminded that WorkCover requires that all plant and Note: equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. **Reason:** To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [21.01] 5 **Demolition Works** All demolition works must be carried out totally within the allotment boundaries and must not extend onto footpath area, public roadway or adjoining properties. Reason: To ensure the development does not conflict with the public interest. [21.02] 6 Storage of Materials Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided. Reason: To ensure the development does not conflict with the public interest. [21.03] 7 **Demolition - Damage to Footpath etc** In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter. Reason: To ensure the development does not conflict with the public interest. [21.07] 8 **Swimming Pools & Outdoor Spas** Installation (a) The installation of the pool and all associated safety equipment including fencing and latches shall comply with the provisions of the Swimming Pools Act and AS1926. A resuscitation chart and warning sign containing information as prescribed by the Swimming Pools Regulation 2018 must be erected within the pool enclosure and shall be maintained in a clearly legible condition. (b) Registration The land owner is required to register the swimming pool/spa pursuant to Clause 30B of the Swimming Pools Act 1992. Swimming pools can be registered at the NSW Government's Swimming Pool Register at

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https://www.swimmingpoolregister.nsw.gov.au/%20

Note: Pool owners can be fined \$220.00 if their pool is not registered on the NSW Swimming Pool Register. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.

(c) Temporary Fencing

In the event that the pool/spa is installed, prior to completion of other building work referred to in the development consent, temporary pool safety fencing complying with AS1926, shall be provided and maintained in position, pending completion of the other building work, if located on bushfire prone land and located within 10m of the dwelling be constructed of non-combustible materials.

(d) Pump Operation

The pump must be housed in an enclosure that is designed to minimise any noise intrusion on the surrounding developments. The enclosure must be designed to ensure that the noise levels emitted during off peak times* by the pump and filtration systems are not clearly audible in any habitable rooms of adjoining residences. Note: It is recommended that the pump and filtration systems only be used during daylight hours to reduce any noise impact. [*refer to SEPP (Exempt & Complying Development Codes) definition].

(e) Sewage Connection

Discharge points and/or overflow pipes from pool and filtration unit to be connected to the sewer where this service is provided to the property.

Reason: To protect the amenity of the local area. [23.09]

9 **Colours and Materials**

The external roof cladding shall have a solar absorptance rating of 0.421 or greater (e.g. Zincalume, Galvanised Iron, Colourbond Surfmist, Classic Cream and Whitehaven do not qualify).

Reason: To protect the amenity of the local area. [24.01]

10 Asbestos Removal

Where asbestos material is to be removed or disturbed as a result of any proposed demolition, alteration or addition:

- (a) Building demolition works are to be carried out in accordance with AS2601-2001 The Demolition of Structures:
- (b) The removal of bonded asbestos material (of an area of more than 10m2) or any amount of friable asbestos material must be undertaken by a licenced contractor. An Asbestos Removal Control Plan is to be prepared and complied with in accordance with the 'Code of Practice How to Safely Remove Asbestos' published by WorkCover NSW (Catalogue No.WC03561), available at: http://www.workcover.nsw.gov.au;
- (c) Standard commercially manufactured signs containing the words "Danger Asbestos Removal in Progress" measuring not less than 400 x 300mm are to be erected in prominent visible positions during asbestos removal process;
- (d) All asbestos material removed is to be disposed of to a landfill site licensed to receive asbestos.

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	Reason: To ensure compliance with the legislation, Council Policies and applicable
	planning controls applying to the land. [25.01]
11	Asbestos Clearance Certificate - Minor Demolition of Existing Structure Following the demolition works and prior to the commencement of construction, an Asbestos Clearance Certificate shall be submitted to the Principal Certifier confirming the subject land has been cleared of asbestos in accordance with the Asbestos SafeWork NSW https://www.safework.nsw.gov.au/hazards-a-z/asbestos requirements.
	Note: In the event that you have engaged a suitably qualified consultant (that is a Licensed Builder or Asbestos Contractor) and it was determined that no Asbestos was detected. Please provide written certification from the Licensed Builder or Asbestos Contractor that the development does not contain any asbestos.
	Reason: To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [25.13]
12	Stormwater disposal (General) Stormwater is to be connected to Council's street drainage system (pipe). In accordance with Councils Infrastructure Design Standard https://www.esc.nsw.gov.au/ data/assets/pdf file/0010/143983/Infrastructure-Design-Standard-IDS.pdf> (refer to Section 7.12 Property drainage), and AS/NZS3500.3:2003. note: connection with Council's kerb and gutter infrastructure is to be with a kerb converter matching the kerb profile. Where piping has less than 300mm cover heavy duty piping is to be used to withstand possible vehicle loads. Reason: To ensure stormwater runoff from the development does not impact on
13	adjoining properties. [6.26]
13	Essential Energy - Conditions Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development: A. A safe distance of 2.9 metres is required measured horizontally to the centreline of the powerline(s), considering the existing structures will be demolished and revised plans DA16 Revision B list a distance from the structure to the centre lines of the powerline at 4.33 metres, this clearance is adequate to satisfy Essential Energy's advice.
	Reason: To comply with Essential Energy requirements.
14	Essential Energy - General Comments
	Essential Energy makes the following general comments:
	 A. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment B. Any existing encumbrances in favour of Essential Energy (or its predecessors)
	noted on the title of the above property should be complied with C. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW) and

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D. It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au http://www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets. E. Information relating to developments near electrical infrastructure is available on our website Development Applications (www.essentialenergy.com.au http://www.essentialenergy.com.au). F. Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. **Reason:** To comply with Essential Energy requirements. 15 **Geotechnical Reports** The proposed development must be constructed in accordance with requirements and recommendations contained in Document 3 attached to this consent. Reason: To ensure that the development is built to withstand the geotechnical constraints of the land. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE 16 Landscape Plan Prior to the issue of a Construction Certificate, submission to and approval by Council of a detailed Landscape Plan for the development. Reason: To protect the amenity of the local area. [16.03] 17 Payment of Building & Construction Industry Before the issue of the 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. The levy rate is 0.25% of the cost of building and construction works of \$250,000 or more (incl GST). Reason: To ensure the long service levy is paid. [2.03] 18 Private On-property Pressure Sewer System Prior to the issue of a Construction Certificate an approval to install and operate an on-site sewage management system (OSSM) for the privately owned / managed pressure sewer system shall be obtained from Council. Note: The privately owned / managed pressure sewer system will be required to service all relevant fixtures not able to be serviced by Council's existing gravity sewerage system (eg. The lower ground floor which is lower in elevation that the street sewer main). Reason: To ensure the development can dispose of sewer without environmental

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impact. [4.16]

	PRIOF	R TO COMMENCEMENT OF WORKS		
19	Erosion and Sedimentation Control 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 the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).			
		on: To ensure sediment laden runoff and site debris do not impact local water systems and waterways. [11.13]		
20	Construction Certificate The construction works 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: (i) has appointed a Principal Certifier, and (ii) has notified the Council of the appointment, and		
	(c)	The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and		
	(d)	Builders name and licence number has been supplied to Council or the Principal Certifier; and		
	(e)	Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifier; or		
	(f)	Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and		
	(g)	A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifier for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.		
21	+	on: To ensure compliance with legislative requirements. [2.06]		
21	A site	rubbish enclosure must be provided prior to commencement of any work for eriod of the proposed work and remain in place for the duration of all works. All ematerials from the site must be disposed of at an authorised waste facility.		

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Reason: To ensure the environmental, social and economic impact of the development are minimised. [22.01] 22 **Certification Height of Building** The development must be constructed in accordance with the maximum finished levels outlined below: - lower ground floor habitable level 21.88m AHD; - ground floor level 24.88m AHD; - upper floor level 27.58m AHD; and - ridgeline level 30.92m AHD. The floor levels and ridge level must be certified by a registered surveyor. Evidence is to be submitted to the satisfaction of the Principal Certifier, prior to continuing construction. Construction is not to continue until the Principal Certifier has signed off that the floor level or ridge level is in accordance with the approved levels outlined in this condition. Reason: To ensure the development does not conflict with the public interest. [23.33] **DURING CONSTRUCTION** 23 Shoring and Adequacy of Adjoining Property 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: Protect and support the adjoining premises from possible damage from the excavation, and Where necessary, underpin the adjoining premises to prevent any such (b) damage. Reason: To ensure the environmental, social and economic impact of the development are minimised. [11.04] 24 Discovery of Relics and Aboriginal Objects While site work is being carried out, if a person reasonable 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 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. **Reason:** To ensure the protection of objects of potential significance during works.

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25	Public Way to be Unobstructed The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.
	Reason: To ensure that the development complies with the standards of the Roads Authority. [14.10]
26	Approved Plans to be On-Site A copy of the consent, the approved and certified plans, specifications and documents shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.
	Reason: To ensure the development is undertaken in accordance with the conditions of approval and complies with legislative requirements and Council policy. [2.22]
27	Construction Hours - NOISE Site work must only be carried out between the following times -
	from 7am to 6pm on Monday to Friday from 8am to 1pm on Saturday No work 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.
	Reason: To protect the amenity of the surrounding area. [20.01]
28	Implementation of BASIX commitments While building work is being carried out, the applicant must undertake the development strictly in accordance with commitments listed in BASIX certificate(s) approved by this consent, for the development to which the consent applies, and any updated certificate(s) if amendments are made.
	Reason: To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.26]
	PRIOR TO OCCUPATION OR COMMENCEMENT OF USE
29	Road Damage The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to issue of any Occupation Certificate.
	Reason: To ensure that the development complies with the standards of the Roads Authority. [14.15]
30	Layback Gutter Prior to the issue of any Occupation Certificate, provision of a layback gutter crossing and reinstatement of kerb over redundant laybacks to Councils Infrastructure Design Standards
	https://www.esc.nsw.gov.au/ data/assets/pdf file/0010/143983/Infrastructure- Design-Standard-IDS.pdf> Plan No 4400-A-0001-b-1.
	Reason: To ensure that the development complies with the standards of the Roads Authority. [14.17]

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31	Sealed Driveway
	Prior to issue of any Occupation Certificate, construction of a sealed driveway in
	accordance with Councils Infrastructure Design Standards
	https://www.esc.nsw.gov.au/ data/assets/pdf file/0010/143983/Infrastructure-
	Design-Standard-IDS.pdf> Plan No. SD 4400 F A-001-1.
	Reason: To ensure that the development complies with the standards of the Roads
	Authority. [14.19]
32	Completion of landscape and tree works
	Prior to issue of the Occupation Certificate, the principal certifier must be satisfied all
	landscape and tree-works have been completed in accordance with approved plans
	and documents and any relevant conditions of this consent.
	Reason: To ensure the approved landscaping works have been completed in
	accordance with the approved landscaping plan(s). [16.04]
33	Occupation Certificate
	The development shall not be used or occupied until an Occupation Certificate has
	been issued by the Principal Certifier.
	Reason: To ensure compliance with legislative requirements. [2.14]
34	Privacy Screening for decks
	Privacy screen(s) are required for the areas of the deck(s) located within nine (9)
	metres of the deck or transparent windows/doors of a residential neighbour's living
	room as shown on the approved plans, and/or where marked in red on the approved
	plans. The privacy screen(s) must face the affected side or rear boundary, be
	between 1.5 metres (min) to 1.7 metres (max) in height (measured from the deck's
	floor level), have individual openings of 30mm wide and the total of all openings be
	less than 30% of the surface area of the screen. The screens must be installed prior
	to issue of any Occupation Certificates.
	Reason: To protect the amenity of the local area. [23.02]
35	Works as Executed Plans and any other Documentary Evidence
	Before the issue of the relevant Occupation Certificate, the applicant must submit, to
	the satisfaction of the principal certifier, works-as-executed plans, any compliance
	certificates and any other evidence confirming the following completed works:
	a) All stormwater drainage systems and storage system
	b) The following matters that Council requires to be documented conditions 14,
	18 and 25.
	The principal certifier must provide a copy of the plans to Council with the occupation
	certificate.
	Reason: To confirm the location of works once constructed that will become Council
	assets. [6.06]

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General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully. The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

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Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

Council means Eurobodalla Shire Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel.[Title]

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