

DA 2018/781 – Draft Conditions of Consent**GENERAL****1. Approved Plans**

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
Dominic Finlay Jones Architects	DA 101 (Rev 2)	Proposed Site Plan	9/4/19
	DA 210 (Rev 2)	Level 00 Proposed Floor Plan	9/4/19
	DA 213 (Rev 2)	Proposed Roof Plan	9/4/19
	DA 300 (Rev 2)	Demo Elevations	9/4/19
	DA 301 (Rev 2)	Demo Elevations	9/4/19
	DA 302 (Rev 2)	Demo Elevations	9/4/19
	DA 350 (Rev 2)	Proposed Elevations	9/4/19
	DA 351 (Rev 2)	Proposed Elevations	9/4/19
	DA 352 (Rev 2)	Proposed Elevations	9/4/19

except as modified by any condition in this consent.

2. Parameters of Approval

This consent only relates to the following works, as shown on the approved plans, and works required by other conditions of this consent, but has no bearing on the other works or structures shown of those plans:

Conference Centre:

- Three new shade sails covering north terrace
- New internal lining

Dormitory:

- One new shade sail covering existing deck footprint
- Existing ramp leading to deck is resurfaced in decking boards
- Install new balustrades and handrails to ramp / stairs

3. Parameters of Approval

This consent only authorises building works for the purpose of use of the land as a conference centre pursuant to development consent 71/31 granted on 9 March 1971. That is, for use only as a place where people gather to receive or obtain information or instructions from a presentation or presentations.

4. Commencement of occupation or use

Occupation or use of the (premises/site) for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

5. National Construction Code compliance

All new building work is to comply with the requirements of the National Construction Code and relevant Australian Standards.

6. General accessibility

Disabled access is to be provided to the following areas in accordance with AS 1428.1-2009;

- from the accessible parking space to the conference centre, designated accessible dormitory room and associated deck and the accessible sanitary compartment;
- through the entrance door to the conference centre; and
- through the entrance door to a designated accessible dormitory room; and
- a continuous accessible path of travel, in accordance with, AS 1428.1, from the principle pedestrian entrance of the conference centre to all other areas of the building normally used by the occupants
- a continuous accessible path of travel, in accordance with, AS 1428.1, from the conference centre and designated accessible dormitory room to the accessible sanitary compartment.

7. Windows

All windows in the dormitory and conference centre are to comply with *Australian Standard AS 3959-2009* (BAL 29). Where glazing is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the door (see Figure D3, Appendix D), that portion shall be screened externally with screens that comply with Clause 7.5.1A of AS 3959.

8. Accessible entrance ramp and paving

The ramp adjacent to the accessible parking space is to be upgraded to comply with AS 1428.1-2009 by providing contrasting, slip-resistant tactile ground surface indicators at the top and base of the ramp and compliant kerb rails.

The external paving providing access to the buildings is to be upgraded by carrying out the following works:

- Either rectify the step ramp adjacent to the conference servery and surrounding surface to achieve compliance with AS 1428.1-2009, or block off the non-compliant areas to prevent access.
- Provide at least one accessible entrance doorway to the conference facility in accordance with AS 1428.1-2009.
- A sign is to be provided at all doorways that are not accessible indicating the location of the accessible entrance.
- All glazing in doors and side panels are to have compliant visual safety strips in accordance with AS1428.1-2009.

9. Accessible ramp to dormitory deck

The accessible ramp to the dormitory deck is to be upgraded by carrying out the following works:

- Contrasting, slip-resistant tactile ground surface indicators to be provided at the top and base of the ramp in accordance with the National Construction Code.
- Handrails to be provided on both sides of the ramp in accordance with AS 1428,1-2009,
- Kerbrails to be provided on both sides of the ramp in accordance with AS 1428,1-2009,
- Vegetation overhanging the ramp to be removed to provide unobstructed clear space 2m above the ramp as required by AS 1428,1-2009,

- The timber ramp surface is to be certified as having a slip resistant surface in accordance with the National Construction Code.

10. Door to accessible dormitory room

The door to at least one designated accessible dormitory room is to be upgraded to have contrasting door/architrave in accordance with AS 1428.1-2009, and compliant door hardware.

11. Stairs to deck

The external steps leading from the dormitory deck to the adjacent grassed area are to comply with the National Construction Code provisions as follows:

- Provide a handrail along at least one side of the stairs in accordance with the National Construction Code.
- Provide treads with a minimum width of 250mm
- The timber tread surfaces are to be certified as having a slip resistant surface in accordance with the National Construction Code.

12. Light fittings

The light fittings along the path of travel to the proposed accessible toilet are to be relocated to provide a clear height of 2m above the floor as required by AS 1428.1-2009.

13. Conference centre roof

The conference centre roof is to have a minimum 125mm insulated panel roof system with a total 'R-value' of at least R3.20.

14. Conference centre external walls

The conference centre external walls are to have R2.50 wall batts and plasterboard internal lining installed.

15. Conference centre windows and doors

The north facing doors and windows (001, 002, W201, W202) are to have:

- a characteristic equal to or less than a V-value of 7.5 and a SHGC-value of 0.33, which can be achieved with dark tint glass in standard aluminium frames, or
- a characteristic equal to or less than a V-value of 7.5 and a SHGC-value of 0.75, which can be achieved with clear glass in standard aluminium frames, and installing additional shade sails covering the total north facade.

16. Lighting, power and hot water

The artificial lighting, power and hot water installations of the conference centre and dormitory building are to be certified by the installing electrician as complying with Part J of the National Construction Code.

17. Discovery of any Aboriginal Relics

Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the proponent shall immediately notify the National Parks and Wildlife Service (NPWS) and the Jali Local Aboriginal Land Council and shall cease works within the vicinity thereof until such time as the consent from the NPWS is obtained for the destruction, removal or protection thereof and the proponent has complied with the direction of the Service in that respect.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

18. Long Service Levy

In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate is not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

19. Section 68 Application

Prior to issue of a Construction Certificate an application is to be lodged with Council under Section 68 of the Local Government Act for all water, sewer, stormwater installations. Hydraulic are to be submitted to Council and approved prior to the issue of a construction certificate. The plans are to be designed in accordance with AS3500 and NSW Code of Practice and other relevant Australian Standards. Payment is also to be made of the application, inspection and associated fees.

20. Administration/inspection fees

Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fee and required sewer inspection fees are to be paid to Council in accordance with Council's Fee Schedule, prior to the issue of a Construction Certificate.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

21. Construction Certificate

Prior to carrying out any building work forming part of this development consent, it is necessary to obtain a Construction Certificate from an appropriately Accredited Certifier.

22. Notice of Commencement and Appointment of Principal Certifying Authority

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two (2) days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

23. Erection of Signs

- (1) A sign must be erected in a prominent position on any 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 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.
- (2) Any such 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.
 - (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
 - (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.

24. Building waste containment

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

25. Construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

26. Potential Contamination

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

27. Construction Noise

All work, including demolition, excavation and building work shall comply with Australian Standard AS 2436:2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).

28. Export/Import of Waste

The export/import of waste (including fill or soil) to and from the site must be in accordance with:

- a) the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
- b) current Resource Recovery Orders and Exemptions.

29. Waste Management

All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA). **It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.**

30. Erosion & Sediment Control

Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with *Managing Urban Stormwater – Soils and Construction*, LANDCOM, March 2004.

31. Pollution Prevention

To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works. These are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land
- Service trenches being backfilled as soon as practical
- Downpipes being connected as soon as practical or the use of temporary downpipes
- Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses
- Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

32. Compliance with Conditions

All conditions of consent are to be complied with prior to the issue of the final occupation certificate.

33. Occupation Certificate

The buildings are not to be occupied or used until an Occupation Certificate has been issued by the Principal Certifying Authority for the development.

34. Bushfire

Prior to the issue of an Occupation Certificate, certification from a suitably qualified bushfire consultant is to be submitted to Council demonstrating that the relevant requirements of the General Terms of Approval in the NSW Rural Fire Service Bush Fire Safety Authority, issued 5 March 2019 (refer to Schedule 1 of this Notice) have been satisfied.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

35. Maximum Capacity – Conference Centre

The Conference Centre Building may cater for a maximum of 265 patrons at any one time.

36. Maximum Capacity – Dormitory Building

The associated Dormitory Building (including the subfloor area) may accommodate a maximum of 62 people at any one time. Guests staying in this building need to be associated with the use of the Conference Centre Building and not be separate to or not associated with such use. The Dormitory Building must not be utilised by separately paying guests.

37. Amenity

The land use on site shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, odours, fumes, smoke, vapour, steam, dust, water, waste products and the like.

38. Offensive Noise

The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to intrusive noise or any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:

1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;
 - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted;
 - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

39. Pollution Incident Reporting

In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the incident shall be reported in accordance with the requirements of section 148 of the Protection of the Environment Operations Act 1997.

40. Fire safety statement

The owner of the building must provide Council with an annual Fire Safety Statement at least once in each twelve months certifying that the essential and statutory fire safety measures in the building have been inspected and tested by a competent person and were found to have been designed, installed and capable of operating to

the minimum standard required by the Fire Safety Schedule. A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, NSW Fire Brigades, and a copy of the Fire Statement and Schedule, prominently displayed in the building.

41. Bushfire Protection

Bushfire Asset Protection Zones shall be maintain on-site in accordance with condition 1 of the Bushfire Safety Authority (refer to Schedule 1).