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Bega Valley Shire Council c/- Daniel Djikic PO Box 492 BEGA NSW 2550

NOTICE OF DETERMINATION

under Section 81(1)(a) of the *Environmental Planning* and Assessment Act 1979 (as amended).

The development application has been determined by Bega Valley Shire Council granting consent subject to the conditions specified below.

DEVELOPMENT APPLICATION	2018.301	
APPLICANT	Bega Valley Shire Council	
LAND	Lot 2 DP 1212064	
LOCATION	1 Zingel Place, BEGA	
ZONE	Zone B2 Local Centre	
PROPOSED DEVELOPMENT	Alteration & Addition to Information & Education Facility (Gallery)	
	Stage 1 – BVRG Redevelopment	
	Stage 2 – Forecourt Redevelopment	
DETERMINATION MADE ON	26 September 2018	
CONSENT TO OPERATE FROM	26 September 2018	
CONSENT TO LAPSE ON	26 September 2023	

Conditions of approval

General

1. Approved development plans

Development shall take place in accordance with the following plans, specifications and reports, except as may be amended in red on the approved plans and by the following conditions.

Plan, Specification or Report	Plan Reference and Date
BVRG Redevelopment Cover & Site Plan	A000 B – 16.07.18
BVRG Redevelopment Existing Plan	A001 B - 16.07.18
BVRG Redevelopment Existing Elevations & Sections	A002 B – 16.07.18
BVRG Redevelopment Demolition Plan	A003 B - 16.07.18
BVRG Redevelopment Proposed Plan	A100 B - 16.07.18
BVRG Redevelopment Proposed Roof Plan	A101 B - 16.07.18
BVRG Redevelopment - RCP	A102 B – 16.07.18
BVRG Redevelopment Proposed Sections	A200 B – 16.07.18
BVRG Redevelopment Proposed Elevations	A300 B – 16.07.18
Stage 2 Forecourt Plan	A400 B - 16.07.18
Stage 2 Forecourt Plan	A401 B – 16.07.18

2. Comply with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

3. Signs

Signs are to be provided at the front of the property or in a prominent location, and shall contain the following details: -

- owner's name, lot number and street number
- a rural address number (when relevant) provided at the entrance of the property (eg. affixed to an entrance gate)
- signage must clearly identify the Principal Certifying Authority (PCA) and contact number
- that unauthorised entry to the work site is prohibited
- details of the Principal Contractor (ie. the coordinator of the building work).

4. Separate servicing of each lot

This development shall have a separate water connection to the existing Council office building.

The lot shall have individual and separate connections to water, sewerage, stormwater, electricity and telecommunications networks. Suitable easements for services shall be established in the plan of subdivision where services pass across any other lot between the point of connection to these public utility services and the lot serviced.

5. Traffic Control Plan

No work shall be carried out within three metres of the carriageway of a public road subject to motor vehicle traffic until Council has sighted a satisfactory Traffic Control Plan relating to that work, and the relevant Roads Authority has issued any associated Roadworks Speed Limit.

The Traffic Control Plan shall be prepared by a person who is authorised by the Roads and Maritime Services to prepare these plans. Evidence of Traffic Control at Worksites Certification must be submitted with the Traffic Control Plan.

All measures described in the Traffic Control Plan shall be implemented and maintained for the duration of any work within/adjacent to the road carriageway.

6. Certification and inspection of public works

All works within the road reserve and on council infrastructure must be inspected and tested by Council's inspector in accordance with Council's Development Design and Construction Specifications.

Typically, inspections are required at, but not limited to, the following stages.

- a. After placement of all signs and control measures in accordance with the approved Traffic Control Plan
- b. After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage
- c. After completion of road subgrade
- d. After placement and compaction of each layer of gravel pavement material
- e. During application of bitumen seal or asphaltic concrete wearing surface
- f. After laying and jointing of all stormwater pipelines prior to backfilling
- g. After surface preparation, placing reinforcement and prior to pouring concrete for roads and driveways
- h. After completion of works
- i. As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

It should be noted that Council charges fees for inspections and certificates.

The developer will complete quality assurance testing of all public asset works in accordance with the inspection and testing plans detailed in Councils Development Construction Specifications.

Testing results shall be provided as required throughout the construction phase of the development.

Prior to demolition

7. Demolition in association with new work

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of erection of building" pursuant of section 81A(2) of the *Environmental Planning and Assessment Act*. In such circumstances, all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifying Authority and submission of a Notice of Commencement to Council.

Prior to issue of Construction Certificate (Building)

8. Section 94 or 94A contributions

Payment to Council of the following contributions pursuant to Section 94 or 94A of the *Environmental Planning and Assessment Act* and *Bega Valley Section 94 and 94A Contributions Plan 2014.*

Contribution type	\$ Total	Allocation No.
Section 94A contribution	\$36,000.00	W5307.1651.1416

Indexation: Where the monetary contribution is not paid before the first anniversary of the date of this development consent, the contribution amount must be indexed between the date of the consent and the date of payment, in accordance with annual movements in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

Time for payment: Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

9. Certificate of compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained.

10. Colour and materials schedule

A detailed colour and building materials schedule shall be submitted to and approved by Council. The schedule shall include:

- a) External building finishes (including glazing treatments),
- b) A colour palette (including colour samples).

11. Long Service Levy payments

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, proof that the levy has been paid is to be submitted to Council. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's office.

Note: The Long Service Levy is a State Government Levy (not a Council fee).

12. Protection of infrastructure assets (building over or within the zone of influence)

Protection of Council's infrastructure system is required. The following shall be provided to Council:

a. Site survey information (by registered surveyor) accurately showing the vertical and horizontal proximity (details to include offsets, Australian Height Datum invert levels and pre and post surface levels) of the infrastructure to the proposed development.

Note: Please contact Council for access to Council's infrastructure.

- b. Detailed design by a suitably qualified and experienced chartered professional Engineer (or equivalent) that ensures no loading is imposed on or transmitted to the sewer pipeline by the proposed development. This may require complete relocation of the infrastructure.
- c. A letter of certification indicating that the proposed building and/or structure/s will not impact on Council's infrastructure. The accompanying letter shall be prepared by a suitably qualified and experienced chartered professional Engineer (or equivalent) and submitted to Council.

13. Section 138 approval for construction works within the road reserve

An application for approval under Section 138 of the Roads Act, 1993 for any works within the road reserve shall be submitted to Council for acceptance. The Section 138 application shall be accompanied by construction plans and specifications for all engineering works proposed within the road reserve.

These works shall be designed in accordance with Council's Development Design and Technical Specifications as current at the date of approval, and sound engineering practice.

The works shall be designed by persons holding suitable qualifications and experience for design of works of this type and current professional indemnity insurance.

Note: Evidence of the concurrence of Roads and Maritime Services to the design of all works within any classified road (as defined in the Roads Act, 1993) must be provided to Council.

14. Contractor's insurance (Public Works)

Each contractor engaged in the construction of public works (such as road work, kerb and guttering, footway construction, stormwater drainage, water supply, sewerage works and environmental controls) must provide evidence of public liability insurance (minimum \$20,000,000.00) endorsed to note the contractor and Council for their rights and interests.

Prior to construction work commencing

15. Appoint PCA

The person having the benefit of the Development Consent and a Construction Certificate shall:

- a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
- b) notify Council of their intention to commence the erection of the building (at least 2 days notice is required).

The Principal Certifying Authority shall determine when inspections and compliance certificates are required.

16. **Construction certificate must be obtained**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H

of the Environmental Planning and Assessment Amendment Regulations, 1998 have been satisfied, including compliance with the Building Code of Australia and conditions of development consent.

During construction

17. Construction hours

Works shall be confined to normal working hours, being 7am to 6pm Mondays to Fridays and 8am to 1pm Saturdays, (no work on Sundays or Public Holidays) and in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties.

Variations to these hours or days may be approved by the consent authority on a case by case basis.

18. Erosion and sediment controls – less than 250m2 site disturbance

The Principal Certifying Authority shall be provided with details of the sediment and erosion control measures to be implemented and maintained until the site is fully revegetated and landscaped.

19. Maintenance of site

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- d) During construction:
 - i. All vehicles entering or leaving the site must their loads covered, and
 - ii. All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- e) At the completion of the works, the work site must be left clear of waste and debris.

20. Earthworks, retaining walls and structural support

- a) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - i. 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
 - ii. Must not redirect the flow to any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - iii. That is 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
 - *iv.* That is excavated soil to be removed from the site must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) regulation 2005.*

b) Any excavation must be carried out in accordance with Excavation Work:Code of Practice (ISBN 978-0-643-785442) published in July 2012 by Safe Work Australia

21. Drainage connections

- a. Roof storm water is to be disposed of to the satisfaction of council.
- b. Any roof storm water and surface water from driveways and car parking area to be conveyed to the street water table / drainage easement / watercourse / reserve.

22. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) Could cause damage to adjoining lands by falling objects, or
- c) Involve the enclosure of a public place or part of a public place.

23. Copy of plans onsite

The builder must at all times maintain on the job, a legible copy of all the relevant plans and specifications bearing the stamp and development consent of Council.

24. Toilet facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) Be a standard flushing toilet connected to a public sewer, or
- b) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) Be a temporary chemical closet approved under the Local Government Act 1993.

25. Garbage receptacle

- 1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- 2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

26. Floors of wet areas

The floors of wet areas shall be on an approved impervious material, properly graded and drained. The junctions of the floors with the walls shall be so treated as to prevent the penetration of moisture into the walls.

Prior to issue of Occupation Certificate

27. Final occupation certificate must be obtained

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1997* have been satisfied.

28. Fire safety upgrade

A Final Fire Safety Certificate must be issued for the building. As soon as practicable after a Final Fire Safety Certificate is issued, the owner of the building to which it relates must:

- a) provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- b) provide a copy of the certificate (together with a copy of the current fire safety schedule) is also prominently displayed in the building.

29. Works in accordance with approved construction plans

All public asset works shall be constructed in accordance with the accepted construction plans or scheduled of works, Council's Development Construction Specifications and conditions of this consent.

A report containing all quality assurance testing results shall be provided to council.

Conditions of use / during occupation

30. Lighting of premises to be shielded

The lighting of the premises shall be shielded and directed so as not to cause annoyance to the owners or occupiers of adjoining premises or glare to motorists on adjoining or nearby roads.

31. Erection of signage

No advertising sign shall be erected, painted or displayed without prior approval from Council except those in accordance with any Council or State exempt provisions.

32. Service areas kept clear of goods

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

33. Loading operations within the confines of the site

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site at all times (and must not obstruct other properties/units or the public land).

34. Annual fire safety statement – essential fire safety – Class 2-9

The owner of a building, to which an essential fire safety measure is applicable, shall provide Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- a) deal with each essential fire safety measure in the building premises, and
- b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

• must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and

• prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

35. Fire safety statement – critical fire safety – Class 2-9

A supplementary fire safety statement is to be given to Council where a critical fire safety measure is implemented. A supplementary fire safety statement for a critical fire safety measure must be given at such intervals (being intervals of less than 12 months) as is specified in respect of that measure in the current fire safety schedule for the building.

As soon as practicable after the supplementary fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

Advisory notes

Existing structures

No approval of existing buildings or structures is granted or implied by this consent.

Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

National Parks and Wildlife Act

The developer's attention is drawn to the requirements of the National Parks and Wildlife Act with respect to the conservation of Aboriginal archaeology.

As a landowner and/or developer you have a responsibility to not disturb or destroy any such item. Should you become aware of the existence of an item during the construction of this development you are required to comply with the National Parks and Wildlife Act and contact Council or the National Parks and Wildlife Service immediately for guidance in the conservation or collection of the item(s).

Carparking calculations

Car parking requirements have been calculated on the basis of the specified use. Should any change of use be contemplated car parking requirements may need to be re-assessed.

Biosecurity Act 2015

All landowners should be aware of their General Biosecurity Duty under the provisions of the Biosecurity Act 2015 which states; "any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised".

For information on Priority Weeds and the South East Regional Strategic Weed Management Plan contact Council's Vegetation Management Team on 6499 2222.

Change of contact details

It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an office under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact:

Telstra's Network Integrity Team on Phone Number 1800 810 443

Reasons for conditions

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the Environmental Planning and Assessment Act 1979 and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- Section 94/94A Development Contribution Plan and Tree Preservation Order.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to appeal to the Land and Environment Court within 6 months after the date you receive this notice or the date the application was determined under Section 82(1).

Section 97 of the *Environmental Planning and Assessment Act 1979* does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

For the purposes only of Section 97 of the Environmental planning and Assessment Act 1979, if this consent is a deferred commencement consent under Section 80(3) of the Act, Council is deemed to have notified the applicant that Council is not satisfied as to the deferred commencement conditions after 28 days from the date the applicant has provided the applicant' evidence.

Review of determination

Section 82A of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within sufficient time so as to allow Council to determine the application within the time prescribed by Section 82(a)(2A) and be accompanied by the fee prescribed by Section 257 of the Environmental Planning and Assessment Regulation 2000. Review provisions do not apply to a determination:

- a) to issue or refuse to issue a complying development certificate, or
- b) in respect of designated development, or
- c) in respect of integrated development, or
- d) made by the Council under Section 116E in respect of an application by the Crown.

Mark Fowler Senior Town Planner FOR BEGA VALLEY SHIRE COUNCIL





















