

Attachment 1.

PROPOSED CONDITIONS

PRESCRIBED CONDITIONS

1. All work must be carried out in accordance with the requirements of the National Construction Code.

Reason: To comply with the provisions of Clause 98 of the Environmental Planning & Assessment Regulation 2000.

2. 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, such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed. The sign must include the following:
 - Showing the name, address and telephone number of the principal certifying authority for the work, and
 - 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
 - Stating that unauthorised entry to the work site is prohibited.

Reason: To comply with the provisions of Clause 98A of the Environmental Planning & Assessment Regulation 2000.

GENERAL CONDITIONS

3. The development must be undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended in red by Council, or as modified by the conditions of this Notice of Determination.
 - Plans, described as 'Proposed Angry Bull Trail Centre Tenterfield, Lot 2 DP 515122, 306 Rouse Street, Tenterfield NSW
DWG No.
 1. Cover and Locality Plan: DA A00.1.1
 2. Site and Main Floor: DA A01.1.5
 3. Upper Floor: DA A01.2.3
 4. Staging Diagram: DA A01.3.1
 5. Sewer & Stormwater Diagram: DA A01.4.3

6. Demolition Plan: DA A01.5.1
7. Demolition Plan – Roof: DA A01.6.1
8. Section – Long: DA A02.1.4
9. Elevations – East: DA A03.2.3
9. Elevations – North: DA A03.3.3
10. Elevations – South: DA A03.4.3
11. Elevations – West DA: A03.5.2

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under *Section 4.55* of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new Development Application will have to be submitted to Council.

Reason: To confirm and clarify the terms of Council's approval.

4. Any earthworks associated with the construction of the building must comply with part 3.1 and 3.2 of the BCA if they are to be maintained by means of an unprotected embankment. Alternatively a retaining wall is required to be installed to the earthworks, if you opt to use this method details of the retaining walls construction are to be provided to Council prior to its installation.

Reason: To comply with the Environmental Planning and Assessment Act and the National Construction Code.

5. All storm water (or rainwater tank overflow) must be diverted to Rouse Street and to the satisfaction of Council and clear of any structures and property boundaries. Gutter and downpipes are to be provided.

Reason: To comply with Council requirements.

6. To prevent soil leaving the site and entering the stormwater system and causing pollution of rivers and creeks erosion and sediment controls are to be installed prior to work commencing and include the following:

The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. Drains, gutters, roadways etc shall be kept clean and free of sediment. To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150 mm. The length must be a minimum of 5m and a width of 3m these measures shall

be maintained throughout the course of construction and until all disturbed areas are restored by turfing, paving or revegetation.

Reason: To comply with the requirements of the Protection of the Environmental Operations Act 1997 and protect the amenity of the local environment.

7. The demolition of the building structure is to be carried out in accordance with provisions of Australian Standard AS 2601 and the NSW WorkCover regulations.

Reason: To protect the health and safety of the community.

8. Any materials suspected of containing asbestos are to be identified and removed prior to the building being demolished. All materials containing asbestos are to be removed, handled and disposed of strictly in accordance with the Safe Work Australia Code of Practice – How to Safely Remove Asbestos 2011 and disposed of in accordance with EPA guidelines.

Where more than 10 square metres of non-friable asbestos is to be removed the a NSW WorkCover licence holder (Class A Licence – Friable Asbestos and/or Class B Licence for non-friable or Bonded Asbestos) is to carry out the identification, removal and disposal of the asbestos in compliance with NSW WorkCover legislation. NSW WorkCover notification is required 5 days prior to the removal of materials containing asbestos.

A clearance certificate is to be provided at the completion of the asbestos removal work these can be issued by a licensed asbestos assessor for friable removal work, or a competent person for non-friable (bonded) removal work. Materials containing asbestos are only to be disposed of at a facility licensed by the NSW Environmental Protection Authority.

All demolition work is to be carried out in accordance with AS/NZS 2601 Demolition of structures.

Any demolition of a structure over 4 metres in height being demolished by machine or over 10 metres being demolished by any means is required to be carried out by a licenced demolition contractor.

Reason: To protect the health and safety of the Community.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

9. Construction work must not commence until Council has received a copy of engineer certified plans and a Construction Certificate has been issued. Construction Certificate is to be applied for via the NSW Planning Portal.

Reason: To comply with the Building Code of Australia, Local Government Act 1993 and the provisions of the Environmental Planning & Assessment Act, 1979.

10. The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s.

Reason: To comply with Environmental Planning and Assessment Act.

11. A final schedule of colours and finishes for the repainting of the exterior and interiors, based on evidence of the original and historic paint layers and other documentary evidence such as early photographs, is to be submitted to and approved by Council, prior to the issue of the Construction Certificate.

Reason: to ensure appropriate heritage colour schemes.

12. Any premises in which food is handled for sale must be constructed:
 - (a) So that food, equipment, appliances, fittings and packaging materials on the premises are protected from likely contamination; and
 - (b) So as to permit the premises to be easily cleaned.

Reason: To comply with the Food Act & Regulations.

13. Any premises in which food is handled must be provided with a wash basin in or convenient to:
 - (a) each lavatory situated in the premises or vehicle; and
 - (b) every part of the premises in which hands are likely to be a source of contamination of food for sale.

A wash basin provided in accordance with this clause:

- (a) must be provided with an adequate supply of potable water at a temperature of at least 40°C mixed from a hot and cold water supply; and
- (b) must be supplied with soap or a suitable detergent and an adequate supply of single use towels or other suitable hand drying facilities, located adjacent to the hand basin.

Reason: To comply with the Food Act & Regulations.

14. The Stage 2 Balcony is to contain screening such that overlooking into adjacent residential properties is not achieved. Details of the screening are to be provided to Council and approved prior to the issue of the Stage 2 Construction Certificate.

Reason: to ensure privacy of adjacent residential premises.

15. In accordance with Tenterfield Shire Council Section 7.12 Development Contributions Plan (General Development) 2020, a contribution in the amount of 1% of the estimated cost of development is payable prior to issue of the Construction Certificate for Stage 1 in the amount of \$5,775.00.

Reason: To comply with Council's Section 7.12 Contributions Plan 2020

DURING CONSTRUCTION

16. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00am to 6.00pm
Saturdays	8.00am to 1.00pm

No construction work to take place On Sundays & Public Holidays

Reason: To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

17. Toilet facilities are to be provided, at or in the vicinity of the work site.

Reason: To comply with the Environmental Planning and Assessment Act.

18. The Construction site shall be suitably protected from the entry of unauthorised persons at all times prior to the completion of the works.

Reason: To protect the health and safety of the community.

PRIOR TO OCCUPATION

19. Any damage caused to roadways by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction.

Reason: To comply with Council requirements.

20. Kerb and gutter is to be installed for the frontage of development where it is not existing and the footpath paved to match existing pavers in Rouse Street. Works are to be completed prior to issue of the Occupation Certificate for Stage 1.

Reason: To allow for increased street parking and provide a consistent streetscape.

21. A complete 'Notice of Work', 'Certificate of Compliance' and 'Works as Executed Sewer Services Diagram', including all measurements and distances from the boundaries, dwelling and inspection openings, and must include all on-site detention facilities, surface and roof water drainage, this is to be submitted in detail to Council by a licensed plumber at the time of the external drainage/stormwater inspection.

Reason: To ensure the internal and external drainage and the stormwater systems as constructed, are recorded accurately.

22. A Trade Waste Approval and trade waste agreement shall be obtained and registered prior to the issue of an Occupation Certificate. The application shall be accompanied by all relevant information to allow an assessment of the application to be made.

Reason: The application shall be accompanied with manufacturer's details/specifications of the trade waste treatment system proposed to be used.

23. An approved grease arrestor is to be provided and application made to council prior to installation in accordance with Council's Trade Waste Policy.

Reason: To comply with Council requirements.

24. The existing Advertising Structure located along the roof line of the building is to be removed.

Reason: To comply with the requirements of Tenterfield DCP 2014.

25. No Advertising signage is permitted above the awning level of the building – Proposed Signage as identified in this location on the plan is not approved.

Reason: To comply with the requirements of Tenterfield DCP 2014.

26. Waste Management – All waste receptacles proposed as part of the development are to be stored on site and screened from the adjoining property.

Reason: To ensure waste is dealt with on site and protect the amenity of the neighbouring land use..

27. Hours of Operation are as follows;
Monday – Sunday – 6.00am to 12 midnight

Reason: To confirm and clarify the terms of council's consent.

28. External Lighting shall not project glare on to adjacent roads or adjoining premises, such that traffic and adjoining/adjacent buildings are not impacted by light glare.

Reason: To protect the amenity of the area.

29. Use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued for each stage of the development.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent.

Advice Alterations

Owners are advised of the requirements of Clause 5.10 of Tenterfield LEP 2013 in relation to the need to obtain prior consent for works including 'any alterations to the fabric, finish and appearance' of a Heritage Item or a building in a Conservation Area. Many works can be approved through a 'no fee', minor works and maintenance application under Clause 5.10 (3).

Advice Interpretation

A heritage interpretation sign for the building should be prepared to complement the suite of signage for Tenterfield Town Centre .