

## Conditions Restricting the Terms of Consent

1.1 The proposed development being carried out strictly in accordance with the details set out the Application form, and on the following plans/documents:

- i). Site Plan DA1001, Second Floor Plan DA1302 Issue C dated 20.05.10
- ii). Issue B dated 14.12.09 (Ground floor plan DA1201, First floor plan DA1301, Third floor Plan DA1303, Roof Plan DA1401, Elevations 01 DA1501, Elevations 02 DA1502 and Elevations 03 DA1503)
- iii). Landscape Plan project number E15/10 Issue A dated 10.09.09
- iv). Demolition and Sediment Control Plan numbered DA0301 dated Sept 2009
- v). Colour schedule dated 10.9.09
- vi). Stormwater Plan number 09-1070-01 sheet 1 and 2 dated 10.09.09
- vii). Preliminary Landscape Report Issue A dated 10.8.09
- viii). Statement of Environmental Effects undated
- ix). BASIX numbered 265604M\_02 dated 10.9.09

**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 for Council's consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

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

## 2 Conditions Requiring Payment of a Monetary Contribution Dedication of Land / Carrying Out of Off Site Works

2.1 A total monetary contribution of \$58,662 being paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

**Note:**

i) This condition is imposed in accordance with the provisions of the *Newcastle City Council S94A Development Contributions Plan 2006* operational from 15 January 2007. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

**Reason:** To assist Council in the provision of public facilities within the local government area in response to the additional demand likely to result from the proposed development.

- 2.2 Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

**Reason:** To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

- 2.3 A dwelling type vehicular crossing maximum 6 m wide being constructed across the public footway at each of the proposed driveway entrance/exits at no cost to Council and in accordance with Council's A017 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

**Reason:** To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order to encourage the use

- 2.4 Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure.

**Reason:** To clarify site access arrangements in the interest of traffic and pedestrian safety, as well as road efficiency, to maximise kerbside parking opportunity and to ensure that reinstatement work is undertaken to an appropriate standard.

- 2.5 The Developer designing and constructing the following works within Milford Street and The Avenue, adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification, such works to be implemented prior to issue of an Occupation Certificate:

- a). Street Tree planting with Tree Pits: Dimensions are 1200 x 1200mm inside edge of paver banding (otherwise 2000 x 2000mm outside edge of paver banding) and Gravel mulch: Golden Rhyolite, including weed mat

- b). Footpaving- full width Concrete Paving: CCS 'Honeycomb' oxide. Concrete to be brush finished. Paver banding: pavers are 400 x 400 x 40mm Stylestone Commercial in Charcoal. Honed Finish. The street paving is to connect between the existing sections of footpaving
- c). Associated drainage works

**Note:** Full construction details regarding the required works are to be submitted to Council for approval and S138 Roads Act approval issued prior to issue of a Construction Certificate.

**Reason:** To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement likely to be generated by the proposed development.

- 2.6 A temporary protective crossing being provided over the footway for vehicular traffic before building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

**Reason:** To ensure public safety and protection of public assets.

### **3 Conditions Requiring Inclusion of Details in Documentation for a Construction Certificate Application / Matters to be Resolved Prior to Certification of Survey Plans / Matters to be Resolved Prior to Occupation of the Premises**

- 3.1 Facilities for three visitor bicycle spaces and six visitor carparking spaces being allocated within the carpark area of the development, with such spaces to be signposted as visitor parking spaces. Under no circumstance are these spaces to be assigned to a specific unit or units. Details of the location of the required visitor spaces are to be shown on the plans submitted with the application for a Construction Certificate.

**Reason:** To ensure that adequate visitor carparking spaces are provided for the proposal in accordance with Council's DCP requirements.

- 3.2 All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent being implemented and a comprehensive landscape design plan and specification in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application.

**Note:** i) The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Council's adopted Newcastle Development Control Plan, 2005 and is to

include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover, details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods. Refer to attached checklist.

- ii) A Landscape Practical Completion Report is required to be submitted to the Principal Certifying Authority by the consultant responsible for the landscape design plan prior to occupation of the premises or any portion of the premises that is the subject of this consent. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.

**Reason:** To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

- 3.3 Fences being constructed in a high quality presentation style of attractive appearance and of sufficient height to afford adequate privacy to residents in accordance with the performance criteria and provisions of Council's adopted Newcastle Development Control Plan, 2005. Full details are to be included in the documentation for a Construction Certificate application.

**Reason:** To ensure proposed fences and screen walls provide adequate privacy and do not unreasonably detract from the external appearance of the development.

- 3.4 Any required clothes drying lines being screened from the street. Full details are to be included in the documentation for a Construction Certificate application.

**Reason:** To ensure any such facilities do not unreasonably detract from the external appearance of the development.

- 3.5 A group type mailbox being provided at the street frontage in accordance with the requirements of Australia Post such to clearly display individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.

**Reason:** To ensure appropriate and suitably located letterboxes are provided.

- 3.6 The applicant complying with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

- 3.7 Adequate facilities being provided in a screened location within the premises for the storage of garbage wastes and arrangements being made for regular removal and disposal of such wastes. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.

- 3.8 The proposed on-site car parking being designed and constructed in accordance with Australian Standard AS 2890.1-2004, Parking facilities, Part 1: Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure access, safety and practical use of the car park.

- 3.9 Landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 m in the 2.5 metre by 2 metre splay within the property boundary each side of the driveway entrances; full details to be included in documentation for a Construction Certificate application.

**Reason:** To ensure adequate sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footway.

- 3.10 Construction of the required on-site stormwater management system being supervised and certified upon completion by a Consultant Engineer or Registered Surveyor with respect to its compliance with the approved design plans. The certification is to be supported by a Works-as-Executed (WAE) plan of the property drainage and stormwater management system which is to be submitted to Council by the Principal Certifying Authority/Applicant prior to the issue of an Occupation Certificate or occupation of the premises.

**Reason:** To ensure that proposed drainage infrastructure is satisfactorily constructed

- 3.11 The floor level of all proposed units being not below RL 2.5m AHD to be indicated on plans for a Construction Certificate application. Car park floor levels are not to be below 1.5m AHD The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.

**Reason:** To minimise the extent of property damage and the risk of injury in the event of future flooding of the site.

- 3.12 Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties.

**Reason:** To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

- 3.13 The whole of the proposed structure below known flood level (i.e. relative level 2 m AHD) being constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or

alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters, all in accordance with the provisions of the NSW Flood Plain Development Manual. The dwelling is to be structurally certified to be capable of withstanding flows from the PMF flood event (RL 3.2 m AHD) as the second storey of the building will provide a flood refuge in such an event, access to the second level is to be available to all ground floor units. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To minimise the extent of property damage and the risk of injury in the event of flooding and/or tidal inundation of the site.

- 3.14 An appropriate flood emergency response plan being prepared by independent consulting engineers, experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

A flood emergency response plan should describe the following components:

- a) Likely flood behaviour
- b) Flood warning systems
- c) Education awareness program
- d) Evacuation and evasion procedures
- e) Evacuation routes and flood refuges
- f) Flood preparedness and awareness procedures for residents and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan should be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details to be included in documentation for a Construction Certificate application

**Reason:** To adequately manage the risk of life, property and all potential adverse flood impacts within the flood environment.

- 3.15 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures to be designed in accordance with the requirement of the Department of Infrastructure, Planning and Natural Resources.

**Reason:** To control soil erosion and prevent sedimentation of surrounding lands both private and public.

- 3.16 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or modified under the terms of this consent being implemented and the nominated fixtures and appliances being installed and operational prior to issue of an Occupation Certificate, full details to be provided with the Construction Certificate application.

**Reason:** To ensure Councils requirements for water management are complied with in the interest of water conservation and principles of sustainability.

- 3.17 The colour scheme for the buildings being approved by Council prior to the issue of the Construction Certificate application.

**Reason:** To ensure colours selected do not unreasonably impact the streetscape.

#### **4 Conditions Requiring the Submission of Future Applications to Council or The Approval of Other Authorities**

- 4.1 Any proposed work within the public road reserve, including works in the verge/footway area such as stormwater pipe connection, vehicular crossings or reinstatement of kerb is subject of the separate approval of Council. This approval is to be obtained prior to issue of a Construction Certificate.

**Note:** A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993.

**Reason:** To ensure that works within the public road are suitably authorised and constructed to appropriate standards.

- 4.2 No work within the public road being commenced until Council's separate written approval has been obtained.

**Reason:** To ensure that any work within the public road is carried out in accordance with Council's requirements and under Council supervision.

- 4.3 Application being made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the Construction Safety Act 1912 and Regulation 1950. Notice of intention of commencement must be given to WorkCover New South Wales.

**Reason:** To maintain pedestrian passage and public safety.

- 4.4 Compliance with the requirements of the Hunter Water Corporation Ltd in respect of any building or structure proposed to be erected over any services or stormwater drain under the Corporation's control.

**Reason:** To protect the Corporation's infrastructure from site development works.

- 4.5 Any private use or encroachment onto the public road or other public land for the provision of an awning is subject of the separate approval of Council. This approval is to be obtained prior to issue of a construction certificate.

**Note:** A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993.

**Reason:** To ensure that works within the public road are suitably authorised and constructed to appropriate standards.

## **5 General Conditions**

- 5.1 On-site parking accommodation being provided for a minimum of 42 cars and 2 motorbikes and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.

**Reason:** To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.

- 5.2 The proposed visitor parking bays being clearly indicated by means of signs and/or pavement markings.

**Reason:** To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

- 5.3 All parking bays being permanently marked out on the pavement surface.

**Reason:** To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

- 5.4 Proposed parking areas, driveways and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

**Reason:** To ensure the proposed/required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

- 5.5 The landscaped areas being kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.

**Reason:** To ensure that the proposed/required site landscape works are conserved and properly maintained so as to enhance the overall appearance of the premises and add to the landscape quality of the locality.

- 5.6 A 2.1 m high solid masonry fence, or equivalent, being erected along the western boundary of the site in consultation with the adjoining owners involved.

**Note:** Any disputation which may arise between the developer and the adjoining property owners in respect of this matter is to be resolved in accordance with the provisions of the Dividing Fences Act.



**Reason:** To minimise any adverse impact which the proposed development may have upon the neighbouring dwellings in terms of noise nuisance or loss of privacy.

- 5.7 The existing *Acmena smithii* in The Avenue being protected and retained. The area beneath the canopy of any street tree adjacent to the frontage of the property, excluding vehicle crossings and footpaths, must be fenced using a minimum of 1.8 metres high chainlink or welded mesh fencing. The fencing must be installed prior to the commencement of any works and maintained for the duration of these works. Storage of materials or plant must not occur within the fenced area.

**Reason:** To ensure that existing mature street trees are protected during and after the construction phase.

- 5.8 All street trees to be planted in accordance with the following:
- i) Planting to be in accordance with Council's standard street tree planting detail, including Council's standard timber tree guard to match existing in Milford Street.
  - ii) All trees to comply with the NATSPEC criteria, particularly with regard to tree balance, root and stem structure. Written evidence of compliance to NATSPEC is to be submitted to Council prior to delivery to site. This may be in the form of a report and/or checklist and should include photos.
  - iii) Milford Street tree species shall be *Taxodium distichum* to match existing. Written evidence from the plant supplier confirming the correct variety is to be submitted to Council prior to delivery to site.
  - iv) All street trees are to be size index 111-143 at pot size 100L.
  - v) Trees are to be maintained for a period of 104 weeks.

**Reason:** To enhance the overall appearance of the development and the landscape quality of the neighbourhood.

- 5.9 A Landscape Establishment Report is to be submitted to the Principal Certifying Authority following completion of the 104 week maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard; copy of report format attached.

**Reason:** To ensure that the landscape works are conserved and properly maintained in accordance with approved plans so as to improve the appearance of the premises and the visual quality of the locality.

- 5.10 New coloured concrete footpath, including paver banding to be installed to Milford Street and The Avenue frontages. It is to match footpath existing on the neighbouring property in Milford Street, extending from property boundary to kerb-line. Concrete shall be reinforced slab with a minimum thickness of 100mm and a minimum rating of 25mpa. Expansion joints to be as per Australian Standards following Engineer's specification.

**Reason:** To enhance the overall appearance of the development and the landscape quality of the neighbourhood.

- 5.11 Privacy screens as detailed on the approved plans being maintained for the life of the development.

**Reason:** To protect the privacy of residents and adjoining properties.

- 5.12 All vehicular movement to and from the site being in a forward direction.

**Reason:** To ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.

- 5.13 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a surveyor registered under the Surveyor's Act.

**Reason:** To ensure that existing permanent survey marks which may be affected by the development are appropriately reinstated.

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

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- 5.15 Construction/demolition work that generates noise that is audible at residential premises being restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm;
- Saturday, 8:00 am to 1:00 pm;

With no noise from construction/demolition work to be generated on Sundays or Public Holidays.

**Reason:** To prevent 'offensive noise' from construction/demolition sites in order to safeguard the amenity of the neighbourhood

- 5.16 No construction/demolition work being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday

**Reason:** To safeguard the amenity of the neighbourhood.

- 5.17 Council's "PREVENT POLLUTION" sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

**Note:** Council's PREVENT POLLUTION sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle or at the Master Builders Association office.

**Reason:** To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance

with the statutory provisions of the Protection of the Environment Operations Act 1997.

- 5.18 Building work that involves 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 the Act, such a contract of insurance is to be in force before any building work commences.

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning and Assessment Regulation 2000.

- 5.19 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.

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.

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning and Assessment Regulation 2000.

- 5.20 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:

i) the name and license number of the principal contractor, and

ii) the name of the insurer by which the work is insured under Part 6 of that Act

b) in the case of work to be done by an owner-builder:

i) the name of the owner-builder, and

ii) 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 work is in progress so that the information previously notified 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.

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning and Assessment Regulation 2000.

5.21 A Hazardous Substances Audit being carried out on the building/s or parts of the building proposed to be demolished, in accordance with Australian Standard AS2601: 2001 - The Demolition of Structures, and a copy of the Audit Report and any associated Hazardous Substances Management Plan being provided to Council and the licensed demolition contractor and/or principal contractor prior to commencement of work. The nature and location of each hazard identified and the proposed measures for controlling and/or removing the hazards are to be indicated in the Plan and such measures are to be implemented in accordance with the provisions of the Plan. The required Plan is to be kept on site and made available to authorised Council officers upon request.

**Reason:** To ensure that no work takes place involving the removal or handling of hazardous substances including asbestos material, other than in accordance with appropriate public health guidelines.

5.22 The licensed demolition contractor and/or principal contractor complying with the following specific requirements in respect of the proposed demolition works:

- a) Demolition work is not to be undertaken until:
  - i) Council has been provided with a copy of any required Hazardous Substances Management Plan;
  - ii) The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
- b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW and the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC: 2002 (2005)] and Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)];
- c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Department of Environment and Conservation;
- d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor;
- e) Seven working days notice in writing is to be given to owners and occupiers of all neighbouring premises prior to demolition, such notice to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences

held and licence numbers) of any asbestos removal contractor and demolition contractor, Newcastle City Council's contact telephone number (49742000) and WorkCover NSW telephone number (49212900); and

- f) On sites where buildings to be demolished contain asbestos materials, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent position to the satisfaction of Council prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

**Note:** Demolition, in relation to a building, work, archaeological site, relic or place means the damaging, defacing, destruction, pulling down or removal of that building, work, archaeological site, relic or place in whole or in part.)

**Reason:** To ensure in the public interest that:

- i) No work takes place involving the removal or handling of hazardous substances including asbestos material, other than in accordance with appropriate public health guidelines;
- ii) Council has all necessary information to effectively monitor demolition works and is aware of the contact details of the contractor should it need to follow up on complaints;
- iii) Neighbouring residents are provided with adequate prior notice of proposed demolition work, as well as a convenient avenue for liaising with the demolition contractor and the appropriate regulatory authorities in the event of an incident occurring on site; and
- iv) Appropriate warning signs are in place regarding the conduct of a hazardous operation on site.

5.23 Building demolition being planned and carried out in accordance with Australian Standard AS 2601 - 2001 The Demolition of Structures.

**Reason:** To minimise the risk of injury or damage to property as a result of the proposed demolition.

5.24 The owner/demolisher ensuring that all services (ie water, telecommunications, gas, electricity, sewerage etc, are disconnected in accordance with the relevant authority's requirements prior to demolition.

**Reason:** To prevent damage to reticulation systems and ensure maintenance of public health standards.

5.25 Any building waste containers used in association with the proposed demolition being located on the site where possible.

(Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.)

**Reason:** To ensure that such containers are so positioned as to not endanger pedestrian or vehicular traffic movement.

5.26 The owner/demolisher ensuring that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

**Reason:** To ensure that the proposed demolition is undertaken in a manner that does not intrude upon adjacent public or private property.

5.27 Any demolition/waste building materials being disposed of at Council's Waste Disposal Depot or other approved site.

**Reason:** To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

5.28 If the work involved in the erection / demolition of the building:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

5.29 The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

**Reason:** To maintain pedestrian passage and public safety.

5.30 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being restored to match existing conditions at the Developer's/Demolisher's expense.

**Reason:** To ensure that the required restoration is undertaken to acceptable standards and without demands on public sector resources.

5.31 The premises being identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be -

- a) Exterior of the building = 75 mm.
- b) Group mailbox - street number = 150 mm  
- house number = 50 mm.

**Reason:** To ensure that the property can be readily identified by visitors, motorists, emergency services and the community generally.

- 5.32 Any proposed mechanical ventilation and/or air conditioning systems, or other mechanical services, being operated in a manner which does not give rise to "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

**Reason:** To ensure compliance with the provisions of the Protection of the Environment Operations Act, 1997, as amended.

- 5.33 All external items of air conditioning plant being screened or positioned in such a manner as to not detract from the visual presentation of the building.

**Reason:** To ensure the structure presents a positive appearance and preserves the visual amenity of the neighbourhood.

- 5.34 A Registered Surveyor's Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.

**Reason:** To ensure that the building will be located as approved.

- 5.35 Erosion and sediment control measures being implemented prior to the commencement of works and being maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

**Reason:** To ensure that appropriate measures are taken to prevent surface erosion and the emission of sediment from the site as a result of the proposed development.

## **6 Advisory Matters**

- 6.1 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.

- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

**Reason:** To advise of matters to be resolved prior to the commencement of work.

- 6.2 Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 155 of the Environmental Planning and Assessment Regulations.

**Reason:** To ensure compliance with Section 109M of the Environmental Planning and Assessment Act 1979, as amended.

- 6.3 A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

**Reason:** To ensure compliance with Clause 172 of the Environmental Planning and Assessment Regulation 2000.