**ATTACHMENT 3 – RECOMMENDED CONDITIONS OF CONSENT**

**Details of Conditions:**

**1.0 - General Conditions of Consent**

The following conditions of consent are general conditions applying to the development.

(1) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development. The General Terms of Approval are:

1. Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment, reference 19/679213-2 dated 12 August 2019.

A copy of the General Terms of Approval is attached to this determination notice.

(2) **Approved plans and documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan reference/ drawing no.** | **Name of plan** | **Prepared by** | **Date** |
| 1752 / DA-002 Issue 07 | Site Plan | Chrofi | 21/5/19 |
| 1752 / DA-101 Issue 06 | Ground Floor Plan | Chrofi | 21/5/19 |
| 1752 / DA-201 Issue 05 | Elevations Plan 1 | Chrofi | 21/5/19 |
| 1752 / DA-202 Issue 05 | Section Plan | Chrofi | 21/5/19 |
| 1752 / DA-203 Issue 05 | Detailed Elevation and Section Plan | Chrofi | 21/5/19 |
| PA1845 | Site Grading Plan | Royal Haskoning | 23/05/2019 |

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

(3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

(4) **Outdoor lighting** - All lighting must comply with AS 1158 ‘Lighting for Roads and Public Spaces’ and AS 4282 ‘Control of Obtrusive Effects of Outdoor Lighting’.

**2.0 – Prior to Issue of a Construction Certificate**

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

(1) **Potential acid sulfate soils –** A detailed geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority.

The recommendations and/or mitigation measures contained within the ASS Management Plan and geo-technical report must be complied with during works.

(2) **Civil engineering plans –** Detailed engineering plans for civil works in accordance with the approved plans are to be submitted to the Certifying Authority. The detailed plans are to be in accordance with Councils Infrastructure Specification and include the following information:

1. Evidence of support from Port Stephens Local Traffic Committee for all permanent traffic management facilities within Gan Gan Road and the Beach Access Road including regulatory signage;
2. Details of any required regulatory signage, approved by the Local Traffic Committee and consistent with this condition;
3. Upgrades to the Gan Gan Road and Beach Access Road intersection to feature CHR type intersection treatment in accordance with AustRoads Guide to Road Design and RMS supplements. The intersection shall be designed for the expected use of the site by larger design vehicles;
4. Road upgrade of the Beach Access Road including associated gradient amendments, pavement, sealing, kerb and gutter and drainage works as required;
5. Kerb and guttering, or as directed, along the road frontage adjacent to the development lot;
6. The vehicle driveways shall have a width to cater for design vehicle paths determined by Australian Standard AS2890, to and from the street network in a forward direction and into and out of parking areas. This requirement will be met by providing vehicle swept paths utilising the appropriate design vehicle;
7. Concrete shared path 2.5 metres wide adjacent to the development connecting to the existing shared path on Gan Gan Road to the north west of the development lot;
8. Provide an additional footpath access from the eastern bus parking area to the existing shared path on Gan Gan Road to the north east of the development lot;
9. Street lighting in accordance with AS/NZS 1158 including the provision of current best practice energy efficient luminaires;
10. Any associated works to ensure satisfactory transitions to existing infrastructure;
11. Evidence of Council (or relevant authority) approval for works on public infrastructure, with the above supporting details endorsed, under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

Details demonstrating compliance must be provided to the Certifying Authority.

(3) **Stormwater/drainage plans –** Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council’s Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council), and include the following information:

1. A Geotechnical Engineer shall determine the steady state infiltration rate at each proposed infiltration device location, using the Double Ring Infiltrometer test method (ASTM D3385-18), if current Hydrologic Soil Mapping data is not adopted.
2. On-Site Stormwater Detention / Infiltration with supporting calculations for a system capable of catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event;
3. An emergency overland flow path for major storm events, catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event, that is directed to the public drainage system;
4. Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties);
5. Detailed pavement finished surface levels, to ensure stormwater runoff is directed into the stormwater system;
6. Water quality control devices that comply with the requirements of the applicable Port Stephens Development Control Plan;
7. An Operation and Maintenance Plan for the stormwater system, prepared by a suitably qualified and experienced person, detailing a regular maintenance programme for the stormwater management system, a copy of which shall be supplied to the owner; and
8. Evidence of Council (or relevant authority) approval for stormwater connection to the public system, with the above supporting details endorsed, under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

Details demonstrating compliance must be provided to the Certifying Authority.

(4) **Soil, erosion, sediment and water management –** An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council’s Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.

(5) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roads Act Approval Certificate under Section 138B of the *Roads Act 1993.*

(6) **Landscape plan** – A detailed landscape plan is to be provided to Council and the Certifying Authority. The following is to be included on the Landscape Plan:

1. Dune fencing along the south and north west boundary to be consistent with NSW Coastal Dune Management Policy 2001;
2. Dune vegetation consisting of:

Acacia sophorae - 1per 3m2

Lomandra longifolia - 1per 3m2

Leptosperum laevigatum - 1 per 3m2

Acacia longifolia - 1 per 3m2

Allocasuarina distyla - 1 per 3m2

1. Fore hind dune vegetation consisting of:

Myoporum boninense - 1 per 3m2

Breynia oblongifolia - 1 per 3m2

Banksia aemula - 1 per 5m2

Banksia integrifolia - 1 per 5m2

Glochidion ferdinandi - 1 per 5m2

Corymbia gummifera - 1 per 8m2

Cupaniopsis anacardioides - 1 per 8m2

(7) **Garbage room –** Rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, must be constructed in accordance with the approved plans and the following:

1. The room must be constructed of solid material, cement rendered and trowelled to a smooth even surface;
2. The floor must be impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room; and
3. Garbage rooms must be vented to the external air by natural or mechanical ventilation.

Details demonstrating compliance must be provided to the Certifying Authority.

(8) **Construction Environmental Management Plan** - A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by the Certifying Authority and Council. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, noise and dust management, traffic management and environmental management.

(9) **Long service levy** – In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost $25,000 or more.

(10) **Vegetation Management -** A Vegetation Management Plan (VMP) for the construction and operational phases of the development must be prepared by a suitably qualified and experienced ecological consultant and be submitted and approved by Council. All works shall occur in accordance with the vegetation management plan approved by Council.

(11) **Sand Management -** A detailed Sand Management Plan (SMP) must be prepared by a suitably qualified and experienced consultant and be submitted and approved by Council.

(12) **Fire Evacuation** – A Fire and Emergency Evacuation Plan must be prepared in accordance with the relevant *Planning for Bush Fire Protection (PBP)* policyand *A guide to developing a Bush Fire Emergency Management and Evacuation Plan*. The Plan must be provided to the Certifying Authority.

**3.0 - Prior to Commencement of Works**

The following conditions of consent shall be complied with prior to any works commencing on the development site.

(1) **Notice of Principal Certifying Authority appointment –** Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:

1. a description of the work to be carried out;
2. the address of the land on which the work is to be carried out;
3. the Registered number and date of issue of the relevant development consent;
4. the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
5. if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
6. a telephone number on which the PCA may be contacted for business purposes.

(2) **Notice commencement of work –** Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:

1. the name and address of the person by whom the notice is being given;
2. a description of the work to be carried out;
3. the address of the land on which the work is to be carried out;
4. the Registered number and date of issue of the relevant development consent and construction certificate;
5. a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
6. the date on which the work is intended to commence.

(3) **Sign of PCA and contact details** – A sign must be erected in a prominent position on the site stating the following:

1. that unauthorised entry to the work site is prohibited;
2. the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
3. the name, address and telephone number of the Principal Certifying Authority.

The sign must be maintained while the work is being carried out and must be removed upon the completion of works.

(4) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:

1. a Construction Certificate has been issued by a Consent Authority;
2. a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
3. the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(5) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

(6) **Demolition work** – All demolition works are to be carried out in accordance with Australian Standard AS 2601 ‘The demolition of Structures’. All waste materials are to be either recycled or disposed of to a licensed waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

(7) **Soil erosion and sediment control –** Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with ‘Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

(8) **All weather access –** A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time.

(9) **Rubbish generated from the development –** Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works. No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

(10) **Protection of trees /existing street trees** – Protection of trees to be retained must be in accordance with AS490 ‘Protection of Trees on Development Sites’.

**4.0 - During Works**

The following conditions of consent shall be complied with during the construction phase of the development.

(1) **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.

(2) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

(3) **Compliance with BCA** – All building work must be carried out in accordance with the requirements of the Building Code of Australia.

(4) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer. If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

1. preserve and protect the building from damage; and
2. if necessary, underpin and support the building in an approved manner; and
3. give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(5) **Survey report** – The building must be set out by a Registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans must be provided to the Principal Certifying Authority prior to the pouring of concrete.

(6) **Traffic Management Plan implementation** - All construction traffic management procedures and systems identified in the approved Construction Environmental Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

(7) **Weed Management** - Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook. The site is to be inspected by a representative of Council’s Invasive Species team one week prior to works commencing. Any soil, mulch and plants brought onto the site shall be certified as free of weeds and weed seeds.

(8) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.

(9) **Location of stockpiles –** Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.

(10) **Tree protection measures –** All trees to be retained must be protected in accordance with AS4970 ‘Protection of Trees on Development Sites’ for the duration of construction. Any damage to vegetation within the tree and vegetation protection areas or outside the construction footprint must have remedial action carried out by a suitably qualified and experienced ecologist.

(11) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has be contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

(12) **Soil, erosion, sediment and water management –** All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.

(13) **Offensive noise, dust, odour and vibration –** All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.

(14) **Delivery register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.

This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

(15) **Fill material –** The only fill material that may be received at the development site is:

Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act (POEO Act 1997)*; or

Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or

Any other waste-derived material the subject of a resource recovery exemption under s.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.

**5.0 - Prior to Issue of an Occupation Certificate**

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

(1) **Occupation Certificate required -** An Occupation Certificate must be obtained prior to any use or occupation of the development. The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.

(2) **Fire Safety Certificates** - A Fire Safety Certificate must be provided to the PCA in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

(3) **Survey Certificate –** A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.

(4) **Services –** Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:

1. Electricity;
2. Water;
3. Sewer.

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

(5) **Stormwater/drainage works –** All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.

(6) **Rectification damage to public infrastructure –** The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.

(7) **Completion of Roads Act Approval works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.

(8) **Directional traffic flow signs –** All driveways must be suitably signposted and directional arrows painted on the internal driveways. All signs must be maintained in good repair at all times.

(9) **Geotechnical Compliance Certificate –** A Certificate of Compliance prepared by a qualified Geotechnical Engineer must be provided to the Principal Certifying Authority stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer’s supervision and to the Engineer’s satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate must accompany the Works as Executed plans.

(10) **Completion of landscape works –** All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.

(11) **Waste disposal** – The building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves) at any time.

(12) **Works-as-executed plans** – Works-as-executed plans and an accompanying report prepared and certified by a certified by a suitability qualified person confirming all confirming all stormwater drainage systems and roadworks are constructed in accordance with the approved plans shall be submitted to the Principal Certifying Authority for assessment. A copy shall be supplied to Council.

(13) **Operational Management** – An Operational Plan of Management is to be prepared and submitted to Council for approval. The Plan of Management must outline the operating details of the site including complaints handling, detail on tour operators, facility governance and license arrangements. No more than six kiosks are to be used for the purpose of tour operators. The Plan of Management is also to include mitigation measures to ensure operation of the site is carried out with minimal environmental impact in relation to noise, waste management, noise and dust management, traffic management and environmental management.

**7.0 – Ongoing Use**

The following conditions of consent are operational conditions applying to the development.

(1) **Maneuvering of vehicles** – All vehicles must enter and exit the site in a forward direction.

(2) **Removal of graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

(3) **Loading to occur on site** – All loading and unloading operations are to be carried out wholly within the building/site and in accordance with the approved plans.

(4) **Parking areas to be kept clear –** At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

(5) **Fire Safety Schedule** – A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.

At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:

1. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
2. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

(6) **Maintenance of landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times. If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

(7) **Amenity** – The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.

(8) **Ongoing Management –** The operator is to comply with the approved Operational Management Plan at all times.

**Advice Note(s):**

(1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.

(2) **Dividing fences** – The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

(3) **Premise standard –** It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992* (DDA).

**Note:** Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.

(4) **Disability Discrimination Act –** The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.

(5) **Regulated premises inspections** – The premises will be incorporated in Council’s Surveillance Program and will be subject to ongoing annual inspections.

(6) **Aboriginal archaeological deposit –** In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.

(7) **Responsibility for damage for tree removal/pruning –** The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or the applicants’ agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.