



3G Property Developments Pty Ltd
PO Box 264
RICHMOND NSW 2753

Contact: Mrs Kerry Porter
Our Ref: DA 8/2018/10/1
Your Ref:

Dear Sir/Madam

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 4.16 (cf previous s 80) of the Environmental Planning and Assessment Act 1979, Cessnock City Council hereby gives notice that **Development Application 8/2018/10/1** has been determined by the granting of consent, subject to the conditions listed in Schedule 1.

Date of determination:	06 June 2019
Date from which consent operates:	06 June 2019
Date from which consent lapses:	06 June 2024
Description of development:	Demolition of Existing House and Construction of a Multi Dwelling Housing Development Comprising Nineteen (19) Dwellings
Property description:	LOT: 101 DP: 1002559, LOT: A DP: 323167 47A Hickey Street CESSNOCK, 49 Hickey Street CESSNOCK
Applicant:	3G Property Developments Pty Ltd
Owner:	3G Property Developments Pty Ltd

If you have any further enquiries regarding this notice of determination, please contact Mrs Kerry Porter, Senior Planning Officer, of Council's Planning and Environment on (02) 4993 4115.

Yours faithfully


Kerry Porter
Senior Planning Officer

STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

1. The proposal is a permitted land use in the R3 Medium Density Residential Zone under Cessnock Local Environmental Plan 2011.
2. The proposal is consistent with the objectives of the R3 Medium Density Residential Zone under Cessnock Local Environmental Plan 2011.
3. The proposal is generally compliant with the provisions of Chapter D.2 (Urban Housing) of Cessnock Development Control Plan 2010, and any variations are considered consistent with the objectives of the relevant requirements.
4. The proposal will result in the provision of residential accommodation, which is consistent with the provisions of Chapter D.2 (Urban Housing) of Cessnock Development Control Plan 2010.

CONSIDERATION OF SUBMISSIONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:

- The issues raised by the public have been considered in the assessment of the development application.
- The density of the development has been assessed as being acceptable and consistent with the objectives of the R3 Medium Density Residential Zone under the Cessnock Local Environmental Plan 2011 and the provisions of Chapter D.2 of the Cessnock Development Control Plan 2010.
- Traffic generation and likely noise impacts resultant from the development have been assessed as being acceptable and residential in nature. Appropriate conditions have been imposed regarding construction hours to minimise noise impacts on the neighbourhood.
- Stormwater drainage has been addressed through on-site detention which will minimise adverse drainage impacts on neighbouring properties.
- Waste storage and collection has been designed and will be managed to ensure impacts on neighbouring properties is kept to a minimum.
- Privacy and overlooking onto neighbouring properties will be minimised through appropriate window designs and placement and there are conditions of consent to further reduce privacy impacts from the development.
- The development has been designed in accordance with the principals of crime prevention through environmental design.
- The development has been designed to ensure all vehicles (including garbage and emergency service vehicles) can adequately and safely access the site.

ADVICE:

The following matters are included as advice relative to this Application:

- (a) These conditions are imposed to control development, having regard to Section 4.15 (cf previous s 79C) of the Environmental Planning and Assessment Act 1979, and are required to:
 - prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the ongoing environmental management of the development.
- (b) This Development Consent will lapse on 06 June 2024. Relevantly, Sections 4.54(4) and 4.45(5) of the Environmental Planning and Assessment Act 1979, state as follows:
 - “(4) Development consent for:
(a) the erection of a building, or
(b) the subdivision of land, or
(c) the carrying out of a work,
does not lapse if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section.*
 - (5) Development consent for development other than that referred to in subsection (4) does not lapse if the use of any land, building or work the subject of that consent is actually commenced before the date on which the consent would otherwise lapse”.*
- (c) The applicant has the right to appeal this determination in accordance with the provisions of Section 8.7 (cf previous s97) of the Environmental Planning and Assessment Act 1979.
- (d) The applicant has the right to request a review of the determination of this development application in accordance with the provisions Section 8.3 (cf previous s82A) of the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulation 2000.
- (e) An objector who is dissatisfied with the determination of this development application does not have the right to appeal to the NSW Land and Environment Court.
- (f) The Planning Assessment Commission has not conducted a public hearing in respect of this Application.

ABBREVIATIONS:

<i>AS</i>	Australian Standard
<i>BCA</i>	Building Code of Australia
<i>CA</i>	Certifying Authority
<i>CC</i>	Construction Certificate
<i>DA</i>	Development Application
<i>EP&A Act</i>	Environmental Planning & Assessment Act 1979
<i>EP&A Regulation</i>	Environmental Planning & Assessment Regulation 2000
<i>PCA</i>	Principal Certifying Authority
<i>OC</i>	Occupation Certificate
<i>OSD</i>	On Site Detention
<i>RMS</i>	Roads and Maritime Services
<i>SEPP</i>	State Environmental Planning Policy
<i>WAE</i>	Works as Executed

SCHEDULE 1

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2018/10 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site / Demolition Plan Drawing A01 Issue F	Paul Jones Architect	15 May 2019
Roof Plan Drawing A02 Issue F	Paul Jones Architect	15 May 2019
Site Plan including ground floor house plans Drawing A03 Issue F	Paul Jones Architect	15 May 2019
Hickey Street Elevation Issue F	Paul Jones Architect	15 May 2019
Elevations Drawing A04 Issue F	Paul Jones Architect	15 May 2019
House Group 1 and 2 Plans Drawing A05 Issue F	Paul Jones Architect	15 May 2019
House Group 3 and 4 Plans Drawing A06 Issue F	Paul Jones Architect	15 May 2019
House Group 5 and 6 Plans Drawing A07 Issue F	Paul Jones Architect	15 May 2019
House Group 7 Plans Drawing A08 Issue F	Paul Jones Architect	15 May 2019
House Group 8 Plans Drawing A15 Issue F	Paul Jones Architect	15 May 2019
House Group 9 and 10 Plans Drawing A09 Issue F	Paul Jones Architect	15 May 2019
House Group 11 Plans Drawing A10 Issue F	Paul Jones Architect	15 May 2019
BASIX Notes Issue F	Paul Jones Architect	15 May 2019
Window Schedule Issue F	Paul Jones Architect	15 May 2019
Landscape Plan Drawing L/01 Sheet 1	Paul Jones Architect	28 February 2019
Landscape Plan	Paul Jones Architect	28 February 2019

Drawing L/02 Sheet 2		
Colour Board and Finishes Schedule Issue F	Paul Jones Architect	15 May 2019

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

2. CC, PCA & Notice Required

In accordance with the provisions of Section 81A of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

3. BCA Compliance

Pursuant to Section 80A (11) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the BCA.

4. Demolition Proposed

Consent is granted for the demolition of the existing dwelling on the property, subject to strict compliance with the following conditions:

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- e) Demolition is to be carried out in accordance with the relevant provisions of *AS 2601:2001: Demolition of structures*.
- f) The hours of demolition work are limited to between 7.00am and 5.00pm on Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.
- g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the WorkCover Authority and the Office of Environment and Heritage.
- h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- i) During demolition, public property (footpaths, roads, reserves, etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials may be stockpiled on footpaths or road carriageways.
- j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- k) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- l) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- m) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.
- n) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of *AS 2601:2001 Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.
- o) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:

- i) A WorkCover Authority licensed contractor must undertake removal of all asbestos.
- ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and AS 2601:2001: *Demolition of structures*.
- iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
- iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to CA at the completion of the demolition works.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

5. 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 work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

6. Residential Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC:

Contribution Type	Amount Payable
District Open Space	\$19,373.35
District Community Facilities (Halls)	\$11,845.84
District Community Facilities (Libraries)	\$3,180.78
District Community Facilities (Bushfire)	\$901.87
District Roads – Urban Areas	\$14,759.80
Studies (Plan Preparation)	\$1,113.08
Plan Administration	\$4,241.09
Total	\$55,415.81

A copy of the *Residential Contributions Plan* may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

7. Retaining Walls

Where a retaining wall is in excess of 600mm in height and/or within 900mm of a property boundary, separate detailed drawings are to be submitted in conjunction with the CC, specifying wall heights, heights of retaining walls, proposed mounding and stabilisation treatment, and landscaping for the elevations of the building.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

8. Road – Engineering Requirements

All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & AS2890.2 - Parking Facilities.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

9. Road – Kerb/Dwarf Wall Requirements

Kerbing or dwarf walls, having a minimum height of 150mm are to be constructed along the edge of all garden areas or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

10. Stormwater Drainage in Road Reserve

An engineering design of 1 in 100 year AEP, prepared by a qualified practising Civil Engineer, must be provided to the CA prior to the issue of a CC. The design must be prepared/ amended to make provision for the following:

- a) The design must include all proposed stormwater drainage works in the public road reserve.
- b) The design must include all proposed stormwater drainage works in the public road reserve; generally in accordance with the stormwater drainage concept plan on Drawing No. 09008C01 prepared by BRS and dated 1/3/19 Rev E.
- c) Council's piped stormwater drainage system in Hickey Street must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit must be installed. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 5 year Average Recurrence Interval storm event, and the inlet pit must have a lintel with a minimum length of 2400mm.
- d) The design must be generally in accordance with Drawing No. 09008C01 prepared by BRS dated 1/03/19 Rev E.
- e) Design in accordance with the relevant requirements of Austroads and all AS's
- f) The design must include provision of suitable signposting and line marking.

- g) The design must be certified by a suitably qualified Civil Engineer and be provided prior to the issue of a CC.
- h) The design must be submitted to, and approved by Council in writing in accordance with Section 138 of the *Roads Act 1993* prior to the issue of a CC. The applicant must consult with Council in relation to the design of all works in the public road reserve.

Note: For certain traffic and road works, the design may need to be approved by Council's Local Traffic Committee and/or the *RMS* prior to Council issuing an approval.

11. Carparking

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the CA prior to the issue of a CC.

12. Amended Plans Required

The plans submitted in association with the CC application must incorporate the following amendments to window designs:

Unit 11	<ul style="list-style-type: none"> • First floor north facing window to be opaque • Delete first floor west facing window
Unit 12	First floor north facing window to be opaque
Unit 13	First floor east facing window to be opaque
Unit 15	Delete first floor west facing bedroom window
Unit 16	Delete first floor west facing bedroom window
Unit 17	First floor north facing window to be opaque

The plans must be submitted to and approved by the CA as satisfying these required amendments prior to the issue of the CC.

13. Allotment Consolidation

Prior to issue of the CC, evidence shall be provided to the CA that Lot 101 DP 1002559 and Lot A DP 323167 have been consolidated and registered with NSW Land Registry Services.

14. Waste Collection Contract

Prior to issue of the CC, evidence shall be provided to the CA that a private waste collection contractor has been engaged to collect green and recyclable wastes from the site contained in the on-site waste enclosure area. The contract shall provide details on the regularity of waste collection and a commitment to ensure bins are emptied and returned for storage within the on-site waste enclosure area.

15. OSD System

A stormwater drainage design, incorporating on site stormwater retention / detention facilities, prepared by a qualified practising Civil Engineer must be provided to the CA prior to the issue of a CC. The design must be prepared / amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 09008C01/02 prepared by BRS and dated 1/03/19 Rev E.
- b) Comply with Council's Engineering Requirements for Development.
- c) All plumbing within the site must be carried out in accordance with *AS 3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
- d) Overflow pipeline(s) must be provided for any rainwater tank(s) to discharge by gravity to the Council drainage system. Where OSD facilities are required by this consent, the overflow pipelines must be discharged by gravity to the OSD storage tank(s)
- e) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
- f) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- g) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- h) Stormwater must be discharged by gravity to the kerb and gutter of a public road or to Council's piped drainage system.
- i) Stormwater must be discharged by gravity directly into Council's piped drainage system.
- j) All redundant stormwater pipelines within the footpath area must be removed, and the footpath and kerb reinstated.
- k) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- l) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site

16. Stormwater – Construction Management Plan Requirements

A construction management plan shall be submitted with the application for the CC and approved by the CA as satisfying the below requirements.

- a) Details of sedimentation and erosion control.
- b) Details of provision of truck and machinery wash down areas. Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
- c) Details of dust mitigation on building sites and access roads
- d) Location and phone number of the site office
- e) Details regarding provision of areas set aside for the storage/stockpiling of:
 - i) Construction refuse
 - ii) Construction materials
 - iii) Raw materials such as sand, soil, mulch and the like
 - iv) Details regarding the provision of facilities for workers associated with the development.

Note: All protection and control of earthworks shall be carried out in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements, and the Department of Housing 'Soil and Water Management for Urban Developments'.

17. Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC

18. Dilapidation Report – Council Property

A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a CC:

- a) Hickey Street

The dilapidation report is to be prepared by a practising Structural / Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site/s.

19. PCA Signage and Contact Details

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited
- b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours
- c) The name, address and telephone number of the *PCA* for the work

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

20. Home Building Act Requirements

Pursuant to Section 80A (11) of the EP&A Act 1979, residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the *PCA* for the development to which the work relates 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 licence 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 the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates has given the council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

21. Roads Act Approval

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

22. Road Opening Permit

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, public road reserve, or public reserve (open space) be required, a "Road Opening Permit" will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The Permit application is to be submitted to, and approved by, Council prior to works commencing.

23. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

24. Construction Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

a) A plan view of the entire site and frontage roadways indicating:

- i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
- ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- iii) The locations of proposed work zones in the frontage roadways.
- iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
- v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

- vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
 - c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.
 - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
 - e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

25. Soil and Water Management Plan

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
 - i. Diverts clean-runoff around disturbed areas
 - ii. Minimises slope gradient and flow distance within disturbed areas
 - iii. Ensures surface run-off occurs at non erodible velocities
 - iv. Ensures disturbed areas are promptly rehabilitated.

- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site
- i) Details of drainage to protect

26. Implementation of Soil and Water Management Plan

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

27. Toilet Facilities

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

28. Relocation of Services

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

DURING WORKS

The following conditions are to be complied with during works.

29. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

30. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works.

31. Approved Plans Kept On Site

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

32. Construction Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the *New South Wales Environment and Heritage Noise Guide for Local Government*.

33. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

34. Construction Vehicles

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

35. Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

36. Stormwater Runoff

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.

37. Building Materials on Site

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

38. BASIX Certificate

Development shall be undertaken strictly in accordance with all commitments specified in the current BASIX certificate.

39. Demolition

All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from NSW Workcover Authority. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

40. Virgin Fill

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

41. Stormwater – Impact on Adjoining Land – Natural Drainage

Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

42. Stormwater – Impact on Adjoining Land – Surface Water

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

43. Implementation of Soil and Water Management Plan

The requirements of the Soil and Water Management Plan must be maintained at all times during the works, and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised.

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day, any dust/dirt or other sediment shall be swept off the road and contained on the site, and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily, and defects or system failures are to be repaired as soon as they are detected.

44. Site Contamination

In accordance with the submitted "*Report on Preliminary Site Investigation for Contamination*" prepared by Douglas Partners (Project 91399.00) dated October 2018, if unexpected conditions with respect to contamination are encountered during earthworks and/or development, steps shall be undertaken in accordance with Section 12.2 of the report (Unexpected Finds Protocol).

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):

45. Roads – Concrete Access Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Hickey Street to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (steel and formwork inspection).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.) Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

46. Positive covenant - OSD

Prior to the issue of an OC, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site detention and on-site retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b) The proprietor shall have the OSD inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times, to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures which comprise the OSD, or which convey stormwater from the said land, and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD. The proprietor, or successor, must bear all costs associated with the preparation of the subject 88E instrument. Proof of registration with the NSW Department of Lands must be submitted to, and approved by, the PCA prior to the issue of an OC.

47. Completion of Landscape Works

All landscape works, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an OC.

48. Road Access Completion

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an OC.

49. House Numbering

Prior to the issue of an OC, the CA is to be provided with evidence that an application for house numbering has been submitted to Council.

50. All Services Provided

Certification that all services as required (eg water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the PCA prior to issue of an OC.

51. Disabled Access / Parking

The proposed development shall be provided with vehicular access and parking for the disabled in accordance with AS 1428.1 and AS 2890.6. The access shall be provided prior to issue of an OC.

52. Parking Maintenance

All parking and loading bays shall be permanently marked out on the pavement surface, prior to issue of an OC. All loading bays and visitor parking facilities shall be clearly indicated by signs.

53. Parking Completion

Car parking areas shall be completed prior to the issue of an OC.

54. Retaining Walls and Drainage

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

55. Visitor Car Parking Spaces

All visitor parking spaces must be clearly marked and sign posted.

56. New Stormwater System

Prior to the issue of an OC, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant AS.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a licensed plumber or qualified practising civil engineer, that the drainage system has been constructed in accordance with the approved design and relevant AS, must be provided to the PCA prior to the issue of an OC.

57. Perimeter Fencing

New perimeter fencing must be provided in accordance with the *Dividing Fences Act 1991*, where possible and with the consent of adjoining owners, the fencing 1.8 metres high, solid (lapped timber or sheet metal construction without gaps) and constructed at the full cost of the proponent.

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the premises.

58. Driveways to be maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

59. Maintenance of Landscaping

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, for the life of the development.

If any of the vegetation comprising the landscaping 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.

60. Waste Collection

On-site waste collection within the waste enclosure area (recyclable and green wastes) shall be undertaken by a private waste collection service for the life of the development. The on-site waste enclosure area shall be kept in a clean state for the life of the development.

General waste bin collection (by Cessnock City Council's Waste Collection Service) will be at the kerb on Hickey Street. Bins shall be removed from the kerb and stored within the curtilage of each residence following collection.