

# **DEVELOPMENT ASSESSMENT REPORT – DA151/18 - PROPOSE TO REMOVE THE OLD AND CONSTRUCT A NEW CONCRETE SKATE PARK, LOT 7003 DP 1075853, KREMER PARK, KILN STREET PORTLAND NSW 2847**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA149/18 for the removal of the old skate park and to construct a new skate park on land known as Lot 7003 DP 1075853, Kremer Park, Kiln Street Portland.

The property is relatively flat land and contains the Kremer Park football field/showground, tennis courts, playground equipment and the existing skate park that is proposed to be removed as part of this application. Residential dwellings are located adjacent to the skate park on Lime Street.

The proposal involves the removal of the existing skate park that consists of a skate ramp, jump and concrete area. The skate park is proposed to be replaced with rails, pipes and jumps.

The whole of the new skate park area is proposed to consist of an area of approximately 500m<sup>2</sup>.

The existing skate park is shown in the photo below:



## **2. SUMMARY**

To assess and recommend determination of DA151/18 with recommendation for approval subject to conditions.

## **3. LOCATION OF THE PROPOSAL**

Legal Description: Lot 7003 DP 1075853  
Property Address: Kremer Park Kiln Street PORTLAND NSW 2847

**4. ZONING:** The land is zoned RE1 Public Recreation in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

**5. PERMISSIBILITY:** The development being a 'recreation facility (outdoor)', as defined below and permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per the RE1 Zoning table.

*recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

## 5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

### Policy 7.1 Filling and Levelling of Land

*Unless otherwise provided by an Environmental Planning Instrument or Development Control Plan, a development application be required in the following circumstances:*

1. *Where land is subject to inundation by floodwaters, or*
2. *Where excavation or the depth of fill exceeds 900mm.*

*Separate development applications are not required where the cut and/or fill is identified in a development application for a structure on the land.*

The proposal involves excavation works with a cut of approximately 1.5m for some sections of the development. Cut and fill levels vary across the proposed development area.

The extent of cut and fill exceeds Council's Policy and therefore the development application was lodged to Council for assessment.

### Policy 7.5 Notification Of Development Applications

This policy applies to all applications as below:

#### **5. Who will be notified under this Policy and how long is the notification period?**

5.3 Certain types of development will be notified to adjoining landowners as well as the wider neighbourhood, and in some circumstances for 21 days, as indicated in the following table:

Type of Development Proposed	Minimum Notification Required (Surrounding Landowners)	Period
Multi-dwelling Housing, hostels, boarding houses, child care centres, Hotels, Motels, Tourist Facilities, residential flat buildings, residential care facility, seniors housing, serviced apartments, places of public worship, <b>recreation facility</b> , amusement centres, professional consulting rooms	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days

The development is not exempt under Council's policy; therefore the proposal was notified to surrounding landowners and placed on display for a period of 21 days.

## **Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land**

*Development Applications on Council owned land* requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given Council's management of this land the proposal is reported to Council for determination.

It is to be noted that the land is Crown Land under Council control.

## **5.2 FINANCIAL IMPLICATIONS**

### **Section 94A (Section 7.12) Development Contributions Plan 2015**

The Section 94A (Section 7.12) plan does not apply to this development as per the following clause:

#### ***C7 Are there any exemptions to the levy?***

#### ***Other development exempted from the levy***

*The following types of development or components of development will also be exempted from a levy under this Plan:*

*a) Development by or on behalf of Lithgow City Council;*

The development was lodged by Council's Community and Culture Department and therefore is exempt from Council's Section 94A Contributions.

## **5.3 LEGAL IMPLICATIONS**

### **Crown Land Management Act 2016**

Under Section 3.20 of the Act Council is the Manager of the Crown Land. Council was appointed Crown Land Manager on 7 May 1999 pursuant to Government Gazette of the State of NSW dated 7 May 1999.

Clause 3.39 states:

#### ***3.39 Approvals of activities under Local Government Act 1993 must comply with plans of management***

*A local council cannot grant an approval for an activity under Part 1 of Chapter 7 of the Local Government Act 1993 that authorises or requires a person to do (or not to do) anything on or in relation to dedicated or reserved Crown land that would result in a contravention of a plan of management for the land.*

Kremer Park is utilised as community land that contains an existing skate park. The development proposes to remove the existing skate park to reconstruct a new one. As such the development would not contravene the plan of management for the land as it will remain for community purposes.

### **Native Title (New South Wales) Act 1994 No 45**

Pursuant to section 8.7 of the Act, Council submitted an application to the Native Title Claimant as the relevant land is the subject of active native title application NC2018/002 filed by Warrabinga-Wiradjuri #7.

Under the Act, Council is required to notify the Native Title Claimant and the Aboriginal Party who may be have a connection to the land.

Council notified Warrabinga-Wiradjuri of the application on the 8 March 2019. Council received a response from the Warrabinga-Wiradjuri Solicitors who advised that they have no issues with the development.

### **Local Government Act 1993**

#### Division 1 Classification and reclassification of public land

The property is defined as being public land that is utilised by all members of the community. It is Crown land that is controlled by Council.

### **Environmental Planning and Assessment Act 1979**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

#### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check		
Clause		Compliance
<b>Land Use table</b>	RE1 Public Recreation	Yes
<b>5.2</b>	Classification and reclassification of public land	Yes
<b>5.10</b>	Heritage conservation	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.3</b>	Stormwater management	Yes
<b>7.5</b>	Groundwater vulnerability	Yes

**Comment:** The proposed development is consistent with the zone objectives. The objectives of the zone are:

#### *1 Objectives of zone*

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To maintain or improve the water quality of receiving water catchments.*

The property is owned and managed by Council for the use of public recreation. The proposed development is for the replacement to the existing skate park. The development would not impact the recreational settings and is compatible with the surrounding uses being a tennis court, football field/showground and a park area with playground equipment. Water quality would be maintained and not be impacted upon. Refer to the Norbe assessment undertaken further in this report.

The property is defined as being public land that is utilised by all members of the community. It is operational land that is controlled by Council.

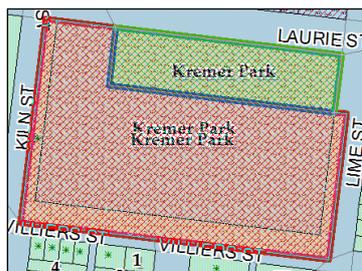
The property is heritage listed under Schedule 1 of the LEP as the property contains the Portland Showground and Oval. The showground was built in the early twentieth century and has retained its social function in the neighbourhood. The property has historic and social significance as it was used as a meeting place for the farming community within an industrial town as well as being strategically sited.

As the development is proposed to replace the existing skatepark, is located within an established recreational zone, separated from the showground by the tennis courts and playground equipment and does not contain any buildings that are of an excessive height, the development would not impact on the heritage significance on the property or the surrounding heritage items.

The proposal involves excavation works with a cut of approximately 1.5m for the skate bowl section of the development. Cut and fill levels varies across the proposed development area. All earthworks excavated from the development would be taken off site to a suitable location.

Stormwater from the development would be diverted into the stormwater drainage easement located on the property.

The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain and the environment has been previously disturbed. The development is designed, sited and will be managed to avoid any significant adverse environmental impact. Water vulnerability is mapped below:



The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Nil.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

Nil.

5.3.5 Any matters prescribed by the regulations that apply to the land

The development has been forwarded to Council's Building Officer for assessment under appropriate regulations. It is considered that as a result of this assessment the

development will comply with the provisions of the regulations subject to conditions of consent.

#### 5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Adjoining Landuse:** The property is relatively flat land and contains the Kremer Park football field/showground, tennis courts, playground equipment and the existing skate park that is proposed to be removed as part of this application. Residential dwellings are located adjacent to the skate park on Lime Street.

The proposal is consistent with the surrounding land uses and will not cause any land use conflicts as the development involves the replacement of the existing skate park.

**Services:** The development is not required to have connections to Council's reticulated water and reticulated sewer services, electricity or telecommunication services.

The development would have minimal impact to Council's water and sewer services.

**Context and Setting:** The proposed development will be located within an established recreational area and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area.

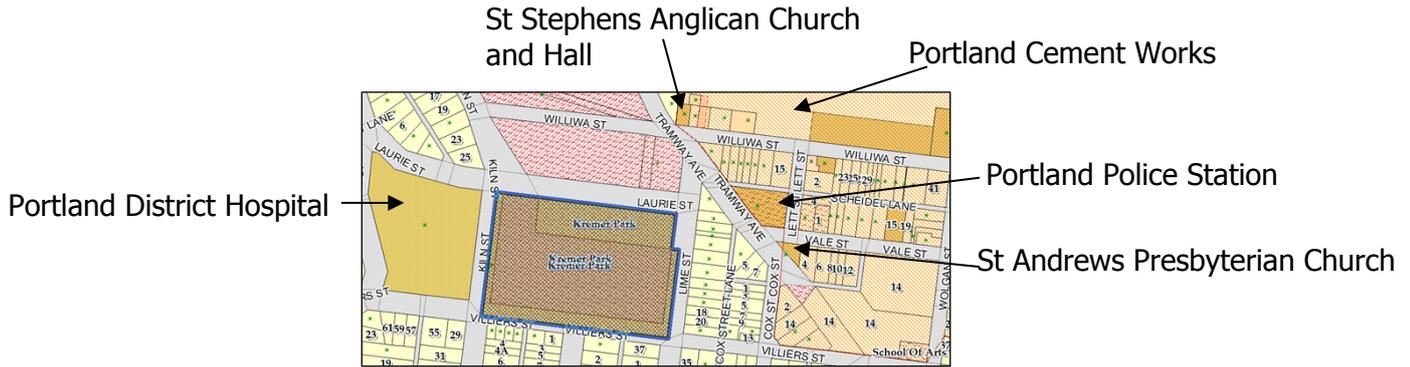
The scale of the development would have minimal impact to the visual streetscape to that currently exists on the site. Landscaping is proposed to be undertaken as part of the development and is satisfactory for the development.

**Access/traffic:** The development is located on the corner of Lime Street and Laurie Street. It is expected that majority of the users to the skate park would be pedestrians and would not increase traffic movements or the demand for parking. Parking exists along the road side of the property and is adequate for the development.

The development was referred to Council's Engineer's for standard conditions during construction of the development.

**Heritage:** The property is heritage listed under Schedule 1 of the LEP as the property contains the Portland Showground and Oval. The showground was built in the early twentieth century and has retained its social function in the neighbourhood. The property has historic and social significance as it was used as a meeting place for the farming community within an industrial town as well as being strategically sited.

The property is adjacent to the Old Portland District Hospital, is within proximity to the Portland Cement Works, the Portland Police Station, St Andrews Presbyterian Church and the Portland Heritage Conservation Area.



As the development is proposed to replace the existing skatepark, is located within an established recreational zone, separated from the showground by the tennis courts and playground equipment and does not contain any buildings that are of an excessive height, the development would not impact on the heritage significance on the property or the surrounding heritage items.

**Flora and Fauna:** No proposed clearing is required and the development will have no impact on flora or fauna.

**Social and Economic Impact:** As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other development in the locality, it is expected to have minimal social and economic impact.

**Waste:** Litter bins will be provided around the development and would be emptied regularly.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

**Air and Microclimate:** There will be no significant impact on air or microclimate. However, a condition of consent will be imposed requiring that dust suppression be used during construction works to minimise impacts on the surrounding area.

**Natural Hazards:** The property is not known to be bushfire or flood prone land. The property is also not mapped as being bushfire prone land under the Draft Bushfire Map.

**Noise and Vibration:** Skate parks are usually occupied after school hours being between 4pm and 6pm (8pm in summer) and on the weekends. As the current use of the property is for recreational purposes with the development located over

approximately 200m from the closest residential dwelling, the development is not expected to increase noise in the vicinity.

There are no nearby sources of noise or vibration that would impact detrimentally the proposal.

**Other Land Resources:** The development will not impact on the value of the land in terms of agricultural potential or mining as it is zoned for recreational pursuits and surrounded by public activities such as the tennis court and football fields.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for recreational pursuits with the size and nature of the development to be consistent with the surrounding area. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity. Therefore, the site is considered to be suitable for the proposed development.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Council's Building Officer, Water & Wastewater Officer, and Engineers for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 21 days with no submissions received.

### **COUNCIL'S BUILDING OFFICER**

Reference is made to the Development Application and Construction Certificate for the demolition of the existing Skate Park and the construction of a new concrete Skate Park.

The proposed relevant conditions and advisory notes in relation to the Development Application are listed below.

#### **General Conditions:**

##### ***Approved Development***

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

##### ***Waste Management Plan***

3. That a Waste Management Plan based on the waste management hierarchy of avoid, reuse, recycle and dispose is provided to Council for approval prior to the commencement of demolition/construction works outlining the following during all phases of the development:

- the type and amount of waste/recyclable material to be generated
- how waste/recyclable materials will be stored and treated on-site

- how disposal of waste/recyclable materials will take place.

### ***Lighting***

4. Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

### ***Sedimentation controls***

5. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
- b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

### ***Dust minimization measures***

6. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).

### ***Signage***

7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
- b. Stating that unauthorised entry to the work site is prohibited and
- c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are 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.

8. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

## **PRIOR TO THE COMMENCEMENT OF WORKS**

### ***Notification of commencement of building/subdivision work – (Private certifier)***

9. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:

- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and

- 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 the Regulations, and
- c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

***Demolition – signage***

10. The developer will display appropriate demolition signage prior to and during demolition works.

***Fill contamination***

11. Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

***Demolition works***

12. Demolition works shall be carried out in accordance with the following:
- a. Prior to the commencement of any works on the land a detailed demolition work plan (or waste management plan) designed in accordance with Clause 1.7.3 of AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance, quantity and type of materials, recycling of materials and the disposal methods for materials including hazardous materials.
  - b. Certification from an Approved Practising Structural Engineer (if applicable) is to be submitted to Council prior to the commencement of building works if a part of a structure is to be demolished or removed. Structural certification must indicate that the remainder of the building will be structurally adequate and the amenity of the adjoining/surrounding buildings and occupants will not be affected by demolition works. Structural certification is required for demolition works affecting an adjoining building/structure.
  - c. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided.
  - d. The handling or removal of any asbestos product from the building/site must be carried out in accordance with WorkCover provisions. A person/contractor licensed for asbestos removal must carry out all work.
  - e. An appropriate fence preventing public access to the site shall be erected for the duration of the demolition works.

***Hoarding/fence***

13. Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements.

The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

## **Building -Structural Certification/Details**

### ***Structural Engineering details***

14. Prior to the commencement of any works, documentary evidence of structural adequacy prepared by an approved practising Structural Engineer are submitted to and approved by Council for the design of the proposed Skate Park. (**Note:** any such Certificate is to set forth the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction):

### ***Public Property***

15. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

## **REQUIREMENTS DURING CONSTRUCTION**

### ***Workers Toilet Facilities***

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

### ***Waste Disposal***

17. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.

### ***Construction Hours***

18. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

### ***Excavations***

19. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### ***Occupation Certificate***

20. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

### **Advisory Notes:**

#### ***Building Code of Australia***

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

### ***Inspection schedule***

#### ***Mandatory Building Inspection schedule***

2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
- c) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

#### ***Requirements during Construction***

3. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, all footings/piers are to be taken through filled ground to foundation material of uniform adequate bearing pressure in accordance with Structural Engineers requirements.

### **COUNCIL'S WATER & WASTEWATER OFFICER**

Reference is made to the development application in regard to Council's Planner's referral dated 13 August 2018.

Please be advised of the following notes of assessment:

- The proposed development does not impact on any of Council's infrastructure.

### **COUNCIL'S ENGINEERS**

Reference is made to the Development Application in regard to Council's Planner's referral and provide the following comments:

- No construction is permitted over any existing stormwater pits.
- The following is to occur prior to undertaking construction in the vicinity of stormwater assets:
  - The stormwater pipe's condition shall be surveyed (using CCTV or similar) and evidence of the survey presented to Council. The survey shall extend 3m, or past the zone of influence (whichever the greater) beyond the structure. Where the pipe condition is not acceptable, or comprises flush jointed pipes, the developer will be required to replace the stormwater main with a size or material type as directed by Council.
  - Concrete encasement of the pipe may be required in special circumstances, where some additional loads on the pipe are unavoidable.

5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

**6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

**7. ATTACHMENTS**

Schedule A- Conditions of consent.

**8. RECOMMENDATION**

**THAT** development application DA 151/18 is approved subject to conditions set out in Schedule A.

Report prepared by:

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

## **REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

#### ***Waste Management Plan***

3. That a Waste Management Plan based on the waste management hierarchy of avoid, reuse, recycle and dispose is provided to Council for approval prior to the commencement of demolition/construction works outlining the following during all phases of the development:
  - the type and amount of waste/recyclable material to be generated
  - how waste/recyclable materials will be stored and treated on-site
  - how disposal of waste/recyclable materials will take place.

#### ***Lighting***

4. Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

#### ***Sedimentation Controls***

5. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

#### ***Dust minimization measures***

6. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook).

#### ***Signage***

7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b. Stating that unauthorised entry to the work site is prohibited and
  - c. Showing the name, address and telephone number of the principle certifying authority

for the work.

The sign/s are 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.

8. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

### **PRIOR TO THE COMMENCEMENT OF WORKS**

#### ***Notification of commencement of building/subdivision work – (Private certifier)***

9. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - 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 the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

#### ***Demolition – Signage***

10. The developer will display appropriate demolition signage prior to and during demolition works.

#### ***Fill Contamination***

11. Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

#### ***Demolition Works***

12. Demolition works shall be carried out in accordance with the following:
  - a. Prior to the commencement of any works on the land a detailed demolition work plan (or waste management plan) designed in accordance with Clause 1.7.3 of AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance, quantity and type of materials, recycling of materials and the disposal methods for materials including hazardous materials.
  - b. Certification from an Approved Practising Structural Engineer (if applicable) is to be submitted to Council prior to the commencement of building works if a part of a structure is to be demolished or removed. Structural certification must indicate that the remainder of the building will be structurally adequate and the amenity of the adjoining/surrounding buildings and occupants will not be affected by demolition works. Structural certification is required for demolition works affecting an adjoining building/structure.
  - c. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided.
  - d. The handling or removal of any asbestos product from the building/site must be carried out in accordance with WorkCover provisions. A person/contractor licensed for asbestos removal must carry out all work.
  - e. An appropriate fence preventing public access to the site shall be erected for the duration of the demolition works.

### ***Hoarding/Fence***

13. Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements.

The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

14. **Building -Structural Certification/Details**

#### ***Structural Engineering details***

15. Prior to the commencement of any works, documentary evidence of structural adequacy prepared by an approved practising Structural Engineer are submitted to and approved by Council for the design of the proposed Skate Park. (**Note:** any such Certificate is to set forth the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction).

### ***Public Property***

16. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

## **REQUIREMENTS DURING CONSTRUCTION**

### ***Workers Toilet Facilities***

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

### ***Waste Disposal***

18. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.

### ***Construction Hours***

19. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

### ***Excavations***

20. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

### ***Engineering Requirements***

21. No construction is permitted over any existing stormwater pits.

22. The following is to occur prior to undertaking construction in the vicinity of stormwater assets:
- a. The stormwater pipe's condition shall be surveyed (using CCTV or similar) and evidence of the survey presented to Council. The survey shall extend 3m, or past the zone of influence (whichever the greater) beyond the structure. Where the pipe condition is not acceptable, or comprises flush jointed pipes, the developer will be required to replace the stormwater main with a size or material type as directed by Council.
  - b. Concrete encasement of the pipe may be required in special circumstances, where some additional loads on the pipe are unavoidable.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### ***Occupation Certificate***

23. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

## **ADVISORY NOTES**

### ***Building Code of Australia Compliance***

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

### ***Inspection schedule***

#### ***Mandatory Building Inspection schedule***

- AN2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
  - b) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
  - c) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

### ***Requirements During Construction***

- AN3. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, all footings/piers are to be taken through filled ground to foundation material of uniform adequate bearing pressure in accordance with Structural Engineers requirements.