



PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

20 November 2012 commencing at 9.02am.

**1.2 Proposed Telecommunication Tower at Stuarts Point
File: T6-12-280**

1412	RBP
------	-----

SUMMARY

Reporting that Council has received a Development Application for the replacement of an existing 18m mobile phone tower with a new 30m mobile phone tower at Stuarts Point for which an objection has been received.

Applicant: Telstra Corporation Limited
Jon Mills c/- Urbis Pty Ltd
Subject Property: Lot 1421 DP533781 Ocean Avenue,
Stuarts Point
Zone: 2(v) (Village or Township Zone)

2012. 347 RESOLVED: **Moved: Cl. Morris**
Seconded: Cl. Williams

- A That consent be granted subject to the following conditions.**
- B That the objector be advised of Council’s decision.**

PARAMETERS OF THIS CONSENT

1 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Version	Prepared by	Dated
SITE LAYOUT AND ACCESS (DWG NO. N20712 – SHT NO. S1 INDEX)	ISS 6	Kordia People & Technology as One	20.06.12
SITE ELEVATION (DWG NO. N20712 – SHT NO. S3 INDEX)	ISS 10	Kordia People & Technology as One	20.06.12

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

- 2 All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

This condition does not apply:

- a) To the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - b) To the erection of a temporary building.
- 3 This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE
ISSUE OF ANY CONSTRUCTION CERTIFICATE**

CONSTRUCTION

- 4 Prior to the issue of any Construction Certificate engineer's details for all proposed works, including structural, foundation, cut and fill, retaining walls, driveway and car parking area pavement, etc. shall be provided to the Principal Certifying Authority for approval. All engineer's details must be prepared by an appropriately qualified, experienced and practicing Engineer in accordance with Council's *Development Control Plan No. 36* and the current Building Code of Australia. All engineer's details shall be approved by the Principal Certifying Authority as part of any Construction Certificate.

SOILS

- 5 Prior to the issue of any Construction Certificate an Acid Sulfate Soil Management Plan shall be provided to the Principal Certifying Authority for approval. This Acid Sulfate Soil Management Plan shall demonstrate the measures to be employed to manage disturbance of acid sulfate soils on the site in accordance with *Acid Sulfate Soil Manual (NSW ASSMAC 1998)*. This Acid Sulfate Soil Management Plan shall be approved by the Principal Certifying Authority as part of any Construction Certificate.
- 6 Prior to the issue of any Construction Certificate a Sediment and Erosion Control Plan shall be submitted to the Principal Certifying Authority for approval. This Sediment and Erosion Control Plan shall be prepared shall be prepared by an appropriately experienced and qualified professional, in accordance with the most recent version of the Landcom publication "*Managing Urban Stormwater - Soils and Construction.*" This Sediment and Erosion Control Plan shall include measures to manage weeds in and around the construction areas. This Sediment and Erosion Control Plan shall be approved by the Principal Certifying Authority as part of any Construction Certificate.

WASTE WATER

- 7** Prior to the issue of any Construction Certificate stormwater drainage engineer's details for the provision of a stormwater drainage system to convey all existing and proposed stormwater flows through this development shall be submitted to Principal Certifying Authority for approval. These stormwater drainage engineer's details shall be prepared by an appropriately experienced, qualified and practicing Civil Engineer in accordance with Council's Adopted Engineering Standard, the most recent version of *Australian Rainfall and Runoff (1987)*, and AS/NZS 3500.3:2003 - *Plumbing and drainage, Part 3: Stormwater drainage*. The stormwater drainage system shall be designed for 1 in 10 year storm event. All piped drainage lines over adjoining land are to be located within drainage easements. All such stormwater drainage engineer's details shall be approved by the Principal Certifying Authority as part of any Construction Certificate.

LEVIES

- 8** Prior to the issue of any Construction Certificate the Principal Certifying Authority shall ensure that a Long Service Levy has been paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change without notice. The requirements of the State Government supersede this condition.

This payment may be made at Council's Customer Service Centre. Cheques shall be made payable to Kempsey Shire Council.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY WORKS COMMENCING

NOTIFICATION

- 9** Council shall be notified of the commencement of works not less than two (2) days prior to any works commencing. The two (2) day notification to Council shall be in writing and specify the date of commencement.

INSURANCE

- 10** Prior to the commencement of any works evidence shall be provided to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million.

SITE PREPARATION

- 11** Prior to the commencement of any works a sign or signs shall be erected in a prominent position at the frontage to the site:
 - a)** Showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
 - b)** Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and

- c) **Stating that unauthorised entry to the work site is prohibited.**

The sign/s shall be maintained while the building work, subdivision work or demolition work is being carried out, and shall be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

- 12 Prior to the commencement of any works toilet facilities shall be provided or made available at or in the vicinity of the work site at a rate of one toilet for every 20 persons (or part of 20 persons) employed at the site. Each toilet provided shall be a flushing toilet connected to a Council approved onsite sewage management system, or to an approved temporary chemical water closet.**
- 13 All controls shall be in place in accordance with the approved Erosion and Sediment Control Plan.**
- 14 All controls shall be in place in accordance with the approved Acid Sulfate Soil Management Plan.**

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING ANY WORKS

INSURANCE

- 15 The public liability insurance cover required by this consent shall be maintained for the duration of the period of all works and during any maintenance period.**

EXECUTION

- 16 Construction and demolition works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction and demolition noise, when audible on adjoining residential premises, can only occur:**

- a) **Monday to Friday, from 7.00 am to 6.00 pm.**
- b) **Saturday, from 8.00 am to 1.00 pm.**

No work is to take place on Sundays or Public Holidays.

- 17 Construction and demolition noise is to be limited as follows:**
- a) **For construction and demolition periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation shall not exceed the background level by more than 20 dB(A); or**
- b) **For construction and demolition periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation shall not exceed the background level by more than 10 dB(A).**

- 18 All erosion and sediment controls shall be maintained at all times in accordance with the approved Erosion and Sediment Control Plan until the site has been stabilised by permanent vegetation or hard surface.
- 19 The approved Acid Sulfate Soil Management Plan shall be implemented during, and for any required period after, any works approved by this consent.
- 20 All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO
THE OCCUPATION/USE OF ANY PART OF THE DEVELOPMENT**

WASTE WATER

- 21 Prior to the occupation/use of any part of the development and/or the issue of any Occupation Certificate, stormwater shall be adequately collected and disposed of in a controlled manner in accordance with the approved stormwater drainage engineer's details.

COMPLETION

- 22 Prior to the occupation/use of any part of the development and/or the issue of any Occupation Certificate, written evidence from Council shall be provided to the Principal Certifying Authority demonstrating that Council is satisfied that all infrastructure is maintained/repared to pre-development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths, services, etc. Council shall not issue such written evidence until such time as evidence has been provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets caused as a result of construction works under this consent.
- 23 Prior to the occupation/use of any part of the development and/or the issue of any Occupation Certificate, all of the works shown on the plans and granted by this consent, including any other consent that is necessary for the completion of this development, and any rectification works to damaged Council land or infrastructure, have been completed in full and approved by the Principal Certifying Authority and any other relevant consent authority/s.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH AT ALL TIMES

BUSHFIRE

- 24 The following conditions of consent have been imposed by the NSW Rural Fire Service as under Section 79BA(1A) of the *Environmental*

Planning and Assessment Act 1979, and shall be complied with at all times:

1. The recommendations are based on the plans prepared by Telstra, titled 'Site Layout and Access', numbered N20712 and dated 20.06.2012.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the property around the development, to a distance of 10 metres or the property boundary, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. The proposed development shall be designed to withstand 40kW/m² of radiant heat. Structures and associated infrastructure should be able to resist ember penetration.

ADVICE

- a) Certain additional approvals and action required by the by you prior to and during construction works. The *Environmental Planning and Assessment Act 1979* require you to:
 - Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a *Construction Certificate*. An accredited certifier must obtain Council's approval to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
 - Nominate a *Principal Certifying Authority (PCA)* which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with this requirement.
 - Give Council at least two (2) days notice of your intention to commence the erection of a building before commencing construction works by lodging the '*Notice of Commencement of Building Works and Appointment of the Principal Certifying Authority*' form enclosed. You cannot lawfully commence works without complying with this requirement.
 - Obtain an *Occupation Certificate* before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign by lodging the '*Application*

for Occupation Certificate' form enclosed. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

- b) **All earthmoving contractors and operators should be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the *National Parks and Wildlife Act 1974*.**

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Campbell	F	Green	F	Kesby	F	McGinn	F
Morris	F	Patterson	F	Saul	F	Williams	F

1.3 Progress of Planning Proposal – New Entrance Road, South West Rocks File: T5-115

1412	RBP
------	-----

SUMMARY

Reporting that *Kempsey Local Environmental Plan 1987 (KLEP) Amendment No.115*, has been publicly exhibited and is recommended to be sent to the Department of Planning and Infrastructure requesting the Minister to make the plan.

Applicant: Hopkins Consultants Pty Ltd
 Subject Property: Lot 82 DP263591, New Entrance Road, South West Rocks
 Zone: 7(d) (Scenic Protection Zone)

Proposed Development

The Planning Proposal is to rezone land from 7(d) (Scenic Protection Zone) to part 2(a) (Residential "A" Zone) and part 7(d) (Scenic Protection Zone) at Lot 82 DP263591, New Entrance Road, South West Rocks.

2012. 353 RESOLVED:

**Moved: Cl. Morris
 Seconded: Cl. Green**

That the Kempsey Local Environmental Plan 1987 Amendment No. 115 be sent to the Department of Planning and Infrastructure requesting that the Minister make the plan.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	F	Green	F	Kesby	F	McGinn	F
Morris	F	Patterson	F	Saul	F	Williams	F

1.4 Two Storey Dwelling

File: T6-12-164

1412	RBP
------	-----

SUMMARY

Reporting that Council has received an application for a two storey dwelling which requires Council to vary the development standards contained in DCP22 – Local Housing Strategy and for which objections have been received.

Property Details

Applicant: Mr G and Mrs S Bryon
 Subject Property: Lot 1 DP341807, 9 McIntyre Street, South West Rocks
 Zone: 2 (b1) (Residential "B1" Zone)

Proposed Development

Reporting that a Development Application has been received to demolish an existing two storey dwelling and construct a new two storey dwelling on an allotment of 295m²

2012. 354 RESOLVED:

Moved: Cl. Morris
Seconded: Cl. Green

- A That consent be granted, subject to the following conditions listed below.**
- B That the objectors be advised of Council's decision.**

PARAMETERS OF THIS CONSENT

- 1 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.**

Plan No./ Supporting Document	Version	Prepared by	Dated
Plans and Elevations – Ref. 51845-21DA Amendment 'A' Sheet 1 of 1		Hadlow Design Services	11 September 2012

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

- 2 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
 - a) All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.
 - b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - ii) to the erection of a temporary building.
- 3 This consent does not permit commencement of any site works. Works shall not commence until such time as a Construction Certificate has been obtained and a Principal Certifying Authority appointed.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO
ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR THE SITE**

- 4 Compliance with BASIX Certificate
The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate 429154S, dated 6 June 2012. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate.

Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate may be required.

- 5 The plans for the required Construction Certificate are to include a detailed stormwater management plan providing for either connection of stormwater to the nearest Council drainage system in Jubilee Avenue or installing on-site retention so as not to increase predevelopment flows.

In this regard, the system shall be designed to cater for a 1 in 20 year storm event in accordance with Australian Rainfall and Runoff and AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater Drainage with an assumed 100% site coverage. All costs are the responsibility of the proponent.

An approval is to be obtained under Section 68 of the Local Government Act 1993 to *carry out stormwater drainage work*. Any

approval will be contingent upon the terms of this condition being met.

An approval is to be obtained under Section 138 of the Roads Act 1993 to carry out works within the road reserve. Any approval will be contingent upon the terms of this condition being met.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Engineering plans and specifications are to be submitted in triplicate and must include details in accordance with Appendix C of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

The plans must be in compliance with Council's Adopted Engineering Standard.

- 6 An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.
- 7 The application for a Construction Certificate is to include engineering details, plans and specifications for all retaining walls, including adequate provision for drainage. The plans shall demonstrate that all retaining and drainage works will be contained within the confines of the property boundaries.

Such plans and specifications must be approved as part of the Construction Certificate.
- 8 A Long Service Levy must be paid to the Long Service Payments Corporation prior to the issue of a Construction Certificate. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change.
- 9 The application for Construction Certificate is to include plans detailing building materials used. Specifically roofing materials must be low tone and non-reflective finish. Such plans and specifications must be approved as part of the Construction Certificate.
- 10 Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design prepared by a qualified practising structural engineer and in accordance with Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the Principal Certifying Authority.
- 11 Prior to the issue of any Construction Certificate provide the Principal Certifying Authority with three (3) copies of the specifications for the works with reference to Volume 2 BCA clauses and relevant Australian Standards.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

- 12** Prior to the commencement of any works evidence shall be provided to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million.
- 13** Sediment and erosion control measures must be installed in accordance with Council's guidelines before any demolition, building or construction work commences.
- 14** All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.
- 15** Toilet facilities are to be provided, at or in the vicinity of the work site of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a flushing toilet connected to a public sewer, or if connection to a public sewer is not available, to an onsite sewage management system approved by Council, or to an approved temporary chemical water closet.
- 16** A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

- 17** All demolition works are to be undertaken in accordance with the provision of Australian Standard AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services are to be disconnected and capped off.

No work is to be commenced in regard to the demolition or removal of the building until such time as the appropriate fees for disconnection of water and sewerage services are paid to Council where such services are no longer required. The sewer drainage system is to be appropriately sealed to prevent ingress of water and debris into the Council's main. Arrangements are to be made with Council for the withdrawal of the garbage services and collection of the waste bins.

- 18** All asbestos wastes associated with demolition/renovation works are to be disposed of in accordance with the requirements of the WorkCover Authority. The applicant/owner is to produce

documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal at Council's waste depot.

- 19 The public liability insurance cover required by this consent shall be maintained for the duration of the period of all works and during any maintenance period.**
- 20 All necessary works are to be undertaken to control dust pollution from the site. These works must include, but are not limited to:**
- a) Restricting topsoil removal;**
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;**
 - c) Alter or cease construction work during periods of high wind.**
- 21 Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:**
- a) Monday to Friday, from 7 am to 6 pm.**
 - b) Saturday, from 8 am to 1 pm.**
- No construction work is to take place on Sundays or Public Holidays.**
- 22 Construction noise is to be limited as follows:**
- a) For construction periods of four(4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).**
 - b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).**
- 23 All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.**
- 24 Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.**
- 25 Glazing materials used in the building are to be selected in accordance with the provisions of Australian Standard AS 1288 *SAA Glass Installation Code* and must comply with the requirements of Australian Standard AS 2208 "Safety Glazing Materials for Use in Buildings (Human Impact Considerations)" as required by the Building Code of Australia.**

Windows must be constructed to comply with Australian Standard AS 1288 or Australian Standard AS 2047. Written certification must be submitted to principal certifier prior to occupation inspection to confirm that glazing selection, manufacture and installation has been completed in accordance with the relevant Australian Standards for the job specific project.

- 26** A survey plan prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the retaining wall footings, before concrete is poured, to ensure the retaining walls are constructed within the confines of the property boundaries and installed in accordance with the development consent.
- 27** All costs associated with replacement reinstatement of any fencing is to be at the cost of the applicant.
- 28** A survey plan prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to ensure the siting of the building in relation to adjacent boundaries is in accordance with the development consent.
- 29** A Survey Certificate is to be submitted to the Principal Certifier upon completion of the roof framing prior to covering to ensure that the ridge height is at or below RL 23.847 metres A.H.D.
- 30** Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works are to be installed by a suitably qualified person and in accordance with the requirements of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.
- 31** Rainwater tank/tank-stand installations are to be structurally sound, and in accordance with manufacturers detail and/or Guidelines for Plumbing Associated with *Rainwater Tanks in Urban Areas*. Overflow from the tank is to be diverted to the approved stormwater drainage system.
- 32** If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the adjoining building from damage;
 - b) if necessary, must underpin and support the building in an approved manner; and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land, public road or any other public place is not to be held liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the public road, any other public place or the adjoining allotment of land.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO
OCCUPATION OF THE BUILDING**

- 33** All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the

relevant consent authority/s prior to the issue of an Occupation Certificate.

- 34 Sewer and water supply is to be connected to the premises in accordance with an approval granted under Section 68 of the Local Government Act 1993.
- 35 A fire detection and alarm system must be installed and maintained within the building. Such system must comply with the Building Code of Australia (BCA) Part 3.7.2.2 requirements for a Class 1a building.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

- 36 Building not to be used as a dual occupancy

The ground floor must not be used as a separate residential occupancy.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Campbell	F	Green	F	Kesby	F	McGinn	F
Morris	F	Patterson	F	Saul	F	Williams	F