



**Land and Environment  
Court**  
of New South Wales

Level 4 225 Macquarie Street SYDNEY NSW 2000  
Level 4 GPO Box 3565 SYDNEY NSW 2001  
DX ,

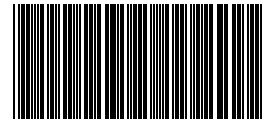
Telephone: 02 9113 8200  
Facsimile:  
02 91138208

Email: [lecourt@justice.nsw.gov.au](mailto:lecourt@justice.nsw.gov.au)  
Website: <https://www.lec.nsw.gov.au>

ABN: 52 659 114 436

ROSLYN MARY MCCULLOCH  
[rmcculloch@pvlaw.com.au](mailto:rmcculloch@pvlaw.com.au)

Your Ref:



D00023D1Q2

3 February 2025

### NOTICE OF ORDERS MADE

Case number 2024/00330656  
Case title Gwenyth Richetti v City of Canada Bay Council

---

On 3 February 2025 the following orders (and/or directions) were made:

The Court orders that:

- (1) The appeal is upheld.
- (2) Development application DA2024/0074 for alterations and additions to an existing dwelling house for a screened first floor balcony located at the rear of the property at 12 Preston Avenue, Five Dock, is determined by the grant of consent, subject to conditions of consent at Annexure A.

For the Registrar

**Annexure A**  
**DETERMINATION OF DEVELOPMENT APPLICATION**  
**BY GRANT OF CONSENT**

**Development Application No:** DA2024/0074

**Development:** Alterations and additions to a dwelling for a screened first floor balcony

**Site:** 12 Preston Avenue, Five Dock

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 03 February 2025

**Date from which consent takes effect:** Date the consent is registered on the NSW Planning Portal.

**TERMINOLOGY**

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site” means the land known as 12 Preston Avenue Five Dock.

Council has considered the contentions raised in the Statement of Facts and Contentions filed on 9 October 2024, the concerns raised by the submitter and the circumstances of the site. The development application has been amended to:

1. Remove the previously proposed access gate to ensure that there is no direct roof access from the approved ‘roof terrace/yoga wellness area’.
2. Increase the rear setback of the structure.
3. Reduce the overall size (including depth and height) of the structure.
4. Revise the shape of the structure, introducing curved forms to further soften overall appearance of the structure.
5. Limit the number of persons and times that the area can be used.

The conditions of consent are as follows:

## General Conditions

### 1. **Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
DA-007 (Revision 9)	Proposed Upper Floor Plan	Council Approval Group	20/01/25
DA-008 (Revision 9)	Proposed Elevations & Sections	Council Approval Group	20/01/25

**Note 1:** *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

**Note 2:** *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

**Note 3:** *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

*(Reason: To confirm and clarify the terms of consent)*

### 2. **Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

*(Reason: To ensure compliance with approved plans)*

**3. Swimming Pool /Spa/Ice Bath**

Any swimming pool/spa must comply with the *Swimming Pools Act 1992* and relevant standards.

*(Reason: Statutory requirement)*

**4. Swimming Pool/ Spa Pump Noise/Sauna/Ice bath**

Any swimming pool or spa or sauna or ice bath pump/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 8.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 8.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

*(Reason: Amenity and Compliance)*

**5. Non-Trafficable Roof Area**

All roof areas beyond the perimeter screen walls of the approved 'roof terrace/yoga wellness area' must remain non-trafficable and with no roof top gardens/planting at all times. Access to all roof top areas beyond the perimeter screen walls of the approved 'roof terrace/yoga wellness area' must be only for the purposes of essential maintenance and repairs. Suitable roof anchors may be installed to facilitate access for such purposes.

*(Reason: To ensure that roof areas are not used unlawfully and privacy impacts are minimised)*

**Conditions which must be satisfied prior to the issue of a Construction Certificate****6. Plumbing Connection to Sewer**

The approved 'roof terrace/yoga wellness area' shall be provided with an approved gully design plumbed directly into the existing sewer system for the purposes of cleaning/washing down the area, drainage of any approved swimming pool/spa/ice bath, etcetera.

The location and details of the gully/sewer outlet shall be indicated on the architectural plans with the Construction Certificate.

*(Reason: Health and Safety, Building Compliance )*

7. **Structural Adequacy of Existing Structure**

A Certificate of Structural Adequacy prepared and signed by a qualified practising Structural Engineer with suitable professional indemnity cover must be submitted to the Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions and use of the area **prior to the issue of any Construction Certificate**.

*(Reason: Structural safety)*

8. **Damage Deposit for Council Infrastructure**

You must complete a Deposit/Bond Application Form located on Council's website under Forms and Fact Sheets > Rates and Finance.

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of **\$2,500** shall be paid to Council **prior to the issue of any Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

**Note:** Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

*(Reason: Protection of Council infrastructure)*

9. **Long Service Levy Payments**

The payment of any applicable long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council **prior to the issue of any Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

*(Reason: Statutory requirement)*

10. **Obtaining a Construction Certificate for Building Work**

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement**.

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence **prior to the issue of a Construction Certificate**.

*(Reason: Information)*

**11. Pre-Commencement Damage Report**

**Prior to the issue of any Construction Certificate**, the Pre-Commencement Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve and shall be filled out and signed by the Applicant and submitted to Council. This form is generally for “minor works” (as defined in the Driveways and Ancillary Works Application Form). For “major works”, a Dilapidation Report will be required.

This Form is used to assist Council in determining the refund of any damage deposits and any likely repairs necessary upon the completion of the development.

When lodging the Damage Report Form, fees are payable in accordance with Council’s fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council’s Specification for Driveway Construction or Specification for Restoration Works.

*(Reason: Maintain public assets)*

**12. Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or

rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

*(Reason: Safety)*

### 13. **Application for a Construction Certificate**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

**Note:** The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
  - ☐ Performance requirements that the alternative solution intends to meet.
  - ☐ Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - ☐ A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

**Note:** The performance-based application may be required to be

reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate.**

*(Reason: Statutory requirement)*

**Conditions which must be satisfied prior to the commencement of any development work**

**14. Appointment of Principal Certifying Authority**

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifying authority of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

**Note:** If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing



the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirements)

**15. Construction Certificate**

No work shall commence until you:

- (a) Obtain a Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

(Reason: Statutory Requirement)

**16. Home Building Compensation Fund**

**No residential building work** within the meaning of the *Home Building Act 1989* may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - ☐ The name and licence number of the principal contractor, and
    - ☐ The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
  - (ii) In the case of work to be done by an owner-builder:
    - ☐ The name of the owner-builder, and
    - ☐ If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-

builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

*(Reason: Statutory requirement)*

**17. Notice of commencement**

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

*(Reason: Statutory Requirement)*

**18. Principal Certifying Authority (PCA) Sign**

**Prior to commencement of any work**, signage must be erected in a prominent position on the work site identifying:

- ☐ The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ☐ The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- ☐ The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

*(Reason: Statutory Requirement)*

**Conditions which must be satisfied during any development work**

**19. Construction Hours**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

*(Reason: Safety and amenity)*

**20. Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

*(Reason: Safety and information)*

**21. Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise, privacy and the like during the building works.

*(Reason: Health and amenity)*

**22. Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

*(Reason: Structural safety)*

**23. Stamped Plans**

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

*(Reason: To ensure compliance with approved plans)*

**24. Noise - Construction**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise which specifies that:

- ☐ Construction period of 4 weeks and under - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- ☐ Construction period greater than 4 weeks but not exceeding 26 weeks - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- ☐ Construction period exceeding 26 weeks - The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 - 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

*(Reason: Noise Attenuation)*

**25. Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by City of Canada Bay Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

*(Reason: Noise attenuation)*

**26. Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

*(Reason: Protection of infrastructure, safety & information)*

**27. Protection of Public Places**

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

*(Reason: Safety)*

**28. Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

*(Reason: Prescribed statutory control)*

**29. Critical Stage Inspections - General**

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the PCA and any PCA Service Agreement.

**Note 1:** The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

**Note 2:** The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

*(Reason: Statutory requirement)*

**30. Inspection Records & Compliance Certificates**

The PCA or accredited certifier undertaking each of the inspections must make a **record of each inspection** in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any **compliance certificates** issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

A compliance certificate must be issued where:

- (a) Either:
  - (i) Council is appointed the PCA; or
  - (ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The PCA or accredited certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

*(Reason: Statutory Requirement)*

**Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part**

**31. Survey Certificate**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- a) At completion indicating the relationship of the approved building works to the boundaries and approved heights for structure.

Survey certificate/s in response to the above shall be provided to the Council or the Principal Certifying Authority **prior to issue of any Occupation Certificate**.

*(Reason: To ensure compliance with approved plans)*

**32. Occupation Certificate (section 6.9 of the Act)**

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- ☐ All required inspections (including each applicable mandatory critical

- stage inspection) have been carried out; and
- ☐ Any preconditions to the issue of the certificate required by a development consent have been met.

**Note:** New building includes an altered portion of, or an extension to, an existing building.

*(Reason: Statutory requirement)*

### Conditions which relate to ongoing use of the building or part

**33. Ongoing use of the approved 'roof terrace/yoga wellness' area**

Use of the approved area shall be strictly for the purposes of quiet and passive recreation and in accordance with the conditions of this consent and the following restrictions on use:

1. Maximum of four (4) persons at any one time; and
2. Use of the area is prohibited between 10pm and 7am, seven (7) days a week

*(Reason: Protection of amenity of neighbouring residents)*

**34. Amplified, Acoustic Music (No speakers or music outside), and any Other Noise Sources**

No music or other amplified sound shall be played or occur within the approved 'roof terrace/yoga wellness' area. The use of the area shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997.

*(Reason: Environmental amenity)*

**35. Lighting Nuisance**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

*(Reason: Protect amenity of surrounding residents)*

### Advisory Notes

**a) Owner Builders**

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

**b) Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

c) **Review of Determination**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979 (as amended) the applicant can request Council to review this determination. The request must be made and determined within legislated time period. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

d) **Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

e) **Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

f) **WorkCover Requirements**

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://www.workcover.nsw.gov.au/newlegislation2012/your-industry/construction/Pages/default.aspx> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.