

Officer's Draft Conditions of Consent

Environmental & Planning Services Department

Our Reference: 2012/413
Contact: Ms J Callaghan
Phone: 9840 9819

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 NOTICE OF DETERMINATION OF APPLICATION

TBA

Land & Housing Corporation
Locked Bag 4001
ASHFIELD NSW 1800

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: LOTS 40 - 45, DP 12655

STREET ADDRESS: 4 - 14 WELSFORD STREET, MERRYLANDS

DEVELOPMENT CONSENT NO. 2012/413/1

DECISION: JOINT REGIONAL PLANNING PANEL (JRPP)

DATE OF EXPIRY OF CONSENT: TBA

PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING STRUCTURES,
CONSOLIDATION OF LAND INTO 1 LOT,
CONSTRUCTION OF 19 DWELLINGS, BEING 2 X 1
BEDROOM, 13 X 2 BEDROOM, 3 X 3 BEDROOM AND 1 X
4 BEDROOM, WITH 12 PARKING SPACES AND
REMOVAL OF TREES UNDER THE AFFORDABLE
RENTAL HOUSING SEPP 2009

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Holroyd City Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent. Any person entitled to act on the consent may apply to Council at least 30 days before this three year period expires, for an extension of one year (in accordance with Section 95A of the Environmental Planning & Assessment Act 1979), provided that good cause is shown. **Note: Failure to lodge an application for extension of consent will mean the consent lapses and a fresh application will be required that will be assessed in accordance with current controls.**

2. Development shall take place in accordance with the attached endorsed plans:
 - Architectural plans prepared by NSW Land & Housing Corporation, Project No. BG1LQ, Sheets 1 of 10 to 9 of 10 inclusive, Revision C, dated 21/01/13;
 - Stormwater plans prepared by Wallis & Spratt Pty Ltd, File: BG1LQ-DA.pln, Sheets 1 of 6 to 6 of 6 inclusive, Revision 1, dated 23 January 2013;
 - Landscape plan prepared by Site Image Landscape Architects, File: SS12-2461_101.DWG, Sheets 1 of 4 to 4 of 4 inclusive, Revision C, dated 5 February 2013;
 - Schedule of External Colours and Finishes prepared by Land & Housing Corporation, Project No. BG1LQ-DA2013.pln, Revision C, dated 21 January 2013;
 - BASIX Certificate No. 321737m_05 dated 2 November 2012;
 - Waste Management Plan dated 9 October 2012;
 - Letter from Holroyd Local Area Command (Police) dated 8 November 2012;

a) As amended in red by Council.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted to Council for information prior to commencement of construction.

4. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

5. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.
The footing system is to be designed by a practising professional structural engineer.

6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Demolition

7. All relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.
8. Permission is granted for the demolition of existing structures on the property, subject to strict compliance with the following:
 - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
 - b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Holroyd City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - c) On the first day of demolition, work is not to commence until Holroyd City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840 9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.

- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” **and** a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees’ toilet service during demolition operations.
- m) After completion, the applicant shall notify Holroyd City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council’s Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2007 Part A, Section 9.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials;** and
 - iii) Until 31 December 2012, air monitoring may be carried out by a licensed asbestos assessor, or a person competent to carry out atmospheric monitoring at the workplace, as provided by clause 261 of the *Occupational Health and Safety Regulation 2001* (OHS Regulation).

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under ‘Facilities and Labs’ click on ‘Facilities List by Field’, then click on ‘Chemical Testing’, then click on ‘Asbestos’ and finally click on ‘identification’. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

- 9. Payment of **\$324.00** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

10. Reference to the “Corporation” in this Development Consent is a reference to the Land and Housing Corporation. In this regard, the development subject of this consent is considered to be “Development by the Crown” under the Environmental Planning and Assessment Act 1979. In this regard, the Department is responsible for the completion of all building work in accordance with the subject Development Consent and the Building Code of Australia (BCA).

BASIX (Building Sustainability Index)

11. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS “FEES AND CHARGES” AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO WORKS COMMENCING

The following conditions are to be complied with prior to any works commencing on the site:

Easement Creation

12. A drainage easement 2.4m wide (minimum) being created in favour of the property to developed over downstream properties, to permit the disposal of stormwater to Frances Street. Documents relative to the creation of the easement to be lodged with Land and Property Information NSW with registration being effected prior to commencement of works. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

Payment of Bonds, Fees and Long Service Levy

13. The relevant officer on behalf of the Land and Housing Corporation is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Section 94 Contribution

14. A public reserve contribution of **\$19,800** being for thirteen (13) additional dwellings is to be paid to Council. This contribution is imposed under the Holroyd Section 94 Contributions Plan for Open Space and Recreation Facilities - which came into force on 2 December, 1998. A copy of this plan can be inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday. This contribution will form part of the funding towards the purchase/embellishment of Local, District and Regional Open Space and the administration of Council's Section 94 Contribution fund.
15. A community facility contribution of **\$5,739.97** being for thirteen (13) additional dwellings is to be paid to Council. This contribution is imposed under the Holroyd Section 94 Contributions Plan for Community Facilities - which came into effect on 13 November, 2000. A copy of this plan can be inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands. This contribution will form part of the funding towards the provision, extension or augmentation of community facilities and services that will, or are likely to be, required as a consequence of development in the Holroyd Local Government Area.

Damage Deposit

16. A cash bond/bank guarantee of **\$1512.60** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for six (6) months after the completion of works.
Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Photographic Record of Council Property – Damage Deposit

17. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Consistency with Endorsed Development Consent Plans

18. The relevant officer on behalf of the Land and Housing Corporation is to ensure that any certified plans for construction are in accordance with the Development Consent plans.

Landscape Inspection Fee

19. Payment of a **\$468.60** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages.

Engineering Fees and Bonds

20. Payment of a **\$840** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
21. Payment of a **\$1130** fee for the design, specifications and inspection by Council of the footpath paving, kerb and gutter prior to placement of concrete.
22. Payment of a **\$320** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.
23. Payment of a **\$918** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages.
24. Payment of a **\$816** fee for the inspection by Council of the stormwater drainage construction in the road reserve at the key stages.
25. The applicant shall lodge with Council a **\$1500** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for six (6) months after the completion of works.
26. The applicant shall lodge with Council a **\$5000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for six (6) months after the completion of works.
27. The applicant shall lodge with Council a **\$5000** cash bond or bank guarantee for the satisfactory completion of the construction of the drainage system through a public area or adjoining private property. This bond will be held for six (6) months after the completion of works.

28. The applicant shall lodge with Council a **\$5,600** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.
29. The applicant shall lodge with Council a **\$3000** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Welsford Street. This bond will be held for six (6) months after the completion of works.

On-Site Detention

30. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2013-025 and Council's on-site detention policy are required.

Road Works

31. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$440** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

Required Submissions to the Relevant Departmental Officer

32. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person.
33. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members are required.
34. Confirmation that the street hydrants shall provide coverage to the most disadvantaged development as required by AS2419 and the Building Code of Australia.
35. A Demolition and Construction Management Plan is required for each stage of works.
36. Documentation (including plans where necessary) is required detailing how the Crime Prevention Through Environmental Design (CPTED) principles outlined in the letter from the Holroyd Local Area Command (Police) dated 8 November 2012 will be achieved.

Telecommunications Infrastructure

37. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works is required prior to any works commencing.

38. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Waste Management

39. A waste management plan (WMP) has been prepared by the applicant dated 9 October 2012 describing reuse, recycling and disposal of waste during the demolition and construction of the proposed development. For recycling and/or disposal of many items the WMP indicates the facility to be used is to be “nominated by contractor”. The name and address of the facilities to be used for recycling and disposal prior to any works commencing.
40. The waste storage areas shall be provided with:
- A water supply is to be provided to the storage area for cleaning purposes.
 - The floor is to be graded and drained to the sewer with the consent of Sydney Water.
 - The access ramp is to have a maximum grade of 1:8.

Fencing of Sites

41. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

42. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the relevant officer on behalf of the Land and Housing Corporation 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 at any time for business purposes**, and
 - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

Any such 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.

This clause does not apply in relation 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.

Note: The relevant officer on behalf of the Land and Housing Corporation must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

43. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

44. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.
If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

45. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."
Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Footpaving, Kerbing and Guttering

46. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
47. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Support for Neighbouring Buildings

48. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
- a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least seven (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 to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

Toilet Facilities

49. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by the relevant officer on behalf of the Land and Housing Corporation.

Roadworks

50. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$145** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
51. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works Within Council's Reserve

52. All works within the Council reserve shall be completed within six (6) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
53. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
54. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

Sydney Water

55. The approved plans must be submitted to Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. (For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Development then Building & Renovating or telephone 13 2092.)

DURING DEMOLITION/CONSTRUCTION

The following conditions are applicable during demolition/construction:

Endorsed Plans & Specifications

56. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

57. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow “Hours of Building Work” sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

58. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
59. Builder’s refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
60. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

61. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-

- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

- ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEHL on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

- iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

- 62. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 63. Within three (3) weeks of completion of construction/building works, the applicant shall submit a signed statement to Council verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan.
In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Construction

- 64. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the relevant officer on behalf of the Land and Housing Corporation has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the relevant Departmental officer has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

A copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the relevant officer on behalf of the Land and Housing Corporation has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

- 65. 1.5m high privacy screens shall be provided to the patio of Unit 2 and the balcony of Unit 8.

Landscaping/Site Works

66. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
67. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the relevant officer on behalf of the Land and Housing Corporation.
68. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.
69. The design of any aboveground rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. The tank(s) must not exceed 2.4 metres in height above ground level, including any stand for the tank(s).

Tree Protection

70. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

Inspection of Stormwater Drainage Construction in Road Reserve

71. The stormwater drainage works within the Road Reserve shall be inspected during construction by Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - (a) Initial inspection to discuss site conditions/constraints prior to commencement of the construction of the Stormwater Drainage extension.
 - (b) Prior to backfilling of trenches following the laying of the 375mm diameter concrete pipes. No less than two inspections are required.
 - (c) Prior to pouring of concrete for the proposed Council grated gully pit. No less than two inspections are required.
 - (d) Upon compaction and watering of the sand backfill material to 400mm below the finished road pavement level.
 - (e) Upon compaction of the lower layer of 150mm thick road base.

- (f) Upon compaction of the upper layer of 150mm thick road base.
- (g) Upon final compaction of the 100mm thick AC10 Hotmix and bitumen joint seal with the existing road pavement.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Inspection of Works

72. The stormwater drainage works shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank.
 - (b) Prior to landscaping of the detention basin or pouring of the roof of the detention tank.
 - (c) Prior to back filling of the trench and following installation of the stormwater line within the downstream easement.
 - (d) After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.)
 - (e) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Road Works and Footpaving

73. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
74. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Underground Cabling

75. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

Underground Power Connection

76. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Vehicle Cleansing

77. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

78. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Additional Information during Remediation/Demolition/Construction

79. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

PRIOR TO OCCUPATION

The following conditions are to be complied with prior to occupation of the site:

Certificates/Documentary Evidence

80. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
81. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design).

Submission a copy of Sydney Water’s *Notice of requirements* to the relevant Departmental officer.

82. A Structural Engineer’s certificate from the supervising structural engineer responsible for the design shall be submitted to the relevant officer on behalf of the Land and Housing Corporation and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer’s requirements and the relevant SAA Codes.

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.

83. Dwellings 1, 5, 6, 9, 10 and 13 are to achieve the desired level of adaptability (i.e. “Adaptable House Class C”) as per AS4299-1995.

Landscaping/Tree Protection

84. Certification is to be provided to Council, from the designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. The certification is to be submitted to Council prior to the occupation of the site.
85. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

86. All dwellings/units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans.
87. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
88. The entry / exit driveways must be indicated with appropriate signage and linemarking to avoid the conflict at the driveways.

On-Site Stormwater Detention, Certification, Covenant and Maintenance Schedule

89. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention shall be issued to the relevant Departmental officer by a suitably qualified Civil Engineer.
90. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.
Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

91. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.
92. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.

Stormwater Drainage Works

93. The construction of stormwater drainage, gully pits and associated works within Frances Street. These works shall be carried out by a licensed construction contractor at the applicant's expense.
94. As per Table 2 Schedule of Material Tests, of Councils' Works Specification for Subdivisions and Developments, the CCTV verification and 'No cracking', shall be complied with.

Road Works

95. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
96. A full width **residential duty** vehicular crossing shall be provided opposite the vehicular entrance to units 1, 18 and 19, with a maximum width of **3.0** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
97. A full width **medium duty** vehicular crossing shall be provided opposite the vehicular entrance to the block A and B, with a maximum width of **6.0** metres and a minimum width of **5.0** metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.

98. The reconstruction of cracked and/or damaged kerb and gutter, and any associated works along all areas of the site fronting Welsford Street, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.
99. The construction or reconstruction of concrete footpath paving and associated works along all areas of the site fronting Welsford Street, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.
100. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
101. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the relevant Departmental officer.
102. The applicant shall obtain a letter from the downstream property owner upon completion of the stormwater connection into Council's pipe system stating that the restoration of his property is satisfactory.

Lot Consolidation

103. Lots 40 - 45, DP 12655 to be consolidated into one lot on title.

House/Street Number

104. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter or Council's website, www.holroyd.nsw.gov.au.

General

105. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:

Safety and Amenity

106. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Rainwater Tank Pump

107. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

Noise

108. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
109. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
110. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

General

111. Garbage and recycling bins are to be presented by residents at the kerb in Welsford Street for servicing each service day and returned to the storage area after they are emptied.
112. Each unit shall be provided with a waste cupboard or other suitable storage area to facilitate the holding of a bin containing a single days-domestic waste.
113. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.
114. The maneuvering areas in front of Units 3, 5, 16 and 17 shall be kept clear at all times.
115. All vehicles are to enter and leave the site in a forward direction.
116. The 1.5m high privacy screens provided to the patio of Unit 2 and the balcony of Unit 8 shall be maintained at all times.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Schedule 1 of Development Control Plan 2007, Part I "*Exempt and Complying Development*".
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

NOTE: * If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed.
- C. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- D. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- E. DEMOLITION

- (a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures*.
- (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
- (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.

- (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (e) On completion of demolition the site is to be left in a clean and tidy condition.
- (f) Holroyd City Council has a Tree Management Order which applies to the entire City of Holroyd. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Holroyd City Council.
- (g) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

F. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to **"Banks"** and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

G. SMOKE DETECTORS

A system of self contained smoke alarms complying with the requirements of AS3786-1993, *Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

H. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 *Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to the relevant Departmental officer on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

I. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with *AS3740 Waterproofing of wet areas within residential buildings*.

The submission of evidence is required of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

J. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1:50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

K. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturers specifications for the sarking is to be submitted to Council prior to its installation.

L. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in attached residential development (Class 1 buildings), separating walls must be constructed in accordance with Part 3.8.6 of the Building Code of Australia.

M. GLAZING CERTIFICATION

A certificate shall be submitted to the relevant Departmental officer stating that safety glazing has been used in the building in accordance with AS1288 - "Glass in Buildings - Selection and Installation".

N. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

Yours faithfully

Merv Ismay
GENERAL MANAGER

Per:
MANAGER DEVELOPMENT