

*Environmental & Planning Services Department*

Our Reference: 2015/220  
Contact: Mr M J Stephenson  
Phone: 02 9840 9823

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979  
NOTICE OF DETERMINATION OF APPLICATION**

TBA

Dyldam Developments Pty Ltd  
Level 1, 72 Macquarie Street  
PARRAMATTA NSW 2150

Dear Sir/Madam

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

**PROPERTY:** Lot 1, DP 701158

**STREET ADDRESS:** 224-240 Pitt Street, Merrylands

**DEVELOPMENT CONSENT NO:** 2015/220/1

**DECISION:** Joint Regional Planning Panel

**DATE OF EXPIRY OF CONSENT:** TBA

**PROPOSED DEVELOPMENT:** Demolition of existing structures and construction of a mixed use development containing 3 separate towers ranging in height between 4 and 19 storeys comprising 355 residential units over 5 levels of basement parking accommodating 460 car parking spaces

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.
2. Development shall take place in accordance with the attached endorsed plans and reports:

Doc No.	Rev	Title	Prepared By	Date
<b>Architectural Plans</b>				
A_000	F	Cover Sheet	Tony Caro Architects	16.03.16
A_010	C	Site Plan	Tony Caro Architects	26.05.15
A_095	L	Basement Parking Level -5	Tony Caro Architects	28.04.16
A_098	L	Basement Parking Level -2 To -4	Tony Caro Architects	28.04.16
A_099	L	Basement Parking Level -1	Tony Caro Architects	28.04.16
A_100	O	Ground Level	Tony Caro Architects	03.05.16
A_101	M	Level 1	Tony Caro Architects	28.04.16
A_102	M	Level 2	Tony Caro Architects	28.04.16
A_103	M	Level 3	Tony Caro Architects	28.04.16
A_104	M	Levels 4 - 9	Tony Caro Architects	28.04.16
A_110	H	Level 10	Tony Caro Architects	28.04.16
A_111	M	Levels 11 - 13	Tony Caro Architects	28.04.16
A_114	L	Levels 14 - 18	Tony Caro Architects	28.04.16
A_119	K	Roof Plan	Tony Caro Architects	28.04.16
A_201	I	Section A-A	Tony Caro Architects	16.03.16
A_202	I	Section B-B	Tony Caro Architects	16.03.16
A_203	J	Section C-C	Tony Caro Architects	16.03.16
A_301	F	Elevation North	Tony Caro Architects	16.03.16
A_302	F	Elevation East	Tony Caro Architects	16.03.16
A_303	G	Elevation South - East	Tony Caro Architects	16.03.16
A_304	G	Elevation South	Tony Caro Architects	16.03.16
A_305	G	Elevation West	Tony Caro Architects	16.03.16
A_306	D	Internal Elevation (Building B)	Tony Caro Architects	16.03.16
A_401	E	Façade Detail Sections	Tony Caro Architects	16.03.16
A_600	C	Building A Typical Unit Schedule	Tony Caro Architects	26.05.15
A_601	C	Building B Typical Unit Schedule	Tony Caro Architects	26.05.15
A_602	C	Building B Typical Unit Schedule	Tony Caro Architects	26.05.15
A_603	B	Building C Typical Unit Plans Schedule	Tony Caro Architects	26.05.15
A_900		Finishes Schedule	Tony Caro Architects	26.05.15
		Shopfront treatment	Tony Caro Architects	20.04.16
<b>Civil Works Plans</b>				
DAC001	C	Cover Sheet and Locality Plan	AT&L	18.03.16
DAC002	D	General Notes and Legends	AT&L	18.03.16
DAC010	D	General Arrangement Plan	AT&L	18.03.16
DAC015	C	Typical Site Sections	AT&L	18.03.16
DAC016	C	Typical Road Sections	AT&L	18.03.16
DAC020	C	Siteworks and Stormwater Drainage Plan	AT&L	18.03.16
DAC030	C	Siteworks Details	AT&L	18.03.16
DAC031	C	Stormwater Drainage Details Sheet 1	AT&L	18.03.16
DAC032	C	Stormwater Drainage Details Sheet 2	AT&L	18.03.16
DAC034	C	Stormwater Drainage Plan	AT&L	18.03.16
DAC035	C	Stormwater Treatment Plan And Section	AT&L	18.03.16

DAC040	C	Road Longitudinal Sections	AT&L	18.03.16
DAC050	C	Pavement Plan	AT&L	18.03.16
DAC060	C	Signage and Linemarking Plan	AT&L	18.03.16
DAC070	C	Services and Utilities Co-ordination Plan	AT&L	18.03.16
DAC080	C	Erosion and Sedimentation Control Plan	AT&L	18.03.16
DAC081	C	Erosion and Sedimentation Control Details	AT&L	18.03.16
<b>Landscape Plans</b>				
DA-1514-01	B	Landscape Plan – Ground Floor	Sturt Noble Associates	18.11.15
DA-1514-02	B	Landscape Plan – Central Courtyard	Sturt Noble Associates	18.11.15
DA-1514-03	B	Landscape Plan – Pool Level (Level 4)	Sturt Noble Associates	18.11.15
DA-1514-04	B	Landscape Plan – Level 10	Sturt Noble Associates	18.11.15
DA-1514-05	A	Landscape Plan – Level 19	Sturt Noble Associates	18.11.15

- Preliminary Site Investigation with Limited Sampling prepared by Environmental Investigations Australia, Report No. E22397 AA, Revision 0, dated 20 March 2015;
- Remediation Action Plan prepared by Environmental Investigations Australia, Report No. E22397 AB\_Rev1, Revision 1, dated 25 February 2016;
- Acoustic Report prepared by Rodney Stevens Acoustics, Reference No. R150061R3, Revision 2, dated 23 December 2015;
- Arboricultural Impact Assessment prepared by Redgum Horticultural, Reference No. 1210, dated 13 May 2015;
- Traffic Report prepared by Transport and Traffic Planning Associates, Reference No. 14285, Revision B, dated May 2015;
- Flood Impact Assessment (Site C) prepared by Cardno, Reference No. 59916007, dated 5 November 2015;
- Flood Impact Assessment (Precinct) prepared by Cardno, Reference No. 59916007, dated 2 October 2015;
- Civil Report prepared by AT&L, Reference No. 15-283-01, Revision 2, dated 17 March 2016;
- BCA Capability Statement prepared by Technical Inner Sight, Reference No. D2015-024, dated 9 November 2015;
- Adaptable Housing Design Review prepared by AED Group, Reference No. A2174, Revision 1.0, dated 25 May 2015;
- Access Capability Statement prepared by AED Group, Project No. A2174, dated 25 November 2015;
- Qualitative Environmental Wind Assessment prepared by SLR, Report No. 610.14672, Revision 0, dated 3 May 2016;

- Waste Management Plan prepared by Elephants Foot, Revision D, dated 25 February 2016;
  - Basix Certificate No. 630161M, dated 26 May 2015;
  - Correspondence prepared by Roads and Maritime Services (RMS), Reference No SYD15/00706 (A9539650), dated 30 June 2015 (copy attached), and all conditions contained therein.
  - Correspondence prepared by Sydney Water, dated 18 April 2016 (copy attached), and all conditions contained therein;
  - Correspondence prepared by Sydney Trains, dated 29 June 2015 (copy attached), and all conditions contained therein;
  - Correspondence prepared by Endeavour Energy, dated 17 August 2015 (copy attached), and all conditions contained therein; and
  - Correspondence prepared by NSW Police Holroyd Local Area Command, Reference No. D/2015/276015, dated 22 June 2015 (copy attached), and all conditions contained therein;
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.
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 with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

**Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)**

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

**Note:** Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. 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).

6. 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.
7. 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**

8. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, 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.
9. 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 2013 Part A, Section 11. **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](http://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.

10. Payment of **\$433.60** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

**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.

**Swimming Pool**

12. The Swimming Pool must be safeguarded at all times in accordance with the requirements of the Swimming Pools Act 1992, Australian Standard 1926 and the Building Code of Australia.
13. The Swimming pool must be registered with the Director-General as required by the provisions of Swimming Pools Amendment Act 2012.

**Future Use**

14. No approval is granted or implied for the use of the commercial tenancies. Separate development consent is required PRIOR to occupation of each separate commercial tenancy.

**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 ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION**

**The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-**

### **Payment of Bonds, Fees and Long Service Levy**

15. The Principal Certifying Authority 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**

13. Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 94 of the *Environmental Planning and Assessment Act 1979* and the Holroyd Section 94 Development Contributions Plan 2013, for 39 x studio dwellings, 67 x 1 b/r dwellings, 223 x 2 b/r dwellings and 26 x 3 b/r dwelling, 2,367sqm of commercial gross floor area (GFA), and 8 car parking spaces, is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$8,107,595**. The amount of the contribution will be determined at the time of payment in accordance with the s94 Contributions Plan.

### **Damage Deposit**

14. A cash bond/bank guarantee of **\$5,545.80** 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' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

**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.

### **Consistency with Endorsed Development Consent Plans**

15. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.



### **Landscape Fees**

16. If Council is the Principal Certifying Authority, a fee of **\$599.20** is to be paid for the assessment of the fully documented landscape plan required to be submitted in accordance with Condition 38 of this development consent.
17. Payment of a **\$599.20** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

### **Engineering Fees and Bonds**

18. Payment of a **\$657.40** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
19. Payment of a **\$2,794.90** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
20. Payment of a **\$2,794.90** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.
21. Payment of a **\$784** fee for the inspection by Council of the stormwater drainage, Onsite Stormwater Detention System, Overland Flowpath and Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
22. The applicant shall lodge with Council a **\$16,000** 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' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
23. The applicant shall lodge with Council a **\$17,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete kerb and guttering adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
24. The applicant shall lodge with Council a **\$37,500** 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' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
25. The applicant shall lodge with Council a **\$6,000** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System, Overland Flowpath and Pollution Control Device/s. 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.
26. The applicant shall lodge with Council a **\$3,000** 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 Pitt Street, Gladstone Street, Terminal Place and 'New Road 1'. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

27. Payment of a **\$1,000** fee for the design checking and inspection by Council of the road access (Gladstone Street roadworks and/or temporary access) and associated works.

#### **Hazardous Materials Survey**

28. Prior to demolition commencing, a Hazardous Materials Survey shall be undertaken in accordance with the recommendations of the Preliminary Site Investigation with Limited Sampling prepared by Environmental Investigations Australia, Report No. E22397 AA, Revision 0, dated 20 March 2015.

#### **Signs and Line Marking**

29. Signs and line marking plans shall be prepared and submitted to the Principal Certifying Authority prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

#### **Internal Roadway**

30. The internal roadway shall be heavy duty construction to accommodate the anticipated traffic loading from removalist vehicles and garbage trucks. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **Required Submissions to Principal Certifying Authority**

31. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
32. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
33. 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. Details are to be included with any Construction Certificate application.
34. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

#### **Amended Architectural Plans**

35. The northern elevation of Building C shall be amended to incorporate the façade treatment to ground floor commercial suite. Details to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### **Privacy Measures**

36. The architectural plans shall be amended to provide appropriate privacy screening measures as follows:
- i. Hi-light windows shall be provided for the bedrooms on the western elevation of Building B (southern portion of Building B only) to a minimum height of 1.5 metres above finished floor level.
  - ii. Hi-light windows shall be provided for the bedrooms on the western elevation of Building C to a minimum height of 1.5 metres above finished floor level.
  - iii. Hi-light windows shall be provided for the kitchen windows on the eastern elevation of Building C to a minimum height of 1.5 metres above finished floor level.
  - iv. External privacy screens shall be provided for the bedroom windows on the eastern elevation of Building C to a minimum height of 1.5 metres above finished floor level.

Plans detailing the above amendments shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### **Basement Storage**

37. The architectural plans shall be amended such that storage areas within the basement levels are allocated to individual units, identified as such on plan and demonstrating compliance with the Residential Flat Design Code in relation to minimum size of storage areas. Plans detailing the above amendments shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### **Landscape Plans**

38. Fully documented landscape plans are to be prepared for the site by a qualified landscape architect. The plans shall correspond with the landscape plans prepared by Stuart Noble Associates, Drawing No. DA-1514-01 – DA-1514-04 (inclusive), Issue B and Drawing No. DA-1514-01-05, Issue A, all dated 18 November 2015, and shall satisfy any relevant conditions of this consent. Certification from the landscape architect that the plans comply with this development consent shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### **Adaptable Housing**

39. The architectural plans shall be amended to provide 71 adaptable dwellings (20% of all proposed dwellings as required by Part M of the Holroyd DCP 2013). Details prepared by a suitably qualified accessibility consultant shall be submitted to the Principal Certifying Authority demonstrating compliance with AS4299 Adaptable Housing and also demonstrating that “later modification to adaptable housing will prove relatively easy to do at minimum inconvenience and minimum cost” as required by AS4299.

### **Basement Parking**

40. Amended plans shall be submitted to the Principal Certifying Authority addressing the following:
- The following parking bays do not comply with AS 2890.1:2004:

- a. Basement Level 1: RES04& 08, RT/C 05, 09, 20, & 27
- b. Basement Levels 2-4: RES31
- c. Basement Level 5: RES36, 41 & 48

In this regard, the parking bays shall be 2.4m x 5.4m with a 300mm clearance if bounded by an obstruction such as a wall or fence, in accordance with AS 2890.1:2004.

- At the blind aisle (i.e. created by a boom gate), the aisle shall be extended a minimum of 1m beyond the last parking space and the last parking space shall be widened by 300mm if it is bounded by a wall or fence in accordance with AS 2890.1:2004.
- The commercial/retail disabled parking bay (i.e. RT/C 36/37) shall be in accordance with AS 2890.6:2009. The disabled parking bay/s shall be provided with a bollard within the shared area in accordance with Figure 2.2 and 2.3 of AS 2890.6:2009.
- The dimensions of the residential/visitor disabled parking bays (i.e. RES43) shall be in accordance with AS 4299:1995.
- A disabled parking bay shall be provided for each adaptable unit (i.e. 72 accessible car spaces) in accordance with the Building Code of Australia AS 4299:1995.
- Disabled parking bays shall have a slip resistant surface in accordance with AS 2890.1-2004.
- A minimum of two (2) accessible car spaces shall be provided for use by commercial staff and customers.
- Physical separation shall be provided between commercial spaces and residential spaces (not just boom gates) to ensure the safety of residents and their visitors.

### **Awnings**

41. Details of all proposed awnings shall be shown on plan and in elevation/section and shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. Awnings shall be designed in accordance with part C of the Holroyd DCP 2013.

### **Fencing**

42. Details of all site boundary fencing shall be shown on plan and in elevation/section and shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. Fencing shall be in accordance with the Holroyd DCP 2013.

### **Structures near Easements**

43. Special footings will be required where the proposed/existing structure is adjacent to a drainage easement to protect Council's stormwater drainage infrastructure. 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. A Structural Engineer's certificate for the special footings referred to above is to be submitted to the Principal Certifying Authority.

### **Stage 1 Road Temporary Access - Pitt Street/Gladstone Street to Terminal Place**

44. The developer shall construct a private temporary access road from Gladstone Street to Terminal Place to provide vehicle access to the development site (known as Block C). The private access road shall be provided generally in accordance with the preliminary road design prepared by AT&L, Revision C, dated 18 March 2016. The final design shall be consistent with Council's Road and Drainage Design for the Neil Street Precinct.

Engineering plans shall be lodged (4 x copies) for the proposed temporary access to the site from Pitt Street/Gladstone Street to Terminal Place. If the access is temporary, it shall be designed to minimise the works required to convert the 'temporary road' to the future new road. The developer shall submit satisfactory engineering drawings and details for the road and drainage, including section details of the road at minimum 20m intervals, long-sections of the road, and typical section detail.

45. All works to be provided, as listed below, shall be shown on the submitted drawings prior to the issue of a Construction Certificate for the development and prior to works commencing.
46. All engineering works shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:
- Holroyd City Council's Works Specification for Subdivisions and Developments (Current Version)
  - Holroyd Development Control Plan 2013
  - For any works proposed or required within the existing public road, the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of Holroyd City Council. The design and construction of the works shall be to the total satisfaction of the Council.
47. The proposed road design (for temporary access) shall address the following: -
- Gladstone Street (20m wide road reserve) is to be upgraded with the following provisions in accordance with Section I-I in Part M of the Holroyd DCP 2013:
    - 4.0 metre wide landscaped median
    - 3.0 metre wide traffic lane in each direction
    - 2.5 metre wide on-street parking on both sides
    - 2.5 metre wide verge and footpath on both sides
- The existing drainage system shall be modified accordingly.
- New Road 1 – South (15m wide road reserve) is to be constructed with the following provisions in accordance with Section A-A in Part M of the Holroyd DCP 2013.

- 3.0 metre wide traffic lane in each direction
- 2.5 metre wide on-street parking on Block C side
- 4.0 metre wide verge (2.0m) and footpath (2.0m) on Block C side
- 2.5 metre wide verge (1.3m) and footpath (1.2m) on Neil Street Park/Swale side

**Note:** The final design shall correspond with Council's Final Road and Drainage Design for the Neil Street Precinct.

47. Road pavements shall be designed by a Professional Civil Engineer with NPER3 accreditation based upon soil tests performed by a registered N.A.T.A Soils Laboratory. The pavement and designs plus traffic loadings (to be provided by Council) and associated geotechnical report for the proposed roadways detailing the strength of the existing sub-grade, design of the proposed road pavement and pavement construction requirements, shall be lodged with Council for approval. Minimum pavement is as follows:
  - Sub-base layer - 250mm
  - Basecourse layer – 150mm
  - Final Layer - AC10 hotmix – 100mm
48. Vehicular Crossings shall be provided in accordance with Holroyd Council's Vehicular Crossing Policy and coincide with the future finished levels of the new road.
49. All kerb returns shall be shown with 150mm kerb and gutter starting at the tangent point of the road.
50. All pavement line marking proposed on temporary roads shall be thermoplastic.
51. All areas not for vehicular access shall be landscaped to the satisfaction of Council. Detailed designs and specifications shall be prepared by a qualified Landscape Architect and submitted to the Council for consideration. The following shall also be addressed:
  - All footpath areas within the road/public reserve that are not concrete shall be turfed.

### **Lighting**

52. High standard lighting of the temporary access shall be designed by a suitably qualified person. Design plans for lighting shall be forwarded to Council for approval, after approval has been obtained from the responsible utility authority for lighting and shall be in accordance with AS 1158. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all costs associated with the installation of the lighting shall be borne by the applicant. The proposal shall include details of all lighting fixtures being proposed and underground power reticulation shall be allowed for in the design. The following shall also be provided: -
  - Lighting design category shall be provided by Council.
  - Light poles and lanterns shall be plain hot dipped galvanised steel and to Endeavour Energy Rate (2) two type or equivalent.
  - A maintenance agreement for all proposed lighting of the new site detailing the applicant's maintenance responsibilities until 90% of the lots have been built upon shall be provided to Council for approval.

### **Stormwater Management**

53. All design and construction shall be done in accordance with the latest addition of Australian Rainfall and Runoff, and the NSW Floodplain Management Manual (April 2005) except if specified otherwise in the following conditions and/or Councils' Specification for Subdivisions and Developments, including the Standard Plans therein. The design of the conduit bedding and class shall also be based on the construction loading received during construction of the development.
54. As per Clause 1.6.4, Note 3, of Councils' Specification for Subdivisions and Developments, all stormwater conduits shall have the size, class, manufacturer's name, and date of manufacture, indelibly marked on the obvert of each conduit length.
55. As per Table 2 Schedule of Material Tests, of Councils' Specification for Subdivisions and Developments, the CCTV verification and 'No cracking' shall be complied with. Satisfactory testing shall be carried out at subgrade level, prior to proceeding with the next layer.
56. Full details of the hydraulic evaluation of the entire stormwater drainage system shall be prepared by a practising Civil Engineer with NPER3 accreditation. Plans shall include details for the design and construction of a stormwater drainage system for the collection and disposal of all roof and surface water drainage from the site.
57. The material and installation of the proposed drainage structures including pits, pipes, channels and culverts shall be resistant to the effects of salinity.
58. All of the design drainage modelling and the design plans shall be provided to Council in electronic format.
59. No headwalls shall discharge stormwater into lots created by this development (i.e. all drainage through the proposed lots shall be piped). Headwalls and discharges are permitted into proposed/future public open space and future roads.
60. The reduced level and extent of ponding relating to the PMF storm event shall be provided for the allotments that are so affected. This information is required for the floor level and other controls of future buildings on the allotment.
61. Maintenance schedules for the Gross Pollutant Traps and detention basins shall be submitted to Council.

### **Stormwater Management – Major**

62. The proposed stormwater pipelines draining the public property (proposed and existing) shall be designed at a minimum grade of 1% and shall be designed to convey a minimum 1 in 5-year ARI storm event. In this regard, the hydraulic grade line for the 1 in 5-year and 1 in 100-year ARI storm events shall be included on the long-section of the proposed drainage system. All conduits draining public property shall be RCP (flush joints with sand band joints), FRC pipes or precast reinforced concrete box culverts. For slopes equal to or greater than 10%, the pipes shall be RRJ.
63. Full detailed designs and calculations for the proposed road drainage system shall be submitted to Council which include all pipe sizes and grades, pit sizes and locations including their surface and invert levels, long-section of the proposed drainage system and the location of overland flow paths which shall be designed to convey the 1 in 100 year ARI storm event. The street drainage system

shall be designed using a computer-modelling program (e.g. IIsax), and shall be to the satisfaction of Council's Engineer. Note: 1 in 100 year ARI storm event inundation lines shall also be included for proposed/existing Council systems within proposed/existing lots to determine future flooding and development controls.

64. All high hazard stormwater flows up to the 1 in 100 year ARI storm, as defined by the NSW Floodplain Management Manual (April 2005), shall be eliminated.
65. All non-armoured/rock faced areas that are within the areas to be dedicated to Council, as public open space shall be turfed with ST85 Buffalo or 'Sir Walter'.

#### **Public Domain Works - Landscaping**

66. Detailed designs and specifications shall be prepared by a qualified Landscape Architect and submitted to Council prior to any landscape works being undertaken on the site. The Public Domain works proposed along the site fronting Terminal Place (including Pitt Street, Gladstone Street and Road 2 (MC02) shall be in accordance with Council's Merrylands Town Centre Master Plan (current version) and design palette. The proposed works shall be to the satisfaction of Council's Landscape Architect.

#### **Public Utilities**

67. A detailed engineering plan with all public utilities layout shall be submitted to Council to ensure that street lights, electrical pillars, sewer manholes, street trees, vehicular crossings and footpaths do not conflict.
68. Alterations to existing services and/or installation and commissioning of new public utility services (e.g. Water, Telephone, Gas, Electricity, etc.) and conduits for same shall be provided in accordance with the requirements of each utility authority at the developer's expense. Reticulation of services shall be within the footpath area.

#### **On-site stormwater detention**

69. 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, any construction certificate for 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 2016-071 and Council's On-site Stormwater Detention Policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
  - i. Pump out systems shall be provided for basement level car parks for seepage/subsoil and runoff from access ramps and shall be in accordance with the criteria set out under Section 7.3, Clause C12 in Part A of Council's Development Control Plan 2013. Full details shall be shown on the amended stormwater plans.
  - ii. The roof gutter and downpipe system shall be designed to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.
  - iii. A minimum of 75% high early discharge shall be achieved within the Discharge Control Unit.



- iv. Access grates to the OSD tank shall be in accordance with Council's OSD Policy and the relevant Australian Standard.

### **Water Sensitive Urban Design (WSUD)**

70. The development site has been identified as requiring WSUD which was considered as part of the development consent. In this regard, design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -
  - Demonstrate compliance with WSUD as stipulated in the Civil Report prepared by AT&L, Reference No. 15-283-01, Revision 2, dated 17 March 2016;

### **Flooding**

71. The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -
  - i. Demonstrate compliance with the Flood Impact Assessment (Site C) prepared by Cardno, Reference No. 59916007, dated 5 November 2015.
  - ii. Design and construction of the basement shall ensure that it is flood proofed up to and including the FPL (1% AEP flood plus 500mm freeboard).
  - iii. Any proposed fencing within the flood affected area shall be in accordance with Council detail SD8025.

### **Construction and Traffic Management**

72. 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 **\$482.70** 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.
73. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:
  - (a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
    - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
    - Signage type and location to manage pedestrians in the vicinity;
    - The locations of any proposed Work Zones in the frontage roadways. Note: Work Zone fees apply in accordance with Council's Fees and Charges;

- Locations and type of any hoardings proposed along all street frontages;
  - Area of site sheds and the like;
  - Location of any proposed crane standing areas;
  - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
  - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
  - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
  - All construction traffic must access the site directly from Gladstone Street or Terminal Place. No construction traffic or vehicular access during construction is permitted to use Pitt Street.
- (b) All necessary concurrences and approvals from RMS must be obtained for any construction works impacting on the traffic signals along Pitt Street.
- (c) A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -
- (i) Traffic control devices proposed in the road reserve must in accordance with the RMS publication 'Traffic Control Worksite Manual' and designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  - (ii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
    - a. Light traffic roads and those subject to a load or height limit must be avoided at all times; and
    - b. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
  - (iii) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
  - (iv) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements;
  - (v) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the area.
- (d) Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- (e) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.

- (f) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- (g) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

### **Construction Management Plan**

- 74. A Construction Management Plan (CMP) prepared by a suitable qualified consultant shall be prepared to address issues such as traffic control, noise, dust, etc., during construction. All measures works/methods/procedures/control measures/recommendations made within the Construction Management Plan shall be implemented accordingly.

### **Car Wash Bay**

- 75. A vehicle wash bay shall be provided for residents of the development. The vehicle wash bay shall not serve as a shared visitor space and shall not serve as a shared area for an accessible space.

Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water's requirements. The car wash bay shall be designed so that the following requirements are met:-

Have an adequate parking and washing floor space.

Provide a water supply.

Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).

Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.

Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.

Be located so that washing can occur with minimal disturbance to other residents.

Details to be submitted to the Principal Certifying Authority.

### **Salinity**

- 76. The subject site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings. Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

**Note:** Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"

- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

### **Sydney Water**

77. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any Sydney Water wastewater and water mains, stormwater drains and/or easement.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au).

### **Acoustic Report**

78. Prior to the issue of a Construction Certificate, an acoustic report assessing noise generated by all mechanical plant associated with the development shall be submitted to Council's Environmental Health Unit for assessment and comment.

### **Acoustic Measures**

79. Plans and/or specifications indicating how compliance with the recommendations provided within the Acoustic Report prepared by Rodney Stevens Acoustics, Reference No. R150061R3, Revision 2, dated 23 December 2015, will be achieved are to be submitted to the Principal Certifying Authority.

### **Air Conditioning**

80. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

### **Light Fixtures**

81. A plan showing the location of light fixtures throughout the development shall be submitted to the Principal Certifying Authority. Light spillage shall comply with AS 4282-1997.

### **Design Verification Statement**

82. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
- (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - (ii) That the qualified designer has designed or directed the design of the subject development;

- (iii) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 SEPP 65.

**N.B.** The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

#### **Residential Flat Development Residential Waste Storage Area**

83. The waste storage area shall be roofed, screened from public view and provided with:-
- Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;
  - An adequate water supply provided by a hose cock and hose (hot water for commercial premises)
  - The floor shall be made of an impervious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.

Plans and specifications for the storage room shall be submitted with the application for the Construction Certificate.

#### **Fire Safety**

84. The applicant/owner is to give written notice to the Certifying Authority of the measures that are currently implemented in the building or premises to ensure the safety of persons in the building in the event of fire. The schedule of measures must be provided with the Construction Certificate application.

## **PRIOR TO DEMOLITION/WORKS COMMENCING**

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

### **Appointment of Principal Certifying Authority and Notification of Commencement of Work**

85. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
  - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
  - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

*If nominated, Council can provide this service for you and act as the Principal Certifying Authority.*

**N.B.** The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

### **Notification of Principal Contractor (Builder)/Owner-Builder**

86. The person having the benefit of the Development Consent must:-
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
  - (c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

### **Required Submissions to Certifying Authority**

87. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
- a) job address and builder's name
  - b) design wind velocity
  - c) terrain category
  - d) truss spacing
  - e) roof pitch
  - f) material of roof
  - g) roof batten/purlin spacing
  - h) material of ceiling
  - i) job number

### **Photographic Record of Council Property – Damage Deposit**

88. 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.

### **Notification to Relevant Public Authority**

89. The applicant shall ensure that relevant public utility authorities are made aware of the potential salinity problems that have been identified onsite, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

### **Fencing of Sites**

90. 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**

91. 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 Principal Certifying Authority for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and 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:** Principal Certifying Authorities and Principal Contractors 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**

- 92. 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**

- 93. 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**

- 94. 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**

95. 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.
96. 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**

97. 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).

98. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

### **Toilet Facilities**

99. 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 Council's Building Surveyor and/or Sydney Water.

### **Residential Building Work - Insurance**

100. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the following information:-
  - (a) in the case of work for which a Principal Contractor is required to be appointed:
    - (i) the name and licence number of the Principal Contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

### **Roadworks**

101. 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 **\$159.20** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
102. 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.
103. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
104. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority and shall be undertaken by the applicant at no cost to Council.

**Works within Council's Reserve**

105. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
106. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
107. 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.

**Property/Street Number**

108. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development, it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to [hcc@holroyd.nsw.gov.au](mailto:hcc@holroyd.nsw.gov.au) or contact Council's Rates Section by Phone on 9840 9767.

Council's 'Allocation of Property Numbers' policy is available on Council's website [www.holroyd.nsw.gov.au](http://www.holroyd.nsw.gov.au).

## **DURING DEMOLITION/CONSTRUCTION**

### **The following conditions are applicable during demolition/construction:-**

#### **Endorsed Plans & Specifications**

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

#### **Hours of Work & Display of Council Supplied Sign**

110. 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.

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**

111. 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.
112. 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.
113. 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**

114. 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 EPA 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](http://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**

- 115. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 116. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that construction work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.  
***In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.***

### **Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority**

- 117. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.  
**N.B.** An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

### Construction

118. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority 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 Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, 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 Principal Certifying Authority 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.

### Inspection of Works – Swimming Pools

119. The building works are to be inspected during construction, by the Council or by an Accredited Certifier (where Council is not the nominated Principal Certifying Authority) and documentary evidence of compliance with the relevant terms of the approval/standards of construction detailed in the Building Code of Australia, is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) The pool excavation with steel in position prior to the spraying of concrete;
  - (b) The excavation prior to the pool being placed in position;
  - (c) Bond beam prior to placement of concrete;
  - (d) The pool safety fencing prior to filling the pool with water;
  - (e) The pool and associated works prior to use;
- Copies of the above stated documentary evidence are to be submitted to the Principal Certifying Authority (or Council where nominated) upon completion of each specified stage of construction.
120. The swimming pool is to be surrounded by a fence:
- a. That forms a barrier between the swimming pool (together with its immediate surroundings) and:
    - i. the remainder of the premises; and
    - ii. any place (whether public or private) adjacent to or adjoining the premises; and
  - b. That contains within its bounds no structure apart from the swimming pool and such other structures (such as diving boards and pool filtration plants) as are wholly ancillary to the swimming pool: and
  - c. That is designed, constructed and installed in accordance with Australian Standard 1926 “Fences and Gates for Private Swimming Pools”.

**Note:** Booklets regarding the current pool fencing legislation and the Swimming Pools Act 1992, may be obtained from Council's Customer Services Counter during normal office hours.

121. The construction of the fence and the installation of the gate is to be completed to the satisfaction of the Accredited Certifier prior to the pool being filled with water.
122. The filtration equipment is to be enclosed in a suitable acoustic sound-proof structure of a type approved by the Accredited Certifier. To provide for such enclosure, the filtration and electrical equipment is to be located at least 150mm from any boundary fence; and is not to be positioned in any side boundary setback area, less than 1500mm in width; or within 1.2m of the pool safety fencing.
123. The area surrounding the pool is to be constructed in such a manner as to prevent spillage flowing onto adjacent properties.
124. To prevent hydrostatic pressure causing damage to the pool when it is emptied, a hydrostatic pressure release valve or plug shall be installed in the base of the pool. A copy of a certificate of compliance by the Accredited Certifier is to be provided to Council or the Principal Certifying Authority.
125. Within fourteen (14) days of the completion of swimming pool construction, the applicant is required to submit a signed statement and/or provide actual weighbridge tipping/recycling receipts to Council to verify correct disposal of all excavation, and other waste material in accordance with the approved Waste Management Plan.
126. Pool waste water is to be discharged directly into the sewer.

#### **Salinity**

127. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

#### **Landscaping and Site Works**

128. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
129. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

#### **Acoustic Management**

130. The recommendations provided in the Acoustic Report prepared by Rodney Stevens Acoustics, Reference No. R150061R3, Revision 2, dated 23 December 2015, shall be implemented in full.

### **Inspection of Works**

131. The stormwater drainage works connecting into the Council stormwater pipe/open swale shall be inspected by Council during construction. 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 drainage connection.
  - b) Prior to backfilling of the trench following the laying and connection of the storm water pipe.
  - c) 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.

**Note:** A private certifier or PCA cannot be engaged to do this inspection.

### **Inspection of On Site Detention Works**

132. The stormwater drainage works are to 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 construction of the detention basin/tank.
  - (b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
  - (c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
  - (d) 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.

### **Inspection of Overland Flowpath**

133. The stormwater drainage and/or overland flowpath 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 Overland Flowpath.
- (b) Prior to landscaping and/or pouring concrete within the overland flowpath area.
- (c) 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.

#### **Inspection of Pollution Control Device/s**

134. The stormwater drainage and/or pollution control devices 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 pollution control device/s.
  - (b) After completion of storage but prior to installation of fittings (eg. screens, etc.)
  - (c) 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.

#### **Structures Near Easements**

135. The proposed structure/s are to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

#### **Road Works and Footpaving**

136. 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".
137. 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**

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

### **Underground Power Connection**

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

### **Balconies**

140. All balconies shall be provided with obscure / opaque glazing.

### **Alarms**

141. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.
142. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the first floor level of each common property stairwell within the building and a flashing light only shall be positioned at each common property entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council's Engineer.

### **Parking and Traffic Management**

143. An intercom device is to be located:
- i) on the driver's side wall near the security shutter to the basement carpark, so that visitors can access the visitor carparking spaces; and
  - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.
144. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m.

### **Vehicle Cleansing**

145. 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**

146. 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.

**Remediation Works**

147. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan prepared by Environmental Investigations Australia, E22397 AB, Revision 1, dated 25 February 2016. The applicant shall inform Council in writing of any proposed variation to the remediation works which are to be approved by Council in writing.

**Additional Information during Remediation/Demolition/Construction**

148. 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 ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of an occupation certificate:-

### Compliance Certificates/Documentary Evidence

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

(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](http://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 Principal Certifying Authority.

151. A Structural Engineer’s certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority 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.

152. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that all 71 adaptable units have achieved the desired level of adaptability (i.e. “Adaptable House Class A or B”).

### Landscaping and Site Works

153. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.
154. Certification is to be provided to the Principal Certifying Authority (PCA), 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. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

155. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified and licensed contractor that the specified planter boxes have been waterproofed and drained in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA a copy of the certification is to be provided to Council with the Occupation Certificate.
156. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
157. Boundary and courtyard fences must be erected and finished in a professional manner.

#### **Parking/Driveway**

158. All dwellings/units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans. These numbers shall also be consistent with any strata plan for the completed development.
159. All residents and visitors parking spaces shall be signposted, line-marked and wheel stops installed in accordance with the endorsed signs and line marking plans and Australian Standards (i.e. AS2890.1-2004 and 2890.6-2009).
160. The entry/exit driveway shall be indicated with appropriate signage and line marking to avoid the conflict at the driveway.
161. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
162. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
163. All parking spaces, aisle, driveway and internal roadways dimensions shall be in accordance with Australian Standard 2890.1.2004 and 2890.6.2009.
164. The entry point to the basement parking area shall be provided with a suitable communication system to allow the security gate to be opened remotely by occupants of the building. The width of the access driveway/ramp adjacent to the control devices shall not restrict access for residents / visitors and shall be in accordance with Australian Standards.
165. Wheel stops shall be provided at appropriate parking locations (i.e. lifts, stairways) in accordance with AS 2890.1:2004.
166. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
167. Tandem spaces cannot be allocated to separate units or visitor spaces. The minimum number of non-tandem parking spaces shall be provided for each type of units (i.e. 1 bedroom, 2 bedroom, etc.) and visitor spaces.

168. A Give-Way sign and line marking shall be provided at the entry of the basement car park to ensure any traffic conflict is avoided when entering and exiting the basement.
169. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid conflict at the driveway.

### **Fire Safety**

170. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

#### **NOTE:**

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:—
  - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
  - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

### **Flood protection**

171. All flood works as per the items listed under Prior to Issue of Construction Certificate of the Development Consent and the approved plans shall be completed.

### **Onsite Stormwater Detention, Certifications and Covenants**

172. A copy of the as approved stormwater drainage, On-Site Detention, Overland Flowpath and Pollution Control Device/s plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
173. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage, On-Site Detention, Overland Flowpath and Pollution Control Device/s shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
174. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.
175. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On-Site Detention, Overland Flowpath and Pollution Control Device/s 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, Overland Flowpath and Pollution Control Device/s 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.

176. 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.
177. 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.

### **Road Works**

178. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
179. A full width **heavy duty** vehicular crossing shall be provided opposite the vehicular entrance to the site, with a maximum width of **8 metres** and a minimum width of **6 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.
180. Prior to the issue of the Occupation Certificate, the following works shall be completed:-
  - The public road shall be constructed between Terminal Place and Gladstone Street.
  - Public domain works along the full frontage of the site including Pitt Street, Gladstone Street and Road 2 (MC02) shall be provided generally in accordance with the plan provide by ATL, Revision B, dated 24 February 2016. The public domain works shall be in accordance with Council's Merrylands Town Centre Master Plan (current version).
  - All costs associated with the land transfer to Council shall be borne by the applicant.

**Advisory Note:** The public road may be dedicated to Council upon completion of the remaining development stages within the Precinct (south of Neil Street), or at another time as may be agreed by Council and the Developer through any Voluntary Planning Agreement.

181. Four (4) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed temporary access road and associated drainage works.

182. The developer shall at their own expense engage an N.A.T.A. registered soil testing authority to ensure that the standard of compaction achieved within the proposed temporary access road pavements is in accordance with the approved specifications. The fill material to be used shall be properly compacted to achieve a minimum relative density of 98% standard compaction in accordance with AS1289 and that the completed works will accept the anticipated loads without exceeding reasonable settlement limits. A report shall be submitted to Council prepared by a qualified Geotechnical Engineer stating the level of compaction achieved is in accordance with the relevant Australian Standards.
183. Filling and levelling of the site shall be carried out to the satisfaction of Council's Engineer. Special attention is drawn to the following requirements of Council's Works Specification – Civil:
  - (a) Submission of compaction certificates for fill within temporary access road reserves etc.
  - (b) Submission of compaction certificates for temporary access road subgrade.
  - (c) Submission of compaction certificates for temporary access road pavement materials.
  - (d) Certificates from road material suppliers.
184. The removal of existing and construction of footpath paving to the entire site frontage. Generally the works shall be in accordance with Council's Merrylands Town Centre Master Plan (current version), and Council issued design and levels. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall address the following:
  - i. A minimum 2.5m wide footpath paving and associated works, including pavers concrete etc, along all areas of the site fronting Pitt Street, Terminal Place, Gladstone Street and the new roadway.
  - ii. Street tree planting. In this regard trees shall be sited considering awnings, traffic signals, sight lines etc. Trees shall be planted in accordance with Council requirements for street trees (e.g. Numbers, species, size, guards, surface treatments, root barriers).
185. The construction or reconstruction of kerb and gutter and associated works along all areas of the site fronting Pitt Street, Gladstone Street and Terminal Place. 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.
186. The construction or reconstruction of kerb ramps and associated works at Pitt Street, Gladstone Street and Terminal Place. 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 SD8101 and issued level sheets.
187. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Pitt Street. 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-8010.
188. 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.



189. 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 Principal Certifying Authority.
190. Dedication and construction of a 4 metre by 4 metre splay corner of Pitt Street and Gladstone Street in favour of Council. Documents relative to the creation of the splay corner shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.
191. Dedication and construction of 1 metres of road and footpath widening along Pitt Street. Documents relative to the creation of the road and footpath widening shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the road and footpath widening are to be borne by the applicant.
192. 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.

#### **Maintenance Bond**

193. All road works and drainage to be dedicated to, or benefit, Council shall be maintained in the approved condition by the applicant for a period of twelve (12) months following the issue of the Final Occupation Certificate. The bond amount shall be 5% of the total cost of works (amount not less than \$5,000) and will be released following a satisfactory twelve (12) months maintenance period following completion of these works or Final Occupation Certificate (whichever occurs last).

**Note:** If the roadway remains in private ownership (following the issue of the Final Occupation Certificate) until the development within the southern part of the Neil Street Precinct is complete, the developer shall maintain the roadway and Council will retain the maintenance bond until the new road has been dedicated to Council.

#### **Noise Compliance Report**

194. A noise compliance report shall be submitted to Council prior to the issuing of any Occupation Certificate. The report shall certify that the noise reduction measures detailed in the Acoustic Report prepared by Rodney Stevens Acoustics, Reference No. R150061R3, Revision 2, dated 23 December 2015, have been satisfactorily implemented.

#### **House/Street Number**

195. 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](http://www.holroyd.nsw.gov.au).

#### **Design Verification Statement**

196. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the

subject development must be undertaken or directed by a “qualified designer” (i.e., a “registered architect” under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-

- (i) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
- (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

### **Lighting**

197. Adequate lighting shall be provided within the development (i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries) and shall comply with AS 1680.0:2009.

### **Remediation of Land - Validation Report**

198. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Occupation Certificate shall not be issued until Council approves this Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consultants Reporting on Contaminated Sites*, and shall:
  - describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed clean-up criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

### **General**

199. 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 and its accompanying Construction Certificate.

### **Swimming Pools**

200. A pool safety warning notice in accordance with the requirements of the Swimming Pools Act, 1992 is to be erected in a permanent position in the immediate vicinity of the swimming pool **PRIOR** to a final inspection being carried out and the pool being used. Resuscitation charts complying with the regulations are available for purchase from the Customer Services Counter at Council.

## **CONDITIONS RELATING TO USE**

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

### **Safety and Amenity**

201. 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.

### **Traffic and Parking**

202. The car parking spaces, driveways and manoeuvring areas are to be used for residents, employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
203. At least 460 car parking spaces numbered and line-marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises.
204. All vehicles shall enter and leave the site in a forward direction.
205. The size of the largest heavy vehicle that will enter / exit the site shall be restricted to a 10.5m long vehicle.
206. All loading and unloading shall be undertaken on the site and not on surrounding streets.
207. The car wash bay shall be a common, independent area and not serve as a visitor parking space.
208. Tandem car parking spaces shall be allocated to the same residential unit.
209. There shall be no right turn movements out of Gladstone Street into Pitt Street as part of the proposed temporary access.

### **Maintenance of Waste Storage Area – Residential**

210. 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.
211. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.
212. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

### **Waste Storage Area**

213. The waste storage area shall comply with the requirements of Part A, Section 11 of Council's Holroyd Development Control Plan 2013, including:
- 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.
  - Ventilated to applicable standard.

### **Fire Safety Upgrading & Essential Services**

214. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

### **Alarms**

215. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997 (Note: Condition 141 above prevents the developer/builder from installing audible alarms).

### **Noise**

216. The operation of all plant and equipment shall not give rise to an equivalent continuous ( $LA_{eq}$ ) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background  $L_{A90}$  level (in the absence of the noise under consideration).
217. 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.
218. Noise and vibration from the use of the (mechanical exhaust ventilation) system 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.
219. 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.

### **Signage on Stormwater Drains**

220. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H<sub>2</sub>O only'.

### **Car Wash**

170. Washing of vehicles shall be conducted in a car washbay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.
171. The car wash bay shall be managed and maintained so that the following requirements are met:
- The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
  - Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

### **Lighting**

172. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

### **Privacy Measures**

173. All privacy measures shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from Council.

### **Future Use**

174. No approval is granted or implied for the use of the commercial tenancies. Separate development consent is required PRIOR to occupation of each separate commercial tenancy.

## 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 No. 32 *"Guidelines for 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 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- D. 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.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

## G. DEMOLITION

- (a) 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.
- (b) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (c) 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.
- (d) On completion of demolition the site is to be left in a clean and tidy condition.
- (e) 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.
- (f) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
- (g) 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.
- (h) 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.

## H. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard no works are to occur within the driplines of trees to be retained.

## I. 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](http://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](http://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.

## J. 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.

#### K. 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 Council or the Principal Certifying Authority 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.

#### L. WET AREAS

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

Where Council is the Principal Certifying Authority for the works, the submission of evidence 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.

#### M. 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.

#### N. 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.

#### O. MINIMISING WATER USE

Examples of ways water use can be minimised in the car wash facility are:

- the use of a gun type nozzle on the hose that closes when released and
- filter and recycle wash water where possible.



P. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council's adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

Q. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in multi-residential development (Class 2 and 3 buildings and Class 9c Aged Care buildings), separating walls must be constructed in accordance with Part F5 of the Building Code of Australia.

R. GLAZING CERTIFICATION

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

S. 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](http://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.

T. 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.

U. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the [Department of Lands](#) who can act as a mediator in disputes. For further information please refer to the following information on Council's website: [www.holroyd.nsw.gov.au/building\\_and\\_development/local\\_plans\\_and\\_policies/dividing\\_fences](http://www.holroyd.nsw.gov.au/building_and_development/local_plans_and_policies/dividing_fences).

Yours faithfully,

Merv Ismay  
GENERAL MANAGER

Per:  
MANAGER DEVELOPMENT