

Our Reference:
Contact:
Phone:

2019/141/1
Ms S KC
02 8757 9937

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

DEFERRED COMMENCEMENT

17 March 2020

Mr J Wehbe
PO Box 495
PARRAMATTA NSW 2124

Dear Sir/Madam

Pursuant to section 4.16(3) of the Act, Sydney Central City Planning Panel has granted conditional approval to your Development Application described as follows:

PROPERTY:	Lot: 2, 3, 4 and 5, DP: 35287
STREET ADDRESS:	11-17 Joyner Street, Westmead
DEVELOPMENT CONSENT NO:	2019/141/1
DECISION:	Sydney Central City Planning Panel
DATE OF EXPIRY OF CONSENT:	To be advised upon satisfactory completion of schedule 'A'
PROPOSED DEVELOPMENT:	Demolition of existing structures, consolidation of four (4) allotments, and construction of a five (5) storey residential flat building under State Environmental Planning Policy (Affordable Rental Housing) 2009 comprising 46 units (including 12 Dual key units) over two (2) levels of basement parking for 57 vehicles and a car wash bay.

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland 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.

SCHEDULE “A”

Consent to demolition of existing structures, consolidation of four (4) allotments), and construction of a five (5) storey residential flat building under State Environmental Planning Policy (Affordable Rental Housing) 2009 comprising 46 units (including 12 Dual key units) over two (2) levels of basement parking for 57 vehicles and a car wash bay shall not operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

Public Stormwater Drainage and Flooding

1. The submitted flood modelling and report shall be revised and clearly demonstrating the redirection overland flowpath at 1% Annual Exceedance Probability (AEP) to be located within the proposed development site to the satisfaction of Council’s Engineer and no adverse flooding impact to any surrounding neighbouring properties following construction of the proposed structure.
2. The existing public stormwater line and the relevant transition structure within the development site shall be upgraded and has sufficient capacity to convey the flow in 5% Annual Exceedance Probability (AEP) storm event or greater. Hydraulic grade line (HGL) analysis shall be provided, accordingly.

Note: Council cannot accept increases in Hydraulic Grade Line (HGL) in an already known flooding problem area.

3. The finished floor level of the habitable area, non-habitable area and basement protection shall be in accordance with Part A - Council’s DCP 2013 and flood advice letter issued on 10 December 2018 or latest. (For example, habitable finish floor level of Ground Floor Unit 9 and 10 shall be RL32.00m AHD minimum)

Note: Bund wall for freeboard against overland flooding is not supported by Council

4. Council’s DCP flood controls will need to be addressed. Reference shall be made to DCP 2013 Part A section 8 including the Flood Risk Precincts table.

On-site Stormwater Detention (OSD)

5. Council requires the design and construction of an on-site stormwater detention system for this development. The OSD stormwater plan shall be revised and demonstrated the basin wall to be setback by a minimum of 5 metres from the building footprint/line east.

Boundary fencing flood affected areas

6. 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 application. In this regard, all boundary fencing within the flood affected area(s) in accordance with the approved flood report and Council’s flood advice letter dated 10th December 2018 or latest shall be constructed in accordance with Council’s standard detail SD8025. The pool type fencing shall be provided at the base of the boundary fence to the extent of the post-developed 1% Annual Exceedance Probability (AEP) flood. The design of the fencing must be submitted to and approved by Council to satisfy the deferred commencement condition. The design must be undertaken in consultation with adjoining affected property owner(s) at full cost to the developer.

Stormwater Design within Road Reserve

7. Full detailed designs and calculations for the proposed extension of the public road drainage system within Joyner Street, Westmead shall be provided. The design and detail shall start from Pit JP1 within the subject site to the existing Council's gully pit downstream after a new stormwater connection and the following shall include:
- a. All pipe sizes and grades;
 - b. All pit sizes and location including their surface and invert levels,
 - c. Long sections of the proposed/existing drainage system;
 - d. Minimum 1% grade;
 - e. Hydraulic grade line;
 - f. Covering over the drainage pipe within road reserve shall be annotated and shall comply with the relevant Australian Standards.

Note: Electronic modelling utilised in the report and plans for the design and detail above shall be submitted to Council.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 2 years, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

SCHEDULE “B”

This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule “A” and has notified the applicant in writing of the date from which the consent operates.

PRELIMINARY

1. This consent shall lapse five (5) years from the date of determination unless the approved works have been physically commenced in accordance with this consent.
2. Development shall take place in accordance with the following endorsed plans and documents:
 - Architectural plans prepared by Jackson Teece, project number 16401 as amended to satisfy Schedule A;

Drawing No	Title	Revision	Date
DA-002	Site Plan	6	19 February 2020
DA-005	Floor Plan – Basement 2	13	28 February 2019
DA-006	Floor Plan – Basement 1	17	9 October 2019
DA-007	First Floor – Ground Floor	20	9 October 2019
DA-008	Floor Plan – Level 01	22	9 October 2019
DA-009	Floor Plan – Level 02	14	9 October 2019
DA-010	Floor Plan – Level 03	14	9 October 2019
DA-011	Floor Plan – Level 04	19	28 February 2020
DA-012	Roof Plan	11	9 October 2019
DA-013	Elevations	12	28 February 2020
DA-014	Sections	10	19 October 2019

- Stormwater layout plans prepared by Mance Arraj Civil & Structural Engineers, project number 2571-DA as amended to satisfy Schedule A;

Reference	Title	Revision	Date
SW020	Stormwater Layout Drawing Basement 2 Level	A	22 February 2019
SW021	Plan of Pump out tank and section and notes	A	22 February 2019
SW030	Stormwater Layout Drawing Basement 1 Level	A	22 February 2019
SW040	Stormwater Layout Drawing Ground Level	C	10 October 2019
SW041	OSD Basin Section, Signage and Sediment & Erosion Control Details	B	10 October 2019

- Landscape plans prepared by Vision Dynamics, project number 19006;

Reference	Title	Rev.	Date
DA1	Landscape Concept Plan	B	11 October 2019

- Arboricultural impact assessment prepared by Redgum Horticultural, Reference No. 4755.1, dated 3 October 2019;

- BASIX Certificate, Number 992699M_02, dated 23 April 2019;
- Report prepared by Acoustic Logic, project number 20190141.1, revision 0, dated 15 February 2019;
- Contamination assessment and preliminary waste classification prepared by Douglas Partners, project number 86032.00, revision 0 dated 14 September 2017; and
- Waste management plan prepared by Blue Sox Developments Pty Ltd, Issue A, dated 12 February 2019.
- Correspondence letter from Endeavour Energy dated 23 May 2019.

except as otherwise provided by the conditions of this determination.

3. All building work shall be carried out in accordance with the requirements of the National Construction Code (NCC).

Demolition

4. Permission is granted for the demolition of the existing structures, subject to strict compliance with the requirements of *AS 2601-2001 – Demolition of Structures*.

Compliance is also to be achieved with the requirements of SafeWork NSW, including but not limited to:

- Protection of site workers and the general public,
- Erection of hoardings where appropriate
- Asbestos handling and disposal where applicable,
- Disposal of refuse to approved waste disposal facility.

5. 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 works commencing. 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.
6. 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Council for inspection of the site prior to the commencement of demolition 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. After completion, the applicant shall notify Council within 7 days to assess the site and ensure compliance with *AS2601-2001 – Demolition of Structures*.
7. A fee of **\$482.00** is to be paid to Council for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

8. 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.

Substations/ Fire hydrant booster pumps

9. No approval is granted or implied for the installation of any substations and fire hydrant booster pumps and construction of associated encasing structures such as blast walls or radiant heat shields.

Cranes on Building Sites

10. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any crane that swings over Council land.

Payment of Bonds, Fees and Long Service Levy

11. The Developer 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 7.11 Contribution

12. A monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for Sixteen (16) x 1 b/r dwellings, thirteen (13) x 2 b/r dwellings, twelve (12) x 2 b/r dual key dwellings and five (5) x 3 b/r dwellings (minus credit for 4 x 3 b/r dwellings) is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$512,516.00**. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Damage Deposit

13. A cash bond/bank guarantee of **\$6,160.00** 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' 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.

Accessibility

14. Plans must be submitted to the Crown certifying authority, demonstrating that the new development has been designed to comply with the Disability (Access to Premises – Buildings) Standards 2010.

Required Submissions to Certifying Authority

15. 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.
16. 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 Crown certifying authority.
17. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be obtained and submitted to the Crown certifying authority.
18. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Landscape Inspection Fee

19. Payment of a **\$573.00** 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

20. Payment of a **\$1,001.00** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System/Overland Flowpath at the key stages, where Council is the Principal Certifying Authority.
21. The applicant shall lodge with Council a **\$13,000.00** 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 prior to occupation (whichever occurs last) to remedy and defects that may arise within this time.
22. The applicant shall lodge with Council a **\$15,000.00** 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 prior to occupation (whichever occurs last) to remedy and defects that may arise within this time.
23. The applicant shall lodge with Council a **\$32,000.000** 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 prior to occupation (whichever occurs last) to remedy and defects that may arise within this time.

24. The applicant shall lodge with Council a **\$6,290.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System/Overland Flowpath. 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.

Road Works

25. 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 **\$201.00** 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.

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.

Structures near Easements

26. 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 Crown Certifying Authority.

Public Drainage Infrastructure

27. The existing public stormwater drainage pipes, pits and associated easement within the site shall be accurately located and confirmation provided to Council, including drawings, that no permanent structures, including roof, eaves and gutters, stormwater drainage (e.g. pit and pipe), tanks etc are to be located over the Council pipe or easement.
28. Longitudinal-Section and Cross-Section of any proposed pipeline across Council's existing drainage easement/pipeline shall be provided and indicated on the engineering drawings. Details levels of the proposed/existing pipelines and bedding/backfill material that within Council's drainage easement area shall be shown on the engineering plans and submit to the Crown Certifying Authority.

Sight Distance

29. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m 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.

Flooding

30. 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 Crown Certifying Authority and the following shall also be addressed: -
 - i. Demonstrate compliance with the Flood Study report approved as part of the Schedule A Conditions.
 - ii. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, debris and buoyancy up to and including the flood planning level (FPL) (1% AEP flood plus 500mm freeboard).
 - iii. All new works shall be constructed in flood compatible materials to a minimum level of 1%AEP + freeboard (ie flood planning level), including the requirements for electrical equipment, power supply, wiring, GPO's etc. All works shall generally be in accordance with Council's DCP 2013 Section 8 table 9 and 10.
 - iv. All boundary fencing within the flood affected area shall be in accordance with Council detail SD8025.
 - v. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, debris and buoyancy up to and including the flood planning level (FPL) (1% AEP flood plus 500mm freeboard).

Public stormwater drainage system

31. 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:
 - i. Council's Works Specification for Subdivisions and Developments, including relevant standard drawings. (Current Version).
 - ii. Council's Development Control Plan 2013.
 - iii. For any works proposed or required within the existing public roads, the approval of the designs via the Crown certifying authority, and the supervision of the construction, shall be the responsibility of the road authority (Council). The design and construction of the above works shall be to the total satisfaction of the relevant road authority.
32. Construction details for the proposed extension of the public stormwater drainage system within Joyner Street, Westmead shall be submitted to Council's Engineering Section for approval. Details shall include:
 - i. Full detailed designs and calculations for the proposed road drainage system shall be submitted to Council which include all pipe sizes, grades and class, pit sizes and locations including their surface and invert levels, long and cross sections of the proposed drainage system.
 - ii. All services near the work area (eg pits (Telecom, stormwater), poles, sewer etc) shall be shown on the drawings. Levels will be required where services cross the path of the proposed stormwater line.
 - iii. Minimum 1% grade and cover must comply with Australian Standard.

- iv. Council's gully pit and associated works shall be in accordance with Council's standard drawing SD-8010.
33. The following shall be indicated on the engineering drawing:
- i. All conduits draining public property shall be Steel RCP (*flush joints with sand band joints*), or precast reinforced concrete box culverts; for slopes equal to or greater than 10%, the pipes shall be RRJ.
 - ii. As per Clause 1.6.4, Note 3, of Councils' Specification for Subdivisions and Developments, all stormwater conduits shall have the size, class, manufacturers name, and date of manufacture, indelibly marked on the obvert of each conduit length.
 - iii. 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.
34. The applicant is to submit an application for a road opening permit and pay all relevant fees.

Stormwater Connection to Council's drainage pit

35. A detail design for the proposed connection to existing Council's stormwater pit shall be submitted and approved by Cumberland Council's Manager Engineering and Traffic. In this regard
- i. A longitudinal section, of the proposed stormwater outlet pipe to Council's pit, showing the depth and location of all the services within the area of the proposed works shall be submitted.

Car Wash Bay

36. A vehicle wash bay shall be provided for residents of the development. 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 Crown Certifying Authority

Basement Car Park Ventilation

37. The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 – 1998 The Use of Ventilation and Air conditioning in

Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

Basement security gate

38. Details of the basement security shutter gate shall be submitted to the Crown certifying authority for approval.

Car parking

39. The car park is to be designed to comply with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking and AS/NZS 2890.6:2009: Parking facilities – Off-street parking for people with disabilities.
40. Signs and line marking plans shall be prepared prior to works commencing and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans. Detail is to be submitted to the Crown certifying authority.
41. Two-way ramps shall be provided in accordance with Australian Standard 2890.1-2004 and eliminate potential traffic conflict during movement.

Disabled parking space

42. Disabled parking spaces shall comply with the requirements of AS 2890.6:2009. Shared area of 2.4m wide by 5.4m shall be provided. Bollards shall be provided in accordance with figure 2.2 and 2.3 of AS 2890.6:2009. Details achieving compliance shall be submitted to the Crown certifying authority for approval.

Fire Safety Upgrading & Essential Services

43. A schedule specifying all of the essential fire or other safety measures (both current and proposed) that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

External Walls and Cladding Flammability

44. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). The Crown certifying authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Acoustic Measures

45. Plans and/or specifications indicating how compliance with the Acoustic Report prepared by Acoustic Logic, project number 20190141.1, revision 0, dated 15 February 2019 recommendations will be achieved are to be submitted to the Crown certifying authority.

Salinity

46. 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 during construction.

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

47. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the Crown certifying authority, prior to works commencing.

Please go to sydneywater.com.au/tapin to apply.

Design Verification Statement

48. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment 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 Crown certifying authority. The Crown certifying authority 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 shall 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

49. 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 to the Crown certifying authority.

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PRIOR TO DEMOLITION / WORKS COMMENCING

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

On-site Stormwater Detention

50. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building; the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2019-224 and Council's on-site stormwater detention policy shall be submitted to the Crown certifying authority. The following shall also be addressed:
 - i. Provide spot levels over the proposed Council's drainage easement and overland flowpath in accordance with the approved flood study by Council.
 - ii. Amendment in RED on Council's approved OSD drawings.

Surveying - boundaries

51. All footings and walls proposed within 1 metre of a boundary must be set out by a registered surveyor, a boundary survey and report shall be prepared indicating the true boundaries and position of the external walls that adjacent to the boundaries of the development site. The survey/report shall be submitted to the Crown certifying authority.

Hazardous Material Survey

52. A Hazardous Material Survey shall be submitted to Council detailing recommendations for the removal of hazardous materials prior to demolition of the structures.

Photographic Record of Council Property – Damage Deposit

53. 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

54. The developer shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Sediment and Erosion Measures

55. Erosion and sedimentation controls detailed in the endorsed erosion and sediment control plan shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers.

These requirements shall be in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

Fencing of Sites

56. 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 construction fencing 1.8m high, clad internally with shade cloth. 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.

Notification of Asbestos Removal Works

57. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works, the developer or demolition contractor must notify adjoining residents. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of SafeWork's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Construction Asbestos Management Plan

58. A construction asbestos management plan (CAMP) shall be developed and implemented prior to commencing works so a more detailed response is already in place to manage risk to workers and school users should asbestos be encountered.

Protection of Public Places

59. 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.

Foot paving, Kerbing and Guttering

60. Protection must be provided for Council foot paving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
61. 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

62. 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).

Dilapidation Report

63. 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 Crown certifying authority prior to works commencing.

Toilet Facilities

64. 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.

Roadworks

65. 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 an **applicable fee and charge** prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
66. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works within Council's Reserve

67. 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.
68. A Certificate of Currency of the contractor's Workers' Compensation Policy is to be submitted to Council prior to the commencement of works.
69. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.

Construction and Traffic Management Plan

70. 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 **\$201.00** initial 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.
71. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. A fee **\$238.00** initial fee for the assessment of the plan shall also be lodged to Council. 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
 - (b) 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 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.
- (c) 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.
- (d) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- (e) 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.
- (f) Dependent on the circumstances of the site, Council may request additional information to that detailed above.
- (g) Subject to an application for the occupation of public roadway or footway (Section 138, Local Govt. Act 1993), and Covered by a \$20M public liability insurance policy, with the policy noting Council as an interested party.

Tree Protection

- 72. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained and that any necessary pruning work within 1m of the approved building/s, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on-site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
- 73. The tree/s identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the Arborist Report to be submitted and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Crown certifying authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be

retained. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

Property/Street Number

74. 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 council@cumberland.nsw.gov.au or contact Council's Rates Section by phone on 8757 9000.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:-

Endorsed Plans & Specifications

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

Hours of Work & Display of Council Supplied Sign

76. 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.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm and Saturday between 8.00am and 4.00pm. **No demolition works are to be undertaken on Sundays or Public Holidays.**

Site Control

77. 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.
78. 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.
79. 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.

Demolition Involving the Removal of Asbestos

80. All works involving removing asbestos containing materials must be carried out by an asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current SafeWork NSW Demolition License where works involve demolition.

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.safework.nsw.gov.au

81. Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
 - NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
 - NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and
82. Appropriate barricades must be installed and maintained as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.
83. Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Inspection of Works – public road drainage

84. The stormwater drainage works within the Road Reserve shall be inspected during construction by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the Stormwater drainage extension.
 - (b) Prior to backfilling of the trenches following the laying of the approved diameter steel reinforced concrete pipes by Council. No less than two inspections are required.
 - (c) Prior to placing of concrete for the proposed Council grated gully pit. No less than two inspections are required.
 - (d) Upon compaction and watering of the sand backfill material.
 - (e) Upon compaction of the lower layer of road base.
 - (f) Upon compaction of the upper layer of road base.
 - (g) 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 the PCA cannot be engaged to do this inspection.

Inspection of Works – Drainage Easement

85. The stormwater drainage works within the site shall be inspected during construction, by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of stormwater drainage pipe relocation works.
 - (b) Prior to backfilling of the trenches following the laying of the stormwater drainage pipes.
 - (c) Prior to backfilling of the trench and following the connection of the stormwater pipe into Council's system.
 - (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.

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

Overland Flow Path

86. The proposed structure/s shall be located clear of the stormwater overland flow path and drainage easement. A certificate from a Registered Surveyor shall be submitted to Council verifying the location of the structure/s, after footings have been poured and before the construction of any slab or walls etc., and confirming that the surface levels beneath any required suspended floor area are in accordance with the approved stormwater and overland flow path drawing.

Surveying – Footing/Wall

87. A survey certificate is to be submitted to the Principal Certifying Authority at footing/or formwork stage of structure where adjacent to the site boundary(s). The certificate must indicate the location of all structures (e.g. Retaining wall, Footing) in relation to all boundaries, and must confirm the structure has constructed within the boundary lines in accordance with the endorsed plan and no structure encroachment within the adjacent properties and/or Council's land prior to any further work proceeding on the site.

Vehicle Cleansing

88. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Where required, 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

89. 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.

Contaminated Land Unexpected Finds

90. In the event that works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by the Manager Health and Environmental Protection, Cumberland Council.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

Structures Near Easements

91. The proposed structure/s 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

92. 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".
93. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Noise & Vibration

94. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.
95. In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by Cumberland Council or the Crown certifying authority, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

Waste Management Plan

96. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
97. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Crown certifying authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Crown 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.

Underground Cabling

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

Underground Power Connection

99. Power connection to the site is to be underground. No intermediate power pole is permitted even where electricity reticulation cannot be obtained directly from the street.

Inspection of On Site Detention Works

100. 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

101. 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.

Tree Protection

102. The tree/s identified on the plans as being retained shall be protected against damage throughout the demolition/construction process in accordance with the report to be submitted and relevant conditions of this consent.

Landscaping/Site Works

103. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
104. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:
- i) Sets out maintenance work carried out on tree/s; and
 - ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

The report should also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs and be provided at three monthly intervals during construction works that are within 5m of any tree.

105. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, an AQF 5 arborist is to be consulted with works ceasing until any required permits or approvals have been obtained.
106. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

107. No works are to occur within the fenced tree protection zones. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

Acoustic Assessment

108. All recommendations contained in the approved Acoustic Report prepared by Acoustic Logic, project number 20190141.1, revision 0, dated 15 February 2019 shall be adopted, implemented, and adhered to.

The Crown certifying authority shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to occupation of the building.

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the Crown certifying authority for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

PRIOR TO OCCUPATION

The following conditions are to be complied with prior to the occupation of the new building:-

Certificates/Documentary Evidence

109. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
110. A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Crown certifying authority prior to the issue of a final occupation certificate.

111. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Crown 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.

Parking/Driveway

112. The 57 on site car parking spaces as shown on the endorsed plan are to be provided and line marked in accordance with the relevant Australian Standards.

Acoustic Assessment

113. The Crown certifying authority shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the approved acoustic assessment report prepared by Acoustic Logic, project number 20190141.1, revision 0, dated 15 February 2019 have been completed and that relevant noise criteria have been satisfied prior to the occupation of the building.

On-site Stormwater Detention, Certification and Covenant

114. A copy of the as approved stormwater drainage and On Site Detention /Overland Flowpath 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.

115. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention/Overland Flowpath shall be issued to the Crown certifying authority by a suitably qualified Civil Engineer.
116. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Crown 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.
117. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention/ Overland Flowpath shall be submitted to the Crown certifying 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 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.

118. 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.

Covenant and Maintenance Schedule

119. 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.
120. OSD design summary calculation sheet/s using the WAE levels shall be submitted to Council.
121. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.
122. The applicant shall provide a standard confined space danger sign at all access points to the underground OSD storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook.

Flood protection

123. All flood works as per the items listed under *Prior to occupation* of the Development Consent and the approved plans shall be completed.

Boundary fencing flood affected areas

124. 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 application. In this regard, all boundary fencing within the flood affected area(s) in accordance with the approved stormwater plan/report and Council's flood advice letter shall be constructed in accordance with Council's standard detail SD8025. The pool type fencing shall be provided at the base of the boundary fence to the extent of the post-developed 1% Annual Exceedance Probability (AEP) flood. The fencing shall be constructed in consultation with adjoining affected property owner(s) at full cost to the developer. Photographic evidence of the construction of the fence in accordance with the requirement shall be provided to Council for approval prior to Occupation.

Public stormwater Drainage

125. All works as per the items listed under prior to works commencing of the Development Consent and the approved plans shall be completed.
126. As per Table 2 Schedule of Material Tests, of Councils' Specification for Subdivisions and Developments, the CCTV verification and 'No cracking' of all stormwater drainage pipes, shall be complied with. The CCTV shall be undertaken following backfill over the pipe line at subgrade level. A copy of the CCTV shall be forwarded to Council for checking.
127. A copy of the as approved stormwater drainage plan showing work as executed details prepared by a Registered Surveyor shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage including external works with road reserve and on-site stormwater detention.
128. A hydraulic certificate of compliance in accordance with Council's standards and specifications for the constructed stormwater drainage gully pit and pipe shall be issued to Council by a suitably professional civil engineer.

Easement Creation

129. A drainage easement 2.5 metres wide (minimum), located over the new diameter pipe along the southern boundary shall be created in favour of Council. Documents relevant to the creation of the easement shall be lodged with the NSW Land Registry Service with Registration and effected prior to Occupation. All costs associated with piping, relocation and creation of easements are to be borne by the applicant. The existing easement for drainage – 1.50m wide (vide DP35287) within the development site will be redundant and shall be extinguished, accordingly.

Road Works

130. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
131. A full width **heavy** duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of **6** metres and a minimum width of **5.5** 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.

132. The reconstruction of kerb and gutter and associated works along all areas of the site fronting Joyner Street, Westmead. 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.
133. The reconstruction of concrete footpath paving and associated works along all areas of the site 1.5m fronting Joyner Street, Westmead. 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.
134. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Joyner Street, Westmead. 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.
135. 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.
136. 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.

Traffic

137. 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.
138. 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).
139. All parking spaces, aisle, driveway and internal roadways dimensions shall be in accordance with Australian Standard 2890.1.2004 and 2890.6.2009.
140. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid the conflict at the driveway.
141. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
142. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
143. The entry point 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.
144. The ramp down to the basement car park and the lobby entry doors shall have secured access and an intercom service to restrict access to the building.
145. A convex mirror shall be installed within the basement carpark at proposed ramps.

146. Wheel stops shall be provided at appropriate parking locations (i.e. lifts, stairways) in accordance with AS 2890.1:2004.

Road works

147. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.

Fire Safety

148. 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.

External Walls and Cladding Flammability

149. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
 - (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Landscaping/Tree Protection

150. Certification is to be provided to the Crown certifying authority, from the designer of the landscape proposal that all tree planting/landscape works have been carried out in accordance with the endorsed plan.
151. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report

should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.

152. Boundary and courtyard fences must be erected and finished in a professional manner.

Lot Consolidation

153. Lots 2, 3, 4 and 5, DP: 35287 shall be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.

Basement Car Park Ventilation

154. The system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to Occupation. A copy of the certificate shall be provided to the Crown certifying authority. A copy shall also be provided to Council.

Design Verification Statement

155. 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 Crown certifying authority assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The Crown certifying authority 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.

Noise Compliance Report

156. A noise compliance report must be submitted to Council prior to the issuing of the Occupation Certificate. This report must verify that:
- a) All recommendations contained in the DA approved Acoustic Report (prepared by Rodney Stevens Acoustics, dated 18 December 2018, report ref. R180443R11) have been implemented, and
 - b) The project specific noise criteria contained in the DA approved acoustic report and any other noise criteria specified in this consent are being complied with.

SEPP (Affordable Rental Housing) 2009

157. To ensure compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009, Council is to be notified on the day that an occupation certificate is issued

(this in turn will be considered as the day that the affordable housing 10 year dedication period commences). The register is to be updated accordingly.

158. To ensure compliance with the State Environmental Planning Policy (Affordable Rental Housing) 2009, details of the registered community housing provider responsible for the management of the affordable rental housing dwellings is to be submitted to the Crown certifying authority and Council before the issue of Occupation.

Restriction as to User

159. For a period of at least 10 years from the date of the issue of the Occupation:
- i) A minimum of 1,505.7m² of the gross floor area (being units 11, 12, 13, 15, 17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 34, 39 and 40) must be used for the purpose of affordable housing as defined for the purposes of State Environmental Planning Policy (Affordable Rental Housing) 2009; and
 - ii) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.
 - a) A positive covenant being registered on the title to the property under Section 88E of the Conveyancing Act, to give effect to part (i) of this condition. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be registered before the issue of Occupation.
 - b) The rental amount of the affordable units is to meet the requirement of Part 1 Clause 6 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
160. A restriction as to user must be registered, before the date of the issue of Occupation, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, to ensure that the requirements of Condition 159, requiring the use of Units 11, 12, 13, 15, 17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 34, 39 and 40 (being a minimum GFA of 1,505.7m²) for the purpose of affordable housing under the Affordable Rental Housing SEPP 2009, that accommodation must be managed by a registered community housing provider.

Documents giving effect to the creation of a Restriction on Use must be submitted to the Council for approval prior to lodging with NSW Land Registry Services. The terms of the instruments are to be to the satisfaction of Council.

Council is to be named in the instrument as the only party authorised to release, vary or modify the instrument.

Registered title documents showing the covenants and restrictions must be submitted to and approved by Council prior to the issue of Occupation.

The restriction to use and any associated documentation must be prepared and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining legal advice on the restriction terms, the cost and expense of negotiating the terms and conditions of the restriction, producing documents or otherwise facilitating the preparation and registration of the required documents.

House/Street Number

161. 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.cumberland.nsw.gov.au.

Lighting

162. 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.

General

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

CONDITIONS RELATING TO USE

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

Use for Affordable Housing

164. Units 11, 12, 13, 15, 17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 34, 39 and 40 (being minimum GFA of 1,505.7m²); must be used for the purposes of affordable housing under the Affordable Rental Housing SEPP 2009, and that accommodation must be managed for the purposes of affordable housing by a registered community housing provider for a period of 10 years from the date of the issue of Occupation.

Safety and Amenity

165. 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.

Mechanical Ventilation System – Car Park

166. 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.
167. Any mechanical ventilation provided to the basement car park shall not create an offensive odour emission nor shall it creates an offensive noise and shall comply with the requirements of the Protection of Environment Operations Act and all subsequent relevant Regulations.

Air Emissions

168. 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.

Noise (General)

169. 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 LA₉₀ level (in the absence of the noise under consideration).
170. 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.
171. 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.

Rainwater Tank Pump

172. The operation of any rainwater tank pumps 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 LA_{90} level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

Traffic and Parking

173. At least 57 car parking spaces numbered and line marked in accordance with the endorsed plans, are to be made available at all times for Resident Vehicles.
174. All vehicles shall enter and leave the site in a forward direction.
175. The roller gate shall not restrict access for visitors of the residential carpark areas.
176. All residents shall be provided with remote control device to open the roller door.

Car Wash- Residential

177. 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.
178. 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.

Refuse & Trade Waste

179. 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.

Maintenance of Waste Storage Area – Residential

180. 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.
181. Each unit shall be provided with a waste cupboard or other suitable storage area to facilitate the holding of a bin containing a single days-domestic waste.

Alarms

182. 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 106 above, prevents the developer/builder from installing audible alarms).

Emergency Procedures

183. 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.

Lighting

184. Any lighting on the site shall be designed so as not to cause nuisance to neighbouring 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*.

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.
 - (b) Any fencing or signage that does not constitute exempt development pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other Environmental Planning Instrument.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
- A. Section 8.7 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 8.2 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 8.2 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- B. The Commonwealth Disability Discrimination Act 1992 may apply to this 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 with 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.
- C. **BANK GUARANTEES**

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

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

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

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

D. 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.

D. 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 Crown 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.

E. 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.

F. 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.

E. GLAZING CERTIFICATION

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

F. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be

observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

G. 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 1800 810 443.

G. 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.

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT