

LATE REPORTS

Cumberland Local Planning Panel Meeting – 13 November
2019

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<u>Development Applications</u>		
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Item No: LPP077/19

SECTION 4.55(1A) MODIFICATION APPLICATION - 9 WAINWRIGHT STREET, GUILDFORD

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2018/396/2

Application lodged	21 October 2019
Applicant	Eddy Sarkis
Owner	Mr E A & Mrs R H Sarkis
Application No.	DA-2018/396/2
Description of Land	9 Wainwright Street, Guildford (Lot 31, DP 30971)
Proposed Development	Section 4.55(1A) application to amend stormwater drainage requirements
Site Area	560.4m ²
Zoning	R2 Low Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Heritage	No
Issues	Nil

SUMMARY:

- Development Application No. DA-2018/396/1 was approved by the Cumberland Local Planning Panel on 28 November 2018 for the “demolition of existing structures; construction of an attached 2 storey dual occupancy with Torrens title subdivision into 2 lots”.
i)
- Modification Application No. DA-2018/396/2 was received by the Council on 21 October 2019 for amendments to the approved stormwater drainage.
ii)
- There are no significant non-compliances with the proposed development having considered the provisions of the Holroyd Local Environmental Plan 2013 (LEP) and Holroyd Development Control Plan 2013 (DCP).
iii)
- The application is recommended for conditional approval subject to the amended conditions as provided in the attached schedule. The application is referred to the Panel as part owner of the subject site is a sitting Councillor of Cumberland Council.

REPORT:

Subject Site And Surrounding Area

The subject site is known as 9 Wainwright Street, Guildford, and is legally described as Lot 31 in Deposited Plan 30971. The site is located on the eastern side of Wainwright Street within the R2 Low Density Residential zone. The site is a regular shaped block with a frontage of 18.29 metres to Wainwright Street. The subject site has a depth of 30.645 metres along the northern and southern side boundaries and an 18.29 metre rear eastern boundary equating to a total site area of 560.4m².

The site currently contains a single storey brick dwelling house with a detached brick garage and metal awning to the rear of the site. The site experiences a cross fall of approximately 1.8 metres from the north-western corner to the south-eastern corner of the site.

Adjoining developments to the subject site include a two storey attached dual occupancy to the north at No. 11 Wainwright Street and a single storey dwelling house adjoining the south at No. 7 Wainwright Street.

Figure 1 – Locality Plan of subject site

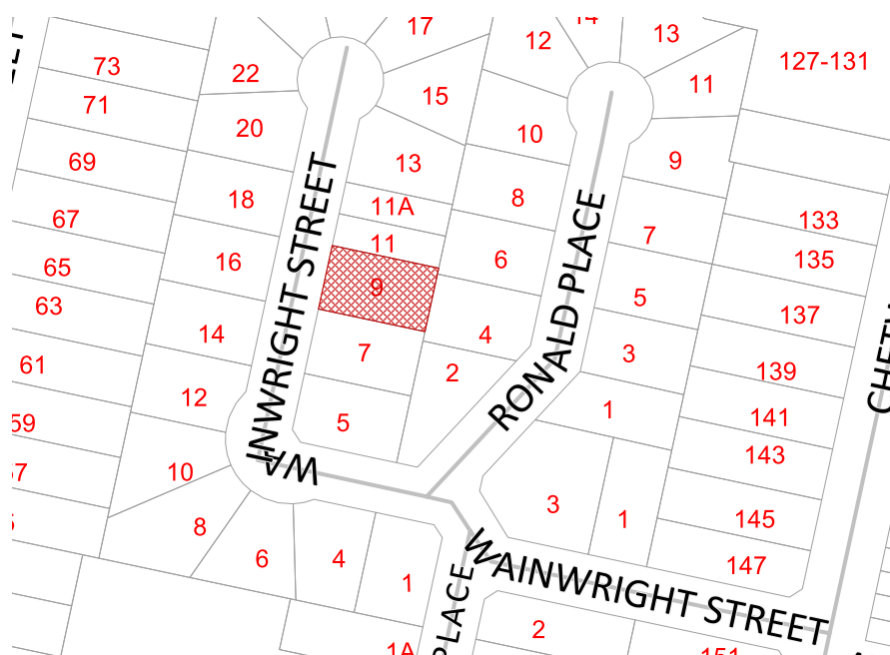


Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site



Description of The Proposed Development

Council has received a modification application to amend the stormwater drainage system approved under Development Application DA-2018/396/1 for the “demolition of existing structures; construction of an attached 2 storey dual occupancy with Torrens title subdivision into 2 lots”.

The amended stormwater design includes removal of the easement through downstream properties, the addition of an absorption trench and redirecting water runoff from the development to drain to Wainwright Street. The amendments proposed as part of the modification application seek to also address the Schedule A deferred commencement conditions imposed under the original approval.

It should be noted that Development Consent number 10306/1999 was approved for the northern adjoining property at No. 11 Wainwright Street for an attached two storey dual occupancy by the Land and Environment Court on 17 September 1999. The approval consists of a stormwater system similar to that proposed under the subject modification application which drains to Wainwright Street.

History

Date	Action
21 October 2019	The Modification Application was lodged to amend stormwater drainage requirements
29 October 2019	The application was referred to Council's internal Development Engineering department for review
13 November 2019	Application referred to CLPP for determination

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the proposal is satisfactory, subject to amended conditions.

Planning Comments

The provisions of any Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

(a) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development was considered under the original application. The proposed modifications do not raise any new concerns about potential contamination.

(b) State Environmental Planning Policy (Infrastructure) 2007

The provisions of the Infrastructure SEPP (ISEPP) 2007 have been considered in the assessment of the original development application and do not apply to the modification application.

(c) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as a coastal wetland or land identified as “proximity area for coastal wetlands” or land identified as such by the Coastal Vulnerability Area Map.

(d) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX Certificates approved under the original application DA-2018/396/1 are satisfactory. The proposed modifications do not trigger updated BASIX requirements.

Local Environmental Plans

Holroyd Local Environmental Plan (HLEP) 2013

The provisions of the HLEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the HLEP 2013 and the objectives of the R2 Low Density Residential Zone.

- **Permissibility:-**

The proposed development is defined as a “dual occupancy” and is permissible in the R2 zone with consent.

A dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

The relevant matters to be considered under the HLEP 2013 and the applicable clauses for the proposed development are summarised below.

Figure 4 – Holroyd LEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.1 Minimum subdivision lot size Min. 450sqm	No	However, complies with Clause 4.1A
4.1A Exceptions to minimum lot sizes for certain residential development	Yes	Proposal is for the purpose of a dual occupancy development
4.3 Height of Buildings Max. 9m	Yes	No changes proposed to the approved building height under the subject modification application
4.4 Floor Space Ratio (FSR)	Yes	No changes proposed to the

Max. 0.5:1		approved FSR under the subject modification application
4.6 Exceptions to development standards	N/A	N/A

The provisions of any proposed Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(ii))

- Draft State Environmental Planning Policy (Environment)

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

The provisions of any Development Control Plans (EP& A Act s4.15 (1)(a)(iii))

Holroyd Development Control Plan (HDCP) 2013

The provisions of the HDCP 2013 is applicable to the development proposal. It is noted that the development achieves general compliance with the key controls of the HDCP 2013. The following Parts of the HDCP 2013 are applicable to the proposed development:

- Part A - General Controls
- Part B - Residential Controls

iv)

v) Figure 5 – Holroyd DCP 2013 Compliance Table

Clause	Control	Proposed	Complies
Part A – General Controls			
1	Subdivision		
	Torrens title subdivision approved as part of the original application (DA-2018/396/1).		Yes
2	Roads and Access		
	No changes proposed to the vehicular crossings (VC) and driveways approved under the original application.		Yes
3	Car Parking		
3.1	Minimum Parking Spaces 2 car parking spaces per dwelling (1 undercover)	The car parking approved as part of DA-2018/396/1 remains unchanged and is compliant.	Yes
4	Trees and Landscape Works		
	No changes proposed as part of the modification application.		Yes
5	Biodiversity		
	There is no evidence of any terrestrial biodiversity on the site. Therefore, these provisions are not applicable.		N/A
6	Soil Management		
6.2	Site Contamination and Land Filling	The proposed modifications do not raise any new concerns about potential contamination.	N/A
6.3	Erosion and Sediment Control	Erosion and Sediment Control Plan approved under DA-2018/396/1.	Yes

6.5	Salinity Management	The site is located on land identified as being affected by moderate salinity. Appropriate conditions of consent have been imposed under the original consent.	Yes
7	Stormwater Management		
	The submitted stormwater plan has been reviewed by Council's Development Engineer and is considered to be satisfactory, subject to additional amended conditions.		Yes
8.	Flood Prone Land		
	As shown on Council's Flood Map, the site is not identified as flood prone land.		N/A
9.	Managing external road noise and vibration		
	The site is not located in or adjacent to a classified road or rail corridor.		N/A

10.	Safety and Security	
	No changes proposed to the approved building envelope under DA-2018/396/1.	Yes
11.	Waste Management	
	Waste Management Plan approved under DA-2018/396/1.	Yes
12.	Services	
	No changes proposed to the water, sewer, overhead electricity and telephone facilities under the subject application.	Yes
Part B- Residential Controls		
1.1	Building Materials	
	No changes proposed to the approved façade of the building.	Yes
1.2	Fences	
	No changes proposed to the approved fencing under DA-2018/396/1.	Yes
1.3	Views	
	No changes proposed to the design of development which may obstruct significant views.	Yes
1.4	Privacy	
	The proposal is for changes to the stormwater drainage. No additional privacy impacts on the adjoining properties as a result of the proposed modifications.	Yes
1.5	Landscaping and open space	
	Minimal changes are proposed to the approved landscaping area on the subject site which is still compliant with the landscaping requirements.	Yes
1.6	Safety and security	
	No changes proposed to the design of the building as part of the subject modification application which will affect the safety of the occupants.	Yes

1.7	Building and site sustainability		
	<p>Residential building designs should incorporate the following design principles for achieving a more sustainable home:</p> <ul style="list-style-type: none"> • Effective building Orientation- attempt to take advantage of northerly aspects, where possible. • Energy efficient building materials should be used • Design to allow for cross ventilation- through window size, placement and ventilation. • Create sustainable landscaping - deciduous trees on north side of dwelling and the planting of vegetable gardens. • Window Protection- through external shading devices. • Draught proofing and weather sealing- to prevent potential air leaks. • Effective use of natural light- dwellings should be designed so that artificial lighting is not needed during the day. 	No changes proposed to the building design as part of the subject application.	Yes
	The design and location of stormwater drainage structures, such as detention and rainwater tanks, is to be integrated with the landscape design and fencing for the site. Above ground structures should not be visually intrusive.	The design and location of the stormwater drainage structures are considered satisfactory by Council's Development Engineer.	Yes
	All roofing shall be provided with adequate gutter and downpipes connected to roof water drainage systems.	The proposed development is provided with adequate gutter and downpipes connected to drainage systems as assessed by Council's Development Engineer.	Yes
	<p>Full details of proposed rainwater tanks shall be submitted with a Development Application for approval. Details are to include (as a minimum):</p> <ul style="list-style-type: none"> • Rainwater tanks shown on all plans, including floor plans and elevations, 	The details outlined in this provision have been met and detailed on the plans accompanying the application.	Yes

	<ul style="list-style-type: none"> the configuration of inlet/outlet pipe and overflow pipe, the storage capacity, dimensions, structural details and proposed materials, and The purposes for which the tank is intended to be used, that is for washing machine use, toilet use and outdoor watering use. 		
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1.8	Sunlight access		
	Residential development shall be designed to have as minimal impact as possible on the sunlight access and amenity obtained by existing adjacent properties and their dwellings.	The proposal seeks to amend the stormwater drainage system with no changes proposed to the approved built form of the development. No additional shadows will be cast as a result of the modifications sought.	Yes
1.9	Cut and fill		
	Fill, up to 300mm, is permitted within 900mm of side or rear boundaries.	Fill is a maximum of 300mm outside the building envelope.	Yes
	Cut is to be limited to 450mm where it is within 900mm of the rear or side boundaries.	The maximum cut proposed is 450mm outside the building envelope.	Yes
1.10	Demolition		
	Approval for the demolition of a dwelling, addition or outbuilding to a dwelling is required from Council.	Consent for demolition has been granted under the original application (DA-2018/396/1).	Yes
1.11	Car parking and roads		
	No changes proposed to the car parking arrangements approved under DA-2018/396/1.		Yes
1.12	Universal Housing and Accessibility		
	No changes proposed to the internal layout of the units.		Yes
1.13	Subdivision		
	Subdivision approved under the original application (DA-2018/396/1).		Yes
3.1	Specific requirements for Attached Dual Occupancy Development		
	The proposal complies with the site area and frontage requirements as assessed under the original application.		Yes
3.5	Site coverage		
	No changes proposed to the built form under the subject modification application which will affect the approved site coverage.		Yes

3.6	Setbacks	
	No changes proposed to the approved setbacks under DA-2018/396/1.	Yes
3.7	Building height	
	No changes to the building height approved under DA-2018/396/1.	Yes
3.8	Building appearance	
	No changes proposed to the approved built form.	Yes

As indicated in the compliance table above, the proposed development complies with the provisions of Council's DCP subject to amended conditions of consent.

4.15(1)(a)(iia) - any planning agreement that has been entered into under part 7.4, or any draft planning agreement that a developer has offered to enter into under part 7.4, and

There is no draft planning agreement associated with the subject Modification Application.

The provisions of the Regulations (EP& A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning & Assessment Regulation 2000.

The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15 (1)(b))

It is considered that the proposed modifications will have no significant adverse environmental, social or economic impacts on the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The modification application seeks amendments to the approved stormwater drainage and is considered suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

In accordance with Council's notification requirements contained within the Holroyd DCP 2013, the proposal was not required to be publicly exhibited and no submissions were received.

The public interest (EP& A Act s4.15(1)(e))

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the modified development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Section 7.11 (Formerly S94) Contribution Towards Provision or Improvement of Amenities or Services

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- (1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:
 - (a) the dedication of land free of cost, or
 - (b) the payment of a monetary contribution, or both.
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'

Comments: Council has imposed Section 7.11 Contributions to be paid under the original application for DA 2018/396/1. No further contributions are required or payable as a result of the subject modification application.

Disclosure of Political Donations And Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The application did not result in any disclosure of Political Donations and Gifts.

CONCLUSION:

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Holroyd LEP 2013 and Holroyd DCP 2013 and is considered to be satisfactory for approval subject to conditions.

The proposed modifications include amendments to the approved stormwater drainage in order to address the Schedule A deferred commencement conditions imposed under the original consent for DA-2018/396/1. The stormwater drainage system has been assessed by Council's Development Engineer and considered satisfactory, subject to amended conditions.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the development may be approved subject to conditions.

CONSULTATION:

There are no further consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no further financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.






COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

That Development Application No. 2018/396/2 to amend stormwater drainage requirements on land at 9 Wainwright Street, Guildford, be approved, subject to attached amended conditions in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination [↓](#) 
2. Stormwater Plans [↓](#) 
3. Locality Map [↓](#) 
4. Original Notice of Determination DA 2018/396 [↓](#) 
5. Minutes of Cumberland Local Planning Panel meeting 28 November 2018 [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP077/19

Attachment 1
Draft Notice of Determination

Our Reference: 2018/396/2
Contact: Mrs E Haliloglu
Phone: 02 8757 9893

13 November 2019

Mr E Sarkis
9 Wainwright Street
GUILDFORD NSW 2161

Dear Mr Sarkis,

**PREMISES: 9 WAINWRIGHT STREET GUILDFORD
SECTION 4.55(1A) MODIFICATION TO DEVELOPMENT CONSENT NO. 2018/396/1
MODIFICATION APPLICATION NO. 2018/396/2**

I refer to your application lodged on 21 October 2019 seeking amendment to Development Consent 2018/396/1 issued for demolition of existing structures; construction of an attached 2 storey dual occupancy with Torrens title subdivision into 2 lots. The modification seeks to amend stormwater drainage requirements.

Pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the modifications sought.

Accordingly, Development Consent 2018/396/1 is amended as follows:-

Condition 1 to 3 under Schedule A of DA-2018/396/1 is deleted.

In this regard, you are advised that conditions set forth in Schedule "A" of Development Consent No. 2018/396/1 has now been complied with to Council's satisfaction and Schedule "B" consent shall become operative. The date from which the consent operates is **13 November 2019** and the consent lapse date is **13 November 2024**.

Condition 2 of DA-2018/396/1 is amended to read:

2. Development shall take place in accordance with the attached endorsed plans:
 - Architectural Plans prepared by Dvyne Design, Job No. 18160-00, Drawing No.'s A01 to A07 (inclusive) and A09, Issue A, dated September 2018 – as amended to satisfy Condition 11;
 - Landscape Plan prepared by Jungle Design Landscape Architect, Job No. LDA-112, Sheet 1 of 1, Issue A, dated 21 October 2018;
 - Stormwater Layout Plans prepared by MBC Engineering Pty Ltd, Sheet No. s1 and S2, Issue A, dated 18 October 2018 – as amended to satisfy Schedule A condition;

- BASIX Certificate Numbers 972171S and 972196S, issued on 24 October 2018;
- Schedule of External Colours and Finishes, prepared by Dvyne Design, received by Council on 24 October 2018; and
- Waste Management Plan prepared by Dvyne Design, dated October 2018.

except as otherwise provided by the conditions of this determination and/or marked in red.

As amended by the following plans approved by Section 4.55(1A) application 2018/396/2 dated 13 November 2019:

- Stormwater Layout Plans prepared by MM Farah Civil/Structural Pty Ltd, Job No. SW-9Wainwright, Sheet No. 1 of 1, dated 31 October 2019; and
- Driveway Section Plans, received by Council on 31 October 2019.

except as otherwise provided by the conditions of this determination and/or marked in red.

Condition 11(iv) and (v) of DA-2018/396/1 is inserted to read as follows:-

11(iv). The stormwater plan shall be amended to incorporate the following:-

- The overland flow from the adjacent property shall be collected within the property and shall be directed to Wainwright Street. In this regard the retaining wall shall be moved 600mm minimum within the property and suitable drainage system shall be provided to collect the overland flow from adjacent property.
- A detailed section of the on-site stormwater detention (OSD) 2 area shall be shown on the plan to ensure the suspended slab is above the top water level without compromising the OSD volume.
- A detailed section of the absorption trench shall be shown on the plan to comply with Council standards and requirements.
- Details including foundation of the proposed 200mm high kerb shall be shown on the plan.

11(v). The architectural and landscape plans shall be amended to reflect the stormwater plans approved under Modification Application DA-2018/396/2 dated 13 November 2019.

Condition 24(ii) of DA-2018/396/1 is deleted.

Condition 85a of DA-2018/396/1 is inserted to read as follows:-

- 85a. A detailed positive covenant and restriction of user shall be created to burden the proposed Lot 2 for the ongoing maintenance of the absorption trench and 200mm high kerb around the perimeter of the lot.

All other conditions of Development Consent 2018/396/1 remain unchanged.

Section 8.9 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 4.55(1A) a right of appeal to the Land and Environment Court within 6 months of the date of determination.

Section 8.3 of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 4.55(1A) Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

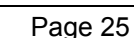
If you have any further enquiries please contact Mrs E Haliloglu of Council's Environment & Planning Department on 02 8757 9893, Monday to Friday.

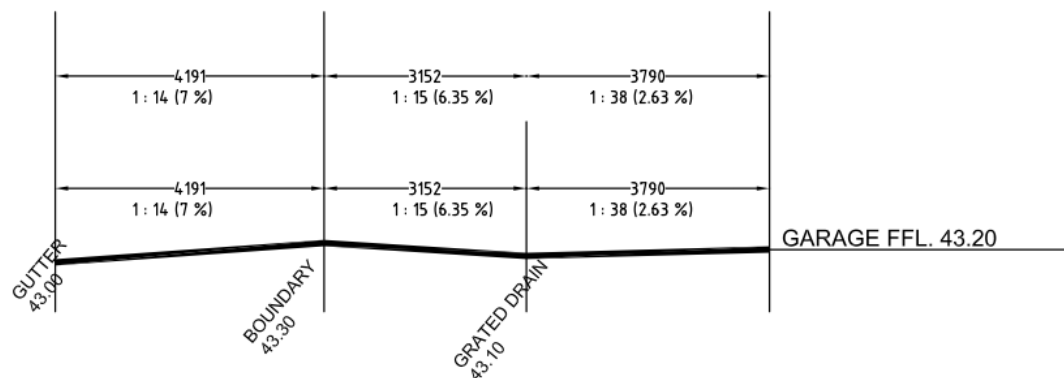
Yours faithfully,

Jai Shankar
COORDINATOR DEVELOPMENT ADVISORY SERVICES

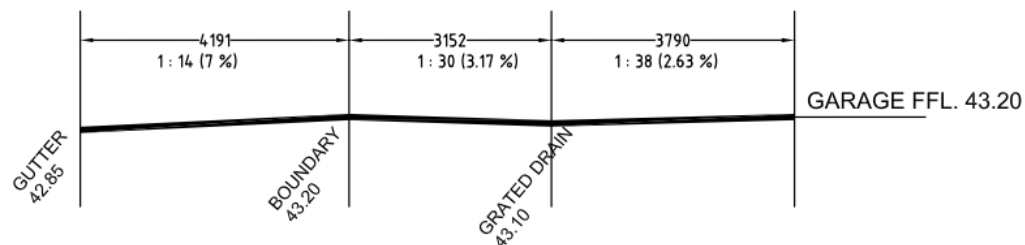
DOCUMENTS
ASSOCIATED WITH
REPORT LPP077/19

Attachment 2
Stormwater Plans





UNIT ONE DRIVEWAY SECTION



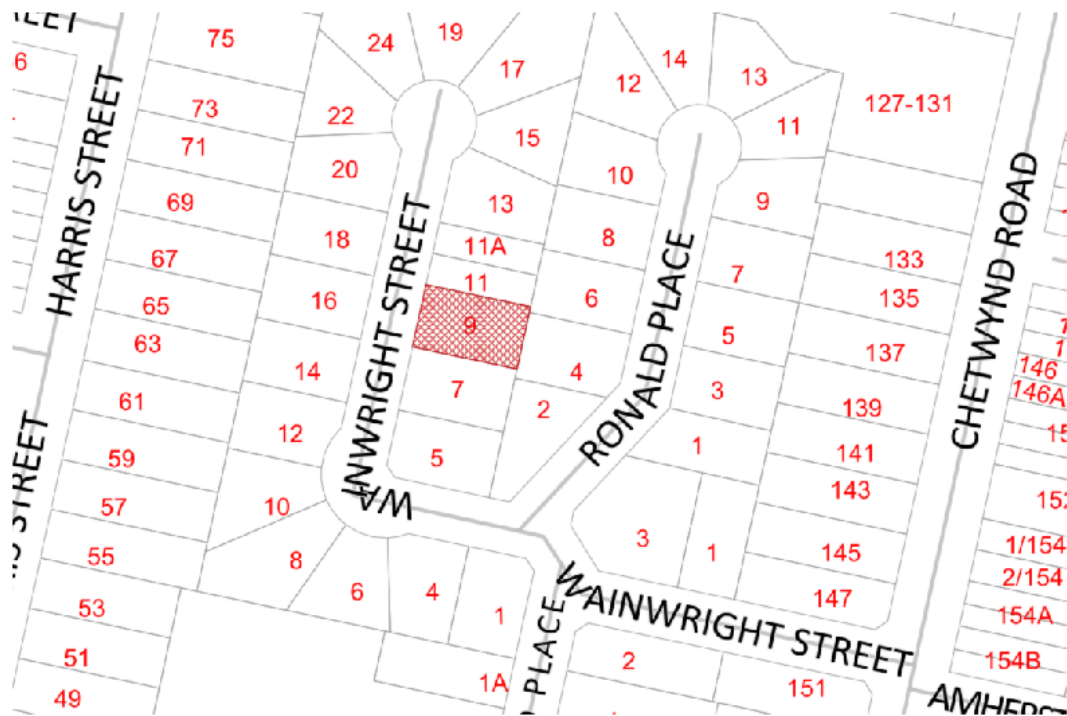
UNIT TWO DRIVEWAY SECTION

Received by Council on 31 October 2019

PROPOSED NEW DEVELOPMENT
AT NO 9 WAINWRIGHT STREET
GUILDFORD

DOCUMENTS
ASSOCIATED WITH
REPORT LPP077/19

Attachment 3
Locality Map



DOCUMENTS
ASSOCIATED WITH
REPORT LPP077/19

Attachment 4
Original Notice of Determination
DA 2018/396



Our Reference:
Contact:
Phone:

2018/396/1
Mrs E Haliloglu
02 8757 9893

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

DEFERRED COMMENCEMENT

28 November 2018

Dvyne Designs Pty Ltd
C/- Jack Tannous
126 Hawksview Street
GUILDFORD NSW 2161

Dear Mr Tannous,

Pursuant to Section 4.16(3) of the Act, Council has granted "deferred commencement" consent to your development application described as follows:

PROPERTY: Lot 31, DP 30971

STREET ADDRESS: 9 Wainwright Street, Guildford

DEVELOPMENT CONSENT NO: 2018/396/1

DECISION: Cumberland Local Planning Panel

DATE FROM WHICH CONSENT OPERATES: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE 'A'

DATE OF EXPIRY OF CONSENT: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE 'A'

PROPOSED DEVELOPMENT: Demolition of existing structures; construction of an attached 2 storey dual occupancy with Torrens title subdivision into 2 lots

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.

THIS CONSENT DOES NOT OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE 'A' CONDITIONS HAVE BEEN SATISFIED.

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160
T 02 8757 9000 F 02 9840 9734 E council@cumberland.nsw.gov.au W cumberland.nsw.gov.au
ABN 22 798 563 329

Welcome Belong Succeed

Important

English

This letter contains important information. If you do not understand it please ask a relative or friend to translate it or come to Council and discuss this letter with Council's staff using the Telephone Interpreter Service.

هام

Arabic

تحتوي هذه الرسالة على معلومات هامة. إذا لم تكن تفهمها يرجى طلب ترجمتها من قريب أو صديق أو إحضر إلى المجلس وتناقش هذه الرسالة مع موظفي المجلس عن طريق الاستعانة بخدمة الترجمة الهاتفية.

重要資訊

Cantonese

本函包含重要的資訊。如果您無法理解相關內容，可請您的親屬或朋友翻譯成中文，或者前往市政府並通過電話傳譯服務與市政府的工作人員討論本函內容。

مهم

Dari

این نامه حاوی معلومات مهم است. اگر شما آن را نمی فهمید، از دوستان یا فامیل تان بخواهید که برایتان ترجمه کند و یا به شورا آمده و در مورد این نامه با کارمندان شورا با استفاده از خدمات ترجمه تلفونی بحث کنید.

Σημαντικό

Greek

Αυτή η επιστολή περιέχει σημαντικές πληροφορίες. Εάν δεν την καταλαβαίνετε, ζητήστε από ένα συγγενή ή φίλο να σας την μεταφράσει, ή ελάτε στο Συμβούλιο και συζητήστε για την επιστολή με το προσωπικό του Συμβουλίου χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

महत्वपूर्ण

Hindi

इस पत्र में महत्वपूर्ण जानकारी दी गई है। यदि आप इसे नहीं समझ पाते हैं तो कृपया अपने रिश्तेदार या दोस्त से कहें कि वे इसे अनुवाद कर बताएँ या परिषद में आएँ और टेलीफोन दुभाषिया सेवा का इस्तेमाल करते हुए परिषद के स्टाफ के साथ इस पत्र पर चर्चा करें।

IMPORTANTE

Italian

Questa lettera contiene informazioni importanti. Se non la comprende chieda ad un parente od amico di tradurgliela, o venga al Municipio a discuterla col personale del Comune con l'aiuto del Servizio Telefonico Interpreti.

중요

Korean

이 서신에는 중요한 정보가 포함되어 있습니다. 잘 이해되지 않으면, 친척이나 친구에게 번역을 부탁하거나 또는 위원회를 방문하여 전화 통역 서비스로 위원회 직원과 이 서신에 대해 논의하십시오.

Importanti

Maltese

Din l-ittra fiha taghrif importanti. Jekk ma tifimhiex, jekk joghgbok staqsi lil qarib jew habib biex jittraducihielek jew ejja sal-Kunsill u ddiskuti din l-ittra ma' l-istaff tal-Kunsill billi tuza s-Servizz Telefoniku tal-Interpreti.

重要信息

Mandarin

本函包含重要的信息。如果您无法理解相关内容，可请您的亲属或朋友翻译成中文，或者前往市政府并通过电话传译服务与市政府的工作人员讨论本函内容。

Mahalaga

Tagalog

Ang sulat na ito ay naglalaman ng mahalagang impormasyon. Kung hindi mo ito nauunawaan, mangyaring hilingin ang isang kamag-anak o kaibigan na isalin ito o lumapit sa isang Council at talakayin ang sulat na ito sa kawani ng Council gamit ang Serbisyo ng Interpreter sa Telepono.

முக்கிய குறிப்பு:

Tamil

இந்த கடிதத்தில் முக்கிய தகவல் அடங்கியுள்ளது. உங்களுக்கு இது புரியவில்லையென்றால், உங்கள் உறவினர் அல்லது நண்பரை மொழிபெயர்க்க சொல்லி கேட்கவும் அல்லது அமைச்சகத்திற்கு வருகை அளித்து, அமைச்சக ஊழியருடன் தொலைபேசி மொழிபெயர்ப்பு சேவை உதவியுடன் இந்த கடிதத்தைப் பற்றி விவாதிக்கவும்.

Önemli

Turkish

Bu mektup önemli bilgiler içermektedir. Bu bilgileri anlamıyorsanız lütfen bir akrabanızdan veya arkadaşınızdan onu çevirmesini isteyin ya da Konseye gelin ve Telefonla Sözlü Çeviri Hizmeti'ni kullanarak bu mektup hakkında Konsey personeli ile görüşün.

TIN QUAN TRỌNG

Vietnamese

Tin tức trong thư này rất quan trọng. Nếu quý vị không hiểu rõ, xin hỏi những người thân hoặc bạn bè phiên dịch cho quý vị hoặc đến hỏi nhân viên Tòa Hành Chánh, tại đây có phương tiện Thông Ngôn Qua Điện Thoại

SCHEDULE "A"

Consent for the demolition of existing structures; construction of an attached 2 storey dual occupancy with Torrens title subdivision into 2 lots shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

Stormwater

1. A detailed hydraulic drawing prepared by a suitably qualified practicing Civil Engineer showing stormwater drainage works in order to permit the disposal of stormwater from the site to the East and into the Council system (kerb and gutter) within Ronald Place, Guildford shall be submitted to Council for approval. In this regard the drawing shall show the location and level of inlet pits, the pipe sizes and grades, a pipe longsection for the full length of the pipe and a typical trench backfill section. The location of the proposed stormwater pipe shall not disturb any structures or root zones of existing trees and shall correspond with the proposed downstream easement. All trees overhanging or within 5m of the proposed easement shall be accurately indicated on the hydraulic drawing.
2. Four (4) copies of plans and calculations for the design shall be submitted to Council. Inadequately prepared drawings and calculations will incur an initial checking fee of **\$712** with an additional fee of **\$237** per review for subsequent inadequate drawings.
3. A drainage easement 1.2 metres wide (minimum) being created in favour of the property to be developed over downstream properties, to permit the disposal of stormwater to Ronald Place, Guildford. Documents relative to the creation of the easement to be lodged with Land and Property Information NSW with registration being effected prior to Schedule "B" conditions becoming operational. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

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 if the above development is not physically commenced by the date of expiry shown on the front page of this consent.
2. The development is to be carried out in accordance with the following endorsed plans and documents:
 - Architectural Plans prepared by Dvyne Design, Job No. 18160-00, Drawing No.'s A01 to A07 (inclusive) and A09, Issue A, dated September 2018 – as amended to satisfy Condition 11;
 - Landscape Plan prepared by Jungle Design Landscape Architect, Job No. LDA-112, Sheet 1 of 1, Issue A, dated 21 October 2018;
 - Stormwater Layout Plans prepared by MBC Engineering Pty Ltd, Sheet No. s1 and S2, Issue A, dated 18 October 2018 – as amended to satisfy Schedule A condition;
 - BASIX Certificate Numbers 972171S and 972196S, issued on 24 October 2018;
 - Schedule of External Colours and Finishes, prepared by Dvyne Design, received by Council on 24 October 2018; and
 - Waste Management Plan prepared by Dvyne Design, dated October 2018.

except as otherwise provided by the conditions of this determination and/or marked in red.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 6.6 of the Act.

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

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

5. The applicant shall consult with, as required:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) A local telecommunications carrier

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

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

Demolition

7. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

8. Permission is granted for the demolition of the existing structures on the property, subject to strict compliance with the following:-

- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
- b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.

- d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under Holroyd DCP 2013 Part A, Section 11.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and**

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

9. Payment of **\$470.00** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

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

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

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

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

Amended Plans

11. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - i. The rear alfresco area for Unit 2 shall be fitted with a privacy screen along the southern elevation at a minimum height of 1.5 metres above the finished floor level;
 - ii. A skylight shall be provided above the main living area of Unit 2 to maximise the solar access as shown in red; and
 - iii. Access steps into the private open space shall be provided as shown in red.

Payment of Bonds, Fees and Long Service Levy

12. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Section 7.11 Contribution

13. Prior to the issue of a Construction Certificate, 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 one (1) additional dwelling is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$12,127**. 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

14. A cash bond/bank guarantee of **\$2,780.00** 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' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the

course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fees and Bonds

16. Payment of a **\$334.00** 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.
17. The following bond/s shall be lodged with Council prior to works commencing against the retention, protection during demolition/construction and adaptation to the altered environment, of the following tree/s identified on the endorsed plans:-

Tree No & Species	Bond
1 Crepe Myrtle	\$1,000

The bond/s will be retained for a minimum period of twelve (12) months from the date of issue of a Final Occupation Certificate after which a further inspection will be undertaken by the PCA to ensure the satisfactory adaptation of the tree/s to its/their altered environment.

The bond/s will be retained pending final inspection being obtained from Council in relation to the trees and the demolition/construction works.

If Council is not the PCA, a report on the health and condition of the tree/s, from the Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted, is to be submitted to Council at the completion of works and expiry of the bond period prior to the release of bond/s. If the report indicates that the tree/s 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.

If the trees are not retained, protected or managed to Council's or the PCA's satisfaction, bond monies will be forfeited at the following rates unless remedial works are implemented:-

- (a) An initial breach of any tree protection condition – 20% of total bond for particular tree/s.
- (b) A second or the continuing breach of any tree protection condition - 40% of total bond for particular tree/s.

- (c) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, Council may instigate legal proceedings for the cessation of all works on the site.
- (d) Death of any protected tree/s due to non-compliance with tree protection conditions – 100% of total bond for particular tree/s and possible legal action by Council.

Note: Retention of bonds for twelve (12) months provides for the tree/s to adapt to its/their altered situation over a full cycle of seasons.

Engineering Fees and Bonds

- 18. Payment of a **\$609** fee for the inspection by Council of the stormwater drainage and Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.
- 19. The applicant shall lodge with Council a **\$1,500** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
- 20. The applicant shall lodge with Council a **\$1,500** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
- 21. The applicant shall lodge with Council a **\$6,135** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

Road Works

- 22. 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 **\$196** 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.

Sight Distance

- 23. 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. Details shall be shown on the drawings.

On-site detention

24. The development has been identified as requiring an on-site storm water detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2018-164 and council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:
 - i. Existing overland flow up to the 1% AEP storm event that enter the site via the northern most boundary shall be accepted at the upstream boundary, within the site, and conveyed through the site.
 - ii. The Plan and Sections of the OSDs as shown in Sheet No S1 and S2 doesn't correspond. Discharge and conveyance of stormwater from orifices hasn't been shown on the plan. A revised plan rectifying the issue shall be submitted to Council.
 - iii. The down-pipes shall be clearly shown and annotated on the plan
 - iv. All pipe sizes and grades shall be annotated on the plan
 - v. A safety fence or an equivalent barrier shall be provided where there is a vertical drop of greater than 500mm from a walkway into an above ground basin area
 - vi. Sub-soil drainage shall be indicated within all above ground detention basins located in landscaped areas. (Note: - Subsoil drainage shall connect to the collection pits of the detention basin)
 - vii. All mulch to landscaped areas of the above ground basin shall be non-floatable (ie rock/gravel or similar).
 - viii. Amendments in red on the OSD drawing

Required Submissions to Certifying Authority

25. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
26. Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
27. 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 submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
28. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Salinity

29. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

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

“Building in Saline Environment” prepared by DIPNR 2003.

Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”

Wagga Wagga City Council’s “Urban Salinity Action” October 1999

“Guide to Residential Slabs and Footings in Saline Environments” prepared by Cement Concrete and Aggregates Australia, May 2005.

Sydney Water

30. 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 certifying authority, prior to the issue of a construction certificate.

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

PRIOR TO DEMOLITION /WORKS COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

31. The person having the benefit of the development consent, not the principal contractor (builder), must:
- a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

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

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

Notification of Principal Contractor (Builder)/Owner-Builder

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

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

Photographic Record of Council Property – Damage Deposit

33. 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.

Required Submissions to Council or the Principal Certifying Authority

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

Notification to Relevant Public Authority

35. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the subject site 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.

Fencing of Sites

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

Signs to be Erected on Sites

37. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
 - (c) Stating that unauthorised entry to the work site is prohibited.

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

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

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

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

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

Protection of Public Places

39. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

40. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd's "Erosion & Sediment Control Policy."

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Footpaving, Kerbing and Guttering

41. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
42. 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

43. If an excavation associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
 - a) Must preserve and protect the building from damage, and
 - b) If necessary, must underpin and support the building in an approved manner, and
 - c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

Toilet Facilities

44. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) Must be a standard flushing toilet, and
- b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

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

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

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

Tree Protection

46. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with *AS4970-2009 'Protection of trees on development sites'* 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 Principal 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/transplanted. 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.
47. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

Note: Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.

Roadworks

48. 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 the relevant fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
49. 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

50. 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.
51. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
52. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

53. 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

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

Hours of Work & Display of Council Supplied Sign

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

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

Site Control

56. 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.
57. 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.
58. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

59. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;
- OR
- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

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

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

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

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

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

Waste Management Plan

- 60. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

- 61. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

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

- 62. Section 6.5 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

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

Construction

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

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

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

Landscaping/Site Works

65. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
66. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within the side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.

Tree Protection

67. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with AS4970-2009 'Protection of trees on development sites' and relevant conditions of this Consent.
68. 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 and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

69. 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.

70. No works are to occur within the fenced tree protection zone. 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.

Inspection of On Site Detention Works

71. 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.

Road Works and Footpaving

72. 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".
73. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Underground Cabling

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

Underground Power Connection

75. 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.

Rainwater Tank

76. The design of any aboveground rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. The tank(s) must not exceed 2.4 metres in height above ground level, including any stand for the tank(s).

Vehicle Cleansing

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

Importation of Fill

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

Additional Information during Demolition/ Construction

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

PRIOR TO ISSUE OF A FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:

Certificates/Documentary Evidence

80. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.

Sydney Water

81. 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 Principal Certifying Authority prior to the issue of a final occupation certificate.

82. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Landscaping/Tree Protection

83. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

Fencing

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

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

85. A copy of the as approved stormwater drainage and On Site Detention plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

86. A certificate of compliance in accordance with Council's standards and specifications for stormwater and On Site Detention plan shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
87. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.

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

88. 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.

WAE OSD Calculation

89. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.

OSD Sign

90. 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.
91. An On-site Stormwater Detention plate shall be installed within the detention basin. 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

Parking/Driveway

92. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

Road Works

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

94. A full width **medium** duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of **5.5 metres** and a minimum width of **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.
95. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Wainwright Street, Guildford. 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.
96. The reconstruction of cracked and/or damaged concrete kerb and gutter and any associated works along all areas of the site frontage. 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.
97. 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.
98. A certificate of compliance for the construction of the vehicular crossing/s, footpath paving, kerb and guttering, roadworks and stormwater drainage shall be obtained from Council and be submitted to the Principal Certifying Authority.
99. The applicant shall obtain a letter from the downstream property owner upon completion of the stormwater connection into Council's pipe system stating that the restoration of his/her property is satisfactory.

House/Street Number

100. A house/street number must be displayed on all newly developed properties

The unit /dwelling numbers are as follows:

- Proposed Lot 1: 9A Wainwright Street; and
- Proposed Lot 2: 9 Wainwright Street.

General

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

PRIOR TO RELEASE OF LINEN PLAN

The following conditions are to be complied with prior to the Release of the Linen Plan:

Linen Plan

102. The linen plans for the subdivision when lodged for final approval must be accompanied by four (4) copies and linen plan release fee of **\$200.90**.

88B Instrument

103. As per condition 87 of this Development Consent a restriction on the use of the land and a positive Covenant are to be created for the protection and ongoing maintenance of the On Site Detention. The Section 88B instrument required is to be created in association with the subdivision and is to be in accordance with Cumberland Council's standard wording. The instrument should also be used to create any Right of Carriageway and easement required. Provision is to be made for the General Manager of the Council or his/her designate to sign the document and it is to be appropriately noted on the linen plan of strata subdivision.

Public Utilities

104. The Principal Certifying Authority is to be provided with a current Section 73 Certificate for the property from Sydney Water.
105. Public utility services (including water, sewer, electricity and telephone) shall be provided and any easements necessary created to the satisfaction of the relevant servicing authorities.

Evidence of such is to be submitted prior to release of the linen plan of subdivision.

Easements

106. A drainage easement is to be created in favour of Lot 1 and burdening Lot 2 of the development. This must be indicated on the linen plan. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.
107. A reciprocal easement for support over proposed Unit/Lot 1 and proposed Unit/Lot 2 shall be created and submitted to the Principal Certifying Authority prior to the release of the subdivision certificate.

General

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

CONDITIONS RELATING TO USE

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

Safety and Amenity

109. 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.

Noise

110. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.
111. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
112. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

General

113. All privacy measures as required by this development consent shall be maintained for the lifetime of the development and shall not be altered without prior approval of Council.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
 - (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.
- C. 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.
- D. 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 six (6) months of the date of determination, or as otherwise prescribed.
- E. Section 8.3 of the Act provides that an applicant may request, within six (6) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.3 Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

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. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- H. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

I. DEMOLITION

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

J. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

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

K. 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.

L. 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.

M. TERMITE PROTECTION

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

N. WET AREAS

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

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

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

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

O. 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.

P. SOUND TRANSMISSION AND INSULATION

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

Q. GLAZING CERTIFICATION

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

R. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

S. 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



Jai Shankar
TEAM LEADER – DEVELOPMENT ADVISORY SERVICES



DOCUMENTS
ASSOCIATED WITH
REPORT LPP077/19

Attachment 5

Minutes of Cumberland Local
Planning Panel meeting 28
November 2018

Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 28 November 2018.

PRESENT:

Stuart McDonald (Chairperson), David Ryan, Brian Kirk and Bruce Simpson.

IN ATTENDANCE:

Adan Davis, Karl Okorn, Nighat Aamir, Jai Shankar, Esra Calim, Elif Haliloglu, Olivia Shields, Laith Jammal and Somer Ammar.

NOTICE OF RECORDING OF CUMBERLAND LOCAL PLANNING PANEL MEETING

The Chairperson advised that the Cumberland Local Planning meeting was being recorded and will be made available on Council's website in due course. Members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:30a.m.

DECLARATIONS OF INTEREST:

There were two declarations of interest;

1. Mr Stuart McDonald, Chairperson, declared an interest in Item LPP061/18 as the architect for the development application is known to him and his firm is working on a separate and unrelated development application with the firm which Mr McDonald works for. As a result there is a reasonably perceived conflict of interest and Mr McDonald will not take part in the discussion or determination of this matter. The Panel have concurred and advised that Mr David Ryan will Chair this portion of the meeting and Mr Stuart McDonald exited Council Chambers at 11:38a.m during the registered speakers section of the open session.
2. Mr Bruce Simpson, Community Representative, declared an interest in Item LPP062/18 as the part owner of the subject site is a Councillor and noting his participation on the Panel is nominated by Council, there may be a perceived conflict.

ADDRESS BY INVITED SPEAKERS:

The following persons had made application to address the Cumberland Local Planning Panel meeting:

<u>Speakers</u>	<u>Item No. Subject</u>
Mr Jonathon Wood	DA for 469 Guildford Road, Guildford

Mr Simon Hanson

DA for 469 Guildford Road, Guildford

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel and no further persons presented themselves.

The open session of the meeting here closed at 11:57a.m.

The closed session of the meeting here opened at 11:58a.m.

ITEM EELPP061/18 - DEVELOPMENT APPLICATION FOR 469 GUILDFORD ROAD, GUILDFORD

RESOLVED:

- 1. That Development Application No. 2018/5/1 proposing the demolition of existing structures and construction of a two storey, 11 room boarding house accommodating 19 lodgers, 6 cars and 3 motorcycle parking spaces under Affordable Rental Housing SEPP 2009 be approved subject to the conditions provided at Attachment 1 as amended by the Panel.**
 - 2. Condition 13 to be amended as follows:**
13. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
- i) The first floor rear balconies of units 9, 10 and 11 shall be reduced to a maximum depth of 600mm (as amended in red on the approved plans). Balustrades to be obscure glass to a height of 1.5m.
 - ii) An entry door is to be provided to both lobby areas. The door is to be provided for access control to the building. The stair access to the upper level will need to be altered to provide suitable landing areas at the base of the stairs (as amended in red on the approved plans).
 - iii) The private open space within the front setback shall be enclosed with privacy fencing to form a total height of 1.5m.
 - iv) The proposed driveway on Chetwynd Road shall be widened towards the southern side to 5.5m to allow for two-way traffic flow. The driveway shall provide a setback of 1m from the pedestrian footpath (as amended in red on the approved plans).
 - v) The area between two columns in the north western corner of the ground floor of the building is to be infilled with "hit and miss" brickwork with bricks to match other brickwork used in the building.
 - vi) The two motorcycle parking spaces at the north eastern corner of the site shall be setback further from the northern property boundary (as amended in red on the approved plans). The location must not affect compliance of the disabled parking space.
 - vii) All plans including architectural, stormwater and landscape plans shall be amended to reflect the amended design.

3. Condition 48 to be amended as follows:

Boarding House - Plan of Management

A revised Operational Plan of Management is to be submitted to Council for approval prior to the issue of a Construction Certificate. The Plan of Management shall reflect the correct number of rooms and lodgers in accordance with the endorsed architectural plans.

The Plan of Management must include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

The plan shall be dated and the name and signature of the author of the document shall be included.

This Operational Plan of Management must incorporate the following but not be limited to:

- (a) All the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, drug and alcohol policy (including smoking), and use of communal areas etc; and
- (b) All the responsibilities of the Caretaker/Manager; and
- (c) An Incident Register shall be maintained by the Caretaker. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately; and
- (d) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc can be addressed promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate and commencement of the use.
- (e) The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of the issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the boarding house shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (3) above. Should amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

4. Condition 133 to be amended as follows:**Registration and Caretaker**

Prior to the issuing of an Occupation Certificate, Council must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

5. Condition 137 to be amended as follows:

Prior to the issue of any Occupation Certificate a Business Registration Form must be completed and submitted to Council. This form is available online at www.cumberland.nsw.gov.au. In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

Note: Council will conduct an initial compliance investigation and inspection of the premises within 12 months of its registration.

For: David Ryan (Chairperson), Brian Kirk and Bruce Simpson.

Against: Nil.

Reasons for Decision:

1. Mr Simpson supports the decision with the exception of condition 13 (iv). Mr Simpson considers widening the driveway is unnecessary and undesirable given the small quantum of onsite parking and as widening will increase vehicle speeds across the footway, reduce local residential amenity, including reducing kerb side parking, pedestrian safety, landscaped area in the street and on the site; and creating unnecessary hard paving and storm water runoff.
2. Otherwise the Panel generally concurs with the Planning Officer's report and is satisfied with the recommended conditions as amended by the Panel.
3. We note that the development generally complies with the relevant State and local environmental planning instruments and Council's planning controls.

ITEM EELPP062/18 - DEVELOPMENT APPLICATION FOR 9 WAINWRIGHT STREET, GUILDFORD

RESOLVED:

1. That Development Application No. 2018/396/1 for the demolition of existing structures; construction of an attached 2 storey dual occupancy with Torrens title subdivision into 2 lots on land at 9 Wainwright Street, Guildford be approved subject to the conditions in Attachment 1.

For: Stuart McDonald (Chairperson), David Ryan, Brian Kirk and Bruce Simpson.

Against: Nil

Reasons for Decision:

1. The Panel generally concurs with the Planning officer's report and is satisfied with the recommended conditions.
2. We note that the development generally complies with council's planning controls and is consistent with the zoning and zone objectives.
3. The Panel notes there were no public submissions.

The closed session of the meeting here closed at 1:27p.m.

The open session of the meeting here opened at 1:28p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 1:34p.m.

Signed:



Stuart McDonald
Chairperson