



Camden Council

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**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION No.
525/2018**

**Issued under Section 4.16 (1) (a) and 4.18 of the
Environmental Planning and Assessment Act, 1979
(For privacy reasons, the applicant's details only appear in the notice)**

LAND TO BE DEVELOPED:	96 Firewheel Circuit GREGORY HILLS LOT: 971 DP: 1218916
PROPOSED DEVELOPMENT:	Construction of 2 x 2 storey dwellings and torrens title subdivision and associated site works

DETERMINATION: Consent granted subject to conditions described below.

DATE FROM WHICH THE CONSENT OPERATES: 06/07/2018

DATE THE CONSENT EXPIRES: 06/07/2023
(unless works commenced)

DATE OF THIS DECISION: 06/07/2018

INFORMATION ATTACHED TO THIS DECISION:

- Advice listed in Attachment A.
- Construction Certificate advice listed in Attachment B.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the development consent conditions set out below:

- Construction of 2 x 2 storey dwellings and torrens title subdivision and associated site works

Details of Conditions:

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Drawing No: A101 Rev: B	Site Plan	Design Intervene	19/06/2018
Drawing No: A102 Rev: B	Ground Floor Plan		
Drawing No: A103 Rev: B	First Floor Plan		
Drawing No: A105 Rev: B	Subdivision Plan		
Drawing No: A201 Rev: B	West and East Elevation		
Drawing No: A202 Rev: B	North Elevation Unit 2 and South Elevation Unit 1		
Drawing No: A203 Rev: B	North Elevation Unit 1 and South Elevation Unit 2		
Drawing No: A204 Rev: B	Section A-A		
Drawing No:	Concept Storm		

A304 Rev: B	Water Plan		
Drawing No: LP 01/01 Issue: R01	Concept Landscape Plan		05/01/2018

Document Title	Prepared by	Date
BASIX Certificate No: 923655S	Minh Duy Nguyen	30/04/2018
BASIX Certificate No: 923677S	Minh Duy Nguyen	30/04/2018
Waste Management Plan	Design Intervene Pty Ltd	May 2018

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with 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 carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until

such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or

to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.

- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be provided to the PCA prior to the excavation commencing.

- (7) **Boundary Fencing** – All boundary fencing (including front boundary fencing) is to be in accordance with the Turner Road DCP or the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any

property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

(3) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:

- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

(4) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Investigation and Management Plan Proposed Residential Subdivision 19 Gregory Hills, Project 40741.89-2 dated April 2013 prepared by Douglas Partners.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Engineering Specifications, shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

(5) **Section 7.11 Contributions – Monetary (Turner Road and Oran Park)** - A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Oran Park	Open Space & Recreation - Land	\$19,892	\$19,892.00

& Turner Road	Acquisition	per dwelling	
Oran Park & Turner Road	Open Space & Recreation Works -	\$8,095 per dwelling	\$8,095.00
Oran Park & Turner Road	Open Space & Recreation Project Management -	\$178 per dwelling	\$178.00
Oran Park & Turner Road	Community Facilities - Land Acquisition	\$226 per dwelling	\$226.00
Oran Park & Turner Road	Community Facilities - Works	\$1,574 per dwelling	\$1,574.00
Oran Park & Turner Road	Community Facilities - Project Management	\$35 per dwelling	\$35.00
TOTAL CASH CONTRIBUTIONS			\$30,000.00

A copy of the Oran Park and Turner Road Precincts Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (6) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 7.23 of that EP&A Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning and Environment (DPE).

Evidence of payment of the SIC shall be provided to Council and the Certifying Authority.

Alternatively, the applicant must obtain written confirmation from DPE that the SIC is not required to be paid for the approved development.

- (7) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are

required to be satisfied prior to the work commencing have been satisfied;
and

- f) the date on which the work is intended to commence.

(3) **Construction Certificate Required** - In accordance with the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Certifying Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

(5) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the PCA.

(6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with

'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- c) retaining walls shall not be erected within drainage easements; and
- d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

(5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

(6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.

(7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.

(8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

- (9) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Registration of Land** - Documentary evidence shall be provided to the PCA confirming registration of the subject allotment with NSW Land Registry Services.
- (4) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (5) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (6) **House Numbering** – The dwellings on the site (existing and approved, primary and secondary) must be readily identifiable from the street by displaying their Council allocated house numbers. The allocated house numbers will be in accordance with the current Geographical Names Board of NSW Address Policy. E-mail Council at lis.mailbox@camden.nsw.gov.au to obtain the allocated house numbers. Any alternative numbering of the dwellings is not permitted.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.

7.0 - Prior to Issue of a Subdivision Certificate

The following conditions of consent shall be complied with prior to the issue of a Subdivision Certificate.

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots To Be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the PCA.
- (5) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the PCA, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (6) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
- b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
- c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(7) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the Principal Certifying Authority demonstrating that satisfactory arrangements have been made for:

- a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
- b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the Certifying Authority.

(9) **Section 94 Contributions** – Prior to the issue of the Subdivision Certificate evidence of contribution payment pursuant to the provisions of Section 94 of the EP&A Act 1979 for the services and amounts detailed in Condition 2 (5) & (6) of this consent must be provided to the Principal Certifying Authority (PCA).

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the Building Code of Australia and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and 7.11 contributions plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advice Note(s):

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Services** - All services within a subdivision should be underground. The registered proprietor of the land is responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

It is noted that prior to building occupation and use all buildings shall be connected to reticulated water and sewer.

- (3) **Council shall be nominated as PCA for subdivision works** - Under the *EP&A Act 1979*, Council shall be nominated as the PCA for subdivision work and has the option of undertaking inspection of physical construction works.
- (4) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:

- a) Insulation installation certificates;
- b) Termite management system installation certificates;
- c) Smoke alarm installation certificate from installing licensed electrician;
- d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
- e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
- f) All certificates or information relating to BASIX compliance for the development;
- g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
- h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
- i) All certificates relating to salinity, as required by conditions of the Development Consent; and
- j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(5) Works in the Public Road Reserve:

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;

- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (6) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of

public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (7) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the NSW Land and Environment Court under Section 8.7 of the *Environmental Planning and Assessment Act 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Determination Review

The applicant may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

SIGNED on behalf of
Camden Council

A handwritten signature in black ink, appearing to be "M. Prior".

Miss M Prior
Town Planner
(Planning and Environmental Services)

ATTACHMENT A - Advice

The following matters are included as advice as relevant to this determination.

- (1) **Review of Determination** – Part 8, Division 8.2A of the *Environmental Planning and Assessment Act, 1979* provides that the applicant may request a review of this determination within 6 months of the date of the determination, following the payment of the prescribed fee.
- (2) **Offences** - Section 9.50 of the *Environmental Planning and Assessment Act, 1979* provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
- (3) **Penalties** - Section 9.50 of the *Environmental Planning and Assessment Act, 1979* provides that any person guilty of an offence against this Act shall, for every such offence, be liable to penalties as stated in this section.
- (4) **Contributions** - The contributions (if required) under Section 7.11 of the *Environmental Planning and Assessment Act, 1979* are set out in the stated Contributions Plans which can be viewed at Camden Council's Customer Service counter during normal business hours.
- (5) **Tree Preservation** – This consent does not authorise any tree removal unless specifically shown on approved plans and referred to in this development consent. All trees are protected in all areas of Camden. Separate consent is required for any proposal affecting existing trees and native vegetation. Any person who contravenes or causes or permits the removal of a tree/s without consent shall be guilty of an offence and liable to penalty as stated in this advice.
- (6) **Utilities and Authorities** – Damage to major underground utilities can be avoided by calling the 'Dial Before You Dig Service' on 1100. Individuals and companies may be found to be financially liable for any damage caused to major utilities.

Applicants may also be required to liaise with appropriate authorities and utility providers. These authorities and utility providers may include:

- a) Endeavour Energy
 - b) Sydney Water
 - c) A telecommunications provider
 - d) Other energy suppliers/authorities
 - e) Australia Post
 - f) WorkCover Authority
 - g) Other relevant State and Federal government departments
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- (7) **Telecommunications Infrastructure** – 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. Any works or proposed works which may impact upon Telstra Assets in any way are required to be reported to Telstra's Network Integrity Team on Phone Number 1800 810 443.

ATTACHMENT B – Construction Certificate Advice

- (1) **Construction Certificate Required** – Where building or subdivision works are proposed, this consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been issued.
- (1) **Building Code of Australia** – All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (2) **Residential Building Work** – Building work that involves residential building work (within the meaning of the *Home Building Act, 1989*) must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates:
 - (i) in the case of work to be done by a licensee under that Act:
 - has been informed in writing of the licensee's name and contractor licence number, and
 - is satisfied that the licensee has complied with the requirements of the *Home Building Act, 1989*, or
 - (ii) in the case of work to be done by any other person:
 - has been informed in writing of the person's name and owner-builder permit number, or
 - has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (4) **Long Service Levy** – Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Service Payments Corporation.

The rate of the Long Service Levy at the time of consent is 0.35% of the value of works. Payment is not required where the value of the works is less than \$25,000. For works over \$25,000, a fee is required at the prescribed rate. The levy rate and level at which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply and is based on the building construction works identified in the Construction Certificate.