



# Ashfield Council

Contact: Daisy Younan  
Phone: 9716 1800

19 October 2009

ASHFIELD MUNICIPAL COUNCIL  
260 LIVERPOOL ROAD  
ASHFIELD NSW 2131

Dear Sir/Madam

**Section 96 Amendment to Development Consent 10.2008.128  
Property – 260 Liverpool Road, Ashfield**

Reference is made to your application to amend Development Consent No. 10.2008.128 granted by Council, as the responsible authority.

Arising from consideration of your application, it has been decided, pursuant to Section 96 of the Environmental Planning and Assessment Act, to modify Consent No. 10.2008.128 as follows:

*Condition A(1) Amended as follows:*

*The development must be carried out only in accordance with the plans and specifications set out on drawing numbers A02A, A03A, A04A, A05A, A06A, A07A, A09A and A11A prepared by Br wster Hjorth Architects and date stamped by Council 31 August 2009 and any supporting documentation received with the application, except as amended by the conditions specified hereunder.*

*That it is those modifications and only those modifications highlighted on the plans identified in Condition A(1)(a) that form the Section 96(2) amendment known as 10.2008.128.3*

You are advised that under the provisions of the Environmental Planning and Assessment Act 1979, you have the right of appeal against any or all of the conditions imposed by Council.

A copy of the consent, as amended, is attached.

Date of Section 96 amendment: 13 October 2009

Yours faithfully

**Daisy Younan**  
for Director Planning and Environment



**S96 AMENDMENT OF 13 OCTOBER 2009 TO  
DEVELOPMENT CONSENT 2008.128**

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
ASHFIELD LOCAL ENVIRONMENTAL PLAN, 1985, AS AMENDED  
(SECTION 81(1)(A))

**Ashfield Council**

Consent No. 10.2008.128.3  
Date of Determination 22 July 2008  
Lapse Date: 21 July 2013

**APPLICANT:**

**ASHFIELD MUNICIPAL COUNCIL  
260 LIVERPOOL ROAD  
ASHFIELD NSW 2131**

**PREMISES: 260 LIVERPOOL ROAD, ASHFIELD  
LOT: 1 DP: 215739  
LOT: 101 DP: 734467**

**BUILDING CLASSIFICATION: Class 9b**

**APPROVAL:**

The Council of the Municipality of Ashfield, as the responsible authority, hereby consents to:

**Alterations and additions to Council Civic Centre and administration buildings, including expanded library, community meeting rooms, customer service centre, administration offices, retail/commercial tenancy and landscaped plaza at 258 - 260 Liverpool Road, Ashfield.**

**CONDITIONS:**

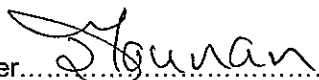
**A General Conditions**

**(1) Approved Plans stamped by Council**

- (a) The development must be carried out only in accordance with the plans and specifications set out on drawing numbers A02A, A03A, A04A, A05A, A06A, A07A, A09A and A11A prepared by Brewster Hjorth Architects and date stamped by Council 31 August 2009 and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

That it is those modifications and only those modifications highlighted on the plans identified in Condition A(1)(a) that form the Section 96(2) amendment known as 10.2008.128.3

**Condition A(1) Amended 13 October 2009**

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**(2) No approval Granted for signage**

No consent is granted or implied for signage on the site as part of this application.

**(3) Separate tenancy application required for retail use**

A separate tenancy application is required for the use of the retail unit that forms part of this consent.

**B Design Changes****(4) Amended plans to be submitted**

Amended plans incorporating the following are to be submitted with the application for a construction certificate.

Five spaces for bicycles provided within the basement area for staff. Existing bicycle spaces outside the existing civic centre building are to be shown relocated to within the new plaza area.

**C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate****(5) Waste Management Plan**

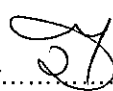
Prior to the commencement of work, the applicant shall prepare and submit a final Waste Management Plan in accordance with the provisions of Ashfield Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

**(6) Construction and Site Management Plan**

Prior to the commencement of work, the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,

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- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- ♦ pump concrete from within a public road reserve or laneway, or
- ♦ stand a mobile crane within the public road reserve or laneway, or
- ♦ use part of Council's road/footpath area,
- ♦ pump stormwater from the site to Council's stormwater drains, or
- ♦ store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

**(7) Erosion & sedimentation control-management plan**

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environment Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer  
 Environment Protection Authority  
 Inner Sydney Region  
 Locked Bag 1502  
 BANKSTOWN NSW 2200

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**(8) Damage deposit/footpath, road, kerb and gutter**

A Damage Deposit of **\$24,000** is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

**Bank Guarantees** are accepted in lieu of any Council security deposit/bond subject to the following:

- ♦ A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.
- ♦ Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.
- ♦ Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.
- ♦ At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

**(9) Long service levy**

Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979*; payment of the long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy). - All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35% X \$10,300,000 = \$43,000.

**(10) Redundant crossing removal fee**

Council will need to remove any redundant crossings and replace with kerbing and other ancillary works where necessary. Contact Council on 9716 1983 and you will be advised as to the estimate of cost of this work. **Note: Cost of this work to be borne by the applicant.**

**(11) Water conservation**

Water saving devices must be fitted to all showers and dual flush cisterns installed within all WC/sanitary facilities provided throughout the development to reduce ongoing water consumption. Documentation to be shown on the plans to be provided with the Construction Certificate

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**(12) Energy efficiency**

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Contact the Sustainable Energy Development Authority, telephone 9291 5260 for general design and construction information relating to energy efficiency. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate

**(13) Ventilation**

To ensure that adequate provision is made for ventilation of the new building works, all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) *Building Code of Australia.*
- (b) AS 1668.1 - 1998.
- (c) AS 1668.2 - 1991.
- (d) *Public Health Amendment Regulation 2003*
- (e) *Public Health Act 1991*
- (f) Work Cover Authority.
- (g) AS/NZS 3666.1 - 2002.

Evidence from an appropriately qualified person certifying that these design requirements have been met shall accompany the application for the Construction Certificate.

**(14) Stormwater disposal-calculations**

Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code and submitted to, and approved by, Council prior to the release of the Construction Certificate.

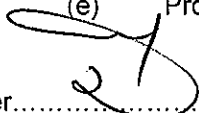
**(15) Consolidation of allotments prior to subdivision - evidence**

The existing allotments known as Lot 101 DP 734467 & Lot 1 DP215739 are to be consolidated into one allotment. A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the *Department of Lands (Land and Property Information)* (Department of Information and Land Management). Evidence of registration of the Consolidation Plan with the *Department of Lands (Land and Property Information)* is to be submitted to Council prior to the release of the Subdivision Certificate.

**(16) Access**

In accordance with the recommendations of the Access Australia Consultants Jun 2008 the proposal must ensure compliance with the following:

- (a) All aspects of the new building work to comply with the BCA, Australian Standards including the AS1428 series and Council DCPs as applicable – and meet the intent of the DDA
- (b) Comply with all specific access recommendations as set out in AA Access Report – June 2008
- (c) Provide accessible paths of travel to and within all areas of the project, including accessible links to adjacent streets, frontages and community facilities
- (d) Provide accessible paths of travel to and within the new plaza, Town Hall, foyers, Library, Council areas and Baby Health Centre with consistent signage and way finding
- (e) Provide gender specific accessible toilets or at least provide one accessible unisex

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- (f) toilets adjacent to gender Specific toilets on each level of the proposed development. In all proposed gender specific toilets, at least one PAD cubicle (to assist persons with ambulant disabilities) shall be provided to comply with AS1428.1

**(17) RTA referral requirement**

A construction Traffic management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council prior to the issue of a construction certificate.

**D Conditions that must be complied with before work commences**

**(18) Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

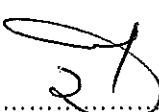
**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

**(19) Public Liability Insurance – Works on Council/public lands**

The applicant or any contractors carrying out approved works on public or Council controlled lands with consent shall have public liability insurance cover to the value of \$10,000,000 and shall provide proof of such cover prior to carrying out the works.

**(20) Erosion, dust, topsoil and sediment control**

Temporary measures shall be provided during construction e.g. Bunding, shade cloth to prevent dust leaving the site, sandbags and around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

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**(21) Crane permit**

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee of is payable for the permit. The approval of other authorities (e.g. Police Department, RTA) may be required for the use of a crane.

**(22) On site detention system - check survey**

Prior to the construction of an on-site detention system involving permanent construction work (e.g. construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for ground floor, car park or garages), a check survey from a registered surveyor must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

**(23) Dilapidation Reports**

A Dilapidation Report on the current structural condition of the existing buildings at Lot 100 DP 734467 (256 Liverpool Road) & Lot A DP 404055 (254 Liverpool Rd) must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

**(24) Support for neighbouring buildings and notice to adjoining owners**

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, 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 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 of the excavation to the owner of the building being erected or demolished.
- (2) 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.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

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**(25) Sydney Water Approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

**(26) Structural engineer's details**

To ensure compliance with the provision of Section B of the *Building Code of Australia* structural engineer's details of all structural elements shall be submitted to the Principal Certifying Authority prior to commencement of work, including:

- (i) pier and beam footings;
- (ii) reinforced concrete slabs;
- (iii) stairs, including patio steps;
- (iv) retaining walls
- (v) all structural timber including floors, walls and roof; and
- (vi) all structural steel.

**(27) RTA referral requirement**

The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.


**E Conditions that must be complied with during construction or demolition****(28) Building materials - storage/placement on footpath/roadway - Council Approval**

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

**(29) Signs to be erected on building and demolition sites**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished,

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**(30) Demolition/excavation/construction – hours of work**

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00am to 6.00pm, Monday to Saturday inclusive. Work is prohibited on Sundays, and on public holidays.

**(31) Materials and colour schemes**

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

**(32) Engineering staff to inspect roadworks/drainage**

An inspection by Council's authorised representative will be required for (kerb/gutter/crossing/etc) at the following stages:

- (i) after excavation
- (ii) after the erection of formwork and placement of reinforcement and prior to pouring of concrete
- (iii) after placement of road base course
- (iv) after completion of any pits
- (v) after pipes have been laid and prior to backfilling
- (vi) on completion of the works

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

**(33) Footpath, kerb and gutter protection**

In order to protect any State Survey Marks, any sandstone kerb and gutter, or any other items considered to have Heritage value, and to keep the area safe for pedestrians, the vehicular access across the kerb, gutter and footpath is to have timber protection so that heavy vehicles driving over this timber crossover protection do not damage the footpath and/or kerb and gutter.

**(34) Finished ground levels at property boundary**

Finished ground surface levels shall match existing levels at the property boundary.

**(35) Traffic control on public roads**

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

**(36) Spoil and building materials on road and footpath**

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

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**(37) Stormwater runoff-collection/discharge**

Stormwater runoff from all roof and paved surfaces shall be collected and discharge by means of a gravity pipe system to the nearest appropriate Council drainage line

**(38) RTA referral requirement**

- (a) All vehicles are to enter and leave the site in a forward direction
- (b) All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA
- (c) Car parking provision to Council's Satisfaction

**F Conditions that must be complied with prior to installation of services**

No relevant conditions

**G Conditions that must be complied with before the building is occupied**

**(39) Engineering conditions to be satisfied prior to issue of occupation certificate**

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a) *Work-As-Executed Plans*

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size (if used)
- trash screen at orifice

(b) *Engineer's Certificate*

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- \* the soundness of the storage structure;
- \* capacity of the detention storage;
- \* the emergency overflow system being in place;
- \* works being constructed in accordance with the Council approved plans; and
- \* the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's *Stormwater Management Code*.

**(40) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been issued for the class 2-9 buildings, or a completion inspection, has been satisfactorily carried out for class 1&10 structures.

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**H Conditions that are ongoing requirements of development consents****(41) Hours of operation**

The hours of operation are limited to the following:

Administration offices (public hours): 8.30am – 5.00pm Mon/Fri;

Library: 9am – 7pm Mon/Fri, 9-4 Sat, 12-4 Sunday;

Town Hall and Council Chambers 9am – 11pm (can vary depending on the function).

**(42) Access**

Provide and maintain an access program during construction, including accessible paths of travel, consistent signage and way finding.

**I Advisory Notes****(1) Modifications to your consent – Prior approval required**

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

**(2) Compliance with the Disability Discrimination Act – Liability**

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises is advised that under the *Disability Discrimination Act 1992*, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 - Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the *Disability Discrimination Act 1992*.

**(3) Registration of Cooling Towers**

Cooling towers are to be registered with Council's Planning and Environment Department. Maintenance and operating procedures must be provided for the units with registration.

**(4) Road Occupancy License**

Please note that the use or occupation of the footway or roadway (e.g. footpath/driveway, kerb and gutter etc) would require a Roads and Traffic Authority (RTA) Road Occupancy License on a State Road. The applicant is required to make necessary application and obtain approval through the Traffic Management Centre of the RTA on 8396 1584.

**(5) Restoration costs**

Restoration of the Road and Traffic Authority's (RTA) assets must be carried out at no expense to the RTA.

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**(6) Work on or close to shared boundaries**

Building work on or near common boundaries may be a sensitive matter for property owners and can often end in an unsatisfactory relationship between the parties. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act 1991* that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

It is strongly recommended that a formal written agreement be arranged between the parties prior to the commencement of any building works, in particular with respect to the erection of any new fences. Such an agreement can assist in the works being completed amicably and with a minimum of inconvenience to all concerned. Where the matters of concern involve costs, contractual agreements, compensation or other private issues both parties may wish to seek their own legal advice to protect their respective interests.

**Reason for the imposition of conditions**

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

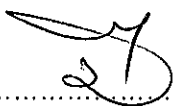
**Compliance with Building Code of Australia**

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

**NOTES**

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 78A of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

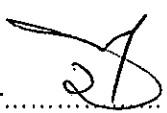
Ask Council if you are unsure of what procedures you need to follow.

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**SECTIONS 82A, 97 AND 95 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

You are advised that:

- Under the provisions of Section 82A of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within 12 months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
- Under the provisions of Section 95 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.

Per.....  
  
**Director Planning and Environment**