

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 60.1/2013

JOINT REGIONAL PLANNING PANEL NO. 2013SYW072

PROPERTY:

Lot 14, DP 70578, No. 144 Wallgrove Road, Cecil Park

Lot 6, DP 1021711, No. 73 Redmayne Road, Horsley Park

Lot 7, DP 1021711, No. 54-64 Chandos Road, Horsley Park

Lot 19, DP 1022008, No. 372 Wallgrove Road, Horsley Park

DESCRIPTION OF DEVELOPMENT:

Crown Development application for the construction of three (3) single sided advertising billboard signs and one (1) double sided advertising billboard signs within the Western Sydney parklands adjacent to the M7 Motorway.

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved development plans:

- Architectural Plans (Visual/Landscape and Traffic Safety Assessment) as prepared by Architectus, dated January 2013, including the following plans:
 - Site 1 - Site Plan and Access, Plans and Sections, Visual Impact and Traffic Safety Summary.
 - Site 2 - Site Plan and Access, Plans and Sections, Visual Impact and Traffic Safety Summary.
 - Site 3 - Site Plan and Access, Plans and Sections, Visual Impact and Traffic Safety Summary (amended 16 July 2013)
 - Site 4 - Site Plan and Access, Plans and Sections, Visual Impact and Traffic Safety Summary.
- Structural Engineering Plans as prepared by Jones Nicholson, project no. 110715, sheet no. S013 and S023, issue 3, dated 9 November 2011.

except as modified in red by Council and/or any conditions of this consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

2. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment.

Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

3. Section 94A Levy Development Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$15,300**.

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

4. Sydney Water Consent

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents details – see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

5. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

6. Appointment of a Principal Certifying Authority

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

7. Notify Council of Intention to Commence Works

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

8. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with Chapter 3.1.7 of the Fairfield City Wide DCP 2006 shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

9. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

10. Interim / Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

11. Structural Certification

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate from a practising Structural Engineer shall be submitted to the Principal Certifying Authority certifying that the building has been erected in compliance with the approved structural drawings and relevant Australian Standards and is structurally adequate.

12. Adjustments to Public Utilities

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

13. Surveyor's Certificate of Location of Structures upon Completion

Prior to the issue of the Final Occupation Certificate, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the structures have been positioned in accordance with the approved plans. It shall show the boundaries of the allotment and the distances of the structures from the boundaries.

14. Environmental Reports Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- a. Flora and Fauna Assessment, dated November 2012, prepared by Total Earth Care.
- b. Statement of Environmental Effects dated January 2013 and Addendum to the Statement of Environmental Effects dated 16 July 2013, prepared by Architectus.

15. Building in Saline Environments

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

16. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

17. **Excavation and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

18. **Administration Fee for the Lodgement of Certificates**

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

19. **During Construction or Demolition**

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Except that,

Building works in a 4(a) zone may be carried out within the following hours:

2. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

20. **Critical Stage Inspections**

In accordance with Section 109E of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E (3) (d) Environmental Planning and Assessment Regulation 2000.

Note: A **\$600** on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

21. Schedule of Finishes

The advertising billboards are to be constructed and finished in the materials and colours approved by the development consent. All other building materials shall be compatible in type, colour and texture throughout the whole project.

22. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.

23. Advertising Conditions

- a. The advertising structures shall be limited to a maximum height of 14.4 metres (Site 1, 2 and 4) and 17.4 metres (Site 3).
- b. The maximum permitted advertising space for each sign shall be 85m² (4.5 metres high by 19 metres long).
- c. Advertisements shall not be electronic or contain flashing, moving or variable messages.
- d. Advertisements must not imitate a traffic control device or traffic directional sign.
- e. There shall be no display of advertisements that would result in a traffic hazard to motorists on the M7 Motorway. In this regard, advertising shall not contain messages that are distractive or otherwise inconsistent with road safety.
- f. The design and illumination of the signs shall be in accordance with AS/NZS 1906.1:2007, so as not to impact upon the amenity of the occupants of adjoining and nearby residential properties.

24. Unreasonable Noise and Vibration

The construction works, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to

Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

25. Tree Removal

Should the site works for the construction of the advertising structures result in the removal of any additional trees, compensatory plantings shall be provided at another location within the subject site at a rate of 5 new trees for every tree removed.

26. Cessation of Use

Upon the cessation of the use of the advertising structures, the advertising structures shall be removed from the site and the land rectified to its original condition.

27. Encroachments

The advertising structures shall not encroach (including overhangs and footings) onto the adjoining M7 Road corridor owned by NSW Roads and Maritime Services.