DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 283.1/2014

REMOVAL OF TREES AND THE CONSTRUCTION OF A SENIORS LIVING HOUSING DEVELOPMENT COMPRISING 27 UNITS (16X2 BEDROOM AND 11X1 BEDROOM) INCLUDING CAR PARKING FOR EIGHT (8) VEHICLES, ASSOCIATED LANDSCAPING AND SITE CONSOLIDATION INTO ONE (1) LOT

LOTS 75-80 DP 36377, NO. 2 NYORA AVENUE, SMITHFIELD

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved;

- Development plans as prepared by Barry Rush & Associates Pty Ltd, project number BG5AM;

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00	B	02.05.2014
01	-	08.01.2014
02	-	10.01.2014
03	D	31.03.2014
04	D	23.04.2014
05	A	08.01.2014
06	A	06.01.2014
07	B	31.03.2014
08	B	31.03.2014
09	A	07.01.2014
10	A	07.01.2014
11	B	10.01.2014
12	B	10.01.2014
13	A	10.01.2014
14	A	10.01.2014
15	A	10.01.2014
16	A	10.01.2014
17	A	10.01.2014

- Tree Protection Plan prepared by Earthscope Horticultural Services Drawing No. T12-04172 dated 19 November 2013;

- Landscape Plans prepared by RFA Landscape Architects, project number BG5AM, sheet 01 and 02 dated 21 November 2013;

- Stormwater Plans prepared by Wallis & Spratt Pty Ltd,

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2	6	08.08.2014
3	7	08.08.2014
4	7	08.08.2014

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

2. **Compliance with Plans and Conditions**

The following amendments shall be incorporated into the plans for the proposed development. Details of these amendments shall be submitted to and approved by Fairfield City Council prior to the issue of a Construction Certificate:

a) The finished floor level in Unit 1 shall be raised to be a minimum of 300mm freeboard above the level of the spillway in Tank 1 or the top water level in the swale, whichever is higher;
b) Overflows of the piped system are directed to the OSD tanks by surface flow path routes or where this is not possible, overflows of the piped system calculations modified to include overflows of the piped system in the bypass flow;
c) Landscaping within the swale shall be limited to turf only to retain its capacity and for future maintenance purposes.

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.

3. **Final Stormwater Drainage Plan**

The construction certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan.

The final plan shall be in accordance with the abovementioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage policy, Urban Area On Site Detention Handbook, AS 3500, conditions of this consent, and the following amendments:

a) The finished floor level in Unit 1 shall be raised to be a minimum of 300mm freeboard above the level of the spillway in Tank 1 or the top water level in the swale, whichever is higher;
b) Overflows of the piped system are directed to the OSD tanks by surface flow path routes or where this is not possible, overflows of the piped system calculations modified to include overflows of the piped system in the bypass flow;

c) Landscaping within the swale shall be limited to turf only to retain its capacity and for future maintenance purposes.

4. 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 **$60,660.**

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).

5. 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

6. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

a. Satisfactory arrangements have been made for the disposal of stormwater;

b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;

c. The piped drainage system has been designed to an Average Recurrence Interval of not less than 100 years.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.

b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

7. **On-site Detention Design Certificate**

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with:

a) Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:

i) To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;

ii) To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

Note: If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for on site detention, the following details will be required:

a. Full details, as per Council's On Site Detention Handbook, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.

b. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

8. **Construction Certificate (Engineering Approval)**

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifying Authority for the construction of drainage works external to the site and connection to the street gully pit in Marlborough Street, in accordance with approved plans and specifications at no cost to Council.

For the issue of Construction Certificate (Engineering Approval), five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

9. **Vehicular Crossing Application**

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a heavy duty crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

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.

10. **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.

11. **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.

12. **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.

13. **Kerb and Gutter Status Form**

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

14. **Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.11 of the Fairfield City Wide DCP 2013** 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.

15. **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.

16. **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.

17**. Registration of Final Plan of Subdivision**

Prior to the issue of the final Occupation Certificate, a copy of the final plan of subdivision, registered by Land and Property Information, creating the allotment, shall be submitted to the Principal Certifying Authority.

18**. Works on Adjacent Roads**

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.

b. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.

c. The developer shall remove and replace all damaged or displaced path paving in Nyora Avenue and Marlborough Street at no cost to Council.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

19**. Works-As-Executed Plans for Stormwater Drainage**

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

20**. On Site Detention – Works-As-Executed**

On completion of the drainage works and prior to Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

b. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.

c. Location and surface levels of all drainage pits, weir levels and dimensions.

d. Invert levels of - the internal drainage lines.
- orifice plates.
- outlet control pit.

e. Finished floor levels of structures such as units and garages.

f. Verification that the orifice plates have been fitted and the diameter of the fitted plates.

g. Verification that a trash screen is installed.

h. Location and levels of any overland flow paths through the site.

i. Details of any variations made from approved plans.

21**. Registration of Restriction and Covenant over OSD System**

Prior to the issue of the Final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's Urban Area On-Site Detention Handbook (February 1997)/Council's On-Site Detention Guidelines for Rural Areas shall be submitted to the Principal Certifying Authority.

22**. On-Site Detention – Certification of Works**

A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

i. That the on-site detention system will function in accordance with the approved drainage design.
ii. Any variations from the approved drainage design.
iii. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

23**. 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.

24**. OSD – Marker Plate**

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required. The wording is to consist of:-

THIS IS AN ON-SITE DETENTION STRUCTURE
DO NOT TAMPER WITH,
CONTACT FAIRFIELD CITY COUNCIL PRIOR
TO ANY PROPOSED WORKS IN THIS AREA

The marker plate is to be attached prior to occupation of the proposed development.

25**.** **Basix Certification**

Prior to the issue of an Occupation Certificate (Whether interim or final), a compliance certificate shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with the commitments identified on Basix Certificate No. 356878M_04 and 368791M_04.

Should the design of the dwelling alter or the commitments to Basix change, a new Basix Certificate is required to be completed and submitted to the Principal Certifying Authority and the Consent Authority.

26**.** **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.

27**.** **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).

28**. Demolition Requirements**

Demolition of the existing building(s) shall be carried out in accordance with the requirements of AS 2601 – 2001 and the following:

a. The property being secured to prevent unauthorised entry.

b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.

c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with the approved Waste Management Plan.

d. Seven (7) days notification to commence demolition work shall be given to WorkCover NSW in accordance with Clause 3.4.5 of the Occupation Health and Safety Regulation 2001.

e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Department of Environment and Conservation NSW (www.environment.nsw.gov.au)

29**. 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.

30**. 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.

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

31**.** **Disabled Access**

Access for disabled people shall be provided in the building or portion of the building in accordance with Clause D3.2, D3.3 and Table D3.2 of the BCA and to the standards set out in AS 1428.1.

32**.** **Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to:

a. The existing stormwater pit located in Marlborough Street.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

33**.** **Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan reference number BG5AM dated 21 November 2013 including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

34**.** **Multi-unit Housing Fencing**

A 1.8 metre high masonry, brushwood or lapped and capped timber or colourbond fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. **COLORBOND FENCES ARE NOT PERMITTED WITHIN THE FRONT SETBACK OF THE SITE AND WITHIN ANY BOUNDARY THAT IS VISIBLE FROM THE PUBLIC DOMAIN, STREET OR RESERVES.** In this case, no colourbond fencing shall be erected in front of the approved building line.

35**.** **Switchboards**

Switchboards for utilities must not be attached to the front elevations of the building(s).

36**.** **Driveway Separation from Landscaping**

All driveways shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

37. **Driveway Gradient**

The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

38. **Carparking – Residential**

You shall provide and maintain the following number of carparking spaces in accordance with the requirements of Council's Residential Development Guidelines DCP:-

a) Nine (9) off-street car parking spaces for residents and visitors; and

b) Two (2) off-street car parking spaces for disabled persons (minimum width 3.8m).

Each space shall be permanently line marked and maintained free from obstruction at all times. Residents and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

39. **State Environmental Planning Policy (Housing for Seniors or People with a Disability) – 2004**

The occupation of the subject premises shall be restricted to the following persons:

a. Seniors or people who have a disability;
b. People who live within the same household with seniors or people who have a disability; and
a. Staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) – 2004.

The subject site shall operate in accordance with SEPP (Housing for Seniors or People with a Disability) – 2004 – provisions at all times.

In the State Environmental Planning Policy (Housing for Seniors or People with a Disability) – 2004 Seniors are defined as any of the following:

a. People aged 55 or more years.
b. People who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997* of the Commonwealth) is provided.
c. People who have been assessed as be eligible to occupy housing for aged persons provided by a social housing provider.

40. **OSD Construction**

The on-site detention drainage system shall be constructed in accordance with the approved design and Council's On-Site Detention Handbook – February 1997 / Council's On-Site Detention Guidelines for Rural Areas.