

**DRAFT CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO.** 403.1/2014**JOINT REGIONAL PLANNING PANEL NO.** 2014SYW120**PROPERTY**

Lot DP 204779, Lot 2 DP 204779, Lot 3 DP 524205, Lot 4 DP 524205, Lot 12 DP 521803, Lot 21 DP 536004, Lot B DP 379576, Lot 4 DP 231805, Lot 8 DP 231805, Lot 3 DP 231805, Lot 10 DP 231805, Lot 11 DP 231805, Lot 31 DP 201418, Lot 1 DP 231805, Lot 2 DP 231805, Lot 22 DP 231805, Lot 5 DP 231805, Lot 6 DP 231805, Lot 12 DP 231805, Lot 101 DP 1006165, Lot 101 DP 1085221, Lot 2005 DP 1090149, No. 101 Meadows Road, Mt Pritchard

**DESCRIPTION OF DEVELOPMENT**

The proposal is described as;

- Demolition of 168 at-grade car spaces;
- Excavation and construction of three (3) level basement car park comprising 433 spaces;
- Construction of 38 at-grade car spaces; and
- Associated landscaping and entry feature embellishment works.

**OWNER:** Mt Pritchard District and Community Club

**PROPONENT:** Paynter Dixon Constructions

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**APPROVED PLANS****1. Compliance with Plans**

The development shall take place in accordance with the approved development plans as prepared by WMK Architecture;

<b>DRAWING NO.</b>	<b>ISSUE</b>	<b>DATED</b>
A-001	P5	April 2014
A-002	P6	April 2014
A-003	P7	April 2014
A-004	P8	April 2014
A-005	P7	April 2014
A-006	P8	April 2014
A-007	P2	November 2013
A-600	P6	April 2014
A-601	P3	April 2014

- Statement of Environmental effects prepared by JBA Urban Planning Consultants Pty Ltd, numbered 14187 and dated June 2014,
- A Stage 1 Environmental Site Assessment, report no. E22172AA, dated 23 May 2014, prepared by Environmental Investigations Australia Pty Ltd.

- Acoustic report for the Mounties car park plant rooms mechanical plant external noise emission report, dated 16 October 2014, project number 3107, document No. 3107L005.CG.141013, prepared by Acoustic Dynamics

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. 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, AS 3500, conditions of this consent and include:

- a. Rooves over the ramps leading to the basement so that the surface area draining into the basement pump out system is limited to a maximum of 50m<sup>2</sup>,
- b. Runoff from the aforementioned rooves shall be piped into the stormwater drainage system,
- c. A bund shall also be incorporated into the ramp design to prevent surface flows from entering the ramp and basement drainage systems,
- d. The outlet from the pump system is to be connected to a free flowing outlet that is not influenced by backwater from the receiving stormwater drainage system, and,
- e. The relocation of the inter-allotment drainage system servicing Cherry Street and Leo Street.

### **3. Design Report for Energy Efficiency Installations for Buildings Class 2 - 9**

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed building complies with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia. The design report shall identify and detail the methods required to achieve compliance with the Building Code of Australia.

### **4. 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 in accordance with Fairfield City Council's Stormwater Drainage Policy.

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

- i. 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.
- ii. 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.

## 5. **Works on Adjacent Roads – Approvals and Levels**

All approvals and levels for works on adjacent roads (i.e. footway area) must be obtained prior to the release of the Construction Certificate.

## 6. **Road Dilapidation Survey – Local Roads**

The route for transportation of materials during construction to and from the development site shall generally be by the shortest possible route to the nearest "regional road", with every effort made to avoid school zones on public roads. The applicant shall nominate the route for transportation of delivered and excavated material for approval by Council prior to the issue of any Construction Certificate.

Prior to any truck movements occurring, a road dilapidation survey along the agreed route shall be submitted to Council. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good or paid for by the applicant. A damage deposit or bank guarantee shall be lodged with Council as a security against compliance with this condition. The amount shall not be interpreted as being an upper limit of liability.

## 7. **Roads Act Approval**

Prior to the issue of a Building Construction Certificate, a Roads Act Approval shall be submitted to the Certifying Authority for the construction of inter-allotment drainage servicing Cherry Street and Leo Street and connection into the existing road drainage system in Young Street in accordance with approved plans and specifications at no cost to Council. The alignment of the pipe shall traverse:

- No. 10 Cherry Street (Lot 28 DP 220028),
  - No. 9 Leo Street (Lot 17 DP 220028),
  - No. 12 Leo Street (Lot 16 DP 220028),
  - 29-33 Young Street (Lot 101 DP 1085221), and,
- discharge into the existing road drainage system in Young Street.

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

## 8. **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 **\$239,341**.

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).

## 9. **Erosion and Sediment Control Plan**

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Principle Certifying Authority. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

## 10. **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](http://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.**

### **11. 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.

### **12. 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.

### **13. 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.

### **14. 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.

## 15. 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.

## 16. 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.

## 17. Required Signage

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal certifying authority for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

## 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.**

## 18. 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.

**19. Registration of Plan of Consolidation**

Prior to the issue of the Final Occupation Certificate, a copy of the plan of consolidation, registered by Land and Property Information shall be submitted to the Principal Certifying Authority, which consolidates the allotments which are the subject of the development into one allotment.

**20. Works As Executed Plans for Road and Drainage Works**

Prior to the issue of an Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the road and drainage works have been constructed as approved shall be submitted to the Private Certifier and Council.

**21. Certification for Road and Drainage Works**

Prior to the issue of the Final Occupation Certificate, a certificate shall be submitted to the Principal Certifying Authority, Certifying that all road and drainage works have been completed in accordance with the approved engineering drawings/Works-As-Executed drawings.

**22. Easement for Stormwater Line**

Prior to the issue of any Occupation Certificate, proof of the creation of an Easement to Drain Water in favour of Council over all Council stormwater lines shall be submitted to the Principal Certifying Authority, at no cost to Council. The width of the easement shall be determined in accordance with Council's Stormwater Drainage Policy – September 2002.

**23. Interim Fire Safety Certificate**

Prior to the issue of a final/interim Occupation Certificate, a final/interim fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

**Note:** An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

**24. 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.

## **25. 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.**

## **26. 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).

## **27. 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.

## **28. 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.

## **29. 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.

### 30. Hoarding / Fencing

During construction, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

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

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

### 31. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the existing stormwater drainage system.

**Note:** Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

**Note:** If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the converter to be 10mm above the invert of the gutter.

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.

### 32. Encroachment of Easements

This consent does not authorise the encroachment or overhang of any stormwater drainage easement. Any encroachment of other easements must be separately approved by the relevant service authority and evidence of any consent shall be submitted to the Principal Certifying Authority.

**33. Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by Sturt Noble & Associates;

<b>Drawing Nos.</b>	<b>Issue</b>	<b>Dated</b>
DA-1403-01	D	11.06.2014
DA-1403-02	C	04.06.2014
DA-1403-03	A	11.06.2014
DA-1403-04	C	04.06.2014
DA-1403-05	B	04.06.2014
DA-1403-06	A	15.05.2014

including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

**34. 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.

**35. Driveway Gradient**

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

**36. Vehicular Ingress/Egress from Meadows Road**

Vehicular ingress/egress from Meadows Road shall not occur between 12:00 midnight and 8:30am Monday to Sunday, seven days a week.

**37. Carparking - General**

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:

- a. Four-hundred and seventy-one (471) off-street car parking spaces.
- b. Thirty (30) of these off-street car parking spaces shall be for disabled persons (minimum width 3.8m).

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

**38. Hours of Operation**

The hours of operation of the underground carpark are the same hours of operation as the approved registered club on the subject land.

**39. Use of the Premises**

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

- a. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- b. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- c. The use of the premises is not to interfere with the amenity of the residential area.
- d. All excavated material from the construction works shall be removed from the site and transported to an EPA licenced land fill facility.

**40. Monitoring the State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

**41. Dilapidation Report**

Subject to access being granted, a Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of the Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

**42. Geo-technical Report**

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- a. an indication of the nature and depth of any uncontrolled fill at the site;
- b. an indication of the nature and condition of the material to be excavated;
- c. indications of groundwater or seepages;
- d. required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- e. statement of required excavation methods in rock and measures required to restrict ground vibrations;
- f. other geo-technical information or issues considered relevant to design and construction monitoring.

#### **43. Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i. protect and support the adjoining premises from possible damage from the excavation, and
- ii. where necessary, underpin the adjoining premises to prevent any such damage.
- iii. 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.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

#### **44. 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.

#### **45. Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

**46. Public Address System**

No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

**47. Car Park Management**

Noise emissions from the increase in parking along the south west boundary of the premises shall be managed so as not to permit offensive noise to any adjoining residential premises. No speed humps shall be located within the car park along the south western boundary of the premises.

**48. Removal of Spoil (Excavated Material)**

All spoil excavated from the site that is not used on-site shall be transported from disposal to an EPA licenced landfill. All trucks associated with the transport of spoil shall use the Humphries Road entry/exit and then travel directly to Cabramatta Road West.

**49. Land Contamination**

Any new information which comes to light during any works which has the potential to alter previous conclusions about site contamination must be notified to Council immediately after discovery. A Section 96 Application under the *Environmental Planning and Assessment Act 1979* as amended shall be made for any proposed works outside the scope of the development consent.

Should the use of the site be changed (e.g. childcare facility or residential) or the asphalt be permanently removed resulting in the underlying soils being exposed, then the area will need to be reassessed for potential contamination and comparison to relevant health based criteria will be required.