

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 117.1/2016
SYDNEY SOUTH WEST PLANNING PANEL NO. 2016SYW050

PROPERTY:

LOT 2 DP 833184, NO. 13 BOORALLA ROAD, EDENSOR PARK

DESCRIPTION OF DEVELOPMENT:

Demolition of existing structures, services diversions, excavation, remediation (if required), other preparatory site works as required, and the erection of a part 2-storey, part 3-storey Residential Aged Care Facility comprising 2 distinct sections, (each of which will be constructed in a separate stage), which together will contain 279 beds, associated basement parking and related facilities. Landscaping, drainage, signage and other related works are also proposed. The construction of the Residential Aged Care Facility will be undertaken in 2 stages. The proposal also involves the subdivision of the land into 2 lots and the dedication and construction of a public road.

APPROVED PLANS**1. Compliance with Plans**

The development shall take place in accordance with the approved;

- a. Development plans as prepared by Integrated Design Group, project number KRE14090,

Drawing Nos.	Issue	Date
DA 0101	G	09.05.2017
DA 1000	G	09.05.2017
DA 1100	G	09.05.2017
DA 1101	G	09.05.2017
DA 1102	G	09.05.2017
DA 2000	E	09.05.2017
DA 3000	C	06.06.2016

- b. Statement of Environmental Effects, dated June 2016, prepared by BBC Consultancy Planners, job number 14-214A;
- c. Stormwater plans prepared by Demlakian Engineering, job number 215172;

Drawing Nos.	Revision	Date
SW00	P5	01.03.2017
SW01	P6	01.03.2017
SW02	P7	21.03.2017
SW03	P6	01.03.2017
SW04	P4	01.03.2017
SW05	P4	01.03.2017
SW06	P5	01.03.2017
SW07	P7	21.03.2017
SW08	P4	01.03.2017
SW09	P4	01.03.2017

- d. Landscape plans prepared by Site Design & Studios, job number 15-857 drawing numbers L-01, L-02, L-03, issue B, dated 27 February 2017;
- e. Subdivision plans prepared by Calibre Consulting, drawing number X14478-SU3, sheet 1 of 1, dated 6 August 2015

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. Food Fit Out Certification

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed kitchen fit out meets all the requirements of Australian Standard 4674-2004 Construction and Fit out of Food Premises.

3. Outstanding Fees and Charges

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Certifying Authority:

- a. Demolition Inspection Fee **\$245.10**

4. 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.

5. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person 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:

- 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.

6. On-site Detention Design Certificate

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person 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.

7. 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.

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 road and drainage works, direct connections into new pit to be constructed in Furci Avenue line and new pit in new Booralla Road line, 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 for each proposed vehicular crossing. Access to the development shall be via heavy duty crossings in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

10. **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 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.

11. **Sydney Water Consent**

The plans must be assessed by Sydney Water Tap in 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 <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

12. **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:

- a. Fencing shall be provided around the OSD basins in accordance with Council's Urban Area On Site Detention Handbook. The fencing shall be of open type and set above the finished ground level so that surface flows are not obstructed.
- b. Landscaping within the OSD basin shall be limited and minimal and designed such that it will not decrease the design storage volume, cause excess debris loading (a non-floatable mulch shall be specified) and be regularly maintained by the site operator.

13. Voluntary Planning Agreement

The developer shall enter into a Planning Agreement with Council in respect of the redevelopment of the subject site of No. 13 Booralla Street, Edensor Park on the terms offered to Council by the Developer in its' letter of offer dated 20 May 2016, prior to the issue of a Construction Certificate.

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.

14. 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.

15. Appointment of a Principal Certifying Authority

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

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

16. 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.

17. 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.

18. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with Chapter 3.12 of the Fairfield City Wide DCP 2013, and the Sediment and Erosion Control Plan ref: SW04 P3, and Sediment and Erosion Control Details ref: SW05 P3, prepared by Demlakain Engineering, dated 16 February 2016, 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 \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.

[NB: the penalty in this standard condition has been increased from \$1,500 to \$8,000 to reflect the August 2014 increase in the fine for Penalty Infringement Notices issued to corporations guilty of polluting the waters (s. 120(1) Protection of the Environment Operations Act 1997).]

19. 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.

20. 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.

21. 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.

22. 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.

23. Works As Executed Plans for Road and Drainage Works

Prior to the issue of an Occupation Certificate for Stage 1, 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.

24. Certification for Road and Drainage Works

Prior to the issue of the Final Occupation Certificate for Stage 1, 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.

25. Works on Adjacent Roads

Prior to the issue of the Final Occupation Certificate for Stage 1, 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 Sweethaven Road, Booralla Road, Scarcella Place and Crestani Place 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.

26. Footpath Paving

Prior to the issue of the Final Occupation Certificate for Stage 1, Council's standard concrete footpath paving shall be constructed by the developer at no cost to Council for the full road frontage of the property in Sweethaven Road, Booralla Road and Scarcella Place. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

27. Works-As-Executed Plans for Stormwater Drainage

Prior to the issue of the Final Occupation Certificate for each stage, 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.

28. On Site Detention – Works-As-Executed

On completion of the drainage works and prior to Occupation of each stage, 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.

29. Registration of Restriction and Covenant over OSD System

Prior to the issue of the Final Occupation Certificate for each stage, 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.

30. 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 for each stage certifying the following:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. 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.

31. Certification of Approved Finished Floor Level and Ridge Height

Prior to the issue of an Occupation Certificate (Interim or Final), for each stage, a certificate by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the finished floor level and ridge height of the development has been constructed in accordance with the approved plans.

32. Interim Fire Safety Certificate

Prior to the issue of an Occupation Certificate for each stage, (Interim or Final) 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.

33. Adjustments to Public Utilities

Prior to the issue of the Final Occupation Certificate for each stage, 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.

34. 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:

- Stage 2 Detailed Site Investigation (DSI) Ref: 610.15583-R3 revision 0, prepared by SLR Global Environmental Solutions, dated 7 July 2016
- Acoustic Assessment for Development Application Ref: TH627-01F02 revision 3, prepared by Renzo Tonin and Associates, dated 23 February 2016.

35. 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 (Interim or Final), 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'.

36. 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.

37. State Environmental Planning Policy – (Housing for Seniors or People with a Disability) - 2004 Restrictive Covenant (Restriction on Occupation)

Prior to occupation, a restrictive covenant shall be registered on the subject land which provides for the following restrictions (also restricted through this consent).

Only the following people referred to below may occupy any accommodation to which this application relates:

- 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
- c. 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 operation of the site shall be in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) – 2004.

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.

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.

38. 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).

39. Compliance with Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to throughout all stages of the demolition and/or construction process. Source separation of materials and maximum reuse and recycling of materials are requirements of Fairfield City Council's Waste Not DCP. The applicant is required to keep supporting documentation (receipts/dockets), of reuse/recycling/disposal methods carried out, which are to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

In addition, the applicant is to supply Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

40. 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. Five (5) days notification to commence demolition work shall be given to WorkCover NSW in accordance with Clause 466(1) of the Work Health and Safety Regulation 2011.
- e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Environment Protection Authority NSW (www.environment.nsw.gov.au)

41. **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 and Occupation Certificates.

42. **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

43. **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.

44. **Method of Stormwater Drainage**

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

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.

45. **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.

46. **Post-Demolition Inspection Required**

On completion of demolition works, a post-demolition inspection is to be carried out by Fairfield City Council. It is necessary to telephone Council on 9725-0222 to request an inspection of the site.

It should be noted that once demolition has been completed the site should be kept tidy and safe at all times. It is recommended to fence the site to prevent public access onto the property. It is also recommended that all sediment and erosion control measures have been installed on the site.

47. **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 and Disability (Access to Premises – Buildings) Standards.

48. **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 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. Prior to erecting the fence on the boundary of No. 7 Crestani Place, the applicant shall consult with the owner regarding the preservation of vegetation on the boundary.

49. **Switchboards**

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

50. **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.

51. **Landscaping in the Sweethaven Road, Road Reserve**

The applicant shall plant five (5) jacaranda trees (closest to the northern end before the entry pathway to the northern most building and three (3) on the other side of the entry pathway) to be planted at 75 litre pot sizes, properly detailed with mulch around the trees to stop the grass from intruding and within a barrier structure. Trees and grass in this section of the road verge shall be maintained by the applicant for a period of twelve (12) months.

52. **Acoustic Treatment of Certain Bedrooms**

The applicant shall ensure that the four (4) bedrooms closest to the northern exit driveway on the Sweethaven Road frontage shall comply with AS/NZS 2107:2016 (Acoustic – Recommended design should levels and reverberation times for building interiors)

53. **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. Seventy (70) off-street car parking spaces for staff and visitors; and
- b. Two (2) off-street disabled car spaces in accordance with AS2890.6-2009.

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.

54. 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.

55. Plan of Management

A detailed Plan of Management shall be submitted to Council in relation to the operation of the car park. The plan shall address means by which staff shift changes are managed so that staff do not park off the site or utilise car parking spaces designated for visitors.

56. 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.

57. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All deliveries to the premises shall be made to Scarcella Place.

- c. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

58. 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. Appropriate signage shall be located outside the building to encourage patrons to minimise noise when leaving the premises.
- d. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

59. Monitoring of 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.

60. Unreasonable Noise and Vibration

The development, 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.

61. 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.

62. 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.

63. Adjustments to Public Utilities

Prior to the issue of an 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.

64. 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.

65. 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.

66. **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.

67. **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.

68. Traffic Requirements

The applicant shall comply with the following requirements.

- a. The gradients of driveways and manoeuvring areas shall be designed in accordance with AS 2890.2:2002.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890.1:2004.
- c. All vehicular entries and exits shall be made in the forward direction.
- d. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- e. The minimum available clearance shall be signposted at all entrances.
- f. The size of the car parking spaces shall comply with AS/NZS 2890.1:2004 and AS 2890.6:2009.
- g. Wheel stops shall be provided to limit the travel of a vehicle into parking spaces.
- h. The installation of 40km/hr speed limit signs on Sweethaven Road will require approval from the Roads and Maritime Services as the default speed limit on Sweethaven Road is 50km/hr.
- i. All costs associated with the line marking and signposting associated with traffic calming devices and parking restrictions shall be borne by the applicant.
- j. The construction of pedestrian crossing on Sweethaven Road will require approval from Fairfield Traffic Committee. The Roads and Maritime Services (RMS) have specific warrants that need to be met at a site before a marked foot crossing can be authorised and installed. If the construction of pedestrian crossing is approved by Fairfield Traffic Committee, prior to the issue of a building construction certificate, an 'engineering construction certificate' shall be submitted to the Certifying Authority for the construction of pedestrian crossing in accordance with approved plans and specifications, at no cost to Council.

If Council is requested to issue Engineering Construction Certificate, five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

Should the issue of the construction certificate be sought prior to the completion of the required works on adjacent roads, Council's consideration will be given to the acceptance of a 'road works bond' covering all works within the road reserve in accordance with Council's fees and requirements for the lodgement of a bond.

69. Warm Water System

a. Certificate of the Installation – Warm water System

Upon the completion of the installation of the warm water system, submit to Council a certificate (to be issued by a competent person who is qualified and licensed to install warm water system) certifying that the warm water system has been designed and installed in accordance with AS/NZS 3666.1:2011 Air-handling and water systems of buildings – Microbial control – Part 1: Design, installation and commissioning.

b. Notification of Installed Warm Water System

Prior to the commissioning of the warm water system, submit to Council a written notice (pursuant to Clause 11 and 12 of the Public Health Regulation 2012) regarding the installation of the warm water system. The notice shall contain the following particulars:

- i. the address and telephone number of the premises on which the system is installed,
 - ii. the name and contact details of the occupier of the premises (including residential address, e-mail address and home, business and mobile telephone numbers),
 - iii. the Australian Business Number (ABN) or Australian Company Number (ACN) (if any) of the occupier of the premises,
 - iv. the type of regulated system
- (Note: NSW Health notification form C11 attached)

c. Registration of the Warm Water System

The warm water system shall be registered with Fairfield City Council. Council's Registration of business/facility form shall be completed and submitted to Council.
(Council's Registration of business/facility form attached)

70. 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.

71. Asbestos Removal

Prior to the commencement of site clearance or bulk excavation works, fibrous cement sheeting fragments and asbestos impacted surficial soils are to be removed in accordance with the recommendations made in the Stage 2 Detailed Site Investigation Ref: 610.15583-R3 revision 0, prepared by SLR Global Environmental Solutions, dated 7 July 2016, and the *Work Health and Safety Regulation 2011*.

Asbestos containing waste material must be suitably managed and disposed of at a licenced waste disposal facility, in accordance with the *Protection of the Environment (Waste) Regulation 2014*

72. **Unexpected Finds Protocol**

An Unexpected Finds Protocol shall be prepared and implemented during the course of works for dealing with any newly discovered contaminated materials not previously identified.

73. **Waste Storage Areas**

Waste must be adequately secured and contained within designated waste areas. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private areas.

74. **Hours of Operation**

Delivery/Service operations are to be conducted between the hours of 7am to 6pm Monday to Saturdays and 8am to 6pm Sundays and Public Holidays.

CONDITIONS ADVISING OF FEES AND CHARGES APPLICABLE TO THE SUBDIVISION.

The following conditions have been imposed to provide for various facilities and services required to meet the demands arising from the proposed subdivision.

75. **Maintenance Bond**

The submission to Council of a maintenance bond covering all works constructed in association with the subdivision. The maintenance bond is to be paid in cash or a bank guarantee. The value of the maintenance bond will be determined by Council in accordance with the rates listed in Council's Annual Schedule of Fees and Charges following the submission of "work as executed" plans detailing all works constructed in association with the subdivision.

The maintenance bond will generally be held by Council for a period of twelve (12) months from the date of issue of Subdivision Certificate on the final plan of subdivision. The maintenance bond will be released at the end of the maintenance period subject to satisfactory performance of the works. Council may use the maintenance bond to carry out any rectification works required at the end of the maintenance period should the applicant fail to comply with any written request from Council to carry out such works.

Council will not accept "work as executed" plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.

76. Subdivision Certificate Release Fee

The payment to Council of a Subdivision Certificate release fee in accordance with Council's Annual Schedule of Fees and Charges. Please note that this fee is subject to review each financial year. The value of this fee will be reviewed by Council in accordance with the rates listed in Council's Annual Schedule of Fees and Charges following compliance with the conditions of approval and the submission of the Subdivision Certificate.

At the time of issuing this consent, the fee is \$200.00.

CONDITIONS RELATING TO WORKS ASSOCIATED WITH THE SUBDIVISION

The following conditions have been imposed to ensure that adequate and safe public access is available to the subdivision for both pedestrian and vehicular traffic and that the subdivision will not have detrimental effects on the environment.

77. Satisfactory Access to all Lots

The provision of satisfactory access to all lots is required. In this regard, a vehicular layback, in accordance with Council's specification, is to be provided in the kerb adjacent to all proposed allotments. The proposed access shall be 1m away from all Service authorities Assets.

78. Lot Filling

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300 mm rise in vertical height. The minimum compaction requirement is 95% standard compaction. Test sites shall be located randomly across the fill site with 1 test per 500 m² (minimum 1 test per 300 mm layer). A report from a suitably qualified Geotechnical Engineer shall be submitted in this regard.

79. Erosion and Sediment Control Plan

A detailed Erosion and Sediment Control plan prepared in accordance with Council's policy for Urban Erosion and Sediment Control shall be issued with an Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council. The control measures detailed in the approved plan shall be implemented prior to commencement of any works, including stripping or clearing, on site.

80. Tree Preservation Order

No trees shall be pruned or removed without prior written consent in the form of a Tree Preservation Order from Fairfield City Council.

81. **Alignment of Roadway**

The alignment of Sweethaven Road, Scarcella Place and Booralla Road to be in accordance with plans issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

82. **Construction of Roadway**

The construction of full width of Sweethaven Road and Scarcella Place and full and half width of Booralla Road adjacent to the proposed allotments in accordance with plans and specifications issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

83. **Dedication of Roadway**

The dedication to the public as road on the final plan of subdivision at no cost to Council of Sweethaven Road, Scarcella Place and Booralla Road.

84. **Road Construction Plans**

Road construction shall not commence until the plans and specifications giving full details of the proposed construction have been issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council.

85. **Landscaping Along Roadway**

Landscaping in the form of avenue type planting shall be provided in the footway adjacent to the proposed subdivision. The trees are to be of 25 litre size (min) and planted at 7 metre spacings. Details of the landscaping shall be submitted to Council for approval and shall be in accordance with the specification outlined in Council's Tree Management Policy.

86. **Kerb and Gutter Status Form**

Prior to the commencement of any 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.

87. **Site During Construction**

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited;

- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours; and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

A \$600 on the spot fine may be issued for non-compliance with this condition.
(Environmental Planning & Assessment Regulation 2000 Section 98A).

88. Fencing Restrictive Covenant

The creation of a restrictive covenant over Lot 1 that no fencing shall be erected without Council approval and that all fencing shall be in accordance with Council's Fencing Code.

89. No Vehicular Access Restrictive Covenant

The imposition of a restrictive covenant over Lot 1, that there shall be no vehicular access to or from the north eastern and south eastern boundaries of proposed Lot 1.

90. Dedication of Road Splay

The dedication to the public as road on the final plan of subdivision, at no cost to Council, of a 6m X 6m splay on the corner of Booralla Road and Sweethaven Road.

91. Works as Executed Drawings

Following completion of the works the applicant shall provide a detailed "work as executed" drawing signed by a registered surveyor showing the finished surface levels of the access, road shoulder, driveway, inter-allotment drainage and any lot filling, carried out under this consent.

Council will not accept "work as executed" plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.

92. Footpath Paving

Prior to the issue of the Subdivision Certificate, Council's standard concrete footpath paving shall be constructed by the developer at no cost to Council for the full road frontage of the property in Sweethaven Road, Scarcella Place and Booralla Road. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

CONDITIONS RELATING TO THE PROVISION OF SERVICES TO THE SUBDIVISION

The following conditions have been imposed to ensure that the subdivision is provided with adequate services.

93. Easements for all Services

Easements shall be created over all services and/or stormwater pipelines within private property which service adjacent roads or properties.

94. Registered Surveyor Certification

Written confirmation is to be provided from a Registered Surveyor that easements have been created for all encroaching services connections, or alternatively that all services are contained wholly within their respective allotments.

95. Sydney Water Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site <http://www.sydneywater.com.au/Buildingdeveloping/DevelopingYourLand/GettingaSect73ComplianceCertificate.cfm> or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan.

96. Endeavour Energy Notification of Arrangement

The submission of "Notification of Arrangement" from Endeavour Energy stating that satisfactory arrangements have been made for the provision of underground low voltage electricity installation.

The attached application form should be completed and submitted to Endeavour Energy, Network Connections, PO Box 6366, Blacktown, NSW 2148, together with a set of plans detailing all engineering works to be constructed in association with the subdivision and a plan detailing the proposed lot dimensions.

It is considered that the provision of natural gas services is desirable to new subdivisions and in this regard, the developer is requested to liaise with Jemena, Sydney (www.jemena.com.au).

97. Telecommunications Compliance Certificate

The submission of a Compliance Certificate from a Telecommunications carrier as evidence that satisfactory arrangements have been made for all communications plant to be laid underground.

For further enquiries regarding the issue of the Compliance Certificate, contact Telstra on 13 22 00 or complete the online form at <http://www.telstra.com.au/smart-community/developers/>.

GENERAL CONDITIONS

The following conditions have been imposed to ensure that the subdivision does not prejudice the amenity of the local environment and/or to achieve the objectives of the relevant planning instruments and statutory authorities.

98. Decorative Fencing

The erection of a 1.8m high decorative fencing along the north eastern and north western boundaries of proposed Lot 1. Details of the proposed fencing are to be issued to Fairfield City Council for approval prior to erection.

99. Restriction on Use of Land and Positive Covenant – “On-site Detention Handbook”

The creation of Restriction on Use of Land and positive covenant in the terms described in Council's "On-site Detention Handbook" over the on-site detention system and flowpaths constructed for this development. The applicant is to provide evidence that such restrictive and positive covenants have been registered at the Office of Land and Property Information prior to the issue of the Strata Certificate on the final plan of strata subdivision.

Should Council be nominated to issue the Strata Certificate, Council will require the final plan proposed to be lodged with the Office of Land and Property Information and seven (7) copies thereof. A fee in accordance with Council's Fees and Charges is applicable for issue of a Strata Certificate.