**DRAFT CONDITIONS OF CONSENT**

**DEVELOPMENT APPLICATION NO. 317.1/2019**

**SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-25**

**PROPERTY:**

**LOT 7 Section F DP 4420, NO. 102 BROOMFIELD STREET, CABRAMATTA.**

**DESCRIPTION OF DEVELOPMENT:**

**Demolition of Existing Structures and Construction of a Five (5) Storey Boarding House comprising of thirty-five (35) Boarding Rooms, a Manager’s Room, two (2) levels of Basement Car Parking and associated site works.**

**APPROVED PLANS**

1**. Compliance with Plans and Documentation**

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Drawing Name | Prepared By | Revision | Drawing No. | Dated |
| Cover | Urban Link | D | DA 001 | 24.11.2020 |
| Site Analysis | Urban Link | D | DA 1001 | 24.11.2020 |
| Roof & Site Plan | Urban Link | D | DA 1002 | 24.11.2020 |
| Demolition Plan | Urban Link | D | DA 1003 | 24.11.2020 |
| Basement 2 | Urban Link | D | DA 2001 | 24.11.2020 |
| Basement 1 | Urban Link | D | DA 2002 | 24.11.2020 |
| Ground Floor | Urban Link | D | DA 2003 | 24.11.2020 |
| Level 1 Floor Plan | Urban Link | D | DA 2004 | 24.11.2020 |
| Level 2 Floor Plan | Urban Link | D | DA 2005 | 24.11.2020 |
| Level 3 Floor Plan | Urban Link | D | DA 2006 | 24.11.2020 |
| Level 4 Floor Plan | Urban Link | D | DA 2007 | 24.11.2020 |
| GFA Calculation | Urban Link | D | DA 2101 | 24.11.2020 |
| Shadow Diagrams 3D | Urban Link | D | DA 2102 | 24.11.2020 |
| Building Envelope | Urban Link | D | DA 2103 | 24.11.2020 |
| Views from the Sun 9-12 – June 21 | Urban Link | D | DA 2104 | 24.11.2020 |
| Views from the Sun 1-3 – June 21 | Urban Link | D | DA 2105 | 24.11.2020 |
| Elevations – North/South | Urban Link | D | DA 3001 | 24.11.2020 |
| Elevations – East/West | Urban Link | D | DA 3002 | 24.11.2020 |
| Street elevations | Urban Link | D | DA 3003 | 24.11.2020 |
| Sections | Urban Link | D | DA 4001 | 24.11.2020 |
| Schedule of Finishes | Urban Link | D | DA 6001 | 24.11.2020 |
| Photomontage | Urban Link | D | DA 6002 | 24.11.2020 |
| Cover – General Notes | Alpha Engineering & Development | H | Cover | 05.11.2020 |
| Sediment & Erosion Control Plan | Alpha Engineering & Development | H | SW 01 | 05.11.2020 |
| Basement 2 & 1 Drainage Plan | Alpha Engineering & Development | H | SW 02 | 05.11.2020 |
| Ground Floor Drainage Plan | Alpha Engineering & Development | H | SW 03 | 05.11.2020 |
| Stormwater Sections & Details | Alpha Engineering & Development | H | SW 04 | 05.11.2020 |
| Drains Model Results & Stormwater Sections & Details | Alpha Engineering & Development | H | SW 05 | 05.11.2020 |
| Landscape Concept Plans | Vision Dynamics | F | 19091 DA 1 | 20.05.2020 |

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| **Documents** |
| Acoustic Assessment, Rev 4 | Acoustic Noise & Vibrations Solutions | 06.11.2020 |
| Arboriculture Report | McArdle Aboricultural Consultancy | 12.08.2019 |
| Traffic Report and Swept Paths, Reference No. 024 | One Traffic | 26.11.2020 |
| Geotechnical Report | Foundation Earth Sciences | September 2020 |
| Arboriculture Report | Tree and Landscape Consultants | 25.05.2020 |
| Building Code of Australia Report | Sustainable Thermal Solutions | 11.11.2020 |
| Waste Management Plan | Dickens Solutions | November 2020 |
| BASIX Certificate No. 1033330M\_02 | Sustainable Thermal Solutions | 11.11.2020 |
| Plan of Management | Unnamed | 30.07.2019 |

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 Certifier. The Certifier 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. **Section 7.11 Levy Development Contributions**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 7.11 Levy Contributions shall be submitted to the Certifier.

The Section 7.11 Levy as determined at the date of this consent is **$118,616.00**

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).

3**. 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 Certifier:

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

4**. 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 Certifier.

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 Certifier 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 that in accordance with Council’s Stormwater Management Policy (September 2017)..

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

1. 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.
2. 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 Council’s Stormwater Management Policy (September 2017):

* + 1. To restrict the total discharge from the site to current site discharge for all storms up to and including the 100 year storm events (Urban Zone only);
		2. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140 L/s/ha (Urban Zone only).
		3. To restrict the peak discharge from the site for all storm durations to 78 L/s/ha (Rural Zone only).

**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 0in 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:

* 1. Full details, as per Council's Stormwater Management Policy, 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.
	2. 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

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

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifier for the construction of stormwater drainage connection to the existing kerb inlet pit 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.

a. Prior to release of the Building Construction Certificate, the applicant shall lodge with Council, a bank guarantee or a cash bond to the cost of all works required under this consent to be carried out within the road reserve or on land under the control of Council. The value of the bank guarantee or the cash bond will be determined by Council upon approval of the detailed engineering drawings.

8**. 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 residential type vehicular crossing in accordance with Council’s requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

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 Certifier. 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 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

11**. Final Stormwater Drainage Plan**

A Final Stormwater Drainage Plan with details suitable for construction prepared by a suitably qualified and experienced stormwater drainage consultant shall be submitted with the application for a Construction Certificate. Final Stormwater plan shall comply with AS3500 and Council’s Stormwater Management Policy (September 2017).

12. **Driveway Gradients**

The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the underside of the vehicles scraping. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

13. **Accessible Spaces**

All accessible spaces and shared areas shall comply with the requirement of AS/NZS 2890.6:2009. AS2890.6 - ‘Parking facilities’ - ‘Off-street parking for people with disabilities and AS1428.1 - ‘Design for access and mobility’ - General requirements for access - New building work’ 2001 and 2009 and AS1428.4 - ‘Design for access and mobility’ - ‘Tactile ground surface indicators for orientation of people with vision impairment’ - ‘Means to assist the orientation of people with vision impairment - Tactile ground surface indicators’ 1992 and 2009. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

14. **Car Parking Obstructions**

Design envelope around parked vehicle to be kept clear of columns, walls and obstructions as per Figure 5.2 of AS/NZS 2890.1:2004. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

15. **Sight Distance**

The driveway shall comply with Figure 3.3 of AS/NZS 2890.1:2004 (sight distance requirements at access driveways). Adequate sight distance shall be provided at the boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

16. **Bicycle Parking Spaces**

The bicycle storage areas and bicycle rail must be designed to meet the requirements of AS 2890.3:2015. Bicycle parking and access arrangements shall ensure that the potential conflicts with vehicles are minimised. Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

17. **Wheel Stops**

Wheel stops shall be designed and installed in accordance with AS/NZS 2890.1:2004 to limit the travel of a vehicle into parking spaces for all car parking spaces. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

18. **Redundant Driveways**

Any redundant driveway as result of the development shall be reinstated to meet the requirement of Fairfield City Council’s City Assets Branch. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

19. **Disabled Access**

Access and services for people with disabilities shall be provided to the ‘affected part’ of the building in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code 2013. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

20. **Garbage Storage Area**

The designated garbage/waste storage area as detailed in the approved plans shall comply with the following requirements:

* 1. The area shall be provided with a concrete floor, and with concrete or cement rendered walls coved to the floor.
	2. The area shall drain to a floor that complies with Sydney Water requirements.

Details must accompany the construction certificate to the satisfaction of the Certifying Authority

21. **Plan of Management and House Rules**

Prior to the issue of a Construction Certificate, the plan of management shall be updated to include the following:

1. Duties of the boarding manager
2. Maximum number of lodgers per room;
3. Noise minimisation rules;
4. Tenancy Agreements;
5. Resident Behaviour Management;
6. Complaints Management Policy including details of how tenants or neighbours would be able to submit a complaint;
7. Procedures in relation to complaint response;
8. Comprehensive house rules in English and the tenant’s preferred language; and
9. A pro-forma complaints form template.

This requirement shall be submitted to the satisfaction of the Manager of Planning, Fairfield City Council.

22. **Traffic Engineer Certification**

Prior to the issue of a Construction Certificate, a qualified traffic engineer shall certify the following have been satisfied:

1. Detailed design of traffic signal system between Basement B1 and B2 have been included in the documentation for Construction Certificate.
2. The ramp intersection at basement B1 level has been provided with adequate traffic signs and line markings to prevent any conflict in the intersection.

Details must accompany the construction certificate to the satisfaction of the Certifying Authority

23. **Security Roller Shutter for Basement Car Parking**

Where a security roller shutter or boom gate prevents access to visitor carparking, an basement system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

24. **Ongoing Management of Ground Water**

Prior to the issue of a construction certificate, the design and methodology of dealing with long term groundwater environs will need to be submitted to the satisfaction of the Manager of Development Planning, Fairfield City Council. The design, methodology and construction of the underground structure must consider long term implications such as:

* drawdown effect;
* groundwater properties being discharged;
* soil profile changes related to interference with the groundwater enviros;
* potential mobilisation/activation of environmental issues such as acid; sulfate soils and salinity;
* Council’s stormwater network capacity;
* energy expenditure; and
* maintenance.

25. **Dilapidation Survey**

Prior to the issue of a Construction Certificate, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the ‘zone of influence’ of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report shall be submitted to Council for record keeping purposes.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant’s and adjoining owner’s interest for it to be as detailed as possible.

26. **Shoring for Adjoining Council Property**

Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate to the satisfaction of the Principal Certifier. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

27. **De-watering of Excavated Sites**

Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to satisfaction of the Principal Certifier prior to 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 Certifier 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.**

28**. Construction Certificate Required**

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

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

29**. Appointment of a Principal Certifier**

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

a. appoint a Principal Certifier; and

b. notify Council of the appointment.

30**. 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.

31**. Road Reserve Dilapidation Report**

Prior to the commencement of any works on the site, the applicant shall submit a dilapidation report for the road reserve area to Council detailing the existence of, and the condition of any foot paving, kerb & Gutter and any assets provided adjoin the site for checking against Council records. Damage to Councils road reserve and general streetscape will be restored at the developer’s expense. A copy of a template report can be found on Councils web site.

32**. 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** 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.

33**. 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.

34**. Home Building Compensation Fund (HBCF)/Owner Builders Permit/Builders Details**

The person having benefit of this Development Consent shall determine whether if any of the following information is to be submitted to their appointed Principal Certifier before any building work, related to this specific development, commences on site:

* 1. Contract of Insurance (Home Building Compensation Fund) in accordance with Part 6 of the Home Building Act 1989
	2. Name of the owner builder and the number of the owner builder permit
	3. Name of the principal contractor and the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989

*Please Note:  If arrangements for doing the residential building work are changed while the work is in progress so that the information detailed above becomes out of date, further work must not be carried out until Council is provided with written amended details.*

35**. 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 Certifier 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.

36. **Tree Protection Zone**

Tree No. 1 and 2 as identified in the Arborist Report prepared by Tree and Landscape Consultants dated 25 May 2020 shall be protected in accordance with the recommendations of the report and in accordance with AS 4970 – Protection of Trees on Development Sites. The retained trees must be fenced with a 1.8 metre high chain wire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy drop line. The fencing is to be in place for the duration of the construction works and “Tree Protection Zone” signage must be attached to the protective fencing.

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an Occupation Certificate by the Principal Certifier.**

37. **Mechanical Ventilation Certification**

Prior to the issue of an Occupation Certificate, a certificate shall be submitted to the Principal Certifier, certifying that:

a. The mechanical ventilation exhaust system has been installed in accordance with Australian Standard AS1668 Part 1 and 2.

b. The exhaust hood and air conditioning system has been installed in accordance with Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code), and Australian Standard AS1055 (Acoustics – Description and Measurement of Environmental Noise).

38**. Works on Adjacent Roads**

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

1. 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.
2. The developer shall restore damaged footpath, kerbs, streetscape and public utilities 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.

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

Prior to the issue of an 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 Certifier.

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

On completion of the drainage works and prior to the issue of an Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the 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.

* 1. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
	2. Location and surface levels of all drainage pits, weir levels and dimensions.
	3. Invert levels of - the internal drainage lines.

 - orifice plates.

 - outlet control pit.

* 1. Finished floor levels of structures such as units and garages.
	2. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
	3. Verification that a trash screen is installed.
	4. Location and levels of any overland flow paths through the site.
	5. Details of any variations made from approved plans.

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

Prior to the issue of an 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 Stormwater Management Policy.

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

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

* 1. That the on-site detention system will function in accordance with the approved drainage design.
	2. Any variations from the approved drainage design.
	3. 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.

43**. Interim Fire Safety Certificate**

Prior to the issue of an Occupation Certificate a fire safety certificate shall be submitted to and approved by the Principal Certifier.

**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.

44**. BASIX Certification**

Prior to the issue of an Occupation Certificate, a compliance certificate shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with the commitments identified on BASIX Certificate No. 1033330M\_02

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 Certifier.

45**. 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.

46**. Environmental Reports Certification**

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

a. Statement of Environmental Effects prepared by Gat & Associates Pty Ltd dated August 2019.

b. Acoustic Report No. 2019-170, dated 8 August 2019, prepared by acoustic, vibration & Nose Pty Ltd.

c. Geotechnical Investigation Report prepared by foundation earth sciences dated September 2020.

47**. 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 Certifier, certifying that the building has been constructed in accordance with Fairfield City Council’s ‘Building in Saline Environments Policy’.

48**. 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.

49. **Landscape Completion**

A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

50. **Registration of Boarding House**

Prior to the issue of an Occupation Certificate the boarding house is to be registered on the NSW Fair Trading state register. To register the boarding house you are to log onto www.fairtrading.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

51. **Acoustic Certification**

The recommendations outlined in the acoustic report prepared by Acoustic Noise & Vibration Solutions Pty Ltd Revision 4 dated 6 November 2020 must be implemented prior to the issue of any Occupation Certificate.

52. **Intercom**

Prior to the issue of any Occupation Certificate, an intercom system must be provided in a convenient location adjacent to the basement car parking entry.

53. **Waste Management**

Prior to the issue of an Occupation Certificate, written evidence demonstrating engagement of a licensed waste collector for garbage and recycling disposal services shall be submitted to the satisfaction of the Principal Certifier.

54. **Boarding Manager Details**

Prior to the issue of an Occupation Certificate of the boarding house, the contact details of the boarding house manager must be provided to Council within seven (7) days of the date of appointment.

55. **Post Construction Private Dilapidation Report**

Prior to the issue of an Occupation Certificate, a suitably qualified person shall be engaged to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report.

56. **Road Reserve Clearance Certificate**

Prior to the issue of an Occupation Certificate, a Satisfactory Road Reserve Clearance Certificate shall be issued by Fairfield City Council’s Asset Management Branch certifying that the footpaths, kerbs, stormwater systems and general streetscape has been inspected and is to a satisfactory standard.

All damage shall be rectified by the developer to the satisfaction of Fairfield City Council. An application form accompanied with the appropriate fee at time of payment shall be submitted to Fairfield City Council.

**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 Certifier can either be Fairfield City Council or an accredited certifier.

57**. 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).

58**. Demolition Requirements**

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

1. The property being secured to prevent unauthorised entry.
2. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the SafeWork 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.
3. 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.
4. Five (5) days notification to commence demolition work shall be given to SafeWork NSW in accordance with Clause 466(1) of the Work Health and Safety Regulation 2011.
5. 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](http://www.environment.nsw.gov.au))
6. Where the demolition work involves the removal of a swimming pool, the pool water shall be removed at the commencement of any demolition work, and or when the site is not occupied by a resident. The pool shall be checked after each rain event and must remain free of water at all times

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

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

60**. Demolition, Building and other Works**

When demolition, building and other works are being undertaken on site:

a. A trade waste service must be provided so as to ensure that all debris and waste material is removed from the site; and

b. Plant equipment, fencing or other materials of any kind must not be placed or stored upon any public footpath or roadway; and

c. Such works must only be carried out within the following hours:

Monday - Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones.

No work shall be carried out on Sundays or public holidays.

**Note:** *Council may issue a penalty infringement notice for the amount imposed under the Environmental Planning and Assessment Act 1979, for any non-compliance with this Development Consent.*

61**. Hoarding / Fencing**

During construction, a hoarding or site safety 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, overhead protection 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.

62**. Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to Council’s kerb and gutter.

**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.

63**. Critical Stage Inspections**

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Clause 162A of the Environmental Planning and Assessment Regulation 2000.

**Note:** Fines may be imposed if you fail to request the Certifying Authority to undertake the required mandatory inspections.

64**. 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.

65**. Front Fencing**

Entrance gates shall open within/onto the property. The fence facing the street elevations shall at no place exceed 1.2 metres in height above natural ground.

66. **Schedule of Finishes**

The development is to be constructed and finished in the materials and colours approved. All other building materials shall be compatible in type, colour and texture throughout the projects.

67. **Connection of Electricity**

 An application for connection of load via Endeavour Energy’s Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy’s Network Connections Branch via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm or on Endeavour Energy’s website under ‘Home > Residential and business > Connecting to our network’ via the following link: <http://www.endeavourenergy.com.au/>

68. **Endeavour Energy Requirements**

The development shall comply with the following requirements:

* Electrical Installations in accordance with AS 3000:2018;
* Endeavour Energy’s Vegetation Management Program and Section 48 of the Electricity Supply Act 1995;
* Dial Before You Dig 1100 Service in accordance with the Electricity Supply Act 1995;
* Demolition works to be in accordance with AS 2601-2001;
* Excavation works in accordance with Section 49A ‘Excavation work affecting electricity works’ of the Electricity Supply Act 1995; and
* Disconnection of electrical supply in accordance with Endeavour Energy’s Disconnection Policy.

69. **Shoring and Adequacy of Adjoining Property**

If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

1. Protect and support the adjoining premises from possible damage from the excavation
2. Where necessary, underpin the adjoining premises to prevent any such damage.

**THE USE OF THE SITE**

**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.**

70. **Use of Premises**

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

1. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
2. The use of the premises is not to interfere with the amenity of the residential area.
3. The premises shall be maintained in a clean and tidy state at all times.  In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

71**. Unreasonable Noise and Vibration**

The Boarding House, 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. 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.

72. **Mechanical Ventilation System Noise Complaint**

A noise assessment report shall be submitted to Council if any complaints are lodged with Council in relation to the noise emissions generated by the mechanical ventilation system. The report must be prepared by a suitably qualified acoustic consultant and shall include details of the noise assessment and necessary works that are required to reduce the noise to a satisfactory level.

73**. Garbage Storage Area**

The garbage storage area shall be fully enclosed and provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

74**. NSW Protection of the Environment Operations Act 1997**

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997.* All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

75**. Noise Control**

There shall be no music within the outdoor common area at any time. There shall be no installation or use of any Public Address System within that area.

76. **Communal Open Space**

The communal open space area shall not be utilised between the hours of 10pm and 7am – Seven (7) days a week.

77**. Plan of Management**

The boarding house, including operation of vehicles, shall be conducted in accordance with the Operational Plan of Management approved by Fairfield City Council as amended under Condition No. 21.

78. **Compliance with the Boarding House Act 2012**

The boarding house shall be operated in accordance with the Boarding Houses Act 2012

79. **Compliance with Public Health Act 2010 and Public Health Regulation 2012**

The boarding house shall be operated in accordance with the Public Health Act 2010 and Public Health Regulation 2012.

80. **Compliance with the Local Government Act 1993 and Local Government (general) Regulation 2005**

The construction and operation of the premises shall comply with the requirements of the Local Government Act 1993 and Schedule 2 Part 1 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.

81. **Remove Putrescible Waste at Sufficient Frequency**

All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

82. **Management of Waste Storage Facilities**

All waste storage areas are to be maintained in a clean and tidy condition at all times.

83. **Storage of Bins**

Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage area between collection periods.

84. **Noise Control**

There shall be no music within the outdoor common area at any time. There shall be no installation or use of any Public Address System within that area.

85. **Establishing and Maintaining Contact with Neighbours**

The name and telephone number on a 24 hour basis of the boarding house manager and/or resident caretaker shall be distributed to all adjoining and neighbouring properties within 100 metres of the premises through a letterbox drop. This letterbox drop shall occur on the anniversary of the first day of the issue of the occupation certificate and thereafter on a 12 monthly basis. Evidence of this condition being satisfied shall be submitted to Fairfield City Council.

86. **Register of Complaints and Incident Diary**

A copy of the register of complaints and the incident diary as referred to in the plan of management for the site shall be supplied to the Council on the anniversary of the first day of occupation and thereafter on a 12 monthly basis and upon request from Council.

87. **Plan of Management for Non-English Speaking Tenants**

Non-English speaking tenants shall be provided with a copy of the endorsed plan of management in their respective language.

88. **Access Control and Security**

The following site access and security measures shall be complied with at all times:

1. The front door shall be fitted with access control equipment to control access to authorised people only. This may include electronic or pin code/key access.
2. Individual rooms shall be fitted with doors with locks that comply with the Australian Standard – Mechanical Locksets for doors in buildings AS:4145 any relevant fire regulations.
3. The power board should be houses within a cupboard or metal cabinet and secured with an approved electricity authority lock to restrict unauthorised tampering with the power supply.
4. The letterbox should be secured with quality lock sets to restrict unlawful access to mail.
5. Windows locks shall comply with the Australian Standard- Mechanical Locksets for windows in buildings AS 4145.

89. **Notices**

A schedule showing the numerical designation of each bedroom and the number of persons permitted to be accommodated in each must be displayed on the premises.

90. **Closed Circuit Television**

1. A camera must be located at the entrance of the Boarding House and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:

i. the person represents not less than 100% of screen height, and

ii. there is an unobstructed view of the person’s face.

1. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:

i. all other public entrances and exits, whether or not in use at the time

ii. staircases in multi-level premises

iii. all portions of the floor area accessible to the public where facilities are provided

vi. toilet external areas

v. all general areas accessible by the public

iv. the car park area adjacent or within the premises

1. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:

i. the person represents not less than 50% of the screen height, and

ii. there is an unobstructed view of the persons face.

1. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
2. Recordings must;

i. be in digital format

ii. record at a minimum of six frames per second, and

iii. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.

1. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
2. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
3. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
4. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
5. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.
6. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.
7. Camera recordings must meet the standards set in (a) and (k) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

91. **Vehicle Movements**

All vehicles shall enter and exit the site in a forward direction.

92. **Landscape Maintenance**

All landscape works shall be maintained for a minimum period of five (5) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

93. **Maximum Occupancy**

The maximum occupancy of the overall development must not exceed seventy (70) residents and one (1) boarding manager.

94. **Ongoing Traffic Management**

The operation of the traffic signals within the basement car park of the development shall be in accordance with the Traffic Report (Reference No. 024), dated 26 November 2020, prepared by Kirk Martinez of One Traffic Consultant. The boarding house manager shall be responsible for the ongoing compliance with the traffic management system. Any faults to the signalized system shall be rectified immediately.

95. **Car** **Parking**

The site shall provide and maintain the following number of parking spaces in accordance with the approved development: -

1. Eighteen (18) off-street car parking spaces including one (1) accessible spaces; and
2. Eight (8) motorcycle parking spaces.

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

96. **Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard *4282\_2019 Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.