

## Attachment A – Draft Conditions of Consent

### Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

(1) Approved Development

Development consent has been granted for a detached dual occupancy consisting of two moveable dwellings at Lot 27 DP 758476 46 Lawford Crescent GRIFFITH

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a **dual occupancy (detached)**, which is defined as:

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

The development must be implemented in accordance with Development Application No. 74/2021(1) received by Council on 26 March 2021 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Received by Council	Prepared or Drawn By
Plans	4 May 2021	Parkwood Modular Buildings
Landscape Plan	4 May 2021	Simpla

Document	Date Received by Council	Prepared or Drawn By
Statement of Environmental Effects	26 March 2021	Applicant
Bushfire Assessment Report	4 May 2021	BEMC

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

The applicant is to obtain the necessary approval under Section 68 of the Local Government Act 1993. An approval to install a moveable dwelling is subject to the condition that it must be designed, constructed and installed in accordance with the requirements of Division 4 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwelling) Regulation 2005*.

(2) Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

(3) Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

(4) Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

(5) Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

(6) Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

(7) National Construction Code/Plumbing Code of Australia.

All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

(8) Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

(9) Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

(10) Property Number

The proposed detached dual occupancy has been allocated the following street numbers:

Proposed Unit 1 – 46A Lawford Crescent

Proposed Unit 2 – 46B Lawford Crescent

These numbers are to be prominently displayed at the street frontage or any other position which is clearly visible from the street during construction and at completion.

(11) Bushfire

The development shall be carried out in accordance with the recommendations contained within the Bushfire Assessment Report dated 3 May 2021 prepared by BEMC.

## Prior to Issue of a Section 68 Activity Approval

There are a number of matters that need to be completed before Council can issue a Section 68 Activity Approval for this project. These are set out in the following conditions.

(12) Long Service Levy

For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441

(13) Stormwater Drainage

All stormwater runoff shall be directed to Council's street system via the onsite detention system for disposal. Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. Detailed design drawings and hydraulic calculations for the proposed drainage system are to comply with *Council's Engineering Guidelines – Subdivision and Development Standards* and Council's *Stormwater Drainage & Disposal Policy (CS-CP-310)* and are to be submitted to Council for approval **prior to the issue of a Section 68 Activity Approval**. The design drawings shall indicate rain water tanks to collect rain water from the roofs of all buildings.

## (14) Onsite Detention

Stormwater detention is to be created onsite for the critical storm event. The maximum developed discharge is to be 65 litres per second per hectare for the proposed development as approved by this Development Application. Design and details in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards*, *Council's Onsite Detention Policy (CS-CP-404)* and *Council's Stormwater Drainage & Disposal Policy (CS-CP-310)* are to be submitted to Council for approval **prior to the issue of a Section 68 Activity Approval**.

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the Onsite Detention System, which shall be maintained for the life of the project. The consultant is to sign off all drawings and calculations and provide details of Professional Indemnity Insurance.

## (15) Section 7.12 Development Contributions

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Council's adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website [www.griffith.nsw.gov.au](http://www.griffith.nsw.gov.au).

Total payment shall be \$5,555.46 (1% of the proposed cost of carrying out the development). In accordance with Council's Section 94A Contributions Plan 2010 (Amended 2013) the total payment amount will be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), applicable at the date of payment. The contribution is to be paid **prior to the issue of a Section 68 Activity Approval**, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

## (16) Section 64 Water Supply, Sewerage and Drainage Contributions

Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, this development requires a payment of a S64 contribution. The amount payable at the time of issue of this consent is set out in the table below.

**Table of Contributions Required – Water, Sewerage & Drainage**

Type of contribution	Precinct / Location	Amount per tenement	Number of tenements	Amount to be paid
Water supply	Griffith	\$7,797.00	0.8	<b>\$6,237.60</b>
Sewerage	Griffith	\$5,465.00	1	<b>\$5,465.00</b>
<b>Total</b>				<b>\$11,702.60</b>

The total amount payable will be subject to review in accordance with Council's Revenue Policy current at the time of payment.

The contribution is to be paid **prior to the issue of a Section 68 Activity Approval** unless other arrangements acceptable to Council are made.

The contribution is exclusive of the fees for the connection of water services to the individual allotments. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

Reason: Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, the applicant is required to apply to Council for a Compliance Certificate under the provisions of S305 of the *Water Management Act 2000*.

(17) Local Government Regulation 2005

**Prior to the issue of the Section 68 Activity Approval**, documentation is to be submitted to Council demonstrating the development's compliance with Division 4 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

(18) Retaining Walls/Fencing

**Prior to the issue of the Section 68 Activity Approval**, detailed design documentation is to be submitted to Council staff for approval, detailing all required retaining walls and associated fencing to neighbouring properties.

(19) Dwarf Brick Wall

**Prior to the issue of the Section 68 Activity Approval**, detailed design documentation is to be submitted to Council staff for approval, detailing dwarf brick walls to both Units 1 and 2. The dwarf brick wall shall be constructed around the footings underneath each unit.

(20) Bushfire Attack Level

**Prior to the issue of the Section 68 Activity Approval**, the application documentation shall clearly identify compliance with BAL 12.5 construction standards in accordance with AS3959-2018.

## Prior to commencement of works

There are a number of matters that need to be completed before this project can physically commence. These are set out in the following conditions.

(21) Protection of adjoining areas

**Prior to the commencement of works**, a temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

(22) Notification of Commencement

**Prior to the commencement of works** the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) if not carrying out the work as an owner-builder, has:

- i appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- ii notified the principal certifying authority of any such appointment, and
- iii unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(23) Erection of Signs

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Note.** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A).

(24) *Home Building Act 1989* requirements

Residential building work for which the contract price exceeds \$20,000 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

In the case of work for which a principal contractor is required to be appointed:

- (a) the name and licence number of the principal contractor, and
- (b) the name of the insurer by which the work is insured under Part 6 of that Act,

In the case of work to be done by an owner-builder:

- (a) the name of the owner-builder, and
- (b) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified in accordance with the above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (if not the council) has given the council written notice of the updated information.

(25) Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work within Council's road reserve**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

(26) Accessway levels

Driveway construction is subject to Council's *Engineering Guidelines - Subdivisions and Development Standards*. The finished level of the driveway at the property boundary shall be 130mm above the top of kerb. Upon completion of the formwork and string lines for the driveway, the applicant shall arrange for Council's Surveyors to inspect these works **prior to the pouring of concrete for the driveway**. In the event that this level is unachievable, documentary evidence, including a detailed design is to be submitted to Council for approval **prior to the commencement of driveway construction**.

Failure to construct to the given levels or without Council approval will render the owner liable for any necessary reconstruction costs to alter work not in conformity with such levels.

(27) Floor levels

Floor levels are subject to Council's *Buildings - Floor Heights Policy*. The floor levels of habitable rooms for new buildings associated with the proposed development shall not be less than 410mm above ground level. This is to be measured from the highest point of the existing ground level relative to the building platform, prior to excavation.

For verification of the floor height having been achieved, Council will accept a survey mark placed on top of kerb perpendicular to the allotment boundary and documented by the Surveyor at peg-out stage, which is able to be recovered and verified by the Certifier in concert with the Principal Contractor, during construction. The Surveyors report shall nominate the applicable kerb height and highest natural ground level at the building footprint in the report prepared.

(28) Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works; and
- (b) a temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

(29) Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Internal / External sanitary drainage (including sanitary plumbing) prior to covering.
- (b) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting a Notice of Works form.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

**Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.**

**Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.**

## During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

(30) No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

(31) Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(32) Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.



Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

(33) Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

**accredited sewage management facility** means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

**public sewer** has the same meaning as it has in the Local Government (General) Regulation 2005.

**sewage management facility** has the same meaning as it has in the Local Government (General) Regulation 2005.

(34) SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

(35) Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Section 68 Activity Approval on site.

(36) Access location

The driveway access to the lot is to be located a minimum of one (1) metre away from all services (e.g.: stormwater pits, electricity poles, service pits, etc.), and a minimum of one (1) metre away from neighbouring property boundaries.

(37) Kerb Adaptors

Where required, kerb outlets for stormwater to be saw cut with suitably approved kerb adaptors to be installed using 20 MPa concrete.

(38) Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be undertaken prior to work proceeding past the completion of footings and before concrete is poured. A copy of this report shall be submitted to Council **prior to the occupation of the buildings**.

(39) Hours of Work

All building, excavation and demolition work is to be carried out between 7:00am and 6:00 pm Monday to Saturday with no work to be undertaken on Sundays or Public Holidays.

Variation to these times may be permitted on submission of a written request to Council indicating the date/s and time/s of the proposed work. It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours.

## Prior to the Occupation of the Buildings

Prior to the occupation of the buildings, compliance with the following conditions is to be demonstrated.

(40) Accessway construction

**Prior to occupation of the buildings**, concrete vehicular crossings are to be constructed between the property boundary and road carriageway off Lawford Crescent. Accessway and layback construction for the proposed development is to be completed in accordance with the approved plans and Council's *Engineering Guidelines – Subdivisions and Development Standards*.

(41) Internal driveways/Parking

**Prior to occupation of the buildings** the internal driveway to the proposed dwellings is to be constructed of concrete in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and Council's *Residential Development Control Plan 2020*.

(42) Submission of Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be submitted to Council **prior to occupation of the buildings**.

(43) Drainage Diagram

Where development includes the installation of sanitary plumbing and drainage works between the building and Council's sewer, the applicant is required to submit to Council a drainage diagram. This diagram shall be prepared and submitted to Council **prior to occupation of the buildings**. The diagram shall be drawn to scale at a ratio of 1:100 showing the location of the buildings and fittings and all pipelines, junctions, inspection openings and the like. Alternatively, Council can be requested to carry out the work upon payment of the fee listed in Council's current Revenue Policy

(44) Installation of Landscaping

**Prior to occupation of the buildings** all landscaping indicated on the approved plans shall be installed.

(44) Bushfire

**Prior to occupation of the buildings**, the entire property is to be managed as an Inner Protection Area (IPA) as outlines within Appendix 4 of Planning for Bush fire Protection 2019, and NSW Rural Fire Service 'Standards for Asset Protection Zones'.

(45) Retaining Walls/Fencing

**Prior to occupation of the buildings**, retaining walls shall be installed in accordance with the requirements of Council staff and 1.8 m high fencing with 300mm lattice on top shall be erected on side and rear boundaries.

(46) Privacy Screen

**Prior to occupation of the buildings**, a 1.8 m high privacy screen to the eastern side of the Unit 2 deck shall be installed.

(47) Dwarf Brick Wall

**Prior to occupation of the buildings**, dwarf brick walls to both Units 1 and 2 shall be constructed around the footings underneath each unit in accordance with the requirements of Council staff.

## On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

(48) Accessible water meter

The water meter servicing the subject allotment is to be kept free of any obstructions and is to be located outside the fenced area to ensure that the meter is accessible to Council officers at all times.

(49) Manholes to be kept free of obstruction

All existing/proposed sewer manholes are to be kept free of any obstructions so that their positioning and maintenance are easily obtainable.

(50) Bushfire

The development shall be carried out in accordance with the recommendations contained within the Bushfire Assessment Report dated 3 May 2021 prepared by BEMC.

## **Attachment C – Advisory Notes**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

nil

## **Attachment D – Other Council Approvals and Consents**

### **Section 68 Local Government Act 1993 Approvals**

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

Nil