

**DRAFT CONDITIONS OF CONSENT  
DEVELOPMENT APPLICATION NO. 166.1/2010  
LOT 10, DP 1061484, LOTS 1, 2 & 3, DP 1083074, NO. 368  
HAMILTON ROAD AND 80-84 TASMAN PARADE FAIRFIELD  
WEST**

**CONSTRUCTION OF A MIXED-USE DEVELOPMENT WITHIN 6 MULTI-  
STOREY BUILDINGS COMPRISING A MEDICAL CENTRE, OFFICES AND  
147 RESIDENTIAL APARTMENTS AND ASSOCIATED CAR PARKING AND  
LANDSCAPING**

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**APPROVED PLANS**

**1. Compliance with Plans**

The development shall take place in accordance with the approved:

- Architectural plans as prepared by SD Masterplan, drawing no. DA-00, DA-01 (revision F), DA-02\_1 (revision I), DA-02\_2 (revision H), DA-02\_3 (revision R), DA-02\_4 (revision I), DA-02\_5 (revision H), DA-02\_6 (revision I), DA-02\_7, DA-02\_8 (revision F), DA-03\_1 (revision D), DA-03\_2 (revision D), DA-03\_3 (revision C), DA-03\_4 (revision E), DA-04\_1 (revision I), DA-05 (revision H), DA06 (revision B), and SK01;
- Drainage plans as prepared by Neil Lowry and Associates Pty Ltd, project no. 0575, drawing no. SC02, revision B dated 27 August 2010 and project no. 0426, drawing no. H502, revision J dated 17 March 2010; and
- Landscape plan as prepared by Moir Landscape Architecture, drawing no. 0484-LP01, sheet 1 of 3, issue K, dated 9 September 2010 and sheets 2 of 3 & 3 of 3, issue I dated 3 December 2009,

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

## 2. Amendments

The following amendments shall be incorporated into the proposed development. Details of these amendments shall be submitted to and approved by the Executive Manager Environmental Standards of Fairfield City Council prior to the issue of a construction certificate:

- i. The three (3) residential apartments on the top floor of Building A, along the southern edge of the building shall be deleted in order to ensure that the height of the proposal along the northern boundary of the site is not higher than the tallest dwelling at the northern boundary at 1 Baudin Crescent at RL 43.18m, and in order to provide a more appropriate scale to the northern adjoining residential properties.
- ii. The four (4) residential apartments on the top floor of Building G along the eastern edge of the building shall be deleted in order to lessen and provide a more appropriate transition to the neighbouring residential properties to the west.
- iii. The proposed flat concrete roof to the buildings shall be replaced with single pitched metal skillion roof pitched at an appropriate angle that would allow clerestory windows to be provided to the topmost north facing residential apartments to facilitate solar access as well as better define the top of the buildings.
- iv. The access driveway to Building A shall be widened to a minimum of 6m so as to allow 2 cars to pass each without the need to install a warning signal. Accordingly, Unit A101 on the ground floor of Building A shall be amended to provide the required driveway width.
- v. The driveway to Building G shall be widened to a minimum of 6m so as to facilitate a two-way driveway.
- vi. Fixed louvres shall be provided to the western edge of the balconies of Units A201, A206, A301, A306 & A403 to address potential overlooking of the outdoor play area of the western adjoining child care centre and also to minimise the potential for rubbish or projectiles to be thrown onto the child care centre site. Alternatively, these residential units shall be re-designed such that their balconies are re-positioned away from the western boundary.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

### **3. Design Report for energy efficiency installations for buildings Class 2 - 9**

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

### **4. Section 94 Contributions**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94 Contributions (EP&A Act 1979) for works detailed in the administration sheet attached to this consent shall be submitted to the Certifying Authority.

The total contribution to be paid to Council (as applicable at the date of this consent) is **\$516,585**.

The Contribution amount payable will be adjusted at the date of payment to account for the following factors:

- Contribution rates will be adjusted from time to time in line with the Non-Dwelling Construction Implicit Price Deflator for New South Wales to account for changes in infrastructure construction costs.
- The contribution amount indicated above will be adjusted on a quarterly basis in accordance with the Consumer Prices Index (CPI) for Sydney.

Council may allow deferred payment of the monetary contribution in accordance with the provisions set out in the Section 94 Developer Contributions Plan 1999. If approval to allow deferred payment is sought, such approval must be sought and obtained from Council prior to the issue of a Construction Certificate for the development. Council may refuse to allow deferred payment of the monetary contribution in its absolute discretion.

Refer to the Section 94 Developer Contributions Plan 1999 for more information.

## 5. 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. Kerb and Gutter Inspection Fee     | <b>\$93.00.</b>  |
| b. Kerb and Gutter Damage Deposit     | <b>\$2,000.</b>  |
| c. Vehicular Crossing Application Fee | <b>\$258.00.</b> |

## 6. 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.

## 7. Landscape Plans Certified by Landscape Architect

Prior to the issue of a construction certificate, a detailed landscape plan prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council's Landscape Policy shall be submitted to the Certifying Authority.

Landscape plans shall contain the following information:

- a. Outline of the proposed building;
- b. Existing trees (height and location);
- c. Proposed planting (quantity, species, and expected mature height);
- d. Proposed earth mounding;
- e. Paths and paving (location and materials);
- f. The method of planting and the proposed maintenance program; and
- g. Details of lighting, fencing, seating and paving, where relevant.

The landscaping shall be of a scale that will match the scale of the development. Landscaping shall be designed to complement and enhance the development and where applicable, screen such features as open storage areas, carparks, loading docks and garbage storage areas.

## 8. Service Provider Requirements

Prior to the issue of a construction certificate, the following service provider requirements shall be submitted to the Certifying Authority:

- a. **Sydney Water** – A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Certifying Authority prior to the issue of a construction certificate.

- b. **Integral Energy** – A letter of consent showing satisfactory arrangements have been made to service the proposed development.
- c. **Telecommunications** - A letter of consent showing satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

## 9. Stormwater Drainage Certificate

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

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than 5 years.

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

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

#### **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 Fairfield City Council. 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. Engineering Construction Certificate**

Prior to the issue of a Building Construction Certificate an Engineering Construction Certificate shall be submitted to the Certifying Authority for the construction of the ramp access way from Tasman Parade (Entry 1) (the ramp gradient shall be in accordance with AS2890.1.2004) in accordance with approved plans and specifications at no cost to Council.

For the issue of 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 road 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.

## **12. Works-As-Executed Plans**

Works-As-Executed plans for the On-Site-Detention storage system as constructed under Development Consent No. 1127/2007 shall be submitted to the Principal Certifying Authority prior to the issue of Construction Certificate.

## **13. Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by Council prior to the issue of the construction certificate, which demonstrates how the site will be managed during construction without impact or disruption to adjoining properties. As such, details of the hoardings, cranes and location of car parking, etc shall be detailed in the Management Plan.

## **14. Internal Traffic Management**

A Traffic Management Plan prepared by a suitably qualified consultant shall be submitted to and approved by Council detailing all appropriate internal traffic management measures to avoid vehicle and pedestrian conflict including, but not limited to, the following:

- a. Regulatory, warning and guidance signage
- b. Traffic calming devices
- c. Line marking and pavement arrows
- d. Remote control/flashing light system within loading area

The recommendations made within the Traffic Management Plan shall be implemented prior to the issue of an Occupation 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.

## **15. 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.

**16. Appointment of a Principal Certifying Authority**

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

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

**17. 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.

**18. Sydney Water Consent**

Prior to the commencement of any construction works on site, the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped and shall be submitted to the Certifying Authority prior to the commencement of any works on site.

For Quick Check agent details please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone: 13 20 92.

**19. Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with Council's Erosion and Sedimentation Control Policy 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.



**20. 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.

**21. Vehicular Crossing Application**

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

**22. Sign During Construction**

Prior to the commencement of construction 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.

**Note:** A \$600 on the spot fine may be issued for non-compliance with this condition.

**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.

**23. 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.

**24. Design Verification**

Prior to the issue of an Occupation Certificate, a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, shall be submitted to the Principal Certifying Authority.

**25. Landscape Certificate**

Prior to the issue of an Occupation Certificate, a landscape certificate from a qualified landscape architect verifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to the Principal Certifying Authority.

**26. Section 73 Certificate Required**

Prior to the issue of the Final Occupation Certificate, a Section 73 Certificate issued by Sydney Water shall be submitted to the Principal Certifying Authority.

**27. Works on Adjacent Roads**

Prior to the issue of the final occupation certificate, the following works are to be completed:

- a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.
- b. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.
- c. The developer shall remove and replace all damaged or displaced path paving in Tasman Parade 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.

**28. Works-as-executed Plans for Stormwater Drainage**

Prior to the issue of the final occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

**29. Structural Certification**

Prior to the issue of an occupation certificate (Interim or Final), a certificate from a practising Structural Engineer shall be submitted to the Principal Certifying Authority certifying that the building has been erected in compliance with the approved structural drawings and relevant Australian Standards and is structurally adequate.

**30. Certification of Approved Finished Floor Level and Ridge Height**

Prior to the issue of an occupation certificate (Interim or Final), 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 building has been constructed in accordance with the approved plans.

**31. Surveyor's Certificate of Location of Building upon Completion**

Prior to the issue of the Final Occupation Certificate, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the development has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment and the distances of the development from the boundaries.

**32. Basix Certification**

Prior to the issue of an occupation certificate (Whether interim or final), a compliance certificate shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with the commitments identified on Basix Certificate No. 292063M.

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

**33. Adjustments to Public Utilities**

Prior to the issue of the final occupation certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

**34. Mechanical Ventilation Certification**

Prior to the issue of an occupation certificate (Interim or Final), a certificate shall be submitted to the Principal Certifying Authority and Fairfield City Council, certifying that:

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

### **35. 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:

- a. Acoustic Report No.10-1492-R1, dated July 2010, prepared by Reverb Acoustics Pty Ltd.

### **36. Completion of External Finishes**

Prior to the issue of the final occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes are to be completed to the satisfaction of the Principal Certifying Authority.

### **37. Building in Saline Environments**

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

### **38. Certification of energy efficiency installations for buildings Class 2 - 9**

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate(s) shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

## **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.

**39. 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).

**40. 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.

**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, Occupation Certificates and Complying Development 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 on-site detention system constructed under DA 1127/2007 before discharged onto to Council's street drainage system.

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

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

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

**45. Stormwater Pipes Connection**

All stormwater pipes from the proposed development shall be connected to the existing On-Site-Detention system constructed as part of Development Consent No. 1127/2007 issued for the erection of a single storey shopping centre consisting of a supermarket, specialty shops and associated car parking for 201 cars, dated 17 September 2008.

**46. Critical Stage Inspections**

In accordance with Section 109E of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E (3) (d) Environmental Planning and Assessment Regulation 2000.

**Note:** A \$600 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

**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.

**48. Maintenance of Construction Site**

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

**Note:** On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

**49. Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan as prepared by Moir Landscape Architecture, drawing no. 0484-LP01, sheet 1 of 3, issue K, dated 9 September 2010 and sheets 2 of 3 and 3 of 3, issue I

dated 3 December 2009, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

**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. 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.

**52. Carparking – Residential**

The provision and maintenance of a total of two-hundred and six (206) off-street car parking spaces on site for the development, which shall be provided as follows:

- a. One hundred and forty-seven (147) car parking spaces for residents, thirty-seven (37) visitor car spaces, nine (9) car spaces for the medical centre and thirteen (13) car parking spaces for the commercial suites.

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

**53. 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 vehicles awaiting loading, unloading or servicing shall be parked on the designated loading facilities site and not on adjacent or nearby public roads.
- c. No articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- d. All large service trucks (8.0m and over) from the development are to exit via Hamilton Road driveway only. All other vehicles shall use Tasman Parade access driveway for entry and exit. Appropriate signposting shall be erected at the site informing drivers of this restriction.



- e. The Hamilton Road access shall be restricted to **left-out** only. The 'Left Only' markings and signage shall be located close to the exit driveway.
- f. The Hamilton Road access shall **not** be used by any service vehicles between the critical school hours of 8.00am to 9.30am and 2.30pm to 4.00pm weekdays.
- g. Delivery vehicles servicing the site shall access Tasman Parade via Hamilton Road and not via Smithfield Road.
- h. The use of all loading areas shall be restricted to the hours of 7.00am to 10.00pm Monday to Friday and 8.00am to 8.00pm on Saturdays, Sundays and public holidays.

The Owner/body corporate shall ensure the above restrictions are enforced all the time. Upon signing a lease agreement with future tenants, tenants are to be provided with a written notice advising them of all entry/exit requirements and time restrictions for service vehicles to the development as indicated by the conditions of this development consent.

#### **54. Traffic Management Measures**

To increase safety, internal traffic management measures (regulatory, warning and guide signs, line marking, delineators, reflectors, pavement arrows) shall be provided particularly at intersections.

#### **55. Roads & Traffic Authority's Conditions**

The following Roads and Traffic Authority's conditions shall be complied with at all times.

- i. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- ii. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- iii. The layout of the car parking areas associated with the subject development (including driveways, grades, aisle widths, turning paths, sight distance requirements, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

- iv. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSROADS.
- v. All vehicles shall enter and exit the site in a forward direction.
- vi. Retail parking should be separate from residential parking and should be clearly sign posted.
- vii. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
- viii. All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA.

**56. Use of proposed Medical Centre/Commercial Suites Not Approved**

Separate development consent is required for the use of the proposed medical centre and commercial suites prior to the occupation of the premises.

**57. Security Requirements**

- a. The rear/loading/standing area and communal and courtyard areas shall be provided with appropriate security lighting.
- b. The proposed development shall include appropriate security measures including restricted self-locking doors at the entrance to the foyers.

**58. Plumbing**

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed by chasing or by ducts within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

**59. Waste Management Plan**

An ongoing Waste Management Plan for the owners and occupiers of the building shall be developed and fully implemented as part of the proposed development and shall be fully operational prior to occupation of the building. The waste management issues in the proposed high-rise residential buildings require on-going management, and in this regard the owners' corporation shall employ a building manager responsible for maintaining the waste management system. The Manager is required to maintain the garbage system, remove recyclables to the ground level, present garbage and recyclable materials for collection on scheduled collection days, to keep clean the

garbage room, liaise with the waste collector and ensure new residents are aware of the waste management arrangements.

**60. Garbage Rooms and Chutes**

The garbage storage room identified on the approved plans shall be fully enclosed and shall be 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 shall provide for a designated space for dry recycling facilities.

Garbage chutes shall be constructed of impervious materials which facilitate cleaning.

**61. Garbage Chutes**

The installation of garbage chutes should be of cylindrical section having a diameter of at least 500mm or greater and be designed to reduce noise and comply with fire regulations.

**62. Waste Service Compartments**

The waste service compartments on each floor must be constructed of impervious and washable material. Each compartment must be mechanically ventilated to external air.

**63. Commercial Waste**

Commercial waste is to be kept separated from residential waste prior to collection in the garbage rooms.

**64. Building Waste System**

The management of the building waste system including the transfer of full garbage bins to the loading bay area for emptying, cleaning of bins and garbage rooms, ensuring proper waste chute and garbage room operations, must be included in the building caretaker's statement of duties.

**65. Unreasonable Noise and Vibration**

The proposed residential and retail 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.

#### 66. Previous Development Consents

All the conditions of Development Consent No. 1127/2007 granted for the erection of a single-storey retail shopping centre consisting of a supermarket, specialty shops and associated parking for two-hundred and one (201) cars, dated 17 September 2008 shall be complied with at all times.

#### 67. Lighting

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

#### 68. Air Conditioning/Mechanical Plant

Prior to the issue of a construction certificate, an acoustic report shall be submitted to Fairfield City Council which provides an assessment of noise from air conditioning/mechanical plant to be installed, once the specific plant has been selected.

The assessment shall be undertaken in accordance with the NSW EPA Industrial Noise Policy and shall demonstrate that the cumulative impacts of the proposed mechanical plant and all other internal and external noise sources will comply with the following:

- **NSW Department of Environment, Climate Change and Water (DECCWW) Amenity Criteria**
- **NSW DECCW Intrusiveness Criteria**
- **NSW DECCW Sleep Disturbance Criteria**

The assessment shall also demonstrate that the internal noise levels within the residential flat buildings will comply with the following:

- ***Australian Standard (AS) 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.***

#### 69. Acoustic Report

An acoustic report is to be prepared and submitted to Council for its assessment and approval within **six (6) months** of occupation of the development. The report shall include but is not limited to the following information:

- a. Noise measurements taken at the locations indicated in the Acoustic Report No.10-1492-R1, dated July 2010, prepared by Reverb Acoustics Pty Ltd.
- b. Verification that noise levels at the nearest potentially worst affected residential receiver comply with all relevant assessment criteria detailed in the above-mentioned report. This shall include residential receivers both on-site and off-site;
- c. In the event that the noise measurements indicate that noise emissions do not meet the relevant assessment criteria as detailed in point b. above, recommendations shall be provided in relation to any noise attenuation measures required in order for noise emissions to comply with the relevant noise assessment criteria.

#### **ADVISORY NOTES**

**The following information is provided for your assistance to ensure compliance with other relevant Council policy(s) and any other relevant requirements. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.**

- **Advertising Signs**

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

This requirement relates to all advertising matter, including any promotional material, displayed on the premises or in any public place.