

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 1253.1/2010
JOINT REGIONAL PLANNING PANEL NO. 2010SYW092

PROPERTY:

Lot 102 DP 1034345, Lot 1 DP 867772, No. 561-583 Polding Street, Prairiewood.

DESCRIPTION OF DEVELOPMENT:

Alterations and additions to Stockland Wetherill Park Shopping Centre comprising an additional 12,105m² of gross leaseable floor area which incorporates 58 additional retail shops, new gymnasium, relocation of existing medical centre, refurbishment of cinema foyer, and associated basement level, grade level and deck car parking.

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the following approved development plans, except as modified in red by Council and/or any conditions of this consent.

Dwg No.	Rev	Title	Prepared By	Date
DA-000	C	Location Plan & Drawing List	Stockland	11.07.2011
DA-001	B	Survey Plan	Stockland	07.12.2010
DA-002	B	Existing Basement Plan	Stockland	07.12.2010
DA-003	B	Existing Ground Floor Plan	Stockland	07.12.2010
DA-004	B	Existing Cinema Foyer Plan	Stockland	07.12.2010
DA-005	B	Existing Upper Floor Plan	Stockland	07.12.2010
DA-006	B	Existing Cinema Roof Plan	Stockland	07.12.2010
DA-007	B	Existing Elevations/Sections Sheet 1	Stockland	07.12.2010
DA-008	B	Existing Elevations/Sections Sheet 2	Stockland	07.12.2010
DA-009	B	Existing Elevations/Sections Sheet 3	Stockland	07.12.2010
DA-101	B	Site Analysis	Stockland	07.12.2010
DA-201	D	Proposed Basement Floor Plan	Stockland	16.06.2011
DA-202	D	Proposed Ground Floor Plan	Stockland	16.06.2011
DA-203	E	Proposed Cinema Foyer Plan	Stockland	11.07.2011
DA-204	D	Proposed Cinema Upper Floor Plan	Stockland	16.06.2011
DA-205	D	Proposed Cinema Roof Plan	Stockland	16.06.2011
DA-301	D	Elevations/Sections Sheet 1	Stockland	11.07.2011
DA-302	D	Elevations/Sections Sheet 2	Stockland	11.07.2011
DA-303	D	Elevations/Sections Sheet 3	Stockland	11.07.2011
DA-401	C	Shadow Diagrams	Stockland	11.07.2011
DA-501	D	Landscape Plan	Stockland	27.07.2011
DA-601	B	Perspectives	Stockland	07.12.2010
DA-602	B	Perspectives	Stockland	07.12.2010
DA-603	A	Perspectives	Stockland	27.07.2011
DA-701	B	External Materials – Look & Feel Board	Stockland	07.12.2010
C01	P9	Notes and Legend Sheet	Taylor Thomson	03.08.2011

			Whitting	
C02	P8	Overall Plan	Taylor Thomson Whitting	02.08.2011
C03	P8	Erosion & Sediment Control Plan	Taylor Thomson Whitting	02.08.2011
C04	P11	Road & Drainage Works Plan Sheet 1 of 3	Taylor Thomson Whitting	02.08.2011
C05	P10	Road & Drainage Works Plan Sheet 2 of 3	Taylor Thomson Whitting	02.08.2011
C06	P8	Road & Drainage Works Plan Sheet 3 of 3	Taylor Thomson Whitting	02.08.2011
C08	P8	Stormwater Longsection Sheet	Taylor Thomson Whitting	02.08.2011
C09	P4	Sections	Taylor Thomson Whitting	02.08.2011

2. Amendments

The following amendments shall be incorporated into the design and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for building works:

- The design of the loading dock, as submitted, does not comply with AS2890, which requires that vehicles must manoeuvre into the loading dock with only one reversing movement. In this regard, the design of the loading dock shall be amended to comply with AS2890.
- In addition to the above, the site plan and the plan used to demonstrate truck manoeuvring do not correspond. In this regard, the plans shall be amended so that they correspond.
- The architectural plans shall be amended to incorporate a crest on the ramp to the proposed new basement level parking area. The crest shall have a minimum RL of 35.83 AHD, being 500mm above the 1 in 100 year flood level.

Plans demonstrating the above shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for building works.

3. Compliance with Statement of Environmental Effects

The development shall take place in accordance with the Statement of Environmental Effects prepared by BBC Consulting Planners, Job No. 08-084, Reference No. Final SEE.doc, dated December 2010 and all appendices, submitted in support of the Development Application.

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.

4. Demolition and Remediation of Service Station

Prior to the issue of a Construction Certificate for building works on the service station site, the Shell service station shall be demolished and the site shall be remediated and validated in accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land. A separate Development Application shall be lodged with Council for the demolition and remediation works.

5. Stormwater Diversion Works

Prior to the issue of a Construction Certificate, an Engineering Construction Certificate shall be issued for the proposed stormwater diversion works, the subject of Development Application No. 1252.1/2010.

In this regard, the plans submitted with the application for an Engineering Construction Certificate for the stormwater diversion works shall be consistent with the Construction Certificate plans for Development Application No. 1253.1/2010.

6. Embellishment of Civic Space

Full details of the embellishment of the civic space located adjacent to Polding Street shall be submitted to Council for approval prior to the issue of a Construction Certificate for building works. The embellishment of this area shall be undertaken in consultation with Council's Place Manager for Prairiewood.

7. Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan (CMP) shall be prepared and submitted to the Principal Certifying Authority. The CMP shall also include specific details relating to overflow parking during construction of the development, which may occur on the Calabrian Club site located opposite the shopping centre.

8. Loading Dock Management Plan

Prior to the issue of a Construction Certificate for building works, a Loading Dock Management Plan (LDMP) shall be submitted to and approved by Council, which provides details on all aspects of the operation of the proposed new loading dock, and demonstrates that the loading dock can operate without impact to passenger vehicles.

9. Dynamic Signage

Dynamic signage in a scoreboard like manner shall be provided at the entrance to each parking area and shall be located so as to be clearly visible to vehicles traveling along the north-south spine road to indicate the availability of parking spaces within each car parking area. All works shall be at no cost to Council. Prior to issue of the Construction Certificate, details of such traffic management measures shall be submitted to Council's Built Systems Branch for approval.

10. Design Report for Energy Efficiency Installations for Buildings Class 2 – 9

Prior to the issue of a Construction Certificate for building works, 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.

11. 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	\$95.70
b.	Kerb and Gutter Damage Deposit	\$2,000.00

12. 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.

13. Landscape Bond

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of a landscape bond in the sum of **\$5,000.00** shall be submitted to the Certifying Authority.

The bond will be released twelve (12) months after the issue of an Occupation/Final Certificate provided the landscape works have been maintained in accordance with the approved landscape plan.

Should the applicant dispose of the property within the twelve (12) month period, it shall be their responsibility to include in the contract of sale a condition granting them access to the property to maintain the landscaping or alternatively make suitable arrangements with the purchaser to take over the responsibility for the bond for the maintenance of landscaping.

14. Stormwater Drainage

Prior to the issue of a Construction Certificate, a fully detailed stormwater drainage plan shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority.

15. 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; and
- 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.

16. 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 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.

17. Waste Management Plan

Prior to the issue of a Construction Certificate, a Waste Management Plan shall be submitted to and approved by Fairfield City Council. The Waste Management Plan shall be prepared in accordance with the requirements of the Fairfield City Council Waste Not DCP. The Waste Management Plan shall address the type of materials expected from demolition/construction; estimated volumes or tonnes of materials; proposed reuse or recycling methods; the contractors to be used; and the recycling outlet and/or landfill site.

18. Section 94A Levy Development Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$724,250.00**

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 Consumer Prices Index (CPI) for Sydney.

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.

19. 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.

20. 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.

21. 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.

22. 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, see Building Developing and Plumbing then Quick Check or telephone: 13 20 92.

23. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with Chapter 3.1.7 of the Fairfield City Wide DCP 2006 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. This plan is to

include dust response measures and any proposals for dewatering of the site.

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.

24. 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.

25. 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.

26. Garbage Rooms

Details of the proposed waste management facilities (garbage rooms) shall be provided to and approved by Fairfield City Council prior to the issue of a Construction Certificate. The waste management facilities 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 will provide for a designated space for dry recycling facilities.

Waste collection from these areas shall be restricted to the hours between 6.00am – 10.00pm.

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.

27. 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.

28. 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.

29. Works on Adjacent Roads

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

- a. 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.
- b. The developer shall remove and replace all damaged or displaced path paving on the southern side of Polding Street 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.

30. 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.

31. Surveyor's Certificate of Location of Development 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 alterations and additions have 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. 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.

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. 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:

- Statement of Environmental Effects prepared by BBC Consulting Planners, Job No. 08-084, Reference No. Final SEE.doc, dated December 2010 and all appendices submitted in support of the Development Application.

35. Building in Saline Environments

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

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the

building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

36. 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.

37. Fitout of Gymnasium

Prior to the issue of an Occupation Certificate, a detailed assessment of noise emissions from the proposed gymnasium shall be undertaken and submitted to Council for assessment. The noise assessment shall demonstrate that the operation of the gymnasium including all associated plant and equipment can comply with the relevant noise guidelines.

38. Plan of Management

Prior to the issue of an Occupation Certificate, a Plan of Management addressing anti-social behaviour shall be prepared as recommended in correspondence entitled "Request for Information – CPTED Measures" prepared by BBC Consulting Planners, Reference No. JL/08-084A, dated 29 March 2011, and submitted to the Principal Certifying Authority.

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 Construction Certificate

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

40. 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).

41. Compliance with Fire Safety Schedule

All fire safety measures listed in the Fire Safety Schedule are to be installed and certified as achieving no less than their applicable performance standard as noted beside each fire safety measure on the Fire Safety Schedule. The Fire Safety Schedule forms part of the Construction Certificate applicable to this subject development.

42. 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.

43. Excavation and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

44. 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.

45. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that:

- a. 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.

46. 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.

47. Method of Stormwater Drainage

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

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.

48. 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.

49. 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.

50. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by Stockland, Drawing No. DA-501, Issue D, dated 27 July 2011, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

51. Driveway Separation from Landscaping

All driveways except of the driveway along the north edge of the car park at the western side of the Polding Street entrance shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

52. Car Parking Areas, Loading Docks and Access Driveways

The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including grades, turn paths sight distance requirements, aisle widths, aisle lengths, loading bay dimensions and parking bay dimensions) shall be in accordance with AS 2890.1 – 2004 and AS 2890.2-2002 for large vehicles.

53. Car Parking

The following car parking shall be provided in accordance with Chapter 12 of the Fairfield City-Wide Development Control Plan 2006:

- a. 2421 off-street car parking spaces for staff and visitors; and
- b. 48 off-street car parking spaces for disabled persons (minimum width 3.8m).

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

54. 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 site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading dock provided.
- d. No articulated vehicles shall be used for the servicing or operations of this development.

55. Hours of Operation

The core hours of operation for the shopping centre remain unchanged and the centre shall operate as approved under previous development consents, including for the Woolworths, Franklins, McDonalds and the Hoyts cinema complex, which currently operate outside core hours.

The proposed trading hours for the gymnasium and the medical centre are also outside the core trading hours of the shopping centre, and are approved as follows:

- Gymnasium

Monday to Friday:	5.30am – 10.00pm
Saturday and Sunday:	7.30am – 7.00pm

- Medical Centre

Monday to Friday:	7.30am – 6.30pm
Saturday:	8.00am – 5.00pm
Sunday:	Closed

Note: The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

56. Use of Building Not Approved

Separate development consent is required for the use of the new tenancies prior to the occupation of the development, with the exception of the gymnasium and medical centre.

57. 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.

58. Flood Affected Development

The subject site is located within a flood affected area, as identified within the Flood Study Report prepared by Taylor Thomson Whitting, dated 3 August 2011. In this regard, the following measures shall be incorporated into the development.

- a. Only flood resistant materials shall be used below the designated floor level.
- b. All services and utilities connected to the property shall be flood proofed.
- c. An appropriate flood warning system shall be provided.
- d. All car parking spaces shall be located clear of flood hazard areas.

59. Previous Development Consents

The use of the premises shall operate in accordance with all conditions of previous Development Consents issued for the use of the site as a shopping centre, and applicable to the operation of the site.

60. 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.

61. Wheel Wash Facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for

the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

62. Dust Suppression

The developer shall provide appropriate dust monitoring systems during the construction of the development. The developer shall provide to Council, prior to commencement of the soil transfer operation, a monitoring protocol and performance criteria or dust monitoring. Reporting of dust suppression shall be provided in progress reports.

63. Restriction on Use and Positive Covenant – Overland Flow

A 'Restriction on Use' and 'Positive Covenant' shall be created over Lots Lot 102 DP 1034345, Lot 1 DP 867772 in the location of the overland flow path in the following terms:

Restrictive Covenant

- (1) The proprietor of the burdened lot shall not:-
 - (a) Erect, construct or place any building or other structure,
 - (b) Make alterations to the ground surface levels, kerbs, driveways or any other structure,

Within the land so burdened without the prior written consent of Fairfield City Council.

- (2) No fencing, including boundary fencing shall be erected within the land hereby burdened unless such fencing is of an open style which will not obstruct the flow of water across the land.

Positive Covenant

- (1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the stormwater overland flowpath within the land so burdened to the satisfaction of Fairfield City Council and in this regard must comply with any written request of the Council with such reasonable time period as nominated in the said written request.
- (2) Where the proprietor of the burdened lot fails to comply with any written request of the Fairfield City Council referred to in (1) above the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.

- (3) Full and free right for the Fairfield City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any pipeline, grate, pit, other structure or alter surface levels to ensure the maintenance of the overland flowpath within the land so burdened.

Authority with the right to release, vary or modify restrictive and positive covenants is Fairfield City Council.

64. Covenants which may Affect this Proposal

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

ROADS AND TRAFFIC AUTHORITY CONDITIONS

The following conditions imposed upon the development by the Roads and Traffic Authority (RTA) shall be complied with during the relevant stages of construction and operation of the development.

- i. The following traffic measures to improve the operation of the existing road network and internal road circulation shall be undertaken:
 - a. The redundant right turn bay on the north-south spine road southbound just south of Polding Street should be removed allowing the second right turn bay on south approach of the Polding Street/north-south spine road intersection to be extended (possibly to the roundabout);
 - b. All uncontrolled intersections accesses on the north-south spine road with the exception of the library/community centre access should be physically restricted to left-in/left-out with extension of the central median.
 - c. A second lane shall be provided on the southern entry driveway just north of Restwell Street; and
 - d. Restwell Street between Prairievale Road and the site access shall be configured with four lanes (i.e. one (1) through lane and one (1) right turn bay in both travel directions).
- ii. Changes and/or works on existing traffic signal intersections at the Polding Street/Access Road, Polding Street/Conrad Street, Restwell Street/Prairievale Road and Restwell Street/Access Road intersections requires certified copies of traffic signal design, civil design plans and swept path analyses to be submitted to the RTA for consideration and approval prior to the release of the

Construction Certificate for road works and commencement of any road works.

The design plans shall be designed in accordance with the RTA's Road Design Guide, RTA's Traffic Signal Design Manual other Australian Codes of Practice and prepared by a suitably qualified practitioner (it is noted that the civil design plans need to be endorsed by a suitably qualified chartered Engineer who is registered with the Institute of Engineers, Australia).

The RTA fees for administration, plan checking signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed traffic signal design plans. The Construction Certificate for road works shall not be released until such time the WAD is executed.

The proposed traffic signals works shall be fully constructed and operational prior to the release of any Occupation Certificates.

- iii. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the traffic signal works and as required by the various public utility authorities and/or their agents.
- iv. The provision of off-street car parking, bicycles storage and loading facility shall be provided to the satisfaction of Council.

It is noted that the existing parking demand is quite high on an average day which indicates it will significantly overflow during high trading days (i.e. Christmas, Easter etc) resulting in overflow of parking onto local streets and traffic delays due to high amount of vehicles circulating within the car park. Considering the situation will be made worse by the proposed development, additional off-site overflow parking should be investigated (eg Fairfield Showground) with frequent and regular shuttle bus provided to and from the shopping centre.

- v. In order to minimize the amount of cars circulating around the heavy utilized car park, dynamic signage showing the amount of vacant car parking spaces should be provided on car park access points from the north-south spine road.
- vi. The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, aisle

lengths, loading bay dimensions and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2 -2002 for large vehicles.

- vii. Consideration should be given to ensuring pedestrian safety in the area, particularly with regard to the intersection of trucks and pedestrians along Polding Street and the proposed loading dock accesses.
- viii. A Loading Dock Management Plan (LDMP) shall be undertaken to Council's satisfaction and shall implement appropriate measures to prevent additional trucks entering the site when the loading dock is full. In addition, the LDMP shall outline measures to ensure trucks can always enter and exit in a forward direction. The LDMP shall be submitted for approval, prior to the release of the Occupation Certificate.
- ix. A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of a construction certificate.
- x. All works associated with the development are to be at no cost to the RTA.