

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 1299.1/2010
JOINT REGIONAL PLANNING PANEL NO. 2010SYW013

Lot 1 DP 541457, No. 727-737 The Horsley Drive and Lot 3 DP 2030777,
No. 73 Victoria Street, Smithfield.

Demolition of existing structures and erection of a four-storey building comprising two levels of partially submerged car parking for 378 vehicles and two levels of warehouse space above for the purpose of a Bunnings warehouse.

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:

Prepared by	Title	Date	Dwg No.	Rev
John R Brogan & Associates	Site Plan Parking Level 2	04.03.11	030	A
John R Brogan & Associates	Site Plan Parking Level 1	04.03.11	031	A
John R Brogan & Associates	Site Plan Warehouse Level 1	04.03.11	032	A
John R Brogan & Associates	Site Plan Warehouse Level 2	04.03.11	033	A
John R Brogan & Associates	Racking Plan Warehouse Level 1	04.03.11	050	A
John R Brogan & Associates	Racking Plan Warehouse Level 2	04.03.11	051	A
John R Brogan & Associates	Site Plan Parking Level 2 1/2	04.03.11	100	A
John R Brogan & Associates	Site Plan Parking Level 2 2/2	04.03.11	101	A
John R Brogan & Associates	Site Plan Parking Level 1 1/2	04.03.11	102	A
John R Brogan & Associates	Site Plan Parking Level 1 2/2	04.03.11	103	A
John R Brogan & Associates	Site Plan Warehouse Level 1 1/2	04.03.11	104	A
John R Brogan & Associates	Site Plan Warehouse Level 1 2/2	04.03.11	105	A
John R Brogan & Associates	Site Plan Warehouse Level 2 1/2	04.03.11	106	A
John R Brogan & Associates	Site Plan Warehouse Level 2 2/2	04.03.11	107	A
John R Brogan & Associates	Site Plan Roof Plan 1/2	04.03.11	110	A
John R Brogan & Associates	Site Plan Roof Plan 2/2	04.03.11	111	A
John R Brogan & Associates	Sections	04.03.11	120	A
John R Brogan & Associates	Sections	04.03.11	121	A
John R Brogan & Associates	Elevations	04.03.11	130	A
John R Brogan & Associates	Elevations	04.03.11	131	A
John R Brogan & Associates	Elevations	04.03.11	132	A
C & M Consulting Engineers	Cover Sheet, Drawing Index, General notes & Locality Sketch	10.12.10	00577_C100	01
C & M Consulting Engineers	Site Layout Plan	10.12.10	00577_C110	01
C & M Consulting Engineers	General Arrangement Plan Parking Level 2	10.12.10	00577_C201	01

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C & M Consulting Engineers	General Arrangement Plan Victoria Street	10.12.10	00577_C202	01
C & M Consulting Engineers	General Arrangement Plan Parking Level 1 – sheet 1 of 2	25.03.11	00577_C203	02
C & M Consulting Engineers	General Arrangement Plan Parking Level 1 – sheet 2 of 2	10.12.10	00577_C204	01
C & M Consulting Engineers	General Arrangement Plan Warehouse Level 1 – sheet 1 of 2	10.12.10	00577_C205	01
C & M Consulting Engineers	General Arrangement Plan Warehouse Level 1 – sheet 2 of 2	10.12.10	00577_C206	01
C & M Consulting Engineers	Longitudinal sections	25.03.11	00577_C301	02
C & M Consulting Engineers	Typical sections	25.03.11	00577_C351	02
C & M Consulting Engineers	On-Site Detention Tank Sections & Details	10.12.10	00577_C501	01
C & M Consulting Engineers	Sediment & Erosion Control Plan	10.12.10	00577_C801	01
C & M Consulting Engineers	Sediment & Erosion Control Details	10.12.10	00577_C802	01
John Lock & Associates	Landscape Plan	14.12.10	1727 LP - 01	C
John Lock & Associates	Landscape Elevations	14.12.10	1727 LP - 02	C
John Lock & Associates	Landscape Details	14.12.10	1727 LP - 03	C

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

2. 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 | \$93.00 |
| b. | Kerb and Gutter Damage Deposit | \$1,000.00 |
| c. | Road Opening Fee | \$93.00 |
| d. | Vehicular Crossing Application Fee | \$129.00 |

3. 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.

4. **Landscape Planting**

Prior to the issue of a Construction Certificate, the landscape plan shall be amended to include an additional four (4) *Brachychiton acerifolius* (100L pots) to be planted within the front landscape setback area of The Horsley Drive. In this regard, a total of eight (8) trees *Brachychiton acerifolius* shall be planted within this setback area.

5. **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** 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.

6. **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.

7. Deemed-to-Satisfy

The proposal as submitted does not comply with the Deemed-to-Satisfy provisions of the Building Code of Australia. Compliance with the performance requirements, by formulating an alternative solution or otherwise, shall be demonstrated to the Certifying Authority prior to the issue of a Construction Certificate.

8. 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 two hundred and ninety seven thousand dollars **(\$297,000.00)**.

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.

9. Contamination Investigation and Remediation of Contamination

Lot 3, DP 203077, No. 73 Victoria Street, Smithfield

- 1. Prior to the issue of a Construction Certificate and following the completion of demolition works, the following shall be submitted to Fairfield City Council for its assessment and approval:
 - a. In accordance with the Environmental Site Assessment prepared by Environmental Investigation Services, Reference No. E23972KHrpt3, following the demolition of buildings and structures at Lot 3, DP 203077, No. 73 Victoria Street, Smithfield, engage a suitably qualified contaminated land consultant to carry out further investigations into the following:
 - i. Determine the extent and source of the Polychlorinated Biphenyl (PCBs) contamination identified in the above report.
 - ii. Assess the extent of impacted natural soils to allow classification of the natural soil.

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- iii. Assess the presence/absence of asbestos containing materials in the fill material at the site.
- iv. Assess the extent and source of any other contaminants identified during the additional investigations.

Note: The investigations required under points 1a i-iv shall be undertaken in accordance with the NSW Department of Environment, Climate Change and Water (DECCW) 'Contaminated Sites Series' and any other relevant guidelines. A report of the findings shall be submitted to Fairfield City Council for assessment.

- b. Should site investigations (required under point 1a above) reveal that the site is contaminated, a Remedial Action Plan (RAP) shall be submitted to Fairfield City Council for assessment and approval. The RAP shall be prepared in accordance with the NSW DECCW 'Contaminated Sites Series' and any other relevant guidelines.
- c. Undertake remedial works in accordance with the Remedial Action Plan required under point 1b above and as approved by Fairfield City Council.
- d. Following the completion of the remedial works (as required under point 1c above), a validation report shall be prepared in accordance with the NSW DECCW 'Contaminated Sites Series' and any other relevant guidelines, and submitted to Fairfield City Council for assessment and approval. The validation report is required to clearly state that the property is suitable for the proposed land use.

Lot 1, DP 541457, No. 727-737 The Horsley Drive, Smithfield

- 2. Prior to the issue of a construction certificate and following the completion of demolition works at the premises at Lot 1, D.P. 541457, 727-737 The Horsley Drive, Smithfield undertake remedial works in accordance with the following:
 - a. Additional Environmental Site Assessment and Remedial Action Plan prepared by Environmental Investigation Services, Reference No. E23972KHrpt2, dated August 2010.
 - b. Additional Asbestos Assessment and Remedial Action Plan prepared by Environmental Investigation Services, Reference No. E23972KHrpt4, dated December 2010. In particular the affected areas shall be remediated in accordance with Section 12.6.2 'Asbestos Impacted Area' and not by the other proposed option.

During remedial works in relation to asbestos contamination at the premises (required under point 2 b above), implement an appropriate

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Occupational Health & Safety (OH&S) plan to minimise exposure to asbestos both on-site and off-site. This shall include, but is not limited to:

- Undertake air monitoring during remedial works.
- Appoint a suitably qualified Occupational Hygienist to assess the extent of monitoring required at the site.
- All remedial works/activities shall be undertaken in accordance with the specific requirements of the NSW WorkCover Authority. This shall include notification requirements.

Note: Any proposed deviation from the methodology contained within the approved Remedial Action Plans detailed in points 2a and 2b above shall be submitted to Fairfield City Council for assessment and approval, prior to any such works being undertaken.

Following the completion of the remedial works (as contained in the approved Remedial Action Plans and as required under point 2a and 2b above), a validation report shall be prepared in accordance with the NSW DECCW 'Contaminated Sites Series' and any other relevant guidelines, and submitted to Fairfield City Council for assessment and approval. The validation report is required to clearly state that the property is suitable for the proposed land use.

10. 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;

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 regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

11. On-site Detention Design Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with:

- Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:
 - i. To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;
 - ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

Note: If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for on site detention, the following details will be required:

- a. Full details, as per Council's On Site Detention Handbook, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.
- b. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site.

If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

12. Traffic Signals & Civil Design Plans

Certified copies of traffic signal and civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate and commencement of any road works for the following traffic signal and road works:

- Proposed relocation of the mid-block traffic signal on The Horsley Drive to O'Connell Street;
- Proposed raised concrete median on Victoria Street to restrict vehicular access to left-in/left-out only;
- Proposed Victoria Street access; and
- Proposed left turn deceleration lane into the proposed Victoria street access.

NB The ultimate phasing arrangement depicted on the traffic signal plan shall be endorsed by Council prior to submission to the RTA.

The traffic signal and civil design plans shall be designed in accordance with the RTA's Road Design Guide, RTA's Traffic Signal Design Manual and other Australian Codes of Practice as required and endorsed 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, works inspection and project management shall be paid by the developer prior to the commencement of works. A ten (10) year operation charge (payable to the RTA) will apply to the traffic signal relocation.

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 all works above ground shall not be released until such time as the WAD is executed.

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

13. Public Utility Adjustment/Relocation Works

The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above works and as required by the various public utility authorities and/or their agents.

14. Loading Dock Egress

Prior to the issue of Construction Certificate, amended plans shall be submitted to Council showing the proposed loading dock egress onto The Horsley Drive being designed to restrict right turn movement out of the site to Council's satisfaction.

15. Demolition & Construction Traffic Management Plan

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.

16. Proposed Cafe

Prior to the issue of a Construction Certificate, detailed plans shall be submitted to the Principal Certifying Authority for the design of the proposed café. Plans shall comply with Australian Standard AS 4674-2004 (Design, Construction and Fit Out of Food Premises).

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.

17. 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.

Note: A Construction Certificate is not required for demolition works.

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

18. **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.

19. **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.

20. **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.

21. **Kerb and Gutter Status Form**

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

22. **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.

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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.

23. 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.

24. 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.

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. Basement Ramp

The vehicular ramp providing access to the basement carpark from O'Connell Street shall be provided with a crest of RL 27.47 AHD as detailed in Overland Flow Assessment prepared by C&M Consulting Engineers, dated 24 March 2011.

27. Road Occupancy Licence

A Road Occupancy Licence shall be obtained from the RTA for any works that may impact on traffic flows on Victoria Street during construction activities.

28. Stormwater Drainage System

Should there be changes to the RTA's drainage system, detailed design plans and hydraulic calculations of the stormwater drainage system shall be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973
PARRAMATTA CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirements please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

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.

29. 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.

30. 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.

31. **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.

32. **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 building has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment and the distances of the building from the boundaries.

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. **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'.

35. **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.

36. **Full Width Footpath Paving**

Prior to the issue of the Final Occupation Certificate, a new 1.2m wide, 125mm thick, reinforced (with SL82) concrete footpath shall be constructed for the full road frontage of the property in The Horsley Drive and O'Connell Street. The developer

shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

37. 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.

38. On Site Detention – Works-As-Executed

On completion of the drainage works and prior to occupation, Works-As-Executed plans certified by a Registered Surveyor shall be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details shall be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- a. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- b. Location and surface levels of all drainage pits, weir levels and dimensions.
- c. Invert levels of - the internal drainage lines.
 - orifice plates.
 - outlet control pit.
- d. Finished floor levels of structures such as units and garages.
- e. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- f. Verification that a trash screen is installed.
- g. Location and levels of any overland flow paths through the site.
- h. Details of any variations made from approved plans.

39. Registration of Restriction and Covenant over OSD System

Prior to the issue of the final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's On-Site Detention Handbook (February 1997) shall be submitted to the Principal Certifying Authority.

40. On-Site Detention – Certification of Works

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

- i. That the On-Site Detention system will function in accordance with the approved drainage design.
- ii. Any variations from the approved drainage design.
- iii. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

41. 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:

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

42. Loading Dock Management Plan

A Loading Dock Management Plan (LDMP) shall be prepared 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 to Council for approval, prior to the release of the Occupation Certificate.

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.

43. 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.

44. **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).

45. **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.

46. **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.

47. **Demolition Requirements**

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

- a. The property being secured to prevent unauthorised entry.

- b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
- c. All other materials and debris are to be removed from the site and disposed of to an approved outlet in accordance with the approved Waste Management Plan.
- d. Seven (7) days notification to commence demolition work shall be given to WorkCover NSW in accordance with Clause 3.4.5 of the Occupation Health and Safety Regulation 2001.
- e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Department of Environment and Conservation NSW (www.environment.nsw.gov.au)

48. **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.

49. **Deep Excavation**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

50. 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.

51. 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.

Except that,

Building works in a 4(a) zone may be carried out within the following hours:

2. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. 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.

52. 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.

53. 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.

54. Post-Demolition Inspection Required

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

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

55. 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.

56. 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.

57. **Excavated Fill**

All excavated fill material shall be classified prior to the removal from the premises to be developed. Following classification, excavated fill materials shall be disposed of at an appropriately licensed waste facility.

Copies of all waste receipts/waste tracking dockets and/or invoices relating to the removal, transportation, and disposal of fill materials shall be submitted to Council. This shall include the quantities of fill materials removed from the development site.

58. **Importation of Fill Material**

Any fill imported into the site must meet the criteria of 'Virgin Excavated Natural Material' as defined in Department of Environment, Climate Change & Water (DECCW) Waste Classification Guidelines 2009 and written verification provided to the satisfaction of the Principal Certifying Authority.

59. **Demolition Requirements**

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

- a. The property being secured to prevent unauthorised entry.
- b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
- c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with the approved Waste Management Plan.
- d. Seven (7) days notification to commence demolition work shall be given to WorkCover NSW in accordance with Clause 3.4.5 of the Occupation Health and Safety Regulation 2001.
- e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Department of Environment and Conservation NSW (www.environment.nsw.gov.au)

60. During Construction

During the construction period the applicant must ensure that:

Any building work is to be carried out within the following hours.

Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work 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.

61. Hours of Operation

The approved hours of operation for the use of the premises are:

Store Trading Hours

Monday to Friday:	7.00am to 9.00pm
Saturday, Sunday & Public holidays:	8.00am to 6.00pm

Deliveries and Unloading Activities

Delivery vehicles accessing the premises and associated unloading activities at the premises are permitted only during the following hours:

Monday to Friday:	7.00am to 10.00pm
Saturday, Sunday & Public Holidays:	9.00am to 6.00pm

Operation of Mechanical Plant

The operation of mechanical plant, including but not limited to, air conditioning and car park ventilation systems, shall not operate outside the following hours:

Monday to Friday:	7.00 am to 10.00pm
Saturday, Sunday & Public Holidays:	8.00 am to 6.00pm

62. Boundary Fencing

A 2.4 metre fence high fence shall be erected along the eastern boundary of the site to ensure visual and acoustic privacy between the subject site and the eastern-adjointing properties. The fence need only be erected along that part of the boundary which is not already occupied by the adjacent industrial buildings. The fence shall be constructed of solid acoustic-absorbent material.

63. 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.

64. Carparking – General

The following number of car parking spaces shall be provided:

- a. Three hundred and seventy eight (378) off-street car parking spaces for staff and visitors; including
- b. Ten (10) 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.

65. Unreasonable Noise and Vibration

The operation of the premises, 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. 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.

67. OSD Construction

The on-site detention drainage system shall be constructed in accordance with the approved design and Council's On-Site Detention Handbook – February 1997.

68. **Off Street Car Parking & Loading Facilities**

The layout of the proposed car parking areas, loading docks and driveways 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 AS 2890.1 – 2004 and AS 2890.2 – 2002 for large vehicles.

The large vehicle entrance on Victoria Street shall be designed so that trucks entering the site shall be able to enter to do so safely whilst straddling the proposed left turn lane and the adjacent through lane.

69. **All Associated Works**

All works associated with the development shall be undertaken at no cost to the RTA.

70. **Lighting**

Illumination of the site shall 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.

71. **Public Address System**

No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any public place.

72. **Drain Stencilling**

All stormwater drains/pits on the site shall be provided and maintained with the message; "This pit drains to the Georges River". Lettering shall be 100mm high block bold yellow painted lettering. Paints used shall be of road line marking standard.

73. **Proposed Sausage Sizzles**

The proposed sausage sizzles shall comply with the NSW Food Authority's Food Handling Guidelines for Temporary Events 2006 and the Food Standards Code.