

**DRAFT CONDITIONS OF CONSENT**  
**DEVELOPMENT APPLICATION NO. 306.1/2011**

Lot 1, D.P. 730010, No. 49-61 Spencer Street, Fairfield.

Alterations and Additions to Existing Commercial/Retail Complex, Including Re-Configuration of Retail Ground Floor and Provision of a 24-Room Medical Centre, Minor Alterations and Refurbishment to Existing Office Tower, and Construction of Podium Level Car Park and Two (2) Residential Towers Containing a Total of 119 Residential Home Units.

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**APPROVED PLANS****1. Compliance with Plans**

The development shall take place in accordance with the approved development plans as prepared by Urbis, Project Number SD1044, as detailed below and except as modified in red by Council and/or any conditions of this consent:

<b>Drawing Number</b>	<b>Revision</b>	<b>Date</b>
DA 102 & 103	0 (Sections B & C)	31/3/2011
DA102 to DA110	P	20/6/2011
DA 111 - 112	0	31/3/2011
DA 201, 204, 205	P	20/6/2011
DA 301, 303, 304	P	20/7/2011
DA 302	P	20/6/2011
DA 401 to DA 405	P	20/6/2011
DA 601 to DA 604	-	Undated

- Stormwater drainage for the development shall take place generally in accordance with the concept stormwater plans prepared by Wallis & Spratt Pty Ltd consulting engineers, project No 16498, drawing H01, H02, H03, H04, H05, H06, H07, H08, H09, revision 1, dated February 2011. Final plans with details and specifications suitable for construction including a spillway to the OSD tank and complying with Council's Urban Area On-Site Detention Handbook, Stormwater Drainage policy and AS 3500 shall be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**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. Building Maintenance Plan, Graffiti Removal and Vandalism Response Strategy**

Prior to the issue of a Construction Certificate a detailed Building and Site Maintenance Plan is to be prepared and submitted to Council for approval. The Building and Site Maintenance Plan is to provide comprehensive building and site maintenance and cleaning strategies including the following matters:

- a. Cleaning schedule of external areas including response strategies for the removal of graffiti.
- b. Awning Maintenance Plan covering the anticipated awning life span for all awnings erected external to the building over footway areas.
- c. Cleaning and maintenance schedule of common tenancy areas including the podium open space areas.
- d. Cleaning schedule of dock, waste rooms, bicycle storage room and shower, and car parking areas.
- e. Maintenance schedule of building elements such as painted walls, public art features, external glass façade of office building, and related external building elements that require regular maintenance.
- f. Maintenance schedule of electronic access systems and CCTV.
- g. External lighting maintenance and globe replacement strategy.
- h. Vandalism response strategy.
- i. Incorporation of the building design and management recommendations contained within the CPTED report prepared by Urbis, dated May 2011.

**3. Site Security Management Plan**

Prior to the issue of a Construction Certificate a detailed Site Security Management Plan shall be submitted for Council approval. The plan shall detail the operational monitoring responsibilities for CCTV systems as well as the operating protocols to be employed for the management of CCTV systems.

**4. Public Art – Car Park Screening**

The car parking levels fronting Spencer Street, and for a minimum distance of 15 metres into Council Lane from the intersection of Spencer Street, shall be screened utilizing a public art façade screening element. Approval for the design and materials utilized in the public art façade screen shall be obtained from Fairfield City Council prior to the issue of a Construction Certificate.

5. **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.

6. **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) shall be submitted to the Certifying Authority.

The total contribution to be paid to Council (as applicable at the date of this consent) is **\$411,649.00**.

This contribution is based on the development containing eleven (11) small, fifty (50) medium and fifty-eight (58) large dwellings.

The components of this contribution consist of the following:

▪ S.94 Administration .....	\$26,930.00
▪ S.94 Community Facilities City Wide .....	\$35,150.00
▪ S.94 Community Facilities Fairfield .....	\$17,816.00
▪ S.94 Land Acquisition .....	\$247,298.00
▪ S.94 Open Space Embellishment .....	\$13,771.00
▪ S.94 Open Space Embellishment Fairfield .....	\$70,684.00

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.

7. **Voluntary Planning Agreement**

Prior to the issue of the Construction Certificate the developer shall enter into a Voluntary Planning Agreement with Council in terms of the offer made in the letter from Conomos Legal dated 22 June 2011. Such offer requiring the payment of \$408,000 as a contribution to Council to cover a shortfall of 30 car parking spaces at the rate of \$13,600 per car parking space. The payment is to be made to Council prior to the issue of the Construction Certificate.

8. **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**
- c. Vehicular Crossing Application Fee .....**\$266.00**

9. **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:

- a) Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:
  - i) to restrict the total discharge from the site for all storms as shown on the submitted concept stormwater plans prepared by Wallis & Spratt Pty Ltd Consulting Engineers and referenced in conditions of this consent;

**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.

**10. 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.

**11. Landscape Plans Certified by Landscape Architect**

Prior to the issue of a Construction Certificate, a landscape plan prepared and certified by a qualified landscape architect and designed in accordance with the approved Landscape Design Concept Plan and 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. Trees to be removed;
- d. Proposed planting (quantity, species, and expected mature height);
- e. Proposed earth mounding;
- f. Paths and paving (location and materials);
- g. The method of planting and the proposed maintenance program; and
- h. 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, car parks, loading docks and garbage storage areas.

## 12. 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. **Endeavour 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.

## 13. Flooding Affection

The development the subject of this consent is located in a **low** floor risk precinct affected by mainstream flooding and partly within a **medium** flood risk precinct and partly within a **low** flood risk precinct affected by overland flooding as described in the Flood Information Sheet issued by Council to Wallis & Spratt Consulting Engineers Pty Ltd, dated 24 March 2011.

In this regard, prior to the issue of a Construction Certificate, the applicant shall engage a suitably qualified consultant to ensure that the development complies with the development controls contained in Chapter 11 in the Fairfield City Wide DCP, 2006 – “Flood Risk Management”.

## 14. Finished Ground Floor Levels

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the finished ground floor levels for the development comply with the 500mm freeboard requirements above the 100 year ARI flood levels in accordance with Schedule 6, in Chapter 11 of the Fairfield City Wide DCP, 2006 – “Flood Risk Management”.

**15. Vehicular Crossing Application**

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

**16. Disability Access**

Prior to the issue of a Construction Certificate a report from a suitably accredited person shall be submitted to the certifying authority demonstrating that the proposed building complies with the relevant requirements of the Building Code of Australia, AS1428.1 and Disability (Access to Premises – Buildings) Standards.

**17. Storage Requirements for Residential Units**

Prior to the issue of a Construction Certificate, details of the location of secure storage space complying with the requirements below shall be submitted to the certifying authority:

- a. Minimum secured storage space is to be provided for each residential unit on the following basis:
  - i. One bedroom unit – 8 cubic metres
  - ii. Two bedroom units – 10 cubic metres
  - iii. Three or more bedroom units – 12 cubic metres.

Note: Secured storage space located in areas outside the residential unit is to be incorporated within the unit space entitlement for residential units in any Strata Plan of Subdivision.

**18. Building setback to Council Lane and Splay Corner**

The proposed building alignment as shown on submitted plan DA606 "Council Lane South ROW Section F", prepared by Urbis Pty Ltd, shall be a minimum of 0.6m clear of the proposed kerb line in the widened Council Lane. The proposed building shall also be clear of the 3.0 x 3.0 metre splay corner required at the intersection of Smart Street and Council Lane.

**19. 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;

## ATTACHMENT A

- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than 100 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.

### 20. Works on Adjacent Roads – Approvals and Levels

All approvals and levels for works on adjacent roads (i.e. footway area) must be obtained prior to the release of the Construction Certificate.

### 21. Access to Footpath

Prior to the issue of a Construction Certificate, proof that the internal floor levels with direct ground floor access to the road reserve, have been fixed with respect to the footway boundary levels shall be submitted to the Certifying Authority.

### 22. Engineering Construction Certificate

Prior to the issue of Building Construction Certificate, an Engineering Construction Certificate shall be submitted to the Certifying Authority for the following works:

- Construction of carriageway widening along the northern side in Council Lane to 7.0 metres between face of kerbs, from the proposed vehicular entry/exit driveway in Council Lane to Smart Street, together with reconstruction of the kerb returns, in accordance with approved plans and specifications at no cost to Council. The kerb and gutter alignment at the southern side of Council Lane shall remain as existing.



- Stormwater connection to Council's system.
- Full width foot pavement reconstruction along the site's frontage to Smart Street, in accordance with Council's requirements.
- Reconstruction of the speed reduction devices and pedestrian crossing in Council Lane.

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. Documentary evidence of approval from the relevant utility authorities affected by the proposed works shall also be submitted with the application.

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

**23. Road Dilapidation Survey Required**

The route for transportation of materials during construction to and from the development site shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for transportation of materials for approval by Council prior to issue of any construction certificate. Prior to issue of any Construction Certificate, the applicant shall submit to Council a road dilapidation survey of the local roads along the agreed transportation route. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good under Council supervision or paid for by the applicant. A damage deposit or bank guarantee may be required to be lodged with Council as a security against compliance with this condition prior to issue of any construction certificate

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A 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.**

**24. 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.

**25. 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.

**26. 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.

**27. 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.

**28. 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.

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.

**29. 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.

**30. Hoarding Approval**

A separate Activity Application shall be lodged at Council for the erection of a hoarding. The hoarding application must be approved prior to any construction or demolition works occurring on site.

**31. 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.

**32. Construction Environmental Management Plan**

Prior to the commencement of any works on site, a Construction Environmental Management Plan (CEMP) prepared by a suitably qualified environmental consultant shall be submitted to Fairfield City Council for review and subsequent approval to ensure that the natural environment is not unacceptably impacted upon by the proposal. The CEMP shall include but not be necessarily limited to the following measures:

- a. Measures to suppress odours and dust emissions
- b. Soil and water control measures
- c. Measures to identify hazardous and industrial wastes and the procedure for removal and disposal
- d. Noise and vibration

**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.**

**33. 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.

**34. 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.

**35. Dedication of Road Widening**

Prior to the issue of the final Occupation Certificate:

Proof of dedication of the road widening adjacent to the development in Council Lane shall be submitted to the Principal Certifying Authority. The alignment of such road widening is to be in accordance with detailed plans approved by Council.

**36. Dedication of Road Splay**

Prior to the issue of the final Occupation Certificate, proof of dedication of a 3 metre x 3 metre splay on the corner of Smart Street and Council Lane as public road shall be submitted to the Principal Certifying Authority.

**37. Works-as-executed Plans for Road and Drainage Works**

Prior to the issue of an Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the road and drainage works have been constructed as approved shall be submitted to the Private Certifier and Council.

**38. Certification for Road and Drainage Works**

Prior to the issue of the final Occupation Certificate, a certificate shall be submitted to the Principal Certifying Authority, Certifying that all road and drainage works have been completed in accordance with the approved engineering drawings/Works-As-Executed drawings.

**39. 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 in along the site's frontage to Spencer Street and Council Lane 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.

**40. Full Width Footpath Paving**

Prior to the issue of the final Occupation Certificate, full width paving block footpath shall be reconstructed to Council's requirements for the full road frontage of the property in Smart Street The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

**41. 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 are to 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 are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- 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 on the ground floor
- 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.

**42. 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.

**43. OSD – Marker Plate**

Each On-Site Detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required. The wording is to consist of:-

THIS IS AN ON-SITE DETENTION STRUCTURE  
DO NOT TAMPER WITH  
CONTACT FAIRFIELD CITY COUNCIL PRIOR  
TO ANY PROPOSED WORKS IN THIS AREA

The marker plate is to be attached prior to occupation of the proposed development.

**44. 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.

**45. 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.

**46. Certification of Approved Finished Floor Level**

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 ground floor levels of the development have been constructed in accordance with the approved plans.

**47. Certification of Approved Building 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 height of the residential towers have been constructed in accordance with the approved plans. The northern tower height is 76.635 metres AHD. The southern tower height is 64.635 metres AHD.

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

**49. Smoke Alarm Certification**

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate prepared by licensed electrical contractor shall be submitted to the Principal Certifying Authority, certifying that the smoke alarms have been installed in accordance with the Building Code of Australia, AS 3786 and AS 3000.

**50. Basix Certification**

Prior to the issue of an Occupation Certificate 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 Numbers 367641M South Tower and 367550M North Tower.

**Note:** The total number of units within the above certificates exceeds the number approved by this consent. Should the design of the dwelling units alter or the commitments to Basix change, new Basix Certificates will be required to be completed and submitted to the Principal Certifying Authority and the Consent Authority.

**51. 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.

**52. 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. Pedestrian Wind Environmental Statement No. WB 062-01F02-WS Report (Rev 1).doc, dated 16 February, 2011.
- b. Environmental Noise Assessment, dated 2 June 2011, prepared by Renzo Tonn & Associates
- c. Construction Noise Assessment, dated 14 June 2011, prepared by Renzo Tonn & Associates

**53. 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 utilising the colours and materials specified with the schedule.

**54. 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'.

**55. Public Art – Car Park Screening**

Prior to the issue of an Occupation Certificate (Interim or Final) documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the public art façade screens comply with the design approved by Fairfield City Council.



**56. Waste Management Plan**

Prior to the issue of an Occupation Certificate (Interim or Final) The Waste Management Consultant shall certify that the Waste Management Plan - Construction and Demolition has been complied with during building construction.

**57. Certification of Disability Access**

Prior to the issue of an Occupation Certificate (Interim or Final) a certificate from a suitably accredited person shall be issued to the Principal Certifying Authority certifying that the building complies with the relevant requirements of the Building Code of Australia, AS 1428.1 and Disability (access to Premises) Standards.

**58. Residential Unit Storage Requirements**

Prior to the issue of an Occupation Certificate (Interim or Final) the allocated secured storage areas as detailed below shall be provided:

- a. Minimum secured storage space is to be provided for each residential unit on the following basis:
  - i. One bedroom unit – 8 cubic metres
  - ii. Two bedroom units – 10 cubic metres
  - iii. Three or more bedroom units – 12 cubic metres.
- b. Secured storage space is to be incorporated within the unit space entitlement for each residential unit in any Strata Plan of Subdivision.

**59. Provision of Right of Carriageway**

Prior to the issue of an Occupation Certificate (Interim or Final), a right of carriageway is to be created over Lot 1, DP 730010, 49-61 Spencer Street Fairfield in favour of Lot 1 , DP 534266 (SP19703 No's 41 – 47 Spencer Street) and Lot 1, DP 614400 (No. 27 Smart Street) ("the dominant lots") over internal access driveways commencing at ground level at the Council Lane boundary and terminating on Level 1 of the car park, as shown on plan prepared by Urbis, DA 102 and 103, Revision P, dated 20/6/2011, Ground Level Plan and Level 1 Car park Plan, to the dominant lots at the point labelled "Breakthrough Wall for Future Easement for Car park Access", on the Level 1 Car park Plan.

**60. CCTV and Electronic Access Systems**

Prior to the issue of an Occupation Certificate (Interim or Final) the security consultant responsible for the installation of CCTV and electronic access systems shall certify that CCTV and electronic Access Systems are operational.

**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.**

**61. 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).

**62. Environment**

Any air emissions produced at the premises shall not give rise to air pollution as defined under the Protection of the Environment Operations Act 1997.

Any works carried out at the premises shall not give rise to water pollution as defined under the Protection of the Environment Operations Act 1997.

**63. Podium Level Fence Height**

Podium level perimeter fences are to have a minimum height of 1.5 metres.

**64. 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](http://www.environment.nsw.gov.au))

**65. 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.

**66. 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.

**67. 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.

**68. 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.

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.

**69. 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.

**70. 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.

**71. 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.

**72. 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.

**73. Car parking - General**

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2006 – Car Parking, Vehicle and Access Management - Chapter 12:

- (a) 162 spaces for the residential component of the development. This number includes 30 spaces designated for use by visitors;
- (b) 103 spaces for the retail and medical component of the development; and
- (c) Five (9) spaces for drivers with a disability. These spaces are not additional to those required by (a) and (b) above and include 6 spaces for allocation to the adaptable housing units.

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.

**74. 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 rear service lane/loading bay/s provided.
- d. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

**75. Removal of Break through Wall**

Within a period of 3 months of the receipt of written notice by or on behalf of the owners of the lots benefited by the right of carriageway referred to in Condition 59 the persons having the benefit of this consent shall remove the ' Break through Wall for Future Easement for Car Parking access' referred to in Condition 59 at their cost.

**76. Material Selection**

No rainforest or old growth forest sourced timber is to be utilized within this development. This requirement does not extend to the use of recycled timber products.

**77. Adaptable Housing**

A minimum of 6 residential units shall be designed as adaptable housing units in accordance with Australian Standard (AS) 1428 Parts 1, 2 and 3 and AS 4299 Adaptable Housing.

**78. Wind Impact Mitigation Requirements**

The recommendations contained in the Pedestrian Wind Environment Statement prepared by Windtech and dated 16 February 2011 are to be complied with and detailed in construction plans required to be submitted with the application for a Construction Certificate. Design recommendations are as follows:

- a) Awning around the South Western corner of the development to include an upturn on the western edge having a minimum height of 2.5 metres.
- b) Retention of the awning to the Spencer Street frontage.
- c) Impermeable balustrades around Level 1 and 2 south – western corner balconies of existing office building.
- d) Impermeable balustrades on the perimeter of all private balconies and terraces, and on the podium terrace.
- e) Privacy screens having a minimum height of 2 metres near the west and north- west face of the Southern Tower.
- f) Privacy screens having a minimum height of 2 metres near the south face of the northern tower.

**79. 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.

**80. Awnings**

The following requirements are applicable to awnings which are proposed to form a part of this development:

- a. Awnings, at a minimum height of 3.3 metres above footpath level, are to be provided to the Smart and Spencer Street building elevations as well as the building elevation adjoining Council Lane for that section proposed to be provided with footpath access.
- b. Regular maintenance of awnings shall be undertaken in accordance with the details contained in the Building Maintenance Plan required by Condition 2 of this consent.

- c. Under awning lighting shall be provided of sufficient luminosity to ensure public safety and convenience as well as CCTV monitoring requirements.
- d. Design of awnings shall reflect the requirements contained within the Pedestrian Wind Environment Statement prepared by Windtech and dated 16 February 2011. This includes the 4 metre deep awning shown in Figure 4 with an upturn of 2.5 metres at the western most end of the awning.

**81. Needle Disposal Bin**

A needle disposal bin is to be located in each male and female communal toilet facility.

**82. Clothes Drying Facilities**

A screened non mechanical clothes drying facility is to be provided for each residential unit. Details of the size, location and nature of screening design to be submitted with the Construction Certificate application.

**83. Bicycle Storage Facilities**

The following requirements relate to bicycle storage facilities:

- a. Bicycle storage facilities, individual racks or lockers, are to be available within the Bike Room for a minimum of 40 bicycles.
- b. The Bicycle room shall contain shower and toilet facilities.
- c. The Bicycle room is to be secured with keys administered by Centre Management. CCTV monitoring to the bicycle room entrance is to be provided together with signage indicating that the area is under constant 24 hour CCTV surveillance.

**84. Waste Management Plan**

The following waste management requirements are applicable to this development:

- a) Compliance with the undertakings and recommendations contained within the Fairfield Chase Waste Management Plan dated December 2010 prepared by Waste Audit Consultancy Services. Recommendations relating to waste storage capacity are minimum requirements.
- b) Compliance with the recommendations contained within the Waste Management Plan Construction and Demolition – Fairfield Chase dated October 2010, prepared by Waste Audit Consultancy Services.
- c) The Site Specific Construction Induction is to incorporate waste management responsibilities of all contractors accessing the site and specify the additional responsibilities imposed on the Site Manager and Head Contractor. Documentation prepared for this purpose is to be reviewed by the Waste Management Consultant prior to use.
- d) The Waste Management Consultant shall certify that Site Induction documentation has been prepared prior to commencement of site works and submit a copy of the certification to the Certification Authority.

**85. Traffic Engineering Requirements**

The following requirements have been specified by Council's Traffic Engineer:

- a) 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 AS 2890.1-2004 and AS 2890.2-2002 for large vehicles.
- b) A Loading Dock Management Plan (LDMP) shall be undertaken to Council's satisfaction and shall implement appropriate measures to prevent trucks entering the site when loading dock is full. In addition, the LDMP shall outline measures to ensure trucks can always enter and exit in a forward direction.
- c) A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval, prior to the issue of a construction certificate.
- d) The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the works and as required by the various public utility authorities and/or their agents.

**86. Compliance with the Conditions Recommended by the RTA**

The following additional traffic related requirements have been specified by the RTA:

- a) Applicant shall give consideration to incorporation of a "car share space" within the car parking area. If provided within the residential car park such space may occupy a space otherwise designated for use by visitors.
- b) The layout of the proposed car parking area, loading docks and access driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths, aisle length, loading bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for large vehicles.
- c) To encourage sustainable forms of transportation, consideration to be given to providing "car- share spaces within the public car park.
- d) All works associated with the development are to be at no cost to the RTA.



**87. Crime Prevention Initiatives**

The following Crime Prevention Initiatives shall be incorporated into the development:

- a) Vandal proof/resistant lighting to limit breakage and maintenance is to be installed in all areas accessible to the public including building common areas.
- b) Entry exit points and any building recessed areas such as those associated with fire stair thresholds shall be illuminated.
- c) Electronic security access is to be provided to residential lobbies on the ground floor and podium floors.
- d) Electronic security access shall be provided to the lifts that access the podium and residential floors.
- e) CCTV monitoring facilities shall be provided to monitor car parking areas including main entrance from Council Lane, residential lobbies, entrances to bike storage room, loading dock area and the Plaza area to Council Lane as a minimum requirement. CCTV shall be live monitored on a 24 hour – 7 day a week basis.
- f) The building design and management recommendations contained within the CPTED report prepared by Urbis, dated May 2011, shall be incorporated into the Building and Site Maintenance Plan in addition to informing the finalization of construction plans.

**88. Endeavour Energy Conditions**

The following conditions have been imposed at the request of Endeavour Energy:

- a. The principal contractor must comply with the requirements contained within the WorkCover's "Work Near Underground Assets" Guide 2007 or latest and other relevant codes.
- b. The principal contractor are only permitted to work under the supervision of an authorised Accredited Service Provider Level 1 site supervisor which should be present at all times to monitor the work and ensure that the requirements of the Guide are met.
- c. The principal contractor must submit a copy of your site-specific safety management plan including risk management before commencing any work. This includes, but not limited to, written risk assessment, safe work method, control measures, emergency response procedure in accordance with the Guide and other relevant codes.

## ATTACHMENT A

- d. The principal contractor must also refer to the requirements set out in the State Environmental Planning Policy (Infrastructure) Regulation 2007, Division 5- Electricity Transmission or Distribution, Subdivision 2 – Development likely to affect an electricity transmission or distribution network which can be found in the website: [www.austlii.edu.au](http://www.austlii.edu.au)
- e. It is the responsibility of the principal contractor to obtain all necessary information to ensure accuracy of asset locations. You must contact “Dial Before You Dig” and secure copies of plans before commencing any underground work and it must be available on site.
- f. The principal contractor must inform Endeavour Energy (EE) before it commence work (digging) near or under the network asset. EE, may send out its own inspector to ensure that work is being done according to safety requirements.
- g. When excavating in close proximity to electrical network assets, the principal contractor should prohibit the use of heavy machinery but employ experienced person to dig by hand.
- h. All exposed electrical network asset should be securely supported in-situ and protected from accidental damages or thieves.
- i. The principal contractor must immediately report if it has damaged or come in contact with EE’s asset. EE will send out its own inspector to take necessary report and photos for further assessment.
- j. Asset must be treated as ‘energized’ unless otherwise positively proven out of service.
- k. It should be remembered that you may come across underground assets that have no protection barrier or other indication of their presence (e.g. underbores).
- l. All costs relating to any safety option that Endeavour Energy may require are to be agreed and borne by the main contractor and are to be arranged by contacting the Project Manager, Network Division, Central Region, by telephoning 98537 824.
- m. The principal contractor must return a signed and dated copy of the letter from Endeavour Energy to Council dated 28 June 2011, attached to this consent, by fax to Endeavour Energy (Fax to 9853 5655), indicating that the document has been read, understood and agreed as it relates to the requirements that it contains and the Work Cover Guidelines, and that they will take all necessary actions to fully comply with the requirements contained therein.

**89. Medical Centre Requirements**

The following conditions apply to the ground floor medical centre:

- a) The ground floor medical centre shall contain a maximum of 24 professional rooms which may be occupied by medical or dental practitioners.
- b) Medical waste storage facilities shall be incorporated within the medical centre.
- c) Access to the off street car park shall be available at all times in which the medical centre is operational.]

**90. Ground Floor Retail and Medical Uses to Cease Trading**

Ground floor retail and medical uses shall cease to trade during the developments construction period upon access to the 155 spaces contained within the existing podium car parking area no longer being available.

**91. Council Lane Access**

Access to the rear of properties which adjoin Council Lane shall be maintained throughout the construction period.

**92. Unreasonable Noise and Vibration**

The industry, 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.

**93. 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.

## **ATTACHMENT A**

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.

### **94. Internal Arcade Requirements**

- a) Internal arcades shall have a minimum width of 3 metres.
- b) Internal arcades shall be accessible by the public between the hours of 8 am to 8 pm daily.

### **95. Method of Stormwater Drainage**

The stormwater generated from the development shall be directed to the On site detention system and then to Council's stormwater drainage system in Council Lane as shown on the submitted concept stormwater drainage plans.

Drainage pipes across the footpath shall be 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40, and designed for the stormwater flows concerned.

### **96. Storage of Waste Containers**

Waste containers are to be stored at all within allocated waste storage areas located within the development. At no time shall waste containers be stored upon Council Lane or upon the Spencer and Smart Street footpaths.