

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 435.1/2011

JOINT REGIONAL PLANNING PANEL NO. 2011SYW068

Lot A DP 415922 & Lot 2, DP 519170, No. 176-186 The Boulevarde, Fairfield Heights

Demolition of existing structures and construction of a single storey retail building comprising a supermarket, specialty shops and associated basement carpark

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the following approved development plans:

- Architectural plans as prepared by i2C, drawing number: N06-021 DA00, issue B dated 3 August 2011, N06-021 DA01, issue C dated 17 August 2011, N06-021 DA02, issue D dated 17 August 2011, N06-021 DA03, issue C dated 17 August 2011, N06-021 DA04, issue B dated 3 August 2011, N06-021 DA05, issue B dated 3 August 2011, N06-021 DA06, issue A dated 3 August 2011, N06-021 DA07, issue B dated 3 August 2011 and N06-021 DA08, issue B dated 3 August 2011;
- Stormwater Drainage Plan as prepared by Brown Consulting (NSW) Pty Ltd, project number X11019, drawing number 1, revision 4 dated 5 May 2011 and drawing numbers 2, 3 and 4 revision 1 dated 18 February 2011; and
- Survey Plan as prepared by Lockley Land Title Solutions, job number 29635DT, sheets 1-3 of 3 dated 27 June 2006,

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

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. **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.

1. **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 | \$93.50 |
| b. Kerb and Gutter Damage Deposit | \$2,000 |

2. **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.

3. **Service Provider Requirements**

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

- a. **Endeavour Energy** – A letter of consent showing satisfactory arrangements have been made to service the proposed development.

4. **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 **\$133,530.**

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.

5. 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.

6. 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.

7. Dilapidation Report

Prior to the issue of a Construction Certificate, a dilapidation report shall be prepared by an appropriately qualified person in relation to adjoining buildings. This report shall be submitted to Council and a copy also forwarded to adjoining property owners. Upon completion of construction works for the proposed development, a further report shall be submitted to Council and adjoining property owners in relation to adjoining buildings.

8. Final Stormwater Drainage Plan

The construction certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified consultant. The final plan shall be in accordance with the abovementioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage policy, Urban Area On-Site Detention Handbook and with AS 3500.

The stormwater drainage lines across the footway shall be galvanised rectangular steel hollow sections sized for the stormwater flows in accordance with the above plans and Council's policies.

9. **Access driveways at the Right-of-Carriageways**

Prior to issue of a construction certificate, design plans prepared by a suitably qualified consultant for widening and reconstruction of the access driveway at the right-of-carriageways shown as "19.0metre Articulated Vehicle swept paths plan" included in the report prepared by Colston Budd Hunt & Kafes Pty Ltd, shall be submitted to the Certifying Authority. The plans shall include the following:

- Provision for a combined ingress and egress access driveway across both of the right of carriageways, for service vehicles of width, clearances and taper length requirements that comply with AS 2890.2 – 2002 for articulated vehicles (AVs).
- Maximum surface grades and rate of change of grades within the access driveways that comply with the requirements of AS 2890.1 and 2890.2 for the design vehicles concerned.

Reconstruction of the access driveway in accordance with plans that meet these requirements shall form part of any construction certificate issued.

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;
- 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.

11. On-Site Detention Design Certificate

Prior to the issue of a Construction Certificate, a certificate by a suitably qualified consultant shall be submitted to the Certifying Authority, certifying that the stormwater drainage system has been designed to comply with the site discharge rates and the on site detention volume as per the concept stormwater drainage plan prepared by Brown Consulting Pty Ltd, project No. X11019, Drawing No. 01, revision 04, dated 5 May 2011.

12. 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.

13. Vehicular Crossings Reconstruction

Prior to the issue of a Construction Certificate, an application for reconstruction of the vehicular crossings opposite the right-of-carriageways to suit the access driveway requirements in this consent ***and for repair of the damaged road shoulder pavement at this location***, shall be submitted to and approved by Council.

14. Engineering Construction Certificate

Prior to the issue of a Building Construction Certificate an Engineering Construction Certificate shall be submitted to the Certifying Authority for the construction the proposed stormwater drainage system under the kerb and gutter in Stanbrook Street and repair of the damaged road shoulder pavement adjacent to the vehicular access point in Stanbrook Street in accordance with approved plans and specifications at no cost to Council.

For the issue of Engineering Construction Certificate, five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

- a. 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.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

15. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

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

16. Appointment of a Principal Certifying Authority

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

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

17. Notify Council of Intention to Commence Works

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

18. Sydney Water Consent

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

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

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

19. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with 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.

20. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

21. 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.

22. Sign During Construction

Prior to the commencement of construction works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

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

23. 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.

24. Construction Management Plan

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

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.

25. 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.

26. Section 73 Certificate Required

A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site 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 advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

27. Registration of Plan of Consolidation

Prior to the issue of the Final Occupation Certificate, a copy of the plan of consolidation, registered by Land and Property Information shall be submitted to the Principal Certifying Authority, which consolidates the allotments which are the subject of the development into one allotment.

28. 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.

29. 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.

30. 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.

31. 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'.

32. 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.

33. 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.

34. 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 replaced with Council's standard concrete footpath.
- b. The developer shall remove and replace all damaged or displaced path paving in Stanbrook Street at no cost to Council.
- c. The developer shall remove and replace the damaged road shoulder pavement in Stanbrook Street opposite the vehicular access point, in accordance with details to be approved with the Engineering Construction Certificate

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.

35. 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.

36. 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 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.

37. 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.

38. 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.

39. Environmental Reports Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- a. Acoustic Report No. 11-1552-R1, dated February 2011, prepared by Reverb Acoustics.

40. 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.

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.

41. 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).

42. Compliance with Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to throughout all stages of the demolition and/or construction process. Source separation of materials and maximum reuse and recycling of materials are requirements of Fairfield City Council's Waste Not DCP. The applicant is required to keep supporting documentation (receipts/dockets), of reuse/recycling/disposal methods carried out, which are to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

In addition, the applicant is to supply Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

43. 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)
- f. All demolition works shall occur in accordance with WorkCover requirements at all times.

44. Notification of Neighbouring Properties

All adjoining property owners/occupiers shall be notified in writing by the applicant/developer at least two (2) prior to the commencement of demolition and construction works on site associated with the proposed development.

45. 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.

46. 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.

47. 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.

48. During Construction or Demolition

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

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 - 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

49. 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.

50. Awnings

Ongoing maintenance of the awning in accordance with the Awnings Maintenance Plan is required, to ensure maintenance will be carried out over the life of the consent in order to maintain the condition of the awning.

Note: Council reserves the right to require maintenance work to the awning at any time, or to undertake such work, at the cost of the building owner, to protect the public health and safety.
(Section 126(2) roads Act, 1993)

51. 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.

52. Tree Preservation Order

You are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you contravene Council's Tree Preservation Order.

53. 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.

54. 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.

55. 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.

56. Method of Stormwater Drainage

The stormwater runoff generated from the development shall be controlled by on site detention system. The outlet from the detention systems shall be connected to the street gully pit in Stanbrook Street via a pipeline to be constructed under the kerb and gutter in Stanbrook Street as shown on the concept stormwater plans.

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

57. Water Drainage from Basement Carpark

Any water collected from the basement carpark areas shall not be directed to the stormwater system except sub soil drainage.

58. Driveways and Parking Areas

The driveways and manoeuvring areas are to be designed by a suitably qualified consultant and certified for compliance with Australian Standard AS 2890.1 and AS 2890.2

59. Switchboards

Switchboards for utilities must not be attached to the front elevations of the building(s).

60. Carparking - General

The provision and maintenance of one-hundred and forty-five car parking spaces for the proposed development, being:

- a. One-hundred and thirty (130) off-street car parking spaces for customers and visitors; and
- b. Four (4) off-street car parking spaces for disabled persons (minimum width 3.8m);

- c. Four (4) off-street carparking spaces for parents with prams (minimum width 3.8m);
- d. Seven (7) off-street car parking spaces for staff parking located within the at-grade parking area adjoining the forecourt.

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.

All car parking spaces shall be made available to staff and visitors to the premises and shall remain free from any storage or other obstructions at all times.

61. Schedule of Finishes

The development is to be constructed and finished in the materials and colours approved by the development consent. All other building materials shall be compatible in type, colour and texture throughout the whole project.

62. 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 and unloading shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the designated loading bay provided within the premises.
- d. All deliveries shall only occur between the hours of 6.00am to 12 midnight Monday to Sunday.

63. Hours of Operation

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

Monday to Sunday: 7.00am to 9.00pm

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

64. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or any nearby residences.
- c. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- d. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- e. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

65. Storage of Goods

- a. All works, storage and display of goods shall be contained wholly within the building.

66. Dust Suppression

Automatic sprinkler systems shall be set up on the site. Details of the sprinkler systems should be provided prior to the commencement of operations.

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

67. Unreasonable Noise and Vibration

The use, 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.

68. Use of Building Not Approved

Separate development consent is required for the use of proposed specialty shops prior to the occupation of these shops.

69. 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.

70. Compliance with Food Act 2003

The premises shall comply with the requirements of the Food Act 2003, FSANZ Food Standards Code, and the Australian Standard AS 4674-2004 (Design, Construction and Fit Out of Food Premises).

71. Fitout of Food Preparation Areas

Details of all food preparation, food storage and food handling areas shall be submitted with the Construction Certificate documentation. The above fitout shall meet all food standards applicable to the development.

72. Existing Street Trees

Should the developer wish to remove a street tree, Council shall be compensated for the loss of any tree. A mature tree may have a value in excess of **\$2,000**. Prior to issue of the Construction Certificate, the applicant is to contact Council to organise a valuation and payment of the compensation. This money will be used for further street planting in the area.

73. Garbage Rooms

The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

74. Lighting

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

75. Anti-Graffiti Paint

The east elevation (rear) of the proposed development shall be coated with anti-graffiti paint or other coating in order to ensure that graffiti can be easily removed.

76. Security Requirements

The rear/loading/standing area and car parking areas shall be provided with appropriate security lighting.

77. Bicycle Parking Bays

Bicycle parking bays for the proposed development shall be provided within the car parking areas in accordance with RTA guidelines.

78. Pedestrian Linkages between Significant Sites and the Main Street Access through the Forecourt Area

Pedestrian access facilitating a pedestrian thoroughfare through the forecourt area of the development shall be provided in a west-east direction from The Bouelvarde frontage of the property to the adjoining land/properties being of 47 Stanbrook Street.

This access shall be available on a permanent basis, twenty four (24) hours a day and not be restricted in any way without the prior written approval of Council.

79. Council Use of Forecourt Area

The forecourt area proposed as part of the development will be made available for the carrying out of community events/gatherings, including those facilitated by Council.

The use of the forecourt area will be subject to approval from the Manager of the subject site upon requests being made by Council Officers subject to such events being carried out in a manner not detrimental to the operations of the retail tenancies.

80. Public Art

The applicant is to prepare, construct and install, at the applicant's cost, a public art installation in the area shown in Drawing No. N06-021 DA05 dated 3 August 2011, which has minimum dimensions of 4m x 2.75m. The public arts installation shall:-

- fill no less than 75% of the area identified in Drawing No. N06-021 DA05 dated 3 August 2011, for the area installation;
- be constructed from 3mm Dibond with 23mm aluminium frame or other equivalent materials to the satisfaction of Council;
- incorporate images/content provided by Council with the layout and design to be prepared by Woolworths but agreed with Council prior to installation; and
- be installed prior to the issue of the Final Occupation Certificate.

81. Roads & Traffic Authority's Requirements

The following Roads and Traffic Authority's requirements shall be complied with and/or implemented:

- i. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.
- ii. The layout of the proposed car parking area associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.
- iii. The swept path of the longest vehicle (include garbage trucks) entering and exiting the subject site, as well as maneuverability through the site, shall be in accordance with AUSROADS.
- iv. Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the carpark and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS2890.1-2004 for light vehicles and AS2890.2-2002 for heavy vehicles.
- v. A Loading Dock Management (LDMP) shall be undertaken to Council's satisfaction and shall implement appropriate measures to prevent additional trucks entering the site when the loading dock is full. In addition, the LDMP shall outline measures to ensure trucks can always enter and exit in a forward direction. The LDMP shall be submitted to Council for approval, prior to the release of the Occupation Certificate.
- vi. A Demolition and Construction Traffic Management Plan detailing construction vehicles 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.
- vii. All vehicles are to enter and leave the site in a forward direction.

- viii. All vehicles should wholly contained on site before being required to stop.
- ix. All works/regulatory signposting associated with the proposed development are to be a not cost to the RTA.

ADVISORY NOTES

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

- **Advertising Signs**

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

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

- **Covenants which may Affect this Proposal**

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