

13 December 2012

ENQUIRIES: Mark Stephenson on 9725 0208

Stockland
Level 25 133 Castlereagh Street
SYDNEY NSW 2000

Dear Sir/Madam,

**NOTICE OF DETERMINATION OF
DEVELOPMENT APPLICATION NO. 533.1/2012**
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

You are hereby advised that the subject application has been **APPROVED** by the **Sydney West Joint Regional Planning Panel** pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 and in accordance with Clause 13F(1)(a) of State Environmental Planning Policy (Major Development) 2005. The approved development is subject to the following conditions.

<i>Property Description:</i>	Lot 102 DP 1034345, Lot 1 DP: 867772, No. 561-583 Polding Street, Prairiewood
<i>Description of Development:</i>	Alterations and additions to Stockland Wetherill Park Shopping Centre comprising 5,664m ² of additional gross leaseable floor area (GLFA) located at ground level and three (3) levels of deck car parking above and associated works (Stage 2).
<i>Date of Determination:</i>	11 December 2012
<i>Date of Operation of Consent:</i>	13 December 2012
<i>Date Consent Will Lapse:</i>	13 December 2012

APPROVED PLANS

1. Compliance with Plans

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

Dwg No.	Rev	Title	Prepared By	Date
DA-000-A	A	Stage 2 DA - Location Plan & Drawing List	Stockland	Undated
DA-001-A	A	Survey Plan	Stockland	Undated
DA-002-B	B	Demolition – Basement Plan	Stockland	Undated
DA-003-B	B	Demolition – Ground Floor Plan	Stockland	Undated
DA-004-B	B	Demolition – Level 1 Plan	Stockland	Undated
DA-005-B	B	Demolition – Level 2 Plan	Stockland	Undated
DA-201-D	D	Stage 2 - Basement Floor Plan	Stockland	27.07.2012
DA-202-L	L	Stage 2 – Ground Floor Plan	Stockland	28.11.2012
DA-203-E	E	Stage 2 – level 1 Plan	Stockland	27.07.2012
DA-204-E	E	Stage 2 – level 2 Plan	Stockland	27.07.2012
DA-205-E	E	Stage 2 – level 3 Plan	Stockland	27.07.2012
DA-206-B	B	Stage 2 – Proposed Roof Plan	Stockland	27.07.2012
DA-207-A	A	Shadow Diagram	Stockland	Undated
DA-301-A	A	Elevations/Sections Sheet 1	Stockland	26.06.2012
DA-302-D	D	Elevations/Sections Sheet 2	Stockland	28.11.2012
DA-401-A	A	Stage 2 DA – Perspectives Sheet	Stockland	Undated
DA-501-A	A	Landscape Plan	Stockland	26.07.2012
		Perspective (South-East Corner View)	Stockland	Undated

2. Compliance with Statement of Environmental Effects

The development shall take place in accordance with the Statement of Environmental Effects prepared by BBC Consulting Planners, Job No. 08-084D, Reference No. Statement of Environmental Effects – Stage 2 Expansion.doc, dated August 2012, and all appendices submitted in support of the Development Application.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3. Stormwater Drainage Plan

A detailed stormwater drainage plan with details suitable for construction prepared by a suitably qualified and experienced stormwater drainage consultant shall be submitted with the application for the Construction Certificate. Final stormwater plan shall comply with AS3500 and Council's Stormwater Drainage.

4. 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.

5. Landscape Bond

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of a landscape bond in the sum of **\$2,000** shall be submitted to the Certifying Authority.

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

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

6. 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 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.

7. Certificate of Building Design (Flooding)

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the building design can withstand the forces of floodwaters including debris and buoyancy forces.

8. Waste Management Plan

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

9. Waste Management Facilities

Details of the proposed waste management facilities (garbage rooms) shall be provided to and approved by Fairfield City Council prior to the issue of a Construction Certificate. The waste management facilities shall be fully enclosed and shall be provided with a concrete floor etc. All waste oils storage shall be supplied with bunding capable for holding 110% of the volume of the largest waste oil container stored. Waste collection from these areas is restricted to the hours between 6.00am and 10.00pm

10. Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by Fairfield City Council. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

11. Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan prepared by a suitably qualified consultant detailing how the demolition and construction works will be managed so as not to adversely affect the environment, or the health, safety, and amenity of the public, neighbours, staff, and employees, shall be submitted to Council.

12. Construction Traffic Management Plan

Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council.

13. Sydney Water Consent

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents details – see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Alternatively, contact Sydney Water on 13 20 92.

14. 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 **\$314,880**.

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 Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

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. 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.

19. 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.

20. 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.

DURING DEMOLITION AND CONSTRUCTION

The following conditions of consent must be complied with during demolition and construction works.

21. Construction Noise and Vibration

All demolition and construction works occurring during Stage 1 shall comply with the Construction Noise and Vibration Management Plan prepared by Renzo Tonin & Associates, Reference No. TF010-01F02 (Rev 1) CNVMP, dated 15 November 2010.

22. 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.

23. 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)

24. 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.

25. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that any building work is to be carried out within the following hours.

- Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.
- Activities which don't cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 can take place outside the above hours.

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

26. 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.

The erection of hoarding and fencing shall be in accordance with the Construction Management Plan.

27. Wheel Wash Facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

28. Dust Suppression

Automatic sprinkler systems shall be set up on each 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.

29. 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.

30. Fill Validation Report

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites, shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

31. Chain of Custody Documentation

'Chain of Custody' documentation shall be kept for the transport of the validated fill material to or from the site. A record of 'Chain of Custody' shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

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.

32. 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.

33. 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.

34. 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.

35. 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.

36. Environmental Reports Certification

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

- Statement of Environmental Effects prepared by BBC Consulting Planners, Job No. 08-084D, Reference No. Statement of Environmental Effects – Stage 2 Expansion.doc, dated August 2012, and all appendices, submitted in support of the Development Application.

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.

37. Traffic & Parking Management

- a. All new parking bays, ramps and circulations aisles shall be designed to comply with the Australian Standard for Off Street Parking AS 2890.1-2004.
- b. The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890 Part 2.
- c. The internal driveways and parking areas are to be designed in accordance with AS 2890 Part 1.
- d. All new pedestrian accesses are to comply with AS 1428.1:2001 Design for Access and Mobility.
- e. Provision of an additional 1 metre for car parking spaces adjacent to the blind aisle to assist manoeuvrability is required.
- f. Bicycle parking facilities to accommodate a minimum of 60 bicycles shall be provided within the development site, as well as appropriate end trip facilities, to encourage bicycle use for travelling to and from the development.
- g. All vehicles are to enter and leave the site in a forward direction.

- h. Sight distances at the access driveways are to comply with AS 2890.1:2004, to ensure safe pedestrian and vehicle movements.
- i. The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety.
- j. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
- k. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
- l. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- m. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS and Council.
- n. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AS2890.2-2002.

38. Compliance with Construction Certificate

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

39. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

40. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the existing stormwater drainage system as approved under Development Consent No. 1252.1/2010 issued by Fairfield City Council on 24 October 2011.

41. 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.

42. Driveway Gradient

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

43. Driveway Separation from Landscaping

All driveways shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

44. 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.

45. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by Stockland, Drawing No. DA-501A, Issue A, dated 26 July 2012, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

46. Car Parking

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

- a. 2648 off-street car parking spaces for staff and visitors; and
- b. 53 off-street car parking spaces for disabled persons (minimum width 3.8m).

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

47. Hours of Operation

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

The entrance located on the western side of the shopping centre located adjacent to the Transitway bus stop shall remain open until 9.00pm, seven (7) days a week, for a trial period of three (3) months. Upon completion of the three (3) month trial period, the results of the trial shall be evaluated by the Transitway Stakeholders Group and a report on the appropriateness of the extended opening hours for this entranceway shall be forwarded to Council for consideration and determination.

48. First Use of Tenancies Not Approved

Separate development consent is required for the use of any new tenancies prior to the first occupation of the tenancy.

49. 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.

50. Previous Development Consents

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

51. Children's Crossing

Rubber speed humps or rubber speed cushions shall be installed on the approach sides to the middle pedestrian crossing located along the north-south spine road. The speed control devices are to be designed so as to have no significant impact on the movement of floodwaters along the roadway.

A 'Children's Crossing' sign shall be installed at this pedestrian crossing, which shall include the relevant times both in the morning and afternoon when children will be using the crossing.

52. Use of the Premises

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

- a. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- b. The use of the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act, 1997*.

53. 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.

54. 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.

55. Compliance with Food Act 2003

The premises shall comply with the requirements of the Food Act 2003, Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 Construction and fit out of food premises.

56. Food Premises Requirements

The food premises shall comply with the following requirements:

Walls

- a. The walls surrounding the food preparation areas shall be of solid construction.

- b. The walls in the food preparation area of the premises shall be: sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation areas shall be finished with one or a combination of the following materials:
 - (i) Glazed tiles.
 - (ii) Stainless or aluminum sheeting.
 - (iii) Polyvinyl sheeting with welded seams.
 - (iv) Laminated thermosetting plastic sheeting.
 - (v) Similar impervious material adhered directly to the wall.

Floors

- c. The flooring in the food preparation, storage and bar areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage for pests. Floors in the food preparation areas shall be finished with one or a combination of the following materials:
 - (i) Sealed quarry tiles or ceramic tiles.
 - (ii) Stainless steel.
 - (iii) Polyvinyl sheeting with welded seams.
 - (iv) Laminated thermosetting plastic sheeting.
 - (v) Epoxy resin.
 - (vi) Steel trowel case hardened concrete..
- d. Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.

Ceiling

- e. The ceiling in food preparation areas and storage areas shall be finished with impervious sealed material without joints, cracks and crevices. (Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed or served.)

57. Acoustic Report

An acoustic report is to be prepared and submitted to Council for its assessment and approval within **three (3) months** of occupation/completion of the development. The report shall include but is not limited to the following information:

- a) Noise measurements taken at the nearing noise sensitive locations as indicated in the Acoustic Assessment: Report No. TF010-01F03 (Rev 1) Operational Noise Assessment prepared by Renzo Tonin and Associates (NSW) Pty Ltd and dated 15 November 2010.

- b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the operation of the premises/development.
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Fairfield City Council, any recommendations provided under point d) above shall be implemented fully.

58. Garbage Storage Area

The designated garbage/waste storage area as detailed in the approved plans shall comply with the following requirements:

- a. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor.
- b. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements.
- c. The door to the room must be tight fitting and self-closing.

59. Transport Roads & Maritime Services Conditions

The following conditions imposed upon the development by the Roads & Maritime Services (RMS) shall be complied with during the relevant stages of construction and operation of the development.

- a. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- b. All parking provision to Council's satisfaction.
- c. Disabled car parking spaces are to be provided in accordance with Council's requirement and are to conform to Australian Standard 2890.6:2009.

- d. All new pedestrian accesses are to comply with AS 1428.1:2001 *Design for Access and Mobility*.
- e. Australian Standards require the provision of an additional 1 metre adjacent to the blind aisle to assist in manoeuvrability.
- f. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- g. Consideration should also be given to providing bicycle parking facilities either within the development or close to it, as well as end trip facilities such as showers, changing rooms, etc. To encourage bicycle use for travelling to and from the development.
- h. All vehicles are to enter and leave the site in a forward direction.
- i. Sight distances at the access driveways are to comply with AS 2890.1:2004, to ensure safe pedestrian and vehicle movements.
- j. The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety.
- k. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
- l. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
- m. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- n. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

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.

60. Filling On-Site

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

61. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council's Environmental Management Section is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

62. 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.

HOW LONG DOES THIS APPROVAL LAST?

Pursuant to Section 95 of the Environmental Planning and Assessment Act, 1979 physical commencement of construction works/use of the land, building or work is required within a five (5) year period from the issue of the date of consent after which time the approval will lapse.

WHAT RIGHTS OF REVIEW EXIST?

Pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 an applicant who is dissatisfied with the determination with respect to the matters relating to the EP & A Act, may within six (6) months from the date of determination, request Council, in writing, to review the determination.

WHAT APPEAL RIGHTS EXIST?

Pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979 an applicant may seek a Right of Appeal to the Land and Environment Court within six (6) months from the date of consent if they are dissatisfied with the determination by the consent authority.



GEORGE VLAMIS

 **MANAGER DEVELOPMENT PLANNING**