

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 674.1/2014
JOINT REGIONAL PLANNING PANEL NO. 2014SYW160

PROPERTY:

LOT 4 DP 1013056, NO. 1 VILLAWOOD PLACE, VILLAWOOD

DESCRIPTION OF DEVELOPMENT:

PROPOSED DEMOLITION OF EXISTING COMMERCIAL BUILDING AND CONSTRUCTION OF AN 8 STOREY MIXED USE BUILDING COMPRISING 6 RETAIL TENANCIES, CAFÉ, COMMUNITY FACILITY, PUBLIC WORKS AND 119 RESIDENTIAL DWELLINGS OVER 3 LEVELS OF BASEMENT CARPARK.

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

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

Prepared by	Title	Date	Dwg No.	Project No.	Rev
Tony Owen Ptnrs	Basement 3 Plan	09.10.15	A100	923	C
Tony Owen Ptnrs	Basement 2 Plan	09.10.15	A101	923	C
Tony Owen Ptnrs	Basement 1 Plan	09.10.15	A102	923	C
Tony Owen Ptnrs	Ground Floor Plan	20.01.16	A103	923	F
Tony Owen Ptnrs	Level 1 Plan	20.01.16	A104	923	F
Tony Owen Ptnrs	Level 2 Plan	29.10.15	A105	923	E
Tony Owen Ptnrs	Level 3 Plan	29.10.15	A106	923	E
Tony Owen Ptnrs	Level 4 Plan	29.10.15	A107	923	E
Tony Owen Ptnrs	Level 5 Plan	29.10.15	A108	923	D
Tony Owen Ptnrs	Level 6 Plan	29.10.15	A109	923	D
Tony Owen Ptnrs	Level 7 Plan	29.10.15	A110	923	D
Tony Owen Ptnrs	Roof Plan 1	09.10.15	A111	923	C
Tony Owen Ptnrs	Roof Plan 2	27.04.15	A112	923	B
Tony Owen Ptnrs	Adaptable Units	27.04.15	A130	923	B
Tony Owen Ptnrs	East Elevation	09.10.15	A200	923	C
Tony Owen Ptnrs	North Elevation	09.10.15	A201	923	E
Tony Owen Ptnrs	South Elevation	09.10.15	A202	923	D
Tony Owen Ptnrs	West Elevation	09.10.15	A203	923	D
Tony Owen Ptnrs	Section A-A	09.10.15	A300	923	E
Tony Owen Ptnrs	Section B-B	09.10.15	A301	923	D
Tony Owen Ptnrs	Section C-C	09.10.15	A302	923	D
Tony Owen Ptnrs	Section D-D	09.10.15	A303	923	A
Tony Owen Ptnrs	Ramp Section	09.10.15	A350	923	D
Tony Owen Ptnrs	Awning Detail	27.04.15	A351	923	B

ATTACHMENT P

Tony Owen Ptnrs	Café Details	27.04.15	A352	923	B
Tony Owen Ptnrs	Cross Ventilation	19.08.14	A450	923	C
Tony Owen Ptnrs	Natural Cross Ventilation Section	19.08.14	A452	923	C
Tony Owen Ptnrs	Perspectives	12.10.15	A800	923	C
Tony Owen Ptnrs	Perspectives	12.10.15	A801	923	A
C & M Consulting Engineers	Cover Sheet, Drawing Index, General notes & Locality Sketch	22 October 2015	01282_100		03
C & M Consulting Engineers	Stormwater Drainage Basement Level 3 – Sheet 1	22 October 2015	01282_201		05
C & M Consulting Engineers	Stormwater Drainage Basement Level 3 – Sheet 2	22 October 2015	01282_202		05
C & M Consulting Engineers	Stormwater Drainage Basement Level 1 & 2 – Sheet 1	22 October 2015	01282_203		05
C & M Consulting Engineers	Stormwater Drainage Basement Level 1 & 2 – Sheet 2	22 October 2015	01282_204		05
C & M Consulting Engineers	Stormwater Drainage Ground Floor Plan	15 January 2016	01282_205		07
C & M Consulting Engineers	Stormwater Drainage Basement Level 3 – Sheet 1	22 October 2015	01282_206		05
C & M Consulting Engineers	Stormwater Drainage Level 1 Plan – Sheet 2	22 October 2015	01282_207		05
C & M Consulting Engineers	Stormwater Drainage Catchment Plan	22 October 2015	01282_208		04
C & M Consulting Engineers	Stormwater Drainage Calculation Sheets	22 October 2015	01282_209		01
C & M Consulting Engineers	On-Site Detention Tank Sections and Details	22 October 2015	01282_501		05
C & M Consulting Engineers	Sediment & Erosion Control Plan and Details	25 November 2015	01282_701		05
Formed Gardens Pty Ltd	Landscape Design Statement	16.04.2015	001	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Design Statement	16.04.2015	002	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Design Statement	16.04.2015	003	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Design Statement	16.04.2015	004	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Works Cover Sheet & Site Plan	16.04.2015	001	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Works Ground Floor & Public Works	16.04.2015	002	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Works Ground Floor & Public Works – Western Extents	16.04.2015	003	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Works Level1 Plan Communal & Private	16.04.2015	004	FG 14 300	C
Formed Gardens Pty Ltd	Landscape Works Sky Gardens Level 3 + 6	8.10.2015	005	FG 14 300	D
Formed Gardens Pty Ltd	Landscape Works Roof Terrace Plan	8.10.2015	006	FG 14 300	D

- Statement of Environmental Effects, Amended Report, prepared by DDC Urban Planning dated April 2015.
- Traffic and Rail Noise and Vibration, prepared by Acoustic Logic Consultancy Pty Ltd, Document Reference 20141062.1/3103A/R2/BW, Revision 2 dated 31 March 2015.
- Acoustic Specification, prepared by Acoustic Logic Consultancy Pty Ltd, Document Reference 20141062.2/0608A/R0/BW, Revision 0 dated 6 August 2015.
- Flood Impact Assessment, prepared by C & M Consulting Engineers, Report No. R01282-FIA, Revision D dated January 2016.
- Hydrogeological Assessment, prepared by JK Geotechnics, Reference No. 28300Z.Let dated 9 October 2015.
- Landscape Response Letter, prepared by Formed Gardens Design & Construction, dated 8 October 2015.
- Preliminary Site Investigation, prepared by Aargus Pty Ltd, Document No. ES6394, Revision 0 dated 5 November 2015.
- Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates, Reference No. 14195, Revision E dated October 2015.
- Waste Management Plan, prepared by Elephants Foot Recycling Solutions, Revision E dated April 2015

2. Amendments in Red

The following amendments made in red on the approved plans, shall be incorporated into the design and submitted to Fairfield City Council for approval.

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- The landscape plan shall be amended to reflect the approved architectural plans.
- Architectural Plan prepared by Tony Owen Ptnrs, Title Roof Plan 2, Drawing Number A112, Project No. 923, Revision B dated 27 April 2015 shall be amended in order to relocate the shade structures in accordance with Roof Plan 1 Drawing Number A111, Project No. 923, Revision C dated 9 October 2015.

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. 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.

4. **Detailed Site Investigation Report**

Prior to the release of the Construction Certificate, a Detailed Site Investigation Report is to be prepared by a suitably qualified person and submitted to Fairfield City Council for assessment and approval.

Should remediation works be recommended, a Remedial Action Plan (RAP) prepared by a suitably qualified person shall also be submitted to Fairfield City Council for approval. The RAP shall include an 'Unexpected Finds Protocol' for the assessment/management of any contamination discovered during the course of works.

Any reports prepared in relation to the subject site shall be prepared in accordance with the NSW Environment Protection Authority's Contaminated Land Series.

5. **Unexpected Finds Protocol**

Prior to the issue of a construction certificate, an 'Unexpected Finds Protocol' including but not limited to the assessment/management of any contamination discovered during the course of works shall be submitted to Fairfield City Council.

6. **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 and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan.

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, AS 3500, the BASIX certificate, conditions of this consent and the following:

- a. Additional pit to be located within the front boundary on the internal drainage line from the OSD and basement pump systems to the existing pit located in the forecourt. The pipe within the footway from this pit to the existing pit shall be upgraded to a concrete pipe.

7. **Acoustic Assessment**

An acoustic assessment is to be submitted to Council prior to the issue of a Construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near rail corridors and Busy Roads – Interim Guidelines".

8. Electrolysis Risk

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal certifying Authority with the Application for a Construction Certificate.

9. Craneage and other Aerial Operations

Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

10. Accessible Units

Twelve (12) of the proposed residential apartments shall be constructed and fitted out as apartments accessible to the disabled. As such, these apartments shall be fitted out with facilities accessible to the disabled in accordance with the requirements of AS4299. Full details demonstrating compliance with this requirement shall be provided to Fairfield City Council and documented prior to the issue of a Construction Certificate.

11. 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) for works detailed in the administration sheet attached to this consent shall be submitted to the Certifying Authority.

The total contribution to be paid to Council (as applicable at the date of this consent) is **\$935,901.00**.

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.

12. Outstanding Long Service Levy Fee

Prior to the issue of a construction certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of Building Works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment.

Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

13. Landscape 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 Fairfield Council's Landscape Policy shall be submitted to and approved by Fairfield City Council for the proposed communal open space at the podium and rooftop of the building.

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 on the podium and rooftop of the building (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, carparks, loading docks and garbage storage areas.

14. Communal Roof Area – Design and Function

The communal open space area on the podium and rooftop of the development shall be designed to incorporate appropriate and suitable landscaping, seating and paving, outdoor furniture and shading structures (20% of rooftop area) to

allow for the use of the communal area appropriately and enhance the attractiveness of the area. Details of the design shall be incorporated into the required landscape plan, and submitted to Council for approval.

15. Screening of Service Areas

The loading bay, garbage rooms, OSD tank, hot water heaters and sub-station areas along the south-western corner of the building shall be suitably screened from public view. Details of the proposed screening measures shall be submitted to and approved by Fairfield City Council prior to the issue of a Construction Certificate.

16. 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:

- i. 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.
- ii. 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.

17. 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 site to current site discharge for all storms up to and including the 100 year storm events;
 - ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

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

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

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

18. 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.

19. 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.

20. Construction Certificate (Engineering Approval)

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifying Authority for the construction of the Kamira Court drainage diversion works, drainage works external to the site, footpath upgrade works and any road regrading required in Kamira Court in accordance with approved plans and specifications at no cost to Council.

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

21. 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 a heavy duty crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

22. 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.

23. Dilapidation Report

Prior to the issue of a Construction Certificate, a dilapidation report shall be prepared by an appropriately qualified person in relation to the adjoining

buildings. This report shall be submitted to Council. Within three (3) months of completion of construction works for the proposed development, a further dilapidation report shall be submitted to Council in relation to the condition of the adjoining buildings.

24. 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.

25. Retaining Walls/Structural Wall Panels (Industrial/Commercial)

Any development that requires the construction of a retaining wall or structural panels located within the immediate vicinity of an adjoining boundary shall be wholly within the property boundaries of the subject development site and shall not encroach upon the adjoining properties. Details of the retaining wall or structural panels and associated drainage shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

26. Water Management System

Details of water management system for the proposed development that collects rainwater and stormwater from the development and re-use it on site shall be submitted to and approved by Council.

27. Construction Management Plan

A Construction Management Plan shall be submitted to and approved by Council prior to the issue of the 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.

28. Service Dock Management Plan

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

29. Existing Services on Footpath

The applicant shall check the existing services on the footpath of Kamira Court (at the western corner of the proposed building) and within the existing private car park (within Lot 4) fronting Kamira Court prior to commencement of works. If required, the services are to be relocated in accordance with relevant Utility Authority's requirements. All works shall be at no cost to Council.

30. 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 the Principle Certifying Authority. 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.

31. 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
- Or telephone 13 20 92

32. Public Domain Plan

Prior to the issue of a Construction Certificate, detailed plans shall be submitted to and approved by Fairfield City Council for the following:

- Upgrading of the pedestrian footpath area, including street tree planting and landscape mass planting areas, along the length of the site's front boundary on Villawood Place and Villawood Road out to the back of kerb. The pavement upgrade, street tree planting and mass planting works must be approved by Council and reflect the high quality pavement character already in use at the Centre.
- Upgrading the secondary pedestrian footpath area along the rear of the site adjacent to the public carpark out to the back of kerb. The works must be approved by Council and reflect the character of similar secondary treatments in use at the Centre
- Detailed plans of the awning which includes the installation of under awning lighting along the length of the cantilevered awning of the building frontage in Villawood Place and Villawood Road. The lighting shall meet Australian standards and be part of the awning infrastructure.

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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. Landscape Protection Works

Prior to the commencement of any construction works on site, the following works shall be undertaken to protect existing trees and other landscaping to be retained as part of the development. These works shall be consistent with any other requirements of the approved landscape plan:

- a. Isolate the root zone to the drip line (canopy line) of individual or groups of trees through the erection of a clearly marked fence, prior to land clearing or construction work.
- b. No dumping of materials, parking of vehicles, excavation or filling is to be permitted within the fenced root zone.
- c. Minimise soil disturbance in the surrounding area (to twice the canopy width).
- d. Where trenches for services cannot be laid outside the fenced zone, roots greater than 75mm wide in diameter are to be clean cut and treated with an approved hormone compound and sealed with bitumen.
- e. Tree guards, barriers or other measures as necessary are to be provided.

39. 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.

40. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with Council's Erosion and Sedimentation Control Policy shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

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.

41. 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.

42. **Air Quality**

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport.

43. **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.

44. **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.

45. **Protective Measures for Public Artworks**

A Protective fence shall be erected around the existing artworks in the footpath area at the intersection of Villawood Place and Villawood Road. Any damage caused to the artworks as a result of the development works shall be repaired by the applicant to Council's satisfaction.

46. **Protective Measures for Street Trees**

Protective measures shall be implemented to protect the existing brush box street trees in the footpath area along Villawood Place and Villawood Road frontages of the site. Council shall be compensated for any damage or loss of these trees as a result of the development works.

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.

47. 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.

48. Interim Fire Safety Certificate

Prior to the issue of a final/interim Occupation Certificate, a final/interim fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

Note: An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

49. Registration of Reciprocal Easements for Support

Prior to the issue of the final Occupation Certificate, proof of registration of reciprocal easements for support over Lot 4, DP 1013056 and Lot N DP 36718 shall be submitted to the Principal Certifying Authority.

50. 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.

51. 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.

52. 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.

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.

53. Full Width Footpath Paving

Prior to the issue of the Final Occupation Certificate, the footpath shall be constructed for the full road frontage of the property in Villawood Place, Villawood Road and Kamira Court. The footpath shall be in accordance with the Council approved Public Domain Plan. The developer shall complete any necessary transitioning to the existing footway beyond the boundary at no cost to Council.

Construction details and the geometric set out of the pavers shall be in consultation with Council's Subdivision Engineer and subject to approval via a separate application for a Construction Certificate (Engineering Approval). The existing pavement shall be demolished and removed from the site.

54. 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 surface levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

55. 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.

- b. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- c. Location and surface levels of all drainage pits, weir levels and dimensions.
- d. Invert levels of - the internal drainage lines.
 - orifice plates.
 - outlet control pit.

- e. Finished floor levels of structures such as units and garages.
- f. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- g. Verification that a trash screen is installed.
- h. Location and levels of any overland flow paths through the site.
- i. Details of any variations made from approved plans.

56. 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 Urban Area On-Site Detention Handbook (February 1997)/Council's On-Site Detention Guidelines for Rural Areas shall be submitted to the Principal Certifying Authority.

57. 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.

58. Certification of Approved Finished Floor Level and Ridge 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 finished floor level and ridge height of the development has been constructed in accordance with the approved plans.

59. 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.

60. 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.

61. 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'.

62. Dedication of Road Splay

Prior to the issue of the final occupation certificate, proof of dedication of a three (3) metre splay on the south-western corner of Kamira Court as public road shall be submitted to the Principal Certifying Authority.

63. 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.

64. Extinguishment of Existing Positive Covenant & Restriction on Use of Land

Prior to the issue of an Occupation Certificate for the building the applicant shall extinguish the existing Positive Covenant, and Restriction on Use of Land secondly, thirdly and fourthly and the easement for services fifthly referred to on the 88B Instrument for Lot 4, DP. 1013056. Details from the office of Land & Property Information demonstrating that extinguishment has occurred shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

65. 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.

66. 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.

67. Basix Certification

Prior to the issue of an occupation certificate (Whether 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 No. 579924M_02.

Should the design of the dwelling alter or the commitments to Basix change, a new Basix Certificate is required to be completed and submitted to the Principal Certifying Authority and the Consent Authority.

68. 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.

69. Mailbox Required

Prior to the issue of the final occupation certificate, a mailbox shall be provided on site in accordance with the requirements of Australia Post.

70. House Number Required

Prior to the issue of the final occupation certificate, the applicant shall contact Council's Land Information Systems Branch on ph. 9725-0318 to request allocation of house and where appropriate, unit numbers. The numbers shall be placed on the mailbox and on the building in a readily visible location.

71. Intercom on Entrances Required

Prior to the issue of the final occupation certificate, a hard-wired intercom system shall be provided at the entrances of the building, to alert occupants of any visitors.

72. Completion of External Finishes

Prior to the issue of the final occupation certificate, all external works detailed in the schedule of treatment/finishes are to be completed to the satisfaction of the Principal Certifying Authority.

73. 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 minimize 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'.

74. 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.

75. 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. Statement of Environmental Effects, Amended Report, prepared by DDC Urban Planning dated April 2015.

- b. Traffic and Rail Noise and Vibration, prepared by Acoustic Logic Consultancy Pty Ltd, Document Reference 20141062.1/3103A/R2/BW, Revision 2 dated 31 March 2015.
- c. Acoustic Specification, prepared by Acoustic Logic Consultancy Pty Ltd, Document Reference 20141062.2/0608A/R0/BW, Revision 0 dated 6 August 2015.
- d. Flood Impact Assessment, prepared by C & M Consulting Engineers, Report No. R01282-FIA, Revision D dated January 2016.
- e. Hydrogeological Assessment, prepared by JK Geotechnics, Reference No. 28300Z.Let dated 9 October 2015.
- f. Landscape Response Letter, prepared by Formed Gardens Design & Construction, dated 8 October 2015.
- g. Preliminary Site Investigation, prepared by Aargus Pty Ltd, Document No. ES6394, Revision 0 dated 5 November 2015.
- h. Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates, Reference No. 14195, Revision E dated October 2015.
- i. Waste Management Plan, prepared by Elephants Foot Recycling Solutions, Revision E dated April 2015

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.

76. 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).

77. 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.

78. 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. Five (5) days notification to commence demolition work shall be given to WorkCover NSW in accordance with Clause 466(1) of the Work Health and Safety Regulation 2011.
- e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Environment Protection Authority NSW (www.environment.nsw.gov.au)

79. 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.

80. 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.

81. Importation of Fill

Any fill imported into the site must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999 and written verification provided to the satisfaction of the Principal Certifying Authority.

82. Administration fee for 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.

83. 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.

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

84. 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.

85. Surveyor's Certificate of Location of Building During Construction

Prior to the positioning of wall panels/bricks or block work, 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, distances of the building from the boundaries, and the dimensions of the building.

86. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed in accordance with the approved stormwater concept plan.

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.

87. 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.

88. 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.

89. 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.

90. Under Awning Lighting

Under awning lighting shall be provided to the underside of the entire length of the awning of the building along the Villawood Place and Villawood Road frontages of the site. The lighting shall be provided in accordance with the requirements of relevant Australian Standards.

91. Flood Affected Development

The development the subject of this consent is located within flood prone land as described in the flood impact assessment prepared by C&M Consulting Engineers, reference number R01282-F1A, revision D, dated January 2016. The plans approved for construction shall comply with the recommendations in the report.

92. OSD Construction

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

93. Basement Car Park

The basement car park shall be protected from inundation from the overland flow of water through Kamira Court up to 100 year ARI level.

94. Existing Overland Flow Path

Kamira Court shall be regraded to redirect the existing overland flow path (through Kamira Court) towards the north east and around the proposed building on to Villawood Road. All works shall be at no cost to Council.

95. Existing Redundant Stormwater Drainage Lines & Pits

The existing redundant stormwater drainage lines and pits within the property shall be disconnected and removed from site. All works shall be at no cost to Council.

96. 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.

97. 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.

98. 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.

99. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

100. Switchboards

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

101. 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.

102. Carparking - General

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

- a. One hundred and nineteen (119) off-street car parking spaces for residents (including 12 disabled spaces);
- b. Thirty (30) off-street car parking spaces for residential visitors (including 3 disabled spaces);
- c. Eighteen (18) off-street car parking spaces for retail tenants/customers (including 2 disabled spaces); and
- d. Three (3) off-street car parking spaces for the community facility (including 1 disabled space).

Accordingly, a total of one hundred and seventy (170) off-street car parking spaces shall be provided for the premises.

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

103. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- b. No articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- c. All deliveries to the premises shall be made to the rear service lane/loading bay provided.
- d. All delivery/service vehicles shall comply with the conditions and instructions detailed in the Service Dock Management Plan.

104. Roads and Maritime Services Conditions

- a. A 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 determination prior to the issue of a Construction Certificate.

- b. The swept path of the longest vehicle (to service the site) 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.
- c. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

105. Unrestricted Access through the Building

Access from the rear of the building through the building and onto the front of the building at the corner of Villawood Place and Villawood Road shall be provided at all times during normal business working hours.

106. Provision of Community Facility

A Community Facility with a floor area of not less than 140 square metres shall be provided on site in accordance with the Positive Covenant Sixthly referred to on the 88B Instrument for Lot 4 in Deposited Plan 1013056.

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

108. Safe Access

In order to permit safe access to parking spaces within the basement parking areas, the height clearance between the floor and an overhead obstruction shall not be less than 2.2 metres. Clear and marked pedestrian and disabled access shall be provided along the car parking areas away from the path of service vehicle and manoeuvring areas.

109. Use of Retail Shops Not Approved

Separate development consent is required for the use of the proposed retail shops prior to the occupation of the building.

110. Hours of Operation

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

Café

Monday to Saturday:	7:00am to 7:00pm
Sunday & Public holidays:	7:00am to 5:00pm

Retail Tenancies and Community Facility

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

Monday to Friday:	8:30am to 6:00pm
Saturday, Sunday & Public Holidays:	9:00am to 1:00pm

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.

111. 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 windows of the premises shall be kept transparent at all times so that the operation is clearly visible from the street.
- c. The cafe shall be restricted to a maximum number of 65 seats.
- d. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- e. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- f. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- g. 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.
- h. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

112. Storage of Goods

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

113. Unreasonable Noise and Vibration

During the construction of the approved development, 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.

114. Security Requirements

- a. The rear/loading/standing area and communal and courtyard areas shall be provided with appropriate security lighting.
- b. The proposed development shall include appropriate security measures including restricted self-locking doors at the entrance to the foyers.

115. Plumbing

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed by chasing or by ducts within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

116. Waste Management Plan

An ongoing Waste Management Plan for the owners and occupiers of the building shall be developed and fully implemented as part of the proposed development and shall be fully operational prior to occupation of the building. The waste management issues in the proposed high-rise residential building requires on-going management, and in this regard the owners corporation shall employ a building manager responsible for maintaining the waste management system. The Manager is required to maintain the garbage system, remove recyclables to the ground level, present garbage and recyclable materials for collection on scheduled collection days, to keep clean the garbage room, liaise with the waste collector and ensure new residents are aware of the waste management arrangements.

117. 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.

118. Waste System

The management of the building waste system including moving of waste receptacles, cleaning of the waste receptacles and garbage rooms must be included in the building caretakers' statement of duties.

119. Garbage Chute

The installation of a garbage chute of cylindrical section having a diameter of 500mm or greater for the transfer of garbage from each floor shall be provided. The chute shall be designed to reduce noise and comply with fire regulations.

120. Waste Service Room/Compartment

A 1.5m² waste service room/compartment must be provided on each floor to allow access to the garbage chute and be mechanically ventilated to external air. The floor must be constructed of a washable and impervious material.

121. Discharge Room

The garbage chute should terminate in a discharge room and discharge directly into a receptacle or waste compactor in a manner that will avoid spillage and overflow. The bins or receptacles can then be transferred to the garbage room.

122. Air Conditioning Unit Approval

A separate Development Application shall be lodged for any air conditioning unit that does not meet the requirements of council's Fairfield City – Wide Development Control Plan.

123. NSW Protection of the Environment Operations Act 1997

Construction activities shall be conducted in accordance with the Protection of the Environment Operations Act (POEO) 1997 and the Interim Construction Noise Guideline published by the Department of Environment and climate Change NSW (July 2008). All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

124. Environmental Legislation & Regulations

The following shall be complied with at all times:

- During all stages of the development, environmental legislation and regulations will be complied with.
- During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain in the full responsibility of the Applicant.
- During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

125. Drainage Disposal

Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

126. Waste Receipts

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers, upon request.

127. Waste Classification

Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW Environmental Protection Authority (formerly known as Department of Environment and Climate Change) Environmental Waste Classification Guidelines. The classification of the material is essential to determine where the waste may be legally taken

128. 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.

129. Chain of Custody Documentation

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site to the subject premises. A record of 'Chain of

Custody shall be submitted to Council within 7 days of the fill material being moved to or from the subject site.

130. Compliance with Documentation

The premises shall comply with the following documentation at all times:

- e. Statement of Environmental Effects, Amended Report, prepared by DDC Urban Planning dated April 2015.
- f. Traffic and Rail Noise and Vibration, prepared by Acoustic Logic Consultancy Pty Ltd, Document Reference 20141062.1/3103A/R2/BW, Revision 2 dated 31 March 2015.
- g. Acoustic Specification, prepared by Acoustic Logic Consultancy Pty Ltd, Document Reference 20141062.2/0608A/R0/BW, Revision 0 dated 6 August 2015.
- h. Flood Impact Assessment, prepared by C & M Consulting Engineers, Report No. R01282-FIA, Revision D dated January 2016.
- i. Hydrogeological Assessment, prepared by JK Geotechnics, Reference No. 28300Z.Let dated 9 October 2015.
- j. Landscape Response Letter, prepared by Formed Gardens Design & Construction, dated 8 October 2015.
- k. Preliminary Site Investigation, prepared by Aargus Pty Ltd, Document No. ES6394, Revision 0 dated 5 November 2015.
- l. Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates, Reference No. 14195, Revision E dated October 2015.
- m. Waste Management Plan, prepared by Elephants Foot Recycling Solutions, Revision E dated April 2015

131. 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.

132. 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 aluminium 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.)

Washing Facilities

- f. A separate hand wash basin, supplied with a constant supply of warm running water through a single outlet or mixer, shall be provided in food preparation area.
- g. All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet.
- h. Adequate hand wash basins shall be installed inside the food preparation areas. They shall be located no further than 5m from any place where food handlers are handling open food.
- i. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin.
- j. The wash up sink shall be supplied with hot and cold water

Lighting and Light Fittings

- k. Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.
- l. In areas where open food is handled or stored, light fittings shall be designed and constructed to prevent contamination of food should the globe or tube shatter and free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.

Mechanical Exhaust Ventilation System

- m. Where cooking or extensive heating processes or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operated in accordance with AS/NZS 1668.1 - 1998 and AS 1668.2 – 2012.
- n. The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.

Coolroom

- o. The open space between the top of the coolroom and the ceiling shall be fully enclosed and kept insect and pest proof.
- p. The coolroom must have a smooth concrete floor, which is to be sloped to the door. A floor waste connected to the sewer must be located outside the coolroom.
- q. The coolroom shall be able to be opened from the inside without a key and fitted with an alarm that can only be operated from within the coolroom.

Fixtures, Fittings and Equipment

- r. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
- s. Service pipes, conduits and electrical wiring shall either be –
 - (i) concealed in floors, plinths, walls or ceiling; or
 - (ii) fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.

Waste Management

- t. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.

Grease Arrestor

- u. A grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

Others

- v. Adequate facilities shall be provided for the storage of chemicals, cleaning materials and personal items (such as clothing, shoes and handbags).

- w. The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.

133. Food Safety Supervisor

A food safety supervisor shall be appointed in accordance with Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the commencement of the food business.

Notation: Food Business Notification and Food Safety Supervisor

Under Food Act 2003, a food business must notify the NSW Food Authority of the details of its food business. In addition, certain retail food businesses such as restaurants, cafes, takeaways, club and pubs are required under the Food Act 2003 to appoint at least one trained Food Safety Supervisor (FSS) in their business and notify the NSW Food Authority of the details of the FSS.

You can visit the NSW Food Authority's website at www.foodnotify.nsw.gov.au for full details of the food business and Food Safety Supervisor requirements.

134. Registration of Food Premises

The premises shall be registered with Council prior to the commencement of business. In this regard, Council's Factsheet 6 - Registration of Premises (a copy is attached) shall be completed and returned for processing.

135. Inspection Fee

Council's Environmental Health Officers will carry out routine inspections of the premises under the Food Act 2003. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and Fees & Charges.

Note: There will be a common cleaner's room for the disposal of waste water and a storage room for the storage of rubbish.