

**CONDITIONS OF DEVELOPMENT CONSENT NO.15.1/2014, INCORPORATING AMENDMENTS MADE BY MODIFICATION OF CONSENT APPLICATION NO. 15.2/2014.**

1. The Conditions of Development Consent that have been amended or added are shown by the *red colour and italic font* in the following Schedule of Conditions of Consent.
2. Conditions of Consent that remain unchanged are shown in black and normal font.

**SCHEDULE OF CONDITIONS OF DEVELOPMENT CONSENT 15.1/2014  
AS MODIFIED**

***1. Compliance with Plans and Documents***

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

| <b>Dwg No.</b> | <b>Job Number</b> | <b>Issue</b> | <b>Title</b>                                  | <b>Prepared By</b> | <b>Date</b>       |
|----------------|-------------------|--------------|---|--------------------|-------------------|
| 02.1           | 2248_DA           | B            | Proposed Subdivision Plan                     | Pagano Architects  | 05/06/2015        |
| 04             | 2248_DA           | M            | Stage 1 Street Network Plan                   | Pagano Architects  | 05/06/2015        |
| 04.1           | 2248_DA           | C            | Road Design Details                           | Pagano Architects  | 23/06/2015        |
| <i>S96-050</i> | <i>2343</i>       | <i>F</i>     | <i>Site Plan</i>                              | <i>Architex</i>    | <i>9/07/2018</i>  |
| 04.2           | 2248_DA           | B            | Road Sections                                 | Pagano Architects  | 23/06/2015        |
| <i>S96-101</i> | <i>2343</i>       | <i>L</i>     | <i>Basement Level 1 Plan</i>                  | <i>Architex</i>    | <i>Date 28</i>    |
| <i>S96-100</i> | <i>2343</i>       | <i>M</i>     | <i>Basement Level 2 Plan</i>                  | <i>Architex</i>    | <i>Date 28</i>    |
| <i>S96-102</i> | <i>2343</i>       | <i>H</i>     | <i>Level 1 Floor Plan</i>                     | <i>Architex</i>    | <i>25/09/2018</i> |
| <i>S96-103</i> | <i>2343</i>       | <i>D</i>     | <i>Level 2 Floor Plan</i>                     | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-104</i> | <i>2343</i>       | <i>D</i>     | <i>Level 3 Floor Plan</i>                     | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-105</i> | <i>2343</i>       | <i>D</i>     | <i>Level 4 Floor Plan</i>                     | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-106</i> | <i>2343</i>       | <i>D</i>     | <i>Level 5 Floor Plan</i>                     | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-107</i> | <i>2343</i>       | <i>D</i>     | <i>Level 6 Floor Plan</i>                     | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-108</i> | <i>2343</i>       | <i>E</i>     | <i>Level 7 Floor Plan</i>                     | <i>Architex</i>    | <i>18/06/2018</i> |
| <i>S96-109</i> | <i>2343</i>       | <i>D</i>     | <i>Level 8 Floor Plan</i>                     | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-120</i> | <i>2343</i>       | <i>C</i>     | <i>Elevations</i>                             | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-121</i> | <i>2343</i>       | <i>C</i>     | <i>Elevations</i>                             | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-123</i> | <i>2343</i>       | <i>C</i>     | <i>Section A-A</i>                            | <i>Architex</i>    | <i>12/07/2018</i> |
| <i>S96-150</i> | <i>2343</i>       | <i>A</i>     | <i>Shadow Diagrams</i>                        | <i>Architex</i>    | <i>24/11/2017</i> |
| <i>S96-160</i> | <i>2343</i>       | <i>B</i>     | <i>Floor Space Diagrams</i>                   | <i>Architex</i>    | <i>25/09/2018</i> |
| <i>S96-161</i> | <i>2343</i>       | <i>B</i>     | <i>Floor Space Diagrams</i>                   | <i>Architex</i>    | <i>25/09/2018</i> |
| SI-1           | 2248_DA           | F            | Landscape Calculation Area – Ground Floor     | Pagano Architects  | 14/09/2015        |
| SI-2           | 2248_DA           | E            | Landscape Calculation Area – Ground Floor     | Pagano Architects  | 14/09/2015        |
| SI-3           | 2248_DA           | E            | Ramp Sections                                 | Pagano Architects  | 08/07/2015        |
| SI-4           | 2248_DA           | C            | Site Area Calculations                        | Pagano Architects  | 23/06/2015        |
| SI-5           | 2248_DA           | B            | Site Area Calculations                        | Pagano Architects  | 23/06/2015        |
| <i>S96-110</i> | <i>2343</i>       | <i>D</i>     | <i>Roof Plan</i>                              | <i>Architex</i>    | <i>24/11/2017</i> |
| SI-7           | 2248_DA           | C            | Adaptable Unit Details                        | Pagano Architects  | 23/06/2015        |
| SI-8           | 2248_DA           | B            | Adaptable Unit Details                        | Pagano Architects  | 23/06/2015        |
| SW5            | 2248_SW           | 6            | Stormwater Drainage Basement Plan Basement L1 | Vladimir Stojnic   | 29/07/2015        |
| SW6            | 2248_SW           | 6            | Stormwater Drainage Basement Plan Basement L2 | Vladimir Stojnic   | 29/07/2015        |

|      |         |    |   |                  |            |
|------|---------|----|---|------------------|------------|
| SW7  | 2248_SW | 6  | Stormwater Drainage Basement Plan Basement L3 | Vladimir Stojnic | 29/07/2015 |
| SW8C | 2248_SW | 6a | Stormwater Drainage Plan Ground Floor         | Vladimir Stojnic | 07/08/2015 |
| SW8  | 2248_SW | 6a | Stormwater Drainage Plan Ground Floor         | Vladimir Stojnic | 07/08/2015 |

- *Design Verification Statement prepared by Robert Del Pizzo (Architex), dated 29 January 2018*
- *Additional Information Letter prepared by Robert Del Pizzo (Architex), dated 18 June 2018*
- *Internal Traffic Management Report as prepared by LOKA Consulting Engineers, Job Number 17NL263\_T6, dated 12 July 2018.*
- *Access Review Report as prepared by LOKA Consulting Engineers, Job Number 1 17NL263-A5, dated 12 July 2018.*
- *Traffic Statement as prepared by LOKA Consulting Engineers, Job Number 17NL263. Ts2 , dated 29 November 2018*
- *Construction Traffic Management Plan as prepared by LOKA Consulting Engineers, Job Number 17NL263-CTMP4, dated December 2018.*
- *Site Waste Minimisation and Management Plan dated August 2014, prepared by Pagano Architects.*
- *Waste Management Plan as prepared by Dickens Solutions, dated 29 January 2018.*
- *Statement of Environmental Effects dated August 2014 prepared by GAT & Associates and all appendices submitted in support of the Development Application.*
- *Statement of Environmental Effects dated November 2017 prepared by GAT & Associates and all appendices submitted in support of the S4.55 Modification Application.*

## 2. Amendments in Red

The following amendments made in red on the approved plans, shall be incorporated into the design and submitted to the Principal Certifying Authority.

| Drawing Title             | Job Number | Sheet No. | Issue | Dated  | Amendment   |
|---------------------------|------------|-----------|-------|--------|---|
| Proposed Subdivision Plan | 2248_DA    | 02.1      | B     | 5/6/15 | <ul style="list-style-type: none"> <li>• Road Splays shall be provided as per condition 38 and 114.</li> <li>• Additional area identified for future</li> </ul> |

|                             |         |      |   |         |  |
|-----------------------------|---------|------|---|---------|--|
|                             |         |      |   |         | Cul-De-Sac to be dedicated to Council.   |
| Stage 1 Street Network Plan | 2248_DA | 04   | M | 5/6/15  | Car Space Bays shall be line marked no vertical kerb within the road.  |
| Road Design Details         | 2248_DA | 04.1 | C | 23/6/15 | <ul style="list-style-type: none"> <li>• Iterated - Car Space Bays shall be line marked no vertical kerb within the road.</li> <li>• Dimensions along the eastern and southern edge road to be amended – Reduce Verge 2.7m to 2.2m and increase the Boundary footway to 1.2m from 0.7m.</li> </ul> |
| Road Sections               | 2248_DA | 04.2 | B | 23/6/15 | <ul style="list-style-type: none"> <li>• Cross Section No. 2 – Reduce Verge 2.7m to 2.2m and increase the Boundary footway to 1.2m from 0.7m.</li> </ul>   |

## **2A. Bicycle Parking**

*Bicycle parking facilities are to be provided within the basement carpark at a rate of one (1) space per residential unit. Amended plans are to incorporate the location and details of the bicycle parking facilities and be submitted to Council for written approval prior to the lodgment of a Construction Certificate. The bicycle parking facilities may be either Class 1, 2 or 3 (or a combination of these Classes) in accordance with the Australian Standard 2890.3:1993 – Parking Facilities. The incorporation of bicycle parking facilities is in addition to the required may be incorporated to the basement residential storage facilities, and but shall not reduce the residential storage facilities within the basement levels to less than one (1) residential storage facility per residential unit or reduce the required amount of residential storage space. There shall be no reduction in the required number of carparking spaces.*

## **2B. Communal Open Space**

*The communal open space area located on Level 7 (rooftop Building A) is be amended to ensure privacy is maintained for future occupants as follows:*

- *The proposed planter is to be increased to provide a non-trafficable area of 2.5m from the southern parapet;*
- *Relocation of the BBQ area from the southeast to the northwest corner of the area; and*
- *Privacy screens of a minimum height of 1.5m are to be provided to the south eastern edge of the communal roof terrace;*

*The amended plans for Level 7 including the design details of all privacy screens including materials, finishes and elevation are to be submitted to the Manager of Development Planning within Council for written approval prior to the submission of any Construction Certificate.*

## **2C. Landscaping Plans**

*A revised layout of the Landscape Plans reflecting the abovementioned amendments (in Condition 2B) to the Level 7 Communal Open Space are to be reflected in the Landscape Plans and to be submitted to the Manager of Development Planning within Council for approval prior to the lodgment of any Construction Certificate.*

## **2D. Basement Levels**

*A revised layout of the Basement car parking levels identifying the location of convex mirrors at intersection areas and the relocation of the columns adjacent to parking spaces V26 and R89 north of the current location so as to ensure no obstruction to traffic are to be submitted to the Manager of Development Planning within Council for written approval prior to the lodgment of any Construction Certificate.*

## **3. Compliance with Statement of Environmental Effects**

*The development shall take place in accordance with the Statement of Environmental Effects dated August 2014 prepared by GAT & Associates and all appendices, submitted in support of the Development Application.*

*This development is also to take place in accordance with the Statement of Environment Effects dated November 2017 prepared by GAT & Associates and all appendices, submitted in support of the Modification Application (M15.2/2014).*

## **4. Restriction of use of land relating to gross floor area**

*Proposed Lot 2 of the approved "Proposed Subdivision Plan" must be burdened through the creation of a "Restriction on Use of Land" that limits the gross floor area permitted to be developed on that lot to no more than 14933.01m<sup>2</sup> or an amount that when added to the gross floor area approved for Lot 1 of the approved "Proposed Subdivision Plan" equates to a floor space ratio of no more than 3.0:1 over the combined site areas of Lot 1 and Lot 2.*

*The amount of gross floor area approved for Lot 1 is 10,224.09m<sup>2</sup>, and the combined site areas of Lot 1 and Lot 2 equals 8,385.7m<sup>2</sup>.*

*The restriction shall be applied to Lot 2 via a Section 88B Instrument. Written confirmation from Council approving the wording of the 88B Instrument is to be provided prior to the registration of the subdivision with the NSW Land and Property Information Division.*

*The 88B Instrument is to set out that the restriction relating to gross floor area on Lot 2 cannot be removed from the Title, modified or amended without Council consent.*

*Gross floor area and site area are to be calculated in accordance with the definitions within the Fairfield Local Environmental Plan 2013.*

## **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.**

### **5. Remediation**

Prior to the issue of a Construction Certificate, a Remediation Action Plan (RAP) shall be prepared in accordance with the NSW EPA Contaminated Land Series for the portion of the site affected by the soil stockpiles described in the Limited Phase 2 Environmental Investigation Proj# SES\_424, prepared by GJW Consultancy Pty Ltd and dated 22 October 2015. The RAP shall include, but not necessarily be limited to:

- **Validation Works**  
The area in the vicinity of the asbestos detection in the Limited Phase 2 Environmental Investigation (EI), Proj# SES\_424, prepared by GJW Consultancy Pty Ltd and dated 22 October 2015, shall be remediated and validated by a suitably qualified and experienced person. A report on these validation works shall be submitted to Council for assessment and subsequent approval for compliance with SEPP55 prior to the issue of a Construction Certificate.
- **Unexpected Finds Protocol**  
An 'Unexpected Finds Protocol' for the assessment/management of any contamination discovered during the course of these works shall be prepared prior to any further works on the remaining soil stockpiles.
- **Stockpile Waste Disposal**  
All materials in the existing soil stockpiles shall be screened, separated and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW Environmental Protection Authority "Waste Classification Guidelines Part 1: Classifying Waste". The classification of the material shall determine the method of waste disposal and/or recycling.

All remediation works required under this condition are to be finalised and the validation report demonstrating that the site is clear of contamination is to be issued to Council prior to the issue of a Construction Certificate.

## **6. Privacy Screening Devices**

Privacy screening devices are to be installed on the northern balcony edge of the following units:

- A16, D22, A20, D27, D30 and D33.

The screening devices may be operable (i.e. stackable and or sliding), but must be floor to ceiling in height, constructed of solid material (metal or timber) and include horizontal louvres that tilt from a closed position to an angle of 45 degrees in a vertical direction.

The screens are to be able to cover at least 75% of the length of the northern edge of the northern facing balcony of each of the respective units.

Details, including a detailed section drawing, of the screens shall be provided prior to the issues of a Construction Certificate.

## **7. Final Stormwater Drainage Plan**

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications including on site detention, suitable for construction, prepared by a qualified and experienced stormwater drainage engineer experienced in stormwater analysis and design. The final plans shall be in accordance with the abovementioned stormwater concept plans and shall comply with Fairfield City Council's Stormwater Drainage policy, Urban Area On-Site Detention Handbook, the Basix requirements and with AS 3500. The final plans shall in particular include the following:

- Sufficient design surface levels to ensure that stormwater flows from the roof areas and external grounds from the site drain through the detention basin by pipe flows and surface flow path routes up to the 100 year ARI storms, in accordance with the minor/major design principles, the abovementioned stormwater concept plans and Council's Urban Area On-Site Detention Handbook. Allowance shall be made to any bypass flows by adjustments to the permissible site discharge rates and OSD volume in accordance with the above Handbook.
- Incorporation of the details of the stormwater drainage system in the road reserves approved under an *Engineering Construction Certificate*, including connection pits location and levels into the final stormwater drainage plans for the development.

- Pipe sizes downstream of a surface inlet pit to meet the minimum pipe requirements in AS 3500, and sized to convey the design stormwater flows.
- Minimum orifice diameters controlling the OSD flows, to comply with the requirements in Council's Urban Area On-Site Detention Handbook.
- Increase in the required volume of the OSD storage in landscaped areas in accordance with the requirements in Council's Urban Area On-Site Detention Handbook.
- OSD storage to be located clear of landscaped areas with mulched garden beds.

## 8. **Ground Floor Stormwater and On-Site Detention (OSD) Details**

Prior to the issue of any Construction certificate, the applicant shall submit to and approved by Council, detailed longitudinal sections of the stormwater drainage and OSD systems on the ground floor of the proposed development, prepared by a qualified civil / structural engineer. The longitudinal sections shall contain design levels and thicknesses of the ground floor slab and shall include the stormwater pipe and OSD systems design levels shown on the ground floor slab sections.

Revised hydraulic calculations including Hydraulic Grade Line analysis for the stormwater and OSD systems, having regard to the 100 year ARI water surface level of the receiving stormwater system at the point of connection to the road system, demonstrating compliance with Council's Urban Area On-Site Detention Handbook and Stormwater Drainage policy, prepared by a qualified civil engineer experienced in stormwater analysis shall be submitted to Council with this information. Details of any amendments to the concept landscape plans in the common fore court and the adjacent deep soil landscape area to accommodate the required detention storage volume as a result of the above hydraulic calculations shall be included in the information submitted to Council for assessment.

## 9. ***Detailed Communal Open Space Plan***

*Prior to the issue of any Construction Certificate, the applicant shall submit to the Manager of Development Planning within Council, a detailed Communal Open Space Plan, prepared by a qualified landscape architect.*

*The Plan shall indicate finished levels and details of trees/plants (including pot sizes planter boxes), soil volume, irrigation and drainage arrangements, location and design of at least one BBQ area, location and design of seating and shelters.*

*The detailed Communal Open Space Plan shall be generally in accordance with the approved Landscape Plan prepared by Vision Dynamics, drawing*



*numbers 17161 S96 (2) 1-2 AND 171 S96 (2) 2-2, Revision A, dated 19 January 2018.*

#### 10. **Section 94 Contributions**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94 contributions (pursuant to the Environmental Planning and Assessment 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 **\$700,889.00**.

The contribution amount payable will be adjusted at the date of payment to account for changes in infrastructure costs in line with the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales) and will be adjusted on a quarterly basis.

Council may allow for deferred payment of the monetary contribution in accordance with the provisions set out in the Direct (Section 94) Development Contributions Plan 2011. 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 Direct (Section 94) Development Contributions Plan 2011 for more information.

#### 11. **Outstanding Fees and Charges**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Certifying Authority:

|    |                                    |                  |
|----|------------------------------------|------------------|
| a. | Kerb and Gutter Inspection Fee     | <b>\$103.50</b>  |
| b. | Kerb and Gutter Damage Deposit     | <b>\$2255.00</b> |
| c. | Road Opening Fee                   | <b>\$136.00</b>  |
| d. | Vehicular Crossing Application Fee | <b>\$139.50</b>  |

#### 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. **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.

### 14. **Landscape Plans**

*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 the Manager of Development Planning within Fairfield City Council.*

*The Landscape Plan shall include the provision of street trees along the footpath and road reserve and shall not include ground covers or shrubs.*

*The Landscape plan shall include turf grass to be Couch grass (Cynodon Dactylon), Turf rolls to be Cultivar Green Leas Park or similar and the proposed street trees to be Flindersia Australis.*

*The detailed Landscape Plan shall be generally in accordance with the Landscape Plan prepared by Vision Dynamics dated January 2018 and shall contain the following information:*

- a. Outline of the proposed building;*
- b. Existing trees (height and location);*
- c. Trees to be removed;*
- d. Proposed planting (quantity, species, and expected mature height);*
- e. Proposed earth mounding;*
- f. Paths and paving (location and materials);*
- g. The method of planting and the proposed maintenance program;*
- h. The proposed access arrangements and ongoing maintenance arrangements for the landscaped area on; the rooftop communal open space on Building A (Level 7);*
- i. Details of lighting, fencing, seating and paving, where relevant; and*
- j. Details of the watering system and management of the entry foyer landscaped areas*

*The landscaping shall be of a scale that will match the scale of the development. Landscaping shall be designed to complement and enhance the development and where applicable, screen such features as open storage areas, car parks, loading docks and garbage storage areas.*

## 15. 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 site's stormwater drainage system and the overflows to the OSD basin are designed in accordance with the major/minor design principle and to Average Recurrence Intervals in accordance with Council's Stormwater Drainage Policy and Urban Area On-Site Detention Handbook.
- d. The area draining to the pump out system is limited to a maximum of 50 square metres of driveway only and complies with Council's policy for pump out systems and AS 3500.

## 16. On-site Detention Design Certificate

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

Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:

- i. To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;
- ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.
- iii. Full runoff routing calculations must be submitted with the construction certificate in accordance with Council's Urban Area On-Site Detention Handbook.

**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 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. 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.

#### **18. Construction Certificate (Engineering Approval) – Stormwater Connections**

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 proposed stormwater connections external to the site 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.

#### **19. 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. The plan shall also incorporate the management for the storage and transport of the

waste disposal bins in order to ensure that a safe, attractive and accessible streetscape is maintained.

**20. Access to Footpath**

Prior to the issue of a Construction Certificate, a pedestrian access plan shall be submitted to and approved by Fairfield City Council. The Plan shall demonstrate safe and equitable access for the residents into and around the site from the development precinct.

**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 light industrial crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of 1 metre from any utility pillar/pole.

**22. Flood Affected Development**

The development the subject of this consent is affected by overland flow / flooding. The flood levels and flood depths are identified in Council's email to the applicant dated 27 May 2015 with attached site plan showing flood levels/depths, and as partially revised in the information contained in the email sent to the applicant on 7 July 2015.

This information shall be used in the preparation and determination of any construction certificate issued for the development.

Accordingly, the following details and information shall be included in any construction certificate issued:

- Finished Floor levels for the ground floor units shall be a minimum of 0.5m above the 100 year overland flow / flood levels.
- The driveway providing access to the basement shall include a crest level of a minimum 0.5m above the 100 year water surface level in order to protect the basement from overland flooding.
- A detailed Flood Risk Management plan prepared by a suitably qualified consultant experienced in floodplain management addressing all development controls contained in Chapter 11 "Flood Risk Management" in Fairfield City Wide DCP 2013 and including a Flood Evacuation plan shall form part of any construction certificate issued.

### **23. 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.

### **24. Disability Access**

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

### **25. 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](http://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

### **26. Construction Certificate (Engineering Approval) - Construction of Median Island**

Prior to the issue of a Building Construction Certificate, an Engineering Construction Certificate shall be submitted to the Certifying Authority for the construction of median island to restrict access to left in/left out in accordance with approved plans and specifications at no cost to Council. If Council is requested to issue the Engineering Construction Certificate, 5 copies of plans and specifications giving full details of the design and construction shall be submitted with the application. Should the issue of the construction certificate be sought prior to the completion of the required road works on adjacent roads, Council's consideration will be given to the acceptance of a 'road works

bond' covering all works within the road reserve in accordance with Council's fees and requirements for the lodgement of a bond. The installation of median island will require approval from Fairfield Traffic Committee and the applicant shall undertake consultation with the affected property owners in regard to the installation of median island and outcome of the consultation shall be submitted to Council.

## **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.**

### **27. 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.

### **28. 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.

### **29. 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.

### **30. 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.

### 31. **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.

### 32. **Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.11 of the Fairfield City Wide DCP 2013** 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.

### 33. **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.



#### **34. Hoarding Approval**

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

#### **35. Required Signage**

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal certifying authority for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

### **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.**

#### **36. 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.

#### **37. Registration of Final Plan of Subdivision**

Prior to the issue of the final Occupation Certificate, a copy of the final plan of subdivision, registered by Land and Property Information, creating the allotment and the dedication of the approved road system, shall be submitted to the Principal Certifying Authority and Fairfield City Council.

**38. Dedication of Road Splay**

Prior to the issue of any occupation certificate, proof of dedication of a 3 metre x 3 metre splay on the corners of all public roads shall be submitted to the Principal Certifying Authority.

**39. Footpath Paving**

Prior to the issue of the Final Occupation Certificate, Council's standard concrete footpath paving shall be constructed by the developer at no cost to Council for the full road frontage of the property to all public roads. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

**40. 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.

#### **41. On Site Detention – Works-As-Executed**

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

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

#### **42. Registration of Restriction and Covenant over OSD System**

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

#### **43. 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:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. 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.

**44. Certification of Approved Finish Floor & Driveway Crest Levels**

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 that the finished floor levels of the ground floor units and the crest level in the driveway have been constructed to provide a minimum of 0.5m freeboard above the 100 year ARI water surface flood / overland flow path level.

**45. 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 residential flat 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.

**46. Registration of Restriction relating to gross floor area**

Prior to the issue of the Final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' over Lot 2 of the approved "Proposed Subdivision Plan" in accordance with Condition 4 shall be submitted to the Principal Certifying Authority.

**47. 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.

**48. Completion of External Finishes**

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

**49. 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.

50. **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. 520869M\_04.*

*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.*

51. **Adjustments to Public Utilities**

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

52. **Environmental Reports Certification**

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

- a. Internal Traffic Management Report as prepared by LOKA Consulting Engineers, Job Number 17NL263\_T6, dated 12 July 2018.*
- b. Access Review Report as prepared by LOKA Consulting Engineers, Job Number 1 17NL263-A5, dated 12 July 2018.*
- c. Site Waste Minimisation and Management Plan dated August 2014, prepared by Pagano Architects.*
- d. Waste Management Plan as prepared by Dickens Solutions, dated 29 January 2018.*
- e. Statement of Environmental Effects dated August 2014 prepared by GAT & Associates and all appendices submitted in support of the Development Application.*
- f. Statement of Environmental Effects dated November 2017 prepared by GAT & Associates and all appendices submitted in support of the S4.55 Modification Application.*

### 53. **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'.

### 54. **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.

### 55. *Deleted*

### 56. **Landscape Certificate**

Prior to the issue of an Occupation Certificate, a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to Fairfield City Council.

## **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.**

### **57. 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).

### **58. 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.



## **59. Demolition Requirements**

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

- a. The property being secured to prevent unauthorised entry.
- b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
- c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with the approved Waste Management Plan.
- d. 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](http://www.environment.nsw.gov.au))

## **60. 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.

## **61. 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.

**62. Administration Fee for the Lodgement of Certificates**

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

**63. 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

**64. 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.

**65. Surveyor's Certificate of Location of Building Prior to Pour**

Prior to the placement of any concrete in the slab, an offset peg out survey prepared by a registered surveyor 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.

**66. Boundary Fence Requirements**

No part of the fencing including the footings shall encroach upon Council's footpath. Entrance gates shall open within/onto the property.

**67. Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to the street stormwater drainage systems

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.

**68. Construction of Western Driveway**

Once the construction of the western driveway is completed the eastern driveway at the property boundary adjacent to Restwell Road shall be constructed as cul-de-sac with a minimum radius of 9 metres as per the approved plan.

**69. Tree Preservation Order**

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

**70. 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.

**71. Acid Sulphate Soils**

The land the subject of this approval is located within 500 metres of known acid sulphate soils. You are advised to exercise extreme caution with excavations up to and exceeding 1 metre in depth. For further information in this regard, please contact the Department of Land and Water Conservation.

**72. Maintenance of Construction Site**

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be

provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

**Note:** On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

**73. Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan as required under Condition No. 14 of this Consent, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

**74. Overland Flow / Flood Affected Development**

The development site the subject of this consent is located in an area affected by overland flow / flooding. The following shall be complied with:

- The Flood Risk Management measures including the Flood Evacuation Plan shall be implemented and maintained.
- All services and utilities connected to the property shall be flood proofed.
- Ground Floor levels and a driveway crest shall have a minimum of 0.5m freeboard above the 100 year overland flow / flood levels.

**75. Switchboards**

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

**76. Clothes Drying Areas**

The clothes drying areas for the individual dwelling units shall be positioned and screened from public view.

**77. Driveway Gradient**

The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

#### 78. Carparking – Residential

You shall provide and maintain the following number of carparking spaces in accordance with the requirements of Council's Residential Development Guidelines DCP:

- a. One hundred and thirty-three (133) off-street car parking spaces for residents and visitors; and
- b. Twelve (12) 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. Residents and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

#### 79. Carparking - General

- a. Each space shall be permanently line marked and maintained free from obstruction at all times.
- b. All parking spaces shall be made available to residents and visitors to the premises and shall remain free from any storage or other obstructions at all times.
- c. Wheel stops shall be provided to limit the travel of vehicles into parking spaces.
- d. The minimum available clearance shall be signposted at all entrances.

#### 80. Road Section

The Eastern and Southern Edge Road Cross-section as per the plan prepared by Pagano Architects, Drawing table 'Road Sections', Job Number 2248\_DA, Sheet No. 04.2, Issue B, dated 23/06/2015 shall be amended by reducing the dimension of the internal verge from 2.7m to 2.2m and increasing the boundary verge from 0.7m to 1.2m wide.

#### 81. Car Space Bays on Public Road

The car space bays shall be line marked only with no upright kerb or obstruction utilized.

#### 82. Bicycle Parking

Bicycle parking facilities for the proposed development shall be provided within the basement carparking in accordance with Condition 2A.

### 83. **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 require 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.

### 84. **Garbage Rooms**

Garbage rooms, shall be constructed of smooth cement rendered or tiled walls to 1800mm and coved at wall and floor intersection. The floor is to be impervious, nonslip and capable of heavy duty use. A cold water outlet is to be provided in the garbage rooms and the floor is to be graded and drained to an approved water board sewer outlet.

### 85. **Mechanical Ventilation**

The garbage rooms are to be mechanically ventilated to external air and appropriate lighting provided.

### 86. ***Schedule of Finishes***

*The development is to be constructed and finished in the materials and colours approved by the development consent and as demonstrated on the approved Elevation Plans as prepared by Architex, Job Number 2343, Drawing Number S96-120 & S96-121, Issue C, dated 24 November 2017.*

*All other building materials shall be compatible in type, colour and texture throughout the whole project.*

### 87. ***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 deliveries to the premises shall be made to the rear service lane/loading bay/s provided.
- c. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- d. *All vehicles servicing the site shall be accommodated within the available parking spaces on the site.*

**88. 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.

**89. Dust Suppression**

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

**90. Unreasonable Noise and Vibration**

The construction of the premises, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

**91. 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.

**92. NSW Office of Water Approval**

The attached NSW Office of Water General Terms of Approval shall be complied with at all times.

**NB:** The NSW Office of Water General Terms of approval DO NOT constitute a Part 3A Permit under the Rivers and Foreshores Improvement Act (1984). To obtain a Part 3A Permit, the developer will need to lodge a separate application with the NSW Office of Water. A Part 3A Permit shall be obtained prior to the issue of a Construction Certificate.



**93. Accessible Units**

A minimum of Eleven (11) of the proposed residential apartments shall be constructed and fitted out as apartments accessible to the disabled. As such, these apartments shall be designed and fitted out with facilities accessible to the disabled in accordance with the requirements of AS1428 Parts 1, 2 and 4 and AS4299 Adaptable Housing.

**94. Waste and Dry Recycling Facilities**

A waste storage area with the ability of accommodating a general bin, dry recycling bin and space for a third bin must be provided for every dwelling. The waste storage area must be located in a private area, be substantially within a shaded area or within an enclosure, be away from the windows of habitable rooms and not be visible from common or public areas except when out for collection. A clear path from the dwelling's garbage and recycle bins storage area, either through a side passage or through a garage, to the collection point on the street must be provided.

**95. 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.

**96. 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.

**97. Public Address System**

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

**98. Roads and Maritime Services Conditions**

- a. The proposed additional temporary edge road along the eastern boundary of the site is a transitional access point, until such time as the remainder of the site is developed and the main collector road is constructed.

- b. The proposed temporary collector road shall be restricted to left in/left out only with the implementation of a device to enforce the vehicular movements. This device shall be constructed to Council's satisfaction.
- c. The temporary edge road and all vehicular access to South Street shall be removed after the dedication of the central collector road.
- d. No access will be permitted from the Liverpool to Parramatta Road T-Way.
- e. *A device shall be implemented on site to manage the temporary access to the site from Restwell Street. The device shall restrict vehicular movements to left in/left out only from Restwell Street and shall be constructed to Council's satisfaction. The temporary edge road and all temporary vehicular access shall be closed after the dedication of the collector road.*
- f. *Due to the works close proximity to the Traffic signals at the T-Way/Restwell Road intersection, Roads and Maritime Services requires a Construction and Traffic Management Plan (CTMP) to be prepared and forwarded for review and endorsement prior to work commencing.*
- g. *The central collector road accessing Restwell Road may be required to be relocated if it comes out at the existing bus bay.*
- h. *Due to the close proximity to the traffic signals at the T-Way the central collector road access should be restricted to left in/ left out by a median island extending from the traffic signals across the access. It is suggested the median be extended the full length of the frontage. No Stopping restrictions across the frontage of the site extending to the traffic signals would be required.*
- i. *Any alterations to the traffic signals must be approved by Roads and Maritime.*

## **CONDITIONS ADVISING OF FEES AND CHARGES APPLICABLE TO THE SUBDIVISION.**

**The following conditions have been imposed to provide for various facilities and services required to meet the demands arising from the proposed subdivision.**

### **99. 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.

#### **100. Maintenance Bond for Public Works**

The submission to Council of a maintenance bond covering any public works constructed that shall be dedicated to Council in association with the subdivision. The maintenance bond is to be paid in cash or a bank guarantee. The value of the maintenance bond will be determined by Council in accordance with the rates listed in Council's Annual Schedule of Fees and Charges following the submission of "work as executed" plans detailing all works constructed in association with the subdivision.

The maintenance bond will generally be held by Council for a period of twelve (12) months from the date of issue of Subdivision Certificate on the final plan of subdivision. The maintenance bond will be released at the end of the maintenance period subject to satisfactory performance of the works. Council may use the maintenance bond to carry out any rectification works required at the end of the maintenance period should the applicant fail to comply with any written request from Council to carry out such works.

Council will not accept "work as executed" plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.

#### **101. Subdivision Certificate Release Fee**

The payment to Council of a Subdivision Certificate release fee in accordance with Council's Annual Schedule of Fees and Charges. Please note that this fee is subject to review each financial year. The value of this fee will be reviewed by Council in accordance with the rates listed in Council's Annual Schedule of Fees and Charges following compliance with the conditions of approval and the submission of the Subdivision Certificate.

At the time of issuing this consent, the fee is \$200.

## **CONDITIONS RELATING TO WORKS ASSOCIATED WITH THE SUBDIVISION**

**The following conditions have been imposed to ensure that adequate and safe public access is available to the subdivision for both pedestrian and vehicular traffic and that the subdivision will not have detrimental effects on the environment.**

### **102. Satisfactory Access to all Lots**

The provision of satisfactory access to all lots is required. In this regard, a vehicular layback, in accordance with Council's specification, is to be provided in the kerb adjacent to all proposed allotments. The proposed access shall be 1m away from all Service authorities Assets.

### **103. Erosion and Sediment Control Plan**

A detailed Erosion and Sediment Control plan prepared in accordance with Council's policy for Urban Erosion and Sediment Control shall be issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council. The control measures detailed in the approved plan shall be implemented prior to commencement of any works, including stripping or clearing, on site.

### **104. Tree Preservation Order**

No trees shall be pruned or removed without prior written consent in the form of a Tree Preservation Order from Fairfield City Council.

### **105. Construction Certificate Required (Engineering Approval)**

Prior to the commencement of the construction works which includes the approved road system comprising of the full width eastern and southern edge Roads, full width service lane, half width western boundary road and the transition of Restwell Road to the new Roads including all associated drainage works and concrete path paving, a Construction Certificate (Engineering Approval) is required to be issued by Fairfield City Council or by an Accredited Certifier.

If Council is appointed as the certifier to issue the construction certificate, five copies of the Engineering Plans for the proposed works shall be submitted to the Principal Certifying Authority; the Construction Certificate plan checking fee shall be determined in accordance with Council's Schedule of Fees and Charges; the fee is to be paid prior to the issue of a Construction Certificate.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Engineering Assessment Branch on 9725 0732.

**106. 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.

**107. Administration Fee for the Lodgement of Certificates**

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Subdivision Certificates and Complying Development Certificates.

**108. Alignment of Roadway**

The alignment of internal road system to be in accordance with plans issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

**109. Construction of Roadway**

The construction of internal road system comprising of the full width of the eastern and southern edge road including the service lane and the half width of the western boundary road adjacent to the proposed allotments in accordance with plans and specifications issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

**110. Dedication of Roadway**

The dedication to the public as road on the final plan of subdivision at no cost to Council of the internal road system and the area required for the future Cul-de-sac as proposed on the plan prepared by Pagano Architects, job no. 2248\_DA, Issue M dated 05/06/2015.

**111. Road Construction Plans**

Road construction shall not commence until the plans and specifications giving full details of the proposed construction have been issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council.

#### **112. Kerb and Gutter Status Form**

Prior to the commencement of any 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.

#### **113. Site During Construction**

Prior to the commencement of 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.

A \$600 on the spot fine may be issued for non-compliance with this condition. (Environmental Planning & Assessment Regulation 2000 Section 98A).

#### **114. Dedication of Road Splay**

The dedication to the public as road on the final plan of subdivision at no cost to Council, of a 3m x 3m splay on all corners of the approved road system for proposed lot 1 and the southern boundary for proposed lot 2 and a 6m x 6m splay on the corner of the north western Boundary of proposed lot 2.

#### **115. Fencing Restrictive Covenant**

The creation of a restrictive covenant over proposed Lot 1 and 2 that no fencing shall be erected without Council approval and that all fencing shall be in accordance with Council's Fencing Code.

#### **116. Works as Executed Drawings**

Following completion of the works the applicant shall provide a detailed "work as executed" drawing signed by a registered surveyor showing the finished surface levels of the roadworks and associated drainage, carried out under this consent.

Council will not accept "work as executed" plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.

### **CONDITIONS RELATING TO THE PROVISION OF SERVICES TO THE SUBDIVISION**

**The following conditions have been imposed to ensure that the subdivision is provided with adequate services.**

#### **117. Inter-Allotment Drainage Construction**

The provision of inter-allotment drainage to all lots which do not wholly slope toward the street. Details of the proposed drainage works are to be issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

#### **118. Easements for all Services**

Easements shall be created over all services and/or stormwater pipelines within private property which service adjacent roads or properties.

#### **119. Registered Surveyor Certification**

Written confirmation is to be provided from a Registered Surveyor that easements have been created for all encroaching services connections, or alternatively that all services are contained wholly within their respective allotments.

#### **120. Sydney Water Compliance Certificate**

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

Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site <http://www.sydneywater.com.au/Buildingdeveloping/DevelopingYourLand/GettingaSect73ComplianceCertificate.cfm> or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make



early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan.

#### **121. Endeavour Energy Notification of Arrangement**

The submission of "Notification of Arrangement" from Endeavour Energy stating that satisfactory arrangements have been made for the provision of underground low voltage electricity installation.

The attached application form should be completed and submitted to Endeavour Energy, Network Connections, PO Box 6366, Blacktown, NSW 2148, together with a set of plans detailing all engineering works to be constructed in association with the subdivision and a plan detailing the proposed lot dimensions.

It is considered that the provision of natural gas services is desirable to new subdivisions and in this regard, the developer is requested to liaise with Jemena, Sydney ([www.jemena.com.au](http://www.jemena.com.au)).

#### **122. Telecommunications Compliance Certificate**

The submission of a Compliance Certificate from a Telecommunications carrier as evidence that satisfactory arrangements have been made for all communications plant to be laid underground.

For further enquiries regarding the issue of the Compliance Certificate, contact Telstra on 13 22 00 or complete the online form at <http://www.telstra.com.au/smart-community/developers/>.

### **GENERAL CONDITIONS**

**The following conditions have been imposed to ensure that the subdivision does not prejudice the amenity of the local environment and/or to achieve the objectives of the relevant planning instruments and statutory authorities.**

#### **123. Restriction on Use – 100 year Flood Level**

A Restriction on Use is to be created over proposed Lot 1 and 2 pursuant to Section 88 of the Conveyancing Act, 1919, requiring that the Designated Floor Level for habitable development be at least 0.5m above the 100 year flood level.

**124. Satisfactory Completion of the Proposed Development**

Prior to the Issue of the Subdivision Certificate the proposed development subject to this consent shall be satisfactory completed.

**125. Restriction on Use of Land and Positive Covenant – “On-site Detention Handbook”**

The creation of Restriction on Use of Land and positive covenant in the terms described in Council's "On-site Detention Handbook" over the on-site detention system and flowpaths constructed for this development on proposed lot 1.

The following conditions shall be added to the development consent:

**126. *Traffic Management***

*The following traffic management conditions shall be complied with at all times:*

- a. Convex mirrors shall be installed at intersection areas within the basement to help motorists negotiating the corners at basement levels;*
- b. The basement shall be 2-way traffic at all times;*
- c. Bollards shall be installed in the pedestrian waiting area located adjacent to the lift to ensure the safety of pedestrians; and*
- d. Bollards shall be installed in the shared area adjacent to the disabled parking spaces as per the requirement of AS/NZS 2890.6:2009.*