

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 413.1/2018
SYDNEY WESTERN CITY PLANNING PANEL NO. PPS-2018SSW035

PROPERTY:

**LOT 1 DP 308061, LOT 3 SECTION 2 DP 3035, NO. 3 WILLIAM STREET,
 FAIRFIELD**

DESCRIPTION OF DEVELOPMENT:

Construction of a Boarding House accommodating 22 rooms, use of existing heritage item as a medical centre, basement car parking containing 8 spaces, consolidation of 2 existing lots to create 1 lot and associated landscaping works.

APPROVED PLANS**1. Compliance with Plans**

The development shall take place in accordance with the approved development plans and reports as follows:

Architectural Plans as prepared by Marchese Partners, Job Number 19043			
Document Title	Drawing Number	Revision	Date
Cover Sheet	AR0000	11	19.06.2020
Site Analysis	AR0100	7	19.06.2020
Existing Site Plan	AR0102	8	19.06.2020
Demolition Plan	AR0200	9	19.06.2020
Proposed Site Plan	AR1001	11	19.06.2020
Boarding House Basement Level	AR1002	12	19.06.2020
Boarding House Ground Level	AR1002	14	18.09.2020
Boarding House First Level	AR1004	14	18.09.2020
Boarding House Second Level	AR1005	14	18.09.2020
Roof Level	AR1007	11	19.06.2020
Fire Station – Heritage / Demolition / Proposed Plan / Proposed Door	AR1010	8	19.06.2020
Traffic Management / Pedestrian Safety / Security	AR1020	7	19.06.2020
Sections	AR1020	11	19.06.2020
Boarding House Elevations	AR1200	11	19.06.2020
Boarding House Elevations	AR1201	11	19.06.2020

Heritage Elevations	AR1210	10	19.06.2020
Waste Management Diagrams	AR1303	7	19.06.2020
3D View	AR1400	9	19.06.2020
3D View	AR1401	7	19.06.2020
Stormwater concept drainage plans as prepared by Greenview Consulting, Project No. 170822, Revision D, dated 11 June 2019			
Concept Landscape Plans as prepared by Mode Design, Project Number 1122			
Cover Sheet	0000	4	11.12.2019
Landscape Plan – Ground Level	1000	4	11.12.2019
Landscape Plan – Level 1	1001	4	11.12.2019
Planting Plan – Ground Level	4000	4	11.12.2019
Planting Plan – Level 1	4001	4	11.12.2019
Landscape Details – Sheet 1	9000	4	11.12.2019
Landscape Details – Sheet 2	9001	1	11.12.2019
Landscape Specification	9002	4	11.12.2019
Statement of Environmental Effects, as prepared by The Planning Hub, Job reference 17/187V.3, dated 13 August 2018			
Written Request under Clause 4.6 of Fairfield LEP 2013, as prepared by The Planning Hub, Job reference 19/037V2, dated 28 January 2019			
Statement of Heritage Impact, as prepared by Heritage 21, Job No. 8842, dated July 2020			
Conservation Management Plan as prepared by Perumal Murphy Alessi Heritage Consultants, dated January 2020			
Schedule of Conservation Works as prepared by Heritage 21, Job No. 8842, dated July 2020			
Acoustic Report as prepared by Acoustic Logic, Reference No. 20180913.1/1607A/RO/EC, Revision 4, dated 2 December 2019			
Traffic and Parking Report and Traffic Management Plan as prepared by Greenview Consulting, reference No. 170822, dated 26 July 2018			
Schedule of Conservation Works, as prepared by Heritage 21, Job Mo. 8842, dated July 2020			
Operational Plan of Management as prepared by Hume Community Housing, Stage 2 – Detailed Site Investigation Report as prepared by Alliance Geotechnical, Report no. 8649-ER-1-1, dated 16 April 2019			

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

following conditions of consent must be submitted with the application for a Construction Certificate.

2. 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 Certifier.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

3. Section 7.11 Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 7.11 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 Certifier.

The total contribution to be paid to Council (as applicable at the date of this consent) is **\$84, 636**.

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 7.11) 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 7.11) Development Contributions Plan 2011 for more information.

4. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier 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 that in accordance with Council's Stormwater Management Policy 2017.

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.

5. Interpretation Strategy

An interpretation strategy is to be prepared by the heritage consultant for the former fire station in accordance with the NSW Heritage Council Guidelines for approval by Council. The strategy should consider the history and development of the area and former function of the fire station. A brief interpretation plan should then be prepared.

6. Compliance with Building Standards

Where the current proposal must be modified to comply with the relevant building standards such as the National Construction Code (the Building Code of Australia) and the Australian Standards, these changes including details of ramps, railings or visibility and audio fitments/fittings, must be agreed with Council's Heritage Advisor.

7. Protection of Adjacent Buildings During Construction

A comprehensive temporary protection plan for the heritage item and adjoining properties must be prepared by a suitably qualified engineer and provided to Council.

8. **Adherence to Schedule of Conservation Works**

All works to the fire station building and curtilage are to be undertaken in accordance with the *Schedule of Conservation Works* prepared by Heritage 21, July 2020.

9. **Maintenance of Face Brick**

The face brick to the fire station building shall remain as face brick and should not be painted, rendered or modified in any way.

10. **Archaeology**

In accordance with Section 146 of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered; the works are to stop immediately, and the NSW Heritage Council notified of the discovery.

Depending on the nature of the discovery and advice from the NSW Heritage Council, an application for an excavation permit under Section 140 of the NSW Heritage Act may be required to be made.

11. **Indigenous Heritage**

In accordance with Council's Aboriginal Heritage Study, this condition is applied in addition to the condition relating to *Archaeology* (above) to ensure that any objects of potential indigenous significance are protected. Such objects are not specifically protected by the relics provision as outlined by the NSW Heritage Council.

The National Parks & Wildlife Act (1974) provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) under Section 90 of the Act, and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community) under Section 84. It is an offence to harm either an Aboriginal object or Aboriginal Place in NSW. The Act defines an Aboriginal 'object' as:

'any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal European extraction, and includes Aboriginal remains'.

Works must be stopped in the instance where there is a suspected discovery of an 'object' in accordance with the above definition and a valid and applicable Aboriginal Heritage Impact Permit be obtained under Section 90 of the NPW Act.

12. Acoustic review and assessment of Mechanical Plant

Prior to the issue of a Construction Certificate, an acoustic review and assessment of all proposed mechanical plant (including the carpark exhaust ventilation system) is to be conducted by a suitably qualified consultant and shall be submitted to and approved by the Environmental Management Section. The acoustic review and assessment of proposed mechanical plant shall be prepared in accordance with the requirements and recommendations of Environmental Noise Impact Assessment [Doc. ID. 20180913.1/0212A/R4/EC], prepared by Acoustic Logic, dated 2 December 2019.

13. Groundwater Management Plan Construction

Prior to the issuance of Construction Certificate, a comprehensive Groundwater Management Plan shall be submitted and approved by Council. The groundwater management plan shall outline the methodology for the effective capture, treatment and disposal of all groundwater related to the construction phase.

Groundwater and seepage from the site must be either:

- i. treated by water quality treatment technique/device(s) so as to not cause water pollution before discharge to the stormwater system, or
- ii. collected and discharged at an authorised waste station (waste receipts to be kept and submitted to Council within seven (7) days of discharge), or
- iii. treated by water quality treatment technique/device(s) recycled and reused on site.

Note: If Acid Sulphate soils or Hydrogen Sulphide odorous gases are encountered during excavation, works must cease immediately and Council's Environmental Management Section is to be contacted for review and advice relating to the finds.

14. Hazardous Materials

Prior to any demolition works and excavation works associated with the boarding house being conducted, the removal of all hazardous building materials identified and recorded in the hazardous building materials register must be completed. A copy of the aforementioned hazardous building materials register should be made readily available to all contractors conducting works on the site and for Council inspection upon request.

Furthermore, should any previously unidentified suspected hazardous building materials be identified during demolition, works must cease, and the materials should be inspected by an experienced occupational hygienist prior to the recommencement of works.

A hazardous materials clearance certificate must be obtained before the main demolition works commence. A copy of the hazardous materials clearance certificate must be submitted to Council within 48 hours of the date of the clearance certificate.

15. Certificate of Building Design (Flooding)

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that the building design can withstand the forces of floodwaters including debris and buoyancy forces.

16. 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 Certifier. 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.

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)

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifier for the connection to Council's stormwater drainage system 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. Sydney Water Consent

The plans must be assessed by Sydney Water Tap in 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 <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

20. 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:

- a. *the abovementioned stormwater concept plan and shall comply with*
- b. *Fairfield City Council's Stormwater Management Policy 2017,*
- c. *AS 3500,*
- d. *the BASIX certificate*
- e. *Gutter type, capacity designed for 1 in 100 year storm event*
- f. *Gutter Guard System*
- g. *Gutter levels*
- h. *Cleaning eye / pit levels*
- i. *Isolation pit at boundary with invert and surface levels*
- j. *Location and levels of any services in footpath*
- k. *Discharge point*
- l. *Pipe sizes, capacity and design flows in each section.*

and conditions of this consent.

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 Certifier 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.

21. Construction Certificate Required

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

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

22. Appointment of a Principal Certifier

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

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

23. 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.

24. 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.

25. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.12 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.

26. 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.

27. 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 Certifier 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 Occupation Certificate by the Principal Certifier.

28. Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), an Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifier must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate.

29. Registration of Final Plan of Subdivision

Prior to the issue of an Occupation Certificate, a copy of the final plan of subdivision, registered by Land and Property Information, creating the allotment, shall be submitted to the Principal Certifier.

30. Works on Adjacent Roads

Prior to the issue of an Occupation Certificate, the following works are to be completed:

- a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.
- b. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.

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.

31. Works-As-Executed Plans for Stormwater Drainage

Prior to the issue of an 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 Certifier.

32. Adjustments to Public Utilities

Prior to the issue of an 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.

33. Environmental Reports Certification

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

- Hazardous Building Materials Survey (Doc. Id. - 8649-ER-2-1), prepared by Alliance Geotechnical Pty Ltd, dated 4 April 2019;
- Environmental Noise Impact Assessment [Doc. ID. 20180913.1/0212A/R4/EC], prepared by Acoustic Logic, dated 2 December 2019; and
- Stage 2 - Detailed Site Investigation (Doc. Id. - 8649-ER-1-1), prepared by Alliance Geotechnical Pty Ltd, dated 16 April 2019.

34. 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 Certifier, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

35. Conservation Management Plan

A final copy of the Conservation Management Plan is to be provided to the new owners and occupants of the heritage item (former fire station building).

36. Ongoing Funding of Heritage Item

The details of the sinking fund for the heritage item are to be provided to Council's Heritage Advisor. The sinking fund must ensure that the ongoing conservation and longevity of the heritage item is facilitated and funded by the profits associated with the new development. The sinking fund should also demonstrate how the distribution in funding will continue in perpetuity. Details of the sinking fund should be provided to the new owners and occupants of the heritage item and with correspondence copied to Council's Heritage Advisor.

37. Glazing Verification

Prior to the issue of an Occupation Certificate, verification in the form of a statement/certificate from the glazing installer must be submitted to the Council for review and acceptance. The statement/certificate must certify windows and

doors have been installed as per the Environmental Noise Impact Assessment [Doc. ID. 20180913.1/0212A/R4/EC], prepared by Acoustic Logic, dated 2 December 2019.

38. **Roofing Verification**

Prior to the issue of an Occupation Certificate, verification in the form of a statement/certificate from the builder must be submitted to the Council for review and acceptance. The statement/certificate must certify that the roof/ceiling construction and all penetrations in all ceilings have been constructed and/or installed as per the Environmental Noise Impact Assessment [Doc. ID. 20180913.1/0212A/R4/EC], prepared by Acoustic Logic, dated 2 December 2019.

39. **Alternative Natural Ventilation**

Prior to the issue of an Occupation Certificate, verification in the form of a statement/certificate from the builder must be submitted to the Council for review and acceptance. The statement/certificate must certify that all bedrooms with a western facing aspect have be provided with alternative ventilation as per the recommendation of Environmental Noise Impact Assessment [Doc. ID. 20180913.1/0212A/R4/EC], prepared by Acoustic Logic, dated 2 December 2019.

40. **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 Principal Certifier and 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 Certifier can either be Fairfield City Council or an accredited certifier.

41. **Compliance with the Building Code of Australia**

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

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

42. Administration Fee for the Lodgement of Certificates

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

43. Demolition, Building and other Works

When demolition, building and other works are being undertaken on site:

- a. A trade waste service must be provided so as to ensure that all debris and waste material is removed from the site; and
- b. Plant equipment, fencing or other materials of any kind must not be placed or stored upon any public footpath or roadway; and
- c. Such works must only 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 shall be carried out on Sundays or public holidays.

Note: *Council may issue a penalty infringement notice for the amount imposed under the Environmental Planning and Assessment Act 1979, for any non-compliance with this Development Consent.*

44. Hoarding / Fencing

During construction, a hoarding or site safety 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, overhead protection 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.

45. Outdoor Communal Area Noise Signage/Notices

Prominent noise signage/notices shall be placed to:

- Notify residents and/or visitors that a maximum of 15 people are allowed to occupy the communal outdoor area at any one time;
- Notify residents and/or visitors that use of the communal outdoor area during the period of 10pm to 7am is prohibited; and
- Notify residents that noise shall be kept to a minimum whilst using the communal outdoor areas.

46. Hours of Operation Indoor Communal Area of Boarding House

The approved operating hours of the communal area of the boarding are as follows:

Monday to Saturday	7am to 10pm
Sunday and Public Holidays	8am to 10pm

47. Outdoor Communal Area Occupancy Rate

The approved occupancy rate for the outdoor communal area is a maximum of 15 people. Should Council receive complaints regarding noise or other disorderly or antisocial behaviour this condition will be reviewed and the occupancy rate may be varied in accordance with the recommendations of the review.

48. Indoor Communal Area Occupancy Rate

The approved occupancy rate for the indoor communal area is a maximum of 30 people. Should Council receive complaints regarding noise or other disorderly or antisocial behaviour this condition will be reviewed and the occupancy rate may be varied in accordance with the recommendations of the review.

49. Mechanical Ventilation Air Discharges

Prior to the issuance of a construction certificate, the required carpark mechanical exhaust system must comply with AS 1668.1 & 2 especially, but not limited to, Section 3.10 Air Discharges. Details of the system/s shall be submitted to and approved by the Principal Certifier prior to installation.

Upon completion, a Compliance Certificate shall be submitted to the Principal Certifier and Council from the installer stating compliance of AS 1668.2

50. Closed Circuit Television (CCTV)

The development shall comply with the following CCTV requirements at all times:

- a. A camera must be located at the indoor and outdoor communal areas. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
 - i. the person represents not less than 100% of screen height, and
 - ii. there is an unobstructed view of the person's face.
- b. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
 - i. the person represents not less than 50% of the screen height, and
 - ii. there is an unobstructed view of the person's face.

- c. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- d. Recordings must;
 - i. be in digital format
 - ii. record at a minimum of six frames per second, and
 - iii. operate 24 hours/7days a week.
- e. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- f. Recordings should be retained for a period of 28 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 28 day period.
- g. The appointed manager of the premises must capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- h. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
- i. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.
- j. The CCTV system shall be checked daily to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the appointed manager shall take all reasonable steps to repair the system as soon as practical.
- k. Camera recordings must meet the standards set in (a) to (j) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

51. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the existing street pipeline.

Note: Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

Note: If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the converter to be 10mm above the invert of the gutter.

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.

52. Unexpected Finds Protocol

If during the construction phase contamination, such as but not limited to, buried materials/wastes, buried containers/drums, discoloured and odorous soils, underground tanks, munitions / unexploded ordinance (UXO), asbestos containing material is encountered or suspected the following procedures must be completed:

- Stop work immediately, isolate the area and restrict access.
- The impacted area is to be closed off using barriers and warning signs.
- Council's Environmental Management Section is to be contacted immediately for advice on the treatment/removal methods required to be implemented

53. Critical Stage Inspections

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Clause 162A of the Environmental Planning and Assessment Regulation 2000.

Note: Fines may be imposed if you fail to request the Certifying Authority to undertake the required mandatory inspections.

54. 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.

55. Use of Premises

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

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

- c. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- d. The use of the premises is not to interfere with the amenity of the residential area.
- e. 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.

56. Flood Affected Development

The development the subject of this consent is located within flood prone land. The following shall be complied with during the construction process:

- a. Only flood resistant materials shall be used below the designated floor level.
- b. All services and utilities connected to the property are required to be flood proofed.

57. Mechanical Ventilation System Noise Complaint

A noise assessment report shall be submitted to Council if any complaints are lodged with Council in relation to the noise emissions generated by the mechanical ventilation system. The report must be prepared by a suitably qualified acoustic consultant and shall include details of the noise assessment and necessary works that are required to reduce the noise to a satisfactory level.

58. NSW Protection of the Environment Operations Act 1997

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. 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*.

59. Switchboards

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

60. Clothes Drying Areas

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

61. Ceiling Fan

A ceiling fan shall be installed within each boarding room of the development.

62. Register of Complaints and Incident Diary

A copy of the Register of Complaints and the Incident Diary as referred to in the Plan of Management for the site, shall be supplied to the Council on the anniversary of the first day of occupation and thereafter on a 12 monthly basis and upon request from Council.

63. Maximum Number of Lodgers

There shall be a maximum of forty (40) lodgers at the subject premises at any one time.

64. Maximum Number of Rooms

There shall be a maximum of twenty-two (22) rooms provided within the boarding house at all times.

65. Plan of Management for Non-English Speaking Lodgers

Non-English speaking lodgers shall be provided with a copy of the Plan of Management prepared for 'New Generation Boarding House' 184 Canley Vale Road, dated March 2019, that is written in their language.

66. Access Control and Security

The following site access and security measures shall be complied with at all times:

- a) The front entry door shall be fitted with access control equipment to control access to authorised people only. This may include electronic or pin code/key access.
- b) Individual rooms shall be fitted with Doors with locks that comply with the *Australian Standard – Mechanical Locksets for doors in buildings, AS: 4145* and any relevant fire regulations.
- c) The power board should be housed within a cupboard or metal cabinet and secured with an approved electricity authority lock to restrict un-authorised tampering with the power supply.
- d) The letterbox should be secured with quality lock sets to restrict unlawful access to mail.
- e) Windows shall be fitted that comply with the *Australian Standard – Mechanical Locksets for windows in buildings, AS:4145* and any relevant fire regulations.

67. Boarding House

The use of the 3-storey building located within the rear portion of the site and communal outdoor area shall comply at all times with the following definition of a Boarding House (Fairfield LEP, 2013):-

boarding house means a building that:

- (a) *is wholly or partly let in lodgings, and*
- (b) *provides lodgers with a principal place of residence for 3 months or more, and*
- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

68. 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.

69. Waste and Recyclable Material

Waste and recyclable material generated from the operations of the boarding house shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins areas.

70. Compliance with the Local Government Act 1993 and Local Government (General) Regulation 2005

The construction and operation of the premises shall comply with the requirements of the Local Government Act 1993 and Schedule 2 Part 1 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.

71. Registration of Boarding House

The boarding house shall be registered with Council within twenty-eight (28) days of commencement.

72. Notices

- a. A sign indicating the permissible maximum length of time during which a person may board or lodge the premises must be displayed to outside the premises.
- a. A schedule showing the numeral designating each bedroom and dormitory and the number or persons permitted to be accommodated in each must be displayed on the premises.
- c. Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

73. Compliance with the Boarding Houses Act 2012

The boarding house shall be operated in accordance with the Boarding Houses Act 2012.

74. Telephone Contact for Adjoining Residents

All residents on Ware Street between Granville Street and Sackville Street shall be notified that the boarding house has a Plan of Management and a complaints register. The residents shall be advised that there is a designated contact person and provided with their telephone number so that they can be contacted if there are any concerns. Also, a sign shall be affixed on the front elevation of the boarding house indicating the contact telephone number for complaints.

75. Boarding House Manager

The name and 24 hour contact phone number of the accommodation manager or resident caretaker must be prominently displayed in the communal living area area and at either the Harris Lane or William Street frontage of the premises and provided to local police.

76. Medical Centre Operating Hours

The approved operating hours of the medical centre are as follows:

Monday to Sunday: 8:00am to 8:00pm

77. Healthcare Professionals

There shall be a maximum of three (3) healthcare professional on site within the medical centre at any one time.

78. Carparking

- i. The provision and maintenance of eight (8) of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12 as follows:
 - a. Five (5) off-street car parking spaces for boarders including one (1) accessible car space in accordance with AS 2890.6; and
 - b. Three (3) off-street car spaces allocated to the medical centre including one (1) accessible car space in accordance with AS 2890.6.

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

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

79. Storage of Goods

All storage shall be contained wholly within the building.

80. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All deliveries to the premises shall be made to the rear service lane on Harris Lane.
- b. All vehicular entries and exits shall be made in a forward direction.
- c. No medium / articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- d. The site shall be serviced by small rigid vehicles only.

81. Schedule of Finishes

The development is to be constructed and finished in the materials and colours approved contained within the Schedule of Conservation Works as prepared by Heritage 21, Job No. 8842 dated July 2020 and Architectural Plans as prepared by Mode Design, project No. 17411, drawing No. AR-1200 and AR-1201 dated 19 June 2020.

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

82. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan as prepared by Mode Design, Project number 17411, drawing number 0000 to 9002 (inclusive) dated 11 December 2019 including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.