

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 48.1/2019
SYDNEY WESTERN CITY PLANNING PANEL NO. 2019WC1020

PROPERTY:

LOTS 1, 2, 3 & 4 DP 236708, LOT B DP 100284, LOTS 1, 3, 4, 5, 6, 7 & 8 DP 1201667, LOT 2 DP 549499, LOT 2 DP 548450, LOTS 1 & 2 DP 570243 AND LOT 2 DP 1201667, NO. 34-40 HUGHES STREET, CABRAMATTA.

DESCRIPTION OF DEVELOPMENT:

Proposed redevelopment of the at-grade Hughes Street car park, including the construction of a 2-storey open deck carpark comprising 219 new car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping

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

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

Architectural Plans and Design Statement as prepared by Collins and Turner, Project Number 302			
Document	Reference	Revision	Dated
Title Sheet	302_001	B	04/02/2019
Lot Diagram	302_111		31/05/2019
Ground Level	302_120	M	11/07/2019
Level 1	302_121	K	11/07/2019
Level 2	302_122	L	11/07/2019
Level 3 – Roof	302_123	K	11/07/2019
Elevations	302_201	F	04/02/2019
Sections	302_301	H	08/07/2019
Wall Sections	302_302	A	04/02/2019

ATTACHMENT M

Diagram 1 – Façade Colours at Dutton Plaza	302_711	A	10/07/2019
Diagram 2 – Façade Colours – Typical	302_712	A	10/07/2019
Diagram 2 – Façade Colours – Typical	302_713	A	10/07/2019
Finishes Sample Board	302_720	A	10/07/2019
Architectural Design Statement	Hughes Street Car Park	C	05/02/2019
Architectural Design Statement Addendum	Hughes Street Car Park	A	12/07/2019
Stormwater Plans as prepared by VOS Group Consulting Engineers, Project Number 19.5475			
Document	Reference	Revision	Dated
Cover sheet & Drawing List	H-00	A	May 2019
Legend, General Notes, Scope of works & Specification	H-01	A	May 2019
Specification Notes (continued) & detail	H-02	A	May 2019
Ground Floor – Hydraulic Services Layout	H-03	A	May 2019
Level 1 – Hydraulic Services Layout	H-04	A	May 2019
Level 2 – Hydraulic Services Layout	H-05	A	May 2019
Concept Landscape Plan, as prepared by Sydney Design Collective			
Document	Reference	Revision	Dated
Landscape Base – Carpark Ground Floor	LA-02	F	11/07/2019
Lighting Plans and Mechanical Services Report as prepared by Steensen Varming			
Electrical Services and Lighting Layout – Ground	DR-E3010	D	31/05/2019

Electrical Services and Lighting Layout – Level 01	DR-E3020	D	31/05/2019
Electrical Services and Lighting Layout – Level 01	DR-E3030	D	31/05/2019
Hughes Street Carpark Mechanical and Electrical Services DA Report	Final	A	19/12/2018
Statement of Environmental Effects as prepared by Keylan Consulting Pty Ltd, Revision 3, dated 5 February 2019			
Car Park Noise Assessment, as prepared by Marshall Day Acoustics, Report Number 001 R02 20181403, dated 8 July 2019			
Stage 1 Preliminary Site Investigation Report as prepared by Alliance Geotechnical, Report Number 8478-ER-1-1, dated 31 January 2019			
Traffic Impact Assessment as prepared by PTC Parking and Traffic Consultants Pty Ltd, Issue 5, dated 30 January 2019			
Traffic and Parking Assessment Report Addendum (including Attachment 1 and 2) as prepared by PTC Parking and Traffic Consultants Pty Ltd, dated 9 July 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. 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.

4. 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 construction of stormwater works within Dutton Lane East and Dutton Lane West 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.

5. Final Stormwater Drainage Plan

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

6. Landscape Plans Certified by Landscape Architect

Prior to the issue of a Construction Certificate, a landscape plan prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council's Landscape Policy shall be submitted to the Certifier.

Landscape plans shall contain the following information:

- a. Outline of the proposed building;
- b. Existing trees (height and location);
- c. Trees to be removed;
- d. Proposed planting (quantity, species, and expected mature height);
- e. Proposed earth mounding;
- f. Paths and paving (location and materials);
- g. The method of planting and the proposed maintenance program; and
- h. Details of lighting, fencing, seating and paving, where relevant.

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

The updated and final landscape plan, including all landscaping and street tree planting within the Council road reserve shall be submitted to Council and approved by Council's Asset Management branch.

7. Security Camera Plan

Prior to the issue of a Construction Certificate, a plan showing the location of High Density (HD) CCTV security cameras and proposed monitoring arrangements shall be submitted to and approved by Council's Environmental Management Coordinator. The location of cameras should ensure that areas with a low of natural surveillance are catered for.

8. 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 Council. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity. Additionally, methodology for treatment of the discharge water from the sediment basin needs to be provided.

9. Stairwells and Essential Services

The stairwells and essential services in the existing carpark shall be upgraded to comply with part D and E of the NCC BCA. Details shall be submitted with the application for a Construction Certificate.

10. 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

11. Construction Traffic Management Plan (CTMP)

A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted and approved by the Coordinator of the Traffic Engineering Branch at Fairfield City Council prior to the issue of the Construction Certificate.

12. Traffic Committee Conditions

Prior to the issue of a Construction Certificate, plans and specifications for all works and proposed changed traffic management arrangements within Hughes Street and Dutton Lane shall be submitted for the approval of the Fairfield Traffic Committee. The following works are subject to the approval of the Fairfield Traffic Committee:

- a. The relocation of the existing loading bay further south along Dutton Lane West.
- b. Any changes to the kerbside parking restrictions associated with the development.
- c. Banning exit movements from Dutton Lane East onto Hughes Street and partial reversal of traffic Flow on Dutton Lane West (this will also require the submission of a Traffic Management Plan and approval from RMS as required by Condition No. 13).

13. NSW Roads and Maritime Services (RMS) Approval

Prior to the issue a Construction Certificate, plans and specifications for all works and proposed changed traffic management arrangements within Hughes Street shall be submitted for the approval of RMS. The following works are subject to the approval of RMS:

- a. Banning exit movements from Dutton Lane East onto Hughes Street and partial reversal of traffic flow on Dutton Lane West. A Traffic Management Plan for these works shall also be submitted for RMS approval.
- b. Any changes to the line-marking at the signalised intersection of Hughes Street/Hill street.

14. Access to Footpath

Prior to the issue of a Construction Certificate, proof that the internal floor levels with direct ground floor access to the road reserve, have been fixed with respect to the footway boundary levels shall be submitted to the Certifying Authority.

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.

15. 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.

16. 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.

17. Notify Council of Intention to Commence Works

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

18. **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.

19. **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.

20. **Toilet Facility**

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

21. **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.

22. Dilapidation Report

A dilapidation report is required prior to the commencement of works along the routes to be utilised by construction vehicles. The dilapidation report shall be submitted to Council's Asset section prior to commencement of works for assessment.

23. No Queuing or Marshalling of Trucks

During construction, no queuing or marshalling of trucks will be permitted on any public road.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate by the Principal Certifier.

24. 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.

25. Works As Executed Plans for Road and Drainage Works

Prior to the issue of an Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the road and drainage works have been constructed as approved shall be submitted to the Principal Certifier and Council.

26. Certification for Road and Drainage Works

Prior to the issue of an Occupation Certificate, a certificate shall be submitted to the Principal Certifier, Certifying that all road and drainage works have been completed in accordance with the approved engineering drawings/Works-As-Executed drawings.

27. Interim Fire Safety Certificate

Prior to the issue of an Occupation Certificate a fire safety certificate shall be submitted to and approved by the Principal Certifier.

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.

28. 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.

29. 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:

- a. Car Park Noise Assessment (CPNA), (Doc.ID.- Rp 001 R01 20181403-R02), prepared by Marshall Day Acoustics and dated 8 July 2019.

30. 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 (Interim or Final), 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'.

31. 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.

32. Plan of Management

Prior to the issue of an Occupation Certificate, a detailed Plan of Management shall be submitted to Council and must be approved by the Manager of Development Planning within Fairfield City Council. The Plan shall describe the procedures and processes that will be in place to control the operation of the car park and its impacts upon the surrounding locality. Furthermore, the Plan shall include the following:

- Procedures to control noise from patrons using the car park;
- Installation of CCTV cameras within and outside the car park to provide technical surveillance;

- Procedures to ensure that the loading bays are only used for deliveries between the hours of 6am and 10am, and that these bays are reverted back to car spaces outside of these hours;
- Procedures for handling complaints regarding noise or other disorderly or antisocial behaviour including the details of a contact person to manage complaints;
- Mitigation measures to be implemented on site in order to minimise potential acoustic and light spill impacts;
- Hours of operation and any staffing arrangements;
- Details of the paid parking and electronic parking guidance system and associated signage;
- Identification of all pedestrian travel paths and details of the movement of delivered goods through the site; and
- Ongoing maintenance of the car park including the approved landscaping at ground level and first floor planter boxes.

Upon the submission of the Plan of Management to the satisfaction of Council, the Plan shall be implemented and complied with at all times. The Plan of Management shall be reviewed on an annual basis and updated where necessary in consultation with Council and NSW Police.

33. Full Width Footpath Paving

Full width paving block footpath shall be constructed for the full road frontage of the property in Dutton Lane and Hughes Street with any necessary transitioning to the existing footway beyond the boundary of this property. Details of the full width footpath paving 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.

34. 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.

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.

35. 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).

36. 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.

37. 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. Except that,

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.*

38. 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.

39. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to Council's street kerb and gutter.

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.

40. **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.

41. **Landscaping to be Completed**

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

42. **Driveway Gradient**

- a. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.
- b. The gradients of driveways and manoeuvring areas shall be designed in accordance with AS 2890:2 - 2002 (Off—street commercial vehicle facilities).
- c. The internal driveways and parking areas are to be designed in accordance with AS 2890:1 – 2004 (Off-street car parking).

43. **Variable Message Signs (VMS)**

Prior to Construction Certificate, VMS signs or an alternative communication strategy shall be installed and implemented within the surrounding road network on Hill street, Park Road or Railway Parade to indicate to drivers that the car park is full. A plan indicating the location of these signs or information regarding an alternative strategy shall be submitted and approved by the Coordinator of the Traffic Engineering Branch within Fairfield City Council.

44. **Deliveries**

- a. All vehicular entries and exits shall be made in a forward direction.

- b. All vehicles awaiting loading, unloading or servicing shall be parked on-site and not on adjacent or nearby public roads.
- c. All deliveries shall be made within the loading bays located within the central parking aisle's located at the ground level of the car park.
- d. There shall be a maximum of twelve (12) loading bays provided.
- e. The loading bays shall be time restricted and shall be used for loading/unloading activities between the following hours:

Monday to Sunday: 6:00am – 10:00am
- f. The number of parking spaces allocated to small rigid vehicles in the ground floor shall be clearly line marked.

45. Priority Control Signage

Priority control shall be specified within the development to clarify access in regard to priority at the intersection of Dutton Lane West and the One-Way Laneway which connects to Hill Street.

46. Car Parking – General

The provision and maintenance of the following number of car parking spaces in accordance with the approved development plans shall be provided on site:

- i. Two hundred and nineteen (219) off-street car parking spaces for general use; and
- ii. Seven (7) off-street accessible car parking spaces, for which the width of spaces are to be in accordance with the Building Code of Australia and AS 2890.1 – 2009.

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

47. Car Park Access

- a. Access to the car park shall be restricted to small rigid vehicles and these vehicles shall only be permitted to access ground floor and to be parked in the parking spaces allocated for these vehicles.
- b. Access arrangements to the car park shall be clearly signposted and line marked.
- c. Circulation within the car park shall be clearly signposted and line marked.

- d. Proposed pedestrian crossing within the car park shall be clearly line marked and signposted.
- e. Priority control for vehicles exiting from the ground floor of proposed Hughes Street Car Park shall be clearly specified.
- f. Available minimum headroom shall be clearly signposted at the entry to the car park.
- g. Pavement arrows shall be installed for the control of and direction of circulating traffic within the car park and associated circulating roadways.

48. **Monitoring of State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

49. **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*.

50. **Lighting – Amenity Considerations**

- a. All lighting shall be installed in accordance with the approved lighting plans, drawing number DR-E3010 to DR-E3030 (inclusive), Revision D, dated 31 May 2019 and the Hughes Street Carpark Mechanical and Electrical Services DA Report, Revision a, dated 19 December 2018 as prepared by Steensen Varming.
- b. 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.

51. **Closed Circuit Television (CCTV)**

- a. A camera must be located at all entrances of the car park and positioned to record any vehicle or person entering through this entrance. 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. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:

- i. all other public entrances and exits, whether or not in use at the time
 - ii. staircases in multi-level premises
 - iii. all portions of the car park accessible to the public
 - v. all general areas accessible by the public
- c. 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 persons face.
- d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e. Recordings must;
 - i. be in digital format
 - ii. record at a minimum of six frames per second, and
 - iii. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.
- f. 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.
- g. Recordings should be retained for a period of thirty (30) 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 (thirty) 30 day period.
- h. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- i. 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.
- j. 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.

- k. Prior to the commencement of trade each day, the CCTV system shall be checked 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 consent holder shall take all reasonable steps to repair the system as soon as practical.
- l. Camera recordings must meet the standards set in (a) and (k) 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.

52. Compliance with Documentation

The car park shall operate in accordance with the following reports and documentation at all times:

- a. Statement of Environmental Effects as prepared by Keylan Consulting Pty Ltd, Revision 3, dated 5 February 2019;
- b. Car Park Noise Assessment, as prepared by Marshall Day Acoustics, Report Number 001 R02 20181403, dated 8 July 2019;
- c. Traffic Impact Assessment as prepared by PTC Parking and Traffic Consultants Pty Ltd, Issue 5, dated 30 January 2019;
- d. Traffic and Parking Assessment Report Addendum (including Attachment 1 and 2) as prepared by PTC Parking and Traffic Consultants Pty Ltd, dated 9 July 2019; and
- e. Hughes Street Carpark Mechanical and Electrical Services DA Report, as prepared by Steensen Varming, Revision A, dated 19 December 2018.

53. Schedule of Finishes

The development is to be constructed and finished in the materials and colours contained within the approved Finishes Sample Board, as prepared by Collins and Turner, drawing number 302_720, Revision A, dated 10 July 2019.

54. Signage Conditions

The proposed signage is subject to the following conditions:

- i. Wording: As per Stamped Plans and Statement of Environmental Effects.
- ii. The digital sign board attached to the lift tower shall display the time, date, car park occupancy rate only. Any other signage or advertising displayed on this sign shall be approved by Councils Asset Management Branch
- iii. Sign to be non-flashing.
- iv. Sign to be maintained in a manner satisfactory to Council at all times.
- v. Submission of a certificate of adequacy from a practising structural engineer upon erection of the sign.

- vi. The sign face area of the digital sign board shall not exceed 10 square metres.
- vii. Under no circumstances shall any signs be erected above the wall to which the signs are attached.
- viii. The sign shall be erected in accordance with manufacturer's specifications.

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.

55. Subdivision Certificate Application Fee

The submission of a 'Subdivision Certificate Application' as detailed on page 1 of this consent requires the payment to Council of a Subdivision Certificate Application 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 \$500.00.

56. 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 \$300.00.

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.

57. 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.

58. 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 an 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.

59. 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 Certifier 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).

60. 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 access, road shoulder, driveway, inter-allotment drainage and any lot filling, 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.

61. Inter-Allotment Drainage Construction

The provision of inter-allotment drainage, between Dutton Lane East and Dutton Lane West. 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

62. Easements for all Services

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

63. **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.

64. **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 Co-ordinator, for details see the Sydney Water web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/developing/Section-73-Compliance-Certificates/index.htm> 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 Certifier prior to release of the linen plan.

65. **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).

66. **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 132200 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.

67. Stormwater Drainage Easement

An easement to drain water in favour of the subject property or any part must be created in respect to all stormwater drainage pipelines and structures servicing the subject property or any part which are not located within the subject property or any public road or drainage reserve

68. Easement for Services

An easement for services in favour of the subject property or any part must be created to provide all services including supply of water, gas electricity, telephone and television and discharge of sewage, sullage, and other fluid waste, to the subject property or any part, which are not located in the subject property or in any public road

69. Easements for Overhanging Eave and Gutter

An easement for overhanging eave and gutter to permit the eave and gutter attached to the building erected on the lot benefited to overhang the lot burdened. The building erected on the lot benefited at the time of granting of this easement shall remain on the lot benefited. Together with a right of entry for the grantee and every other person authorised by him with tools, materials and machinery necessary for the purpose of painting, maintaining and repairing the overhanging eave and gutter.

Name of Authority having the power to release vary or modify the Easements shall be Fairfield City Council.

70. Easements for Support

Creation of suitable easements for support over all walls encroaching on adjoining properties in accordance with Section 181(b) of the Conveyancing Act, 1919.

71. Right of Carriageway,

A Right of Carriageway, variable width shall be created over the proposed lots in favour of Fairfield City Council

72. Satisfactory Completion of the Proposed Development

The satisfactory completion of the proposed redevelopment of the at-grade Hughes Street car park in accordance with the approved Development Application No 48.1/2019 as issued by Council on **24 September 2019**.

ADVISORY NOTES

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

Buried Waste

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