

**DRAFT CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 373.1/2021****PAN-143314****SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-220****PROPERTY:**

Lot 1, DP 90239, Lot 1, DP 203909, Lot 10, DP 4919, Lot 1, DP 1116895, Lot 2, DP 1116895, Lot 11, DP 1112424, Lot 1, DP 433768, Lot 3, DP 564576, No. 30  
Broomfield Street CABRAMATTA

**DESCRIPTION OF DEVELOPMENT:**

Alterations and Additions to Cabravale Leisure Centre over two (2) stages including the following:

## Stage 1:

- Expansion of existing gymnasium
- Amenities Upgrade

## Stage 2:

- Construction of a new 25m pool
- New leisure pool with outdoor deck and leisure area
- New aquatic plant room
- Extension of existing at-grade parking area to accommodate 45 additional car park spots resulting in a total of 188 car parking spaces
- Connection ring road to the eastern side of the site

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

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

- Approved development plans as prepared by Brewster Hjorth Architects;

Drawing Number	Revision	Dated
DA/B000	I	30.08.2021
DA/B001	E	21.09.2021
DA/B010	N	03.09.2021
DA/B011	C	22.04.2021
DA/B020	F	02.09.2021
DA/B021	G	31.08.2021
DA/B100	O	03.09.2021
DA/B101	M	03.09.2021
DA/B102	L	30.08.2021
DA/B103	M	03.09.2021
DA/B200	M	02.09.2021
DA/B201	M	02.09.2021
DA/B202	I	02.09.2021
DA/B950	B	02.09.2021

- Landscape Plans as prepared by Fairfield City Council, Revision B, Plan 2020026 L01 and 2020026 L0, dated 16 August 2021.
- Schematic Design & Development Application Report as prepared by Brewster Hjorth Architects, Issue 3, dated 20 September 2021.
- Concept Design Report Verification as prepared by Brewster Hjorth Architects, issue 3, dated 2 September 2021.
- Remediation Action Plan as prepared by JK Environments, dated 22 February 2022.
- Interim Asbestos Management Plan as prepared by JK Environments, dated 23 February 2022.
- Letter from Northrop regarding OSD Requirement, dated 19 January 2022.
- Noise Impact Assessment as prepared by Resonate, Revision C, dated 9 December 2021.
- Traffic & Parking Impact Assessment report as prepared by TEF Consulting, dated 16 November 2021.
- JV3 Compliance Report as prepared by Erbas Sustain, revision P3, dated 3 September 2021.
- Plan of Management as prepared by Warren Green Consulting, dated 19 July 2021.
- Geotechnical Report as prepared by JK Geotechnics, dated 26 August 2021.
- Preliminary Site Investigation Report as prepared by JK Environments, dated 10 December 2020.
- SEPP 64 Assessment as prepared by Premise, dated 2 December 2021.
- Approved Stormwater Plans as prepared by Northrop Consulting Engineers Job No 202117 Sheets C04.01, 02, 21,22 and 31 dated 30 July 2021.

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.

### 4. On-site Detention Design Certificate

Prior to the issue of an Engineering Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with Council's Stormwater Management Policy 2017. In particular, the certification shall ensure the on-site detention system has been designed:

- i. To restrict the total discharge from the site to current site discharge for all storms up to and including the 100 year storm events (Urban Zone only);
- ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140 L/s/ha (Urban Zone only).
- iii. To restrict the peak discharge from the site for all storm durations to 78 L/s/ha (Rural Zone only).

**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 Stormwater Management Policy, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.

- b. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot.

### 5. **Amended Landscaping Plans**

Prior to the issue of a Construction Certificate, an amended landscaping plan shall be provided and approved by Council's Group Manager – City Development and Compliance which:

- a. Provides for the landscape embellishment of the overland flowpath with appropriate raingarden species or alternative landscape treatment;
- b. Demonstrates the type of fencing, fencing heights, materials and colours, stepping of fencing and how stepping will be minimised and method of fixing to the ground; and
- c. The extension and embellishment of the landscaping strip adjacent to the southern neighbours.

### 6. **Final Stormwater Drainage Plan - Council Approval**

A Final Stormwater Drainage Plan with details suitable for construction prepared by a suitably qualified and experienced stormwater drainage consultant shall be submitted to Council's Senior Development Engineer for approval. Final Stormwater plan shall comply with AS3500 and Council's Stormwater Management Policy Sep 2017. In particular, following amendments shall be made to the final stormwater plans.

- An OSD system shall be incorporated in the design as noted in stormwater design report by Northrop Consulting Engineers dated 19 January 2022. ( OSD Option – B ).
- Any decking over existing Council pipe/ easement shall be of light weight nature and removable easily for future maintenance / upgrading works on Council pipe. Adequate notation shall be placed on the final stormwater plans.

### 7. **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

### 8. **Existing Street Trees**

Should the developer wish to remove a street tree, Council shall be compensated for the loss of any tree. A mature tree may have a value in excess of **\$2,000**. Prior to issue of the Construction Certificate, the applicant is to contact Council to organise a valuation and payment of the compensation. This money will be used for further street planting in the area.

### 9. **Landscape Management Plan**

Prior to the issue of a Construction Certificate, a Landscape Management Plan shall be submitted to, and approved in writing by Fairfield City Council. The Plan shall include details demonstrating how the proposed landscaping will be managed and maintained over a period of five (5) years from the issue of the Occupation Certificate.

### 10. **Electrolysis Risk Assessment**

The following condition provided by Sydney Trains shall be complied with:

Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

### 11. **Construction Traffic Management Plan**

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

### 12. Line Markings on Bareena Street

Prior to the issue of a Construction Certificate, the applicant shall undertake consultation with the affected stakeholders plan regarding the proposal to change the existing line markings on Bareena Street to facilitate left turn movements undertaken by 12.5m vehicles onto Bareena Street. The proposal of modifying the existing line markings on Bareena Street and the consultation outcome require to be reported to the Fairfield Traffic Committee for review and approval.

### 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.**

### 13. 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.

### 14. 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.

### 15. 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.

### 16. 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.

### 17. 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.**

### 18. 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.

### 19. 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.

### 20. **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.

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

On completion of the drainage works and prior to the issue of an Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the 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.

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

Prior to the issue of an 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 Stormwater Management Policy, September 2017 shall be submitted to the Principal Certifier.

### 23. On-Site Detention – Certification of Works

A Certificate shall be issued to the Principal Certifier 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.

### 24. 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.

### 25. Completion of External Finishes

Prior to the issue of an Occupation Certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes are to be completed to the satisfaction of the Principal Certifier.

### 26. 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'.

### 27. 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 and incorporate the amendments required by condition No.5 shall be submitted to Principal Certifier and Fairfield City Council.

**28. 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.

**29. Road Reserve Clearance Certificate**

Prior to the issue of an Occupation Certificate, a Satisfactory Road Reserve Clearance Certificate shall be issued by Fairfield City Council's Asset Management Branch certifying that the footpaths, kerbs, stormwater systems and general streetscape has been inspected and is to a satisfactory standard.

All damage shall be rectified by the developer to the satisfaction of Fairfield City Council. An application form accompanied with the appropriate fee at time of payment shall be submitted to Fairfield City Council.

**30. 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 and/or subsequent revisions have been completed:

- a. Acoustic Report prepared by Resonate dated 2<sup>nd</sup> September 2021, ref: S210224RP2 Revision C.
- b. Remediation Action Plan by JK Environments dated 22 February 2022, ref: E33611PTTrpt4-RAP.
- c. Interim Asbestos Management Plan by JK Environments dated 23 February 2022, ref E33611PTTrpt3-AMP.

## 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.

### 31. 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).

### 32. 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.

### 33. 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.

### 34. 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.*

### 35. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to Councils existing pipe that runs along the proposed building

**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 connector 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.

### 36. 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 Section 61 of the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2000.

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

### 37. 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 and Disability (Access to Premises – Buildings) Standards.

### 38. 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:** Fines may be imposed, be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

**39. Signage Conditions**

The proposed signage is subject to the following conditions:

- i. Wording: As per Stamped Plans.
- ii. Illuminated Flush Wall Sign – 8.545m width x 0.6m height
- iii. Sign to be non-flashing.
- iv. Sign to be maintained in a manner satisfactory to Council at all times.

The sign shall be erected in accordance with manufacturer's specifications.

**40. Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan reference number 2020026L01 and 2020026L02 dated 16 August 2021, subject to the amendments required by condition No.5, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

**41. Security Fencing**

All proposed security fencing is to be established behind the required landscape areas and not on the road alignments.

**42. Driveway Gradient**

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

**43. Carparking - General**

- i. The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:  
  
Forty-five (45) additional car parking spaces resulting in a total of 188 car spaces on site.
- 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.

44. **Hours of Operation**

The approved hours of operation for the use of the 20m Pool Hall (including Sauna, Spa & Steam) are as follows:

Monday to Friday:	6:30am – 9:00pm
Saturday & Sunday:	7:30am – 5:00pm
Public holidays:	8:00am – 4:00pm

The approved hours of operation for the use of the 25m Pool Hall (including Leisure Pool & Outdoor Area) are as follows:

Monday to Friday:	6:30am – 9:00pm
Saturday & Sunday:	7:30am – 5:00pm
Public holidays:	8:00am – 4:00pm

The approved hours of operation for the use of the Gymnasium are as follows:

Twenty-Four (24) hours, Seven (7) days per week (subject to a twelve (12) month trial period under Development Consent No. 295.1/2021)

Staffed Hours:

Monday to Friday:	6:30am – 9:00pm
Saturday & Sunday:	7:30am – 4:45pm

Once Development Consent No. 295.1/2021 has lapsed, the gymnasium's hours of operation shall revert to the following:

Monday to Friday 6:30am – 9:00pm  
Saturday and Sunday 7:30am to 4:45pm

**Note:** The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

45. **Advertising Signs**

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

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

**46. Use of Premises**

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

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. The 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. Appropriate signage shall be located outside the building to encourage patrons to minimise noise when leaving the premises.
- e. The use of the premises is not to interfere with the amenity of the residential area.
- f. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.
- g. 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.

**47. Storage of Goods**

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

**48. 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 / Council's On-Site Detention Guidelines for Rural Areas.

**49. Ancillary Development**

The gymnasium and pool with outdoor deck area shall operate as ancillary to the use of the subject site for the purposes of a Leisure Centre at all times.

**50. Previous Development Consents**

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

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

- a. A camera must be located at the main entrance to the venue and positioned to record any 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 floor area accessible to the public where facilities are provided
  - vi. toilet external areas
  - v. all general areas accessible by the public
  - iv. the car park area adjacent or within the premises
- 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 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 30 day period.

## ATTACHMENT 1

- 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. Sydney Trains Conditions

The following conditions shall be complied with:

- During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- Sydney Trains has a High Voltage Substation near this site. It is advised that the applicant consult a relevant expert to prepare an EMF (Electromagnetic Fields) report and implement any recommendations.

### 53. Validation Report

A validation report shall be prepared by a suitably qualified contaminated land consultant and be provided to Fairfield City Council for review no later than sixty (60) days after the remediation is completed. The Validation Report shall be prepared in accordance with State Environmental Planning Policy No.55 – Remediation of Land; and the Environment Protection Authority Contaminated Sites Guideline series.

### 54. **Unreasonable Noise and Vibration**

The use of premises 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 electrically amplified sound equipment, public address systems, patron noise 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.

### 55. **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.

### 56. **Updated Asbestos Management Plan**

An updated asbestos management plan (AMP) or long-term environmental management plan (LTEMP) shall be prepared and be provided to Fairfield City Council.

### 57. **Traffic Conditions**

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

- i. All vehicles must enter and exit the site in a forward direction;
- ii. All vehicles awaiting unloading, loading or servicing shall be parked on-site and not on adjacent or nearby public roads. Service vehicles shall only undertake unloading and loading activities from the designated loading areas and shall not obstruct the flow of traffic into, within and out of the site;
- iii. The largest vehicle servicing the site to be restricted to 12.5m vehicles;
- iv. Parking spaces to be allocated to various users of the development shall be clearly signposted;
- v. All car parking spaces (dimensions of the parking spaces and aisle widths) shall be designed in accordance with the requirements of AS/NZS 2890.1:2004;
- vi. All accessible spaces shall comply with the requirements of AS/NZS 2890.6:2009;
- vii. Wheel stops shall be installed within the site to limit the travel of a vehicle into a parking space and
- viii. Appropriate traffic calming devices shall be installed within the site to minimise potential conflicts between motorists and pedestrians using the site.