

DATE OF DETERMINATION	23 March 2023
DATE OF PANEL DECISION	22 March 2023
DATE OF PANEL MEETING	27 February 2023
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Brian Kirk, Kevin Lam, Hugo Morvillo
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declares a conflict of interest - my firm is currently acting for LAHC. We do not act for Traders in Purple, but I consider that there may be a reasonably perceived conflict of interest.

Papers circulated electronically on 7 February 2023.

MATTER DETERMINED

PPSSWC-221 – Fairfield – DA 384.1/2021 – 2 Kamira Avenue, Villawood - Stage 1 of the Redevelopment of No. 2 Kamira Court within the Villawood Town Centre, involving Tree Removal, Construction of a 8-10 Storey Mixed Use Development comprising an Information and Education facility with ancillary Cafe on the ground floor, 112 Residential Units, Public Open Space, a Podium Car Park of three levels with 119 Car Parking Spaces, associated Road Works and Landscaping.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the briefings listed at item 8 in Schedule 1.

At the final briefing, the panel noted that council does not support the development application in its current form - principally because it considers the development fails to exhibit design excellence and should include more social housing – and had recommended three options to the panel:

1. Applicant to revise the design of the proposal to address council's concerns before the DA is determined;
2. Refuse the DA; and
3. Approve the DA subject to the recommended conditions.

These matters are discussed in more detail below.

Design excellence

Under cl 6.12 of the *Fairfield Local Environmental Plan 2013* (LEP), a consent authority cannot approve a development application unless it is satisfied the development exhibits design excellence after considering the matters set out in sub-clauses 4(a)-(d).

Council is unsatisfied the development exhibits design excellence, primarily because:

- It has podium parking instead of basement parking;
- The sleeving of the podium parking should be improved;
- Lighter materials should be used in the façade of the upper levels of the building to improve articulation;
- The inclusion of air conditioners on the balconies of units will result in non-compliances with the public open space requirements in the *Apartment Design Guide*; and
- An artwork feature should be provided on the building façade facing the Council car park.

The panel acknowledged Council's strong preference for basement parking on site but noted that the recently amended *Villawood Town Centre Development Control Plan 2020* (DCP) clearly allows podium parking, provided it is appropriately sleeved at the ground level with active uses to the main street frontages and architecturally designed.

After further discussion with both the applicant and council at the final briefing, the panel concluded that the podium parking in the development is appropriately sleeved at ground level with suitable activation along the pedestrian linkage to the north of the building and along the park to the west of the building. It also concluded that the design treatment of the sleeving on the upper two levels of the podium parking should be improved and has imposed a condition (see condition 23) on the applicant to ensure this occurs prior to the issue of a construction certificate.

In addition, the council revised the draft conditions of consent for the development following the final briefing to address various design matters, and the panel has decided to impose further conditions (see below) on the applicant to address Council's residual design concerns and to improve the sustainability of the development.

With these conditions in place, the panel is satisfied that the development will comply with the provisions of Council's DCP for the site and exhibit design excellence.

Provision of social housing

Council noted there were previously 111 social housing units on the site and recommended that the applicant be required to comply with the 70:30 private to social housing target set out in the *Future Directions for Social Housing in NSW Policy* (Future Directions).

The Land & Housing Corporation (LAHC) – the owner of the site - objected to the imposition of this condition saying Future Directions is a strategy document that gives LAHC the discretion to set the amount of social housing provided on any redevelopment sites based on the priorities of its broader property portfolio, and that any money raised from development on this site will be spent on addressing social housing priorities elsewhere.

It also emphasised the 70:30 mix in Future Directions was "a target" for LAHC not a mandatory statutory obligation, and consequently there was no legal basis for the condition.

The applicant indicated that 32 of the 112 units in the development were for social housing, which is 28.6% of the units in the development. It noted, however, that 23 of the social housing units have a dual key configuration so the proportion of social housing in the development could rise to 44% over time which is well above the target in Future Directions.

While the panel questioned the broad discretion of LAHC to determine targets given the commitment and wording in Action 1.1.d of Future Directions, which says the NSW Government "will ensure large redevelopments target a 70:30 ratio of private to social housing to enable more integrated communities (generally with an increased number of social housing where practicable)", it noted that council had no specific controls in its LEP or DCP for the site. Consequently, the policy basis for imposing council's recommended condition was weak.

It also noted that the development was generally consistent with the 70:30 mix in Future Directions and may will exceed it the dual key configuration is used.

Consequently, the panel has determined that it would be unreasonable to impose council's recommended condition on the applicant.

Application to vary a development standard

After considering a written request from the applicant, made under cl 4.6 (3) of the LEP, to vary the maximum height limit for development on the site and council's detailed assessment of this request, the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP;
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) of the LEP and the objectives for development in the R4 High Density Residential zone; and
- c) the concurrence of the Secretary can be assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application because:

- the development is generally consistent with the controls in relevant statutory documents, including council's LEP and DCP, and exhibits design excellence;
- the proposed variation to the building height development standard in cl. 4.6 of Council's LEP is minor and justified on planning grounds;
- the impacts of the development can be suitably mitigated on managed subject to the imposition of conditions; and
- the proposal has merit as it will help to reinvigorate the Villawood Town Centre and increase the supply of social housing in Western Sydney.

CONDITIONS



The development application was approved subject to the following changes to Council's draft conditions of consent, dated 16 March 2023:




- Condition 11 - Awnings was redrafted to clarify the intent of the condition;
- Condition 22 - Road Dilapidation Survey was redrafted to include all local roads along the construction route;
- Condition 23 – Details of Screening Devices & Grills was redrafted to clarify the intent of the condition.
- Added new Condition 24 – Provision of Electric Charging Stations to reflect commitments made by the Applicant at the final Panel briefing and improve the sustainability of the development;
- Added new Condition 25: Artwork Feature to bring forward the decision on the artwork feature to be provided to the issuing of the construction certificate and allow greater flexibility in the location of the artwork feature provided it is in the vicinity of the building façade facing the Council car park;
- Delete Condition 67 – Number of Social Housing Units as there is no statutory basis for the condition (see discussion above);
- Condition 75 – Air Conditioning Units was redrafted to allow owners in the building to install air conditioning units on their balconies without further approval provided these units are not capable of being seen from public places or are suitably screened;
- Renumbering of the conditions to reflect these changes.

The final conditions of consent are attached.

CONSIDERATION OF COMMUNITY VIEWS

In reaching its decision, the panel notes there were no written submissions made during public exhibition and therefore no community views to consider.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 

Brian Kirk 	Kevin Lam 
Hugo Morvillo 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-221 – Fairfield – DA 384.1/2021
2	PROPOSED DEVELOPMENT	Stage 1 of the Redevelopment of No. 2 Kamira Court within the Villawood Town Centre, involving Tree Removal, Construction of a 8-10 Storey Mixed Use Development comprising Information and Education facility with ancillary Cafe on the ground floor, 112 Residential Units, Public Open Space, a Podium Car Park comprising 119 Car Parking Spaces, associated Road Works and andscaping pursuant to the State Environmental Planning Policy Affordable Rental Housing) 2009.
3	STREET ADDRESS	2 Kamira Avenue, Villawood
4	APPLICANT/OWNER	Applicant: Think Planners Owner: NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55) ○ SEPP (Vegetation in Non-Rural Areas) 2017 ○ SEPP (Building Sustainability Index: BASIX) 2004 ○ SEPP (Infrastructure) 2007 ○ SEPP No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ Fairfield Local Environmental Plan 2013 (FLEP2013) <ul style="list-style-type: none"> ▪ Clause 4.3 - Height of Building ▪ Clause 4.4 - Floor space ratio ▪ Clause 6.2 - Earthworks ▪ Clause 6.3 - Flood Planning ▪ Clause 6.5 - Terrestrial Biodiversity ▪ Clause 6.9 - Essential Services ▪ Clause 6.12 - Design excellence • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Villawood Town Centre Development Control Plan (DCP) 2020 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 16 December 2022 • Clause 4.6 variation request: Height of Building • Council supplementary report received: 23 February 2023 • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 19 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle, Nicole Gurran ○ <u>Council assessment staff</u>: Geraldine Pham, Sunnee Cullen, Liam Hawke • Applicant Briefing: 17 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Brian Kirk, Kevin Lam ○ <u>Council assessment staff</u>: Geraldine Pham, Sunnee Cullen, Liam Hawke, Stephen Pearse ○ <u>Applicant representatives</u>: Thomas Zdun, Ryan Duff, Charlie Daoud, David Randerson, Sonny Oh, Tiksha Mahajan, Michael File, Fouad Habbouche, Schandel Fortu, Adam Byrnes • Briefing: 16 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Brian Kirk, Kevin Lam, Hugo Morvillo ○ <u>Council assessment staff</u>: Geraldine Pham, Sunnee Cullen, Liam Hawke ○ <u>Applicant representatives</u>: Thomas Zdun, Ryan Duff, Charlie Daoud, Michael File, Peter Brackenbreg • Final briefing to discuss council's recommendation: 27 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, Kevin Lam, Hugo Morvillo ○ <u>Council assessment staff</u>: Geraldine Pham, Sunnee Cullen, Liam Hawke ○ <u>Applicant representatives</u>: Thomas Zdun, Ryan Duff, Charlie Daoud, Adam Byrnes, Weixu Ji
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Council's draft conditions of consent, dated 16 March 2023

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 384.1/2021

SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-221

PROPERTY: LOT 37, DP 138481, NO. 2 KAMIRA AVENUE, VILLAWOOD

DESCRIPTION OF DEVELOPMENT:

STAGE 1 OF THE REDEVELOPMENT OF VILLAWOOD TOWN CENTRE, INVOLVING TREE REMOVAL, CONSTRUCTION OF A 8-10 STOREY MIXED USE DEVELOPMENT COMPRISING COMMUNITY FACILITIES (LIBRARY) AND ANCILLARY CAFE ON THE GROUND FLOOR, 112 RESIDENTIAL UNITS, PUBLIC OPEN SPACE, A PODIUM CAR PARK COMPRISING 119 CAR PARKING SPACES, ASSOCIATED ROAD WORKS AND LANDSCAPING PURSUANT TO THE STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009.

The consent does not become operative until the Applicant has satisfied the deferred commencement conditions in Schedule “A”. If the deferred commencement conditions in Schedule “A” are not satisfied within two (2) years of the date of determination, the consent lapses. If the conditions are satisfied prior to two (2) years from the date of determination, the consent will then become operative.

The condition/s of **Schedule “A”** are set out as follows:

The developer shall enter into a Planning Agreement with Council in respect of the redevelopment of the subject site of LOT 37, DP 138481, No. 2 Kamira Ave, Villawood on the terms offered to Council by NSW Land and Housing Corporation and Traders in Purple in their letters of offer dated 20th September 2022 and 30 August 2022.

The conditions of **Schedule “B”** are set out as follows:

1. Compliance with Plans and Documentation

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

- Architectural Plans as prepared by DKO dated 18 November 2022.

SUBSET	DRAWING NO.	DESCRIPTION	ISSUE ID
Cover Pages			
	DA000	Coversheet	C
	DA001	Development Summary	C
	DA002	LAHC Apartment Summary	C
Site Series			
	DA100	Site Analysis	A
	DA101	Proposed Site Plan	A
	DA102	Demolition Plan	A
	DA103	Staging Plan	A

ATTACHMENT U

GA Plans			
	DA200	Ground Floor Plan	C
	DA201	Level 1	C
	DA202	Level 2	C
	DA203	Level 3	C
	DA204	Level 4	C
	DA205	Level 5-7 Typ.	C
	DA206	Level 8	C
	DA207	Level 9	C
	DA208	Roof Level	C
Elevations			
	DA300	Streetscape Elevation	C
	DA301	North & East Elevation	B
	DA302	South & West Elevation	B
	DA303	North West & West Elevation	B
	DA306	External Material Finishes Schedule	B
	DA320	Perspectives – Sheet 1	B
	DA321	Perspectives – Sheet 2	B
Sections			
	DA400	Building B N-S Section	C-WIP
	DA401	Interface Sections	C
	DA402	Interface Sections	C
Solar			
	DA500	Eye of the Sun	B
	DA 501	Shadow Diagram	B
Supporting Drawings			
	DA600	BLD B – ADG Solar	C
	DA601	BLD B – ADG – Ventilation	C
	DA602	GFA Calculations	C
	DA603	Masterplan – COS and Deep Soil	C
	DA605	Adaptable Unit Allocation Plans	A
	DA606	Adaptable Unit Layout Plans	A
	DA607	Adaptable Unit Layout Plans	A
	DA608	Perspective – LEP Height Limit	B
	DA609	Perspective – LEP Height Limit	B
	DA610	Section LEP Height Limit	B
	DA611	Apartment Mix	A
Notification			
	DA800	Notification – Site Plan	B
	DA801	Notification – Elevations	B

- Landscape Plans as prepared by Land and Form, Reference No. 2021002.

DESCRIPTION	REVISION NO.	DRAWING NO.	DATE
Public Domain and Ground Floor Plan	2	DA101	5/8/2022
Landscape Master Plan and Staging	2	DA100	5/8/2022
Level 3 Landscape Plan	2	DA110	5/8/2022
Ground Floor and Public Domain Planting Plan	1	DA200	5/8/2022
Planting Schedule and Legends	1	DA001	5/8/2022
Level 3 Planting Plan	1	DA210	5/8/2022
Cover Sheet and Design Statement	1	DA000	5/8/2022
Level 8 Planting Plan	1	DA220	5/8/2021
Level 8 Landscape Plan	2	DA120	5/8/2022
Outline Specifications and Typical Details	1	DA900	5/8/2022

- Remediation Action Plan as prepared by Douglas Partners dated July 2022.
- Memo: Preliminary Fire Engineering Advice prepared by INCODE Solutions, dated 20 July 2022.
- Cross Ventilation Report as prepared by SLR dated August 2022.
- Traffic Report Assessment as prepared by Stantec, dated 29 April 2022.
- Traffic Impact Assessment Report as prepared by Traffwise Consultants, Version 10, dated 20 November 2022.
- Waste Management Plan as prepared by Dickens Solutions, dated November 2022.
- Stormwater plans as prepared by MRC Consulting Engineers Project No J21115 Drawing Nos C-SMP1, C-SMP2 & C-SMP3 Rev- B dated 20 June 2021.
- Civil Plans: C-4.20 Howatt Street Functional Layout Plan, Revision D
- Aboricultural Impact Assessment Report by Allied Tree Consultancy, dated June 2021.

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. 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 \$699,310.00.

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

Council may allow for deferred payment of the monetary contribution in accordance with the provisions set out in the Direct (Section 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.

3. 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.

4. 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.
- i. The soil depth within the landscaped areas in the communal open space on levels 3 and 8 must be a minimum of those soil depths outlined in the Apartment Design Guidelines Section 4P. Furthermore, a suitable replacement to the Japanese Zelkova shall be incorporated into the Landscape Plans.
- j. In addition to the proposed treatment of site trees outlined in 'Arboricultural Impact Assessment Report by Allied Tree Consultancy, dated June 2021', trees labelled as No. 62, 63, 64 & 65 on the architectural plans must be removed and replaced with a suitable size and species within an appropriate area on site.

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.

5. Design Verification

Prior to the issue of a Construction Certificate, a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State

Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, shall be submitted to the Certifier.

6. 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.

7. 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

8. Construction Certificate Engineering Approval – Section 138 Council Approval

Prior to the issue of a Building Construction Certificate, an Engineering Approval – Section 138 Council Approval shall be submitted to the Certifier for the construction of footpath and Stormwater Connection to Council pipe in accordance with approved plans and specifications at no cost to Council.

For the issue of a Section 138 Approval, a copy of the plans and specifications giving full details of the design and construction shall be submitted with the application.

Prior to release of the Building Construction Certificate, the applicant shall lodge with Council, a bank guarantee or a cash bond a company guarantee to the value of all works required under this consent to be carried out within the road reserve or on land under the control of Council. The value of the bank guarantee or the cash bond or company guarantee will be determined by Council upon approval of the detailed engineering drawings.

9. 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

10. Vehicular Crossing Application

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a vehicular crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

11. Awnings

Prior to the issue of an Occupation Certificate, an Awnings Maintenance Plan shall be prepared for the development to the satisfaction of Fairfield City Council. The approved Awnings Maintenance Plan must be implemented.

12. 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.

13. 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

14. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, size of trucks entering and exiting Howatt Street, hours of operation, access arrangements and traffic control shall be submitted to and approved by Council's Co-Ordinator Traffic and Transport, prior to the issue of a Construction Certificate.

15. Installation of Traffic Devices

Prior to the issue of a Construction Certificate, the applicant shall provide a detailed traffic management plan with civil design incorporating the installation of traffic calming devices, line markings, pedestrian crossings, implementation of "No Stopping" restrictions, one-way traffic flows (signs and line markings) or turning restrictions on public road(s) which require approvals from the Fairfield Traffic Committee and Council. Detailed plans showing the key dimensions of the traffic control devices and their locations shall be submitted to Council for assessment.

16. Loading Dock Management Plan

Prior to the issue of a Construction Certificate for building works, a Loading Dock Management Plan (LDMP) shall be submitted to and approved by Council, which provides details on all aspects of the operation of the proposed new loading dock, and demonstrates that the loading dock can operate without impact to passenger vehicles entering and exiting Howatt Street.

17. Road Construction Plans

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

18. Acoustic Assessment

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

19. Electrolysis Risk

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

20. Craneage and Other Aerial Operations

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

21. Compliance Certificate – Road Reserve Works

Prior to the issue of an Occupation Certificate, the applicant shall submit to Fairfield City Council a copy of the Compliance Certificate to confirm that the road reserve works subject of the Section 138 Approval have been completed in a satisfactory manner and complies with Council, development and regulatory requirements.

22. Road Dilapidation Survey Required

The route for transportation of materials during construction to and from the development site shall generally be by the shortest possible route to the nearest “regional road”, with every effort to avoid school zones on public roads. The applicant shall nominate the route for transportation of materials for approval by the Traffic and Transport Coordinator Fairfield City Council prior to issue of any Construction Certificate.

Prior to issue of any Construction Certificate, the applicant shall submit to Council a Road Dilapidation Survey of the local roads along the agreed transportation route. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects, and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good under Council supervision or paid for by the applicant.

A damage deposit, bank guarantee or company guarantee may be required to be lodged with Council as a security against compliance with this condition prior to issue of any Construction Certificate.

23. Details of Screening Devices and Grills

Prior to the issue of a Construction Certificate, the applicant shall prepare revised plans for the sleeving of the podium car park to the satisfaction of Council. The revised plans must provide full details of the:

- a. screening devices and grills to be used on the building elevations which comprise podium car parking;
- b. percentage of the open area within the podium parking building elevations and the depth of any ribbed metal;
- c. the design treatments to be used in the ceiling design to exclude lighting and reduce impact on the residential neighbours and the public domain.

24. Provision for Electric Vehicle Charging Stations

Prior to the issue of a Construction Certificate, the applicant shall prepare revised plans for the car parking in the development to the satisfaction of Council. The revised plans must provide the infrastructure necessary to allow users of the car parks to install electric vehicle charging stations in the car spaces.

25. Artwork Feature

Prior to the issue of a Construction Certificate for the building's facade, the applicant shall provide revised plans for the development to satisfaction of Council. The revised plans must provide full details of the artwork feature to be provided either on the building façade or in the public open space adjacent to the building facing the Council car park.

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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. **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.

34. **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.

35. **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.

36. **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.

37. BASIX Certification

Prior to the issue of an Occupation Certificate, a compliance certificate shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with the commitments identified on BASIX Certificate No. 1200496M_10.

Should the design of the dwelling alter or the commitments to BASIX change, a new BASIX Certificate is required to be completed and submitted to the Principal Certifier.

38. 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.

39. Mailbox Required

Prior to the issue of an Occupation Certificate, a mailbox shall be provided on site in accordance with the requirements of Australia Post.

40. House Number Required

Prior to the issue of an Occupation Certificate, the applicant shall contact Council's Information Management branch on phone 9725 0384 to request allocation of house numbers, and where appropriate, unit numbers. The numbers shall be placed on the mailbox and on the building in a readily visible location.

41. 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.

42. 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'.

43. 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.

44. 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.

45. 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) Noise Impact Assessment prepared by Acoustic Logic, dated 23 July 2021, ref 20210202.1
- (b) Remediation Action Plan prepared by Douglas Partners, dated July 2022, Ref R.001.Rev0.

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.

46. 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).

47. Compliance with Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to throughout all stages of the demolition and/or construction process. Source separation of materials and maximum reuse and recycling of materials are requirements of Fairfield City Council's Waste Not DCP. The applicant is required to keep supporting documentation (receipts/dockets), of reuse/recycling/disposal methods carried out, which are to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

In addition, the applicant is to supply Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

48. **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.

49. **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.

50. **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.*

51. **Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to Council's existing storm water network.

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.

52. 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.

53. Tree Preservation Order

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

54. 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.

55. Maintenance of Construction Site

Once site works have formally commenced and 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 neighborhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months after construction has commenced, 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.

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.

56. Switchboards

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

57. 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.

58. Carparking – Residential

The development shall provide and maintain the following number of carparking spaces on site:-

- a. A total of 119 car parking spaces on site. 112 residential spaces and 7 visitor parking spaces.

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

59. Carparking and Vehicle Conditions

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

- a. All vehicles shall enter and exit the site in a forward direction.
- b. The available clearance shall be signposted at the vehicle entrance to the building.
- c. Convex mirrors shall be installed within the development's car parking area to improve the available sight distance of motorists and to help them negotiate intersections/corners.
- d. Wheel stops shall be provided within all parking areas to limit the travel of vehicle into a parking space.
- e. All parking spaces to be allocated to various users of the development shall be clearly signposted.
- f. Smaller vehicles servicing the site shall be accommodated within the visitor parking spaces.
- g. The disabled parking spaces shall be clearly signposted.
- h. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads
- i. A minimum clear head height of 2.2m is required to be provided for all areas within the basement car park;
- j. A clear head height of 2.5m is required to be provided above all accessible spaces and shared zones;
- k. Design envelope around parked vehicle to be kept clear of columns, walls and obstructions as per Figure 5.2 of AS/NZS 2890.1:2004;
- l. The layout of any proposed bicycle parking spaces shall comply with section 2.1 of AS 2890.3:2015;
- m. Any redundant driveways and laybacks as a result of the development works shall be reinstated to standard kerb and gutter to the satisfaction of Council.

- n. Pedestrian visibility splays shall be provided in accordance with the requirements of Figure 3.2 of AS/NZS 2890.1:2004. No permanent obstructions shall be placed in this area.
- o. Where pedestrian splays cannot be provided, convex mirrors shall be provided allowing motorists to watch approaching pedestrians before exiting site. Appropriate signage is to be installed in conjunction with the mirror, including a stop sign and 'watch for pedestrians' sign shall be installed warning approaching pedestrians of a vehicle exiting the carpark.
- p. All waste collection vehicles are to manoeuvre within the site to undertake waste collection activities and must enter and exit the site in a forward direction.
- q. All waste collection activities must be undertaken outside of peak traffic periods.
- r. All servicing vehicle deliveries must be undertaken with the assistance of the site manager or appropriate person to ensure that the maneuvering activities do not pose safety risks to pedestrians or other motorists on site.

60. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the internal loading bay located on the ground floor.
- d. Vehicles servicing the site shall be restricted to 12.5m heavy rigid vehicles (HRVs). 12.5m HRV servicing the site shall be restricted to off-peak hours only.

61. Monitoring of State 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.

62. Security Requirements

The following shall be complies with at all times:

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

63. Use of Building Not Approved

Separate development consent is required for the use of the ground floor information and education facility. The information and education facility shall comply with the Fairfield Local Environmental Plan 2013 definition as follows:

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

64. **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.

65. **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.

66. **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.

67. **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. 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.

68. **Garbage Rooms**

The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities

69. 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.

70. Waste Storage Area

Waste must be adequately secured and contained within designated waste areas. Bins must not be stored in or allowed to overflow into parking or landscaping areas, must not obstruct the exit of any building and must not be stored on any neighbouring public or private properties.

71. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner / lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

72. Public Address System

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

73. 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.

74. Clothes Drying Facilities

The following shall be complied with at all times:

- a. Individual clothes drying facilities shall be provided to each unit. Drying facilities shall not be capable of being seen from public places or shall be fully screened from public view.
- b. Clothes dryers are to be provided within the laundry of each unit, excluding the social housing units.

75. Air Conditioning Units

The following shall be complied with at all times:

- a. Connections shall be provided for the installation of air conditioning units on the balconies of all units;
- b. Air conditioning units installed shall not be capable of being seen from public places or must be suitably screened from public view.

76. Pollution Entering the Rail Corridor

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.

77. Excess Soil

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.

78. Drainage Disposed

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.

79. Copies of Documents Submitted to Council

Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

80. Communication with Sydney Trains

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

81. During Demolition, Excavation & Construction Works

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

82. All Requests and/or Documentation

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is west and they can be contacted via email on West_Interface@transport.nsw.gov.au

83. Waste Room Door

An alternative door arrangement for the door blocking the vehicle path on the ground floor shall be implemented into the plans prior to the issue of the Construction Certificate.

84. Compliance with the VPA

All commitments within the Voluntary Planning Agreement in respect of the redevelopment of the subject site of LOT 37, DP 138481, No. 2 Kamira Ave, Villawood shall be satisfied in accordance with the requirements of the Voluntary Planning Agreement.

85. Ceiling Fans

The living area to all the social housing units shall be provided with ceiling fans.

86. Public Domain Plan

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

- Upgrading of the pedestrian footpath area, including street tree planting and landscape mass planting areas, along the length of the site's front boundary on Kamira Court, Howatt Street and Kamira Avenue out to the back of kerb. The pavement upgrade, street tree planting and mass planting works must be approved by Council and reflect the high quality pavement character already in use at the Centre.
- Upgrading the secondary pedestrian footpath area along the rear of the site adjacent to the public carpark out to the back of kerb. The works must be approved by Council and reflect the character of similar secondary treatments in use at the Centre.

- Detailed plans of the awning which includes the installation of under awning lighting along the length of the cantilevered awning of the building frontage on Kamira Court and the internal pedestrian link. The lighting shall meet Australian standards and be part of the awning infrastructure.
- **Covenants which may Affect this Proposal**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

DRAFT CONDITIONS OF CONSENT**DEVELOPMENT APPLICATION NO. 384.1/2021****SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-221****PROPERTY: LOT 37, DP 138481, NO. 2 KAMIRA AVENUE, VILLAWOOD****DESCRIPTION OF DEVELOPMENT:**

STAGE 1 OF THE REDEVELOPMENT OF VILLAWOOD TOWN CENTRE, INVOLVING TREE REMOVAL, CONSTRUCTION OF A 8-10 STOREY MIXED USE DEVELOPMENT COMPRISING COMMUNITY FACILITIES (LIBRARY) AND ANCILLARY CAFE ON THE GROUND FLOOR, 112 RESIDENTIAL UNITS, PUBLIC OPEN SPACE, A PODIUM CAR PARK COMPRISING 119 CAR PARKING SPACES, ASSOCIATED ROAD WORKS AND LANDSCAPING PURSUANT TO THE STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009.

The consent does not become operative until the Applicant has satisfied the deferred commencement conditions in Schedule “A”. If the deferred commencement conditions in Schedule “A” are not satisfied within two (2) years of the date of determination, the consent lapses. If the conditions are satisfied prior to two (2) years from the date of determination, the consent will then become operative.

The condition/s of **Schedule “A”** are set out as follows:

The developer shall enter into a Planning Agreement with Council in respect of the redevelopment of the subject site of LOT 37, DP 138481, No. 2 Kamira Ave, Villawood on the terms offered to Council by NSW Land and Housing Corporation and Traders in Purple in their letters of offer dated 20th September 2022 and 30 August 2022.

The conditions of **Schedule “B”** are set out as follows:

1. Compliance with Plans and Documentation

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

- Architectural Plans as prepared by DKO dated 18 November 2022.

SUBSET	DRAWING NO.	DESCRIPTION	ISSUE ID
Cover Pages			
	DA000	Coversheet	C
	DA001	Development Summary	C
	DA002	LAHC Apartment Summary	C
Site Series			
	DA100	Site Analysis	A
	DA101	Proposed Site Plan	A
	DA102	Demolition Plan	A
	DA103	Staging Plan	A

ATTACHMENT U

GA Plans			
	DA200	Ground Floor Plan	C
	DA201	Level 1	C
	DA202	Level 2	C
	DA203	Level 3	C
	DA204	Level 4	C
	DA205	Level 5-7 Typ.	C
	DA206	Level 8	C
	DA207	Level 9	C
	DA208	Roof Level	C
Elevations			
	DA300	Streetscape Elevation	C
	DA301	North & East Elevation	B
	DA302	South & West Elevation	B
	DA303	North West & West Elevation	B
	DA306	External Material Finishes Schedule	B
	DA320	Perspectives – Sheet 1	B
	DA321	Perspectives – Sheet 2	B
Sections			
	DA400	Building B N-S Section	C-WIP
	DA401	Interface Sections	C
	DA402	Interface Sections	C
Solar			
	DA500	Eye of the Sun	B
	DA 501	Shadow Diagram	B
Supporting Drawings			
	DA600	BLD B – ADG Solar	C
	DA601	BLD B – ADG – Ventilation	C
	DA602	GFA Calculations	C
	DA603	Masterplan – COS and Deep Soil	C
	DA605	Adaptable Unit Allocation Plans	A
	DA606	Adaptable Unit Layout Plans	A
	DA607	Adaptable Unit Layout Plans	A
	DA608	Perspective – LEP Height Limit	B
	DA609	Perspective – LEP Height Limit	B
	DA610	Section LEP Height Limit	B
	DA611	Apartment Mix	A
Notification			
	DA800	Notification – Site Plan	B
	DA801	Notification – Elevations	B

- Landscape Plans as prepared by Land and Form, Reference No. 2021002.

DESCRIPTION	REVISION NO.	DRAWING NO.	DATE
Public Domain and Ground Floor Plan	2	DA101	5/8/2022
Landscape Master Plan and Staging	2	DA100	5/8/2022
Level 3 Landscape Plan	2	DA110	5/8/2022
Ground Floor and Public Domain Planting Plan	1	DA200	5/8/2022
Planting Schedule and Legends	1	DA001	5/8/2022
Level 3 Planting Plan	1	DA210	5/8/2022
Cover Sheet and Design Statement	1	DA000	5/8/2022
Level 8 Planting Plan	1	DA220	5/8/2021
Level 8 Landscape Plan	2	DA120	5/8/2022
Outline Specifications and Typical Details	1	DA900	5/8/2022

- Remediation Action Plan as prepared by Douglas Partners dated July 2022.
- Memo: Preliminary Fire Engineering Advice prepared by INCODE Solutions, dated 20 July 2022.
- Cross Ventilation Report as prepared by SLR dated August 2022.
- Traffic Report Assessment as prepared by Stantec, dated 29 April 2022.
- Traffic Impact Assessment Report as prepared by Traffwise Consultants, Version 10, dated 20 November 2022.
- Waste Management Plan as prepared by Dickens Solutions, dated November 2022.
- Stormwater plans as prepared by MRC Consulting Engineers Project No J21115 Drawing Nos C-SMP1, C-SMP2 & C-SMP3 Rev- B dated 20 June 2021.
- Civil Plans: C-4.20 Howatt Street Functional Layout Plan, Revision D
- Aboricultural Impact Assessment Report by Allied Tree Consultancy, dated June 2021.

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. 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 \$699,310.00.

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

Council may allow for deferred payment of the monetary contribution in accordance with the provisions set out in the Direct (Section 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.

3. 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.

4. 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.
- i. The soil depth within the landscaped areas in the communal open space on levels 3 and 8 must be a minimum of those soil depths outlined in the Apartment Design Guidelines Section 4P. Furthermore, a suitable replacement to the Japanese Zelkova shall be incorporated into the Landscape Plans.
- j. In addition to the proposed treatment of site trees outlined in 'Arboricultural Impact Assessment Report by Allied Tree Consultancy, dated June 2021', trees labelled as No. 62, 63, 64 & 65 on the architectural plans must be removed and replaced with a suitable size and species within an appropriate area on site.

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.

5. Design Verification

Prior to the issue of a Construction Certificate, a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State

Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, shall be submitted to the Certifier.

6. 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.

7. 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

8. Construction Certificate Engineering Approval – Section 138 Council Approval

Prior to the issue of a Building Construction Certificate, an Engineering Approval – Section 138 Council Approval shall be submitted to the Certifier for the construction of footpath and Stormwater Connection to Council pipe in accordance with approved plans and specifications at no cost to Council.

For the issue of a Section 138 Approval, a copy of the plans and specifications giving full details of the design and construction shall be submitted with the application.

Prior to release of the Building Construction Certificate, the applicant shall lodge with Council, a bank guarantee or a cash bond a company guarantee to the value of all works required under this consent to be carried out within the road reserve or on land under the control of Council. The value of the bank guarantee or the cash bond or company guarantee will be determined by Council upon approval of the detailed engineering drawings.

9. 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

10. Vehicular Crossing Application

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a vehicular crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

11. Awnings

Prior to the issue of an Occupation Certificate, an Awnings Maintenance Plan shall be prepared for the development to the satisfaction of Fairfield City Council. The approved Awnings Maintenance Plan must be implemented.

12. 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.

13. 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

14. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, size of trucks entering and exiting Howatt Street, hours of operation, access arrangements and traffic control shall be submitted to and approved by Council's Co-Ordinator Traffic and Transport, prior to the issue of a Construction Certificate.

15. Installation of Traffic Devices

Prior to the issue of a Construction Certificate, the applicant shall provide a detailed traffic management plan with civil design incorporating the installation of traffic calming devices, line markings, pedestrian crossings, implementation of "No Stopping" restrictions, one-way traffic flows (signs and line markings) or turning restrictions on public road(s) which require approvals from the Fairfield Traffic Committee and Council. Detailed plans showing the key dimensions of the traffic control devices and their locations shall be submitted to Council for assessment.

16. Loading Dock Management Plan

Prior to the issue of a Construction Certificate for building works, a Loading Dock Management Plan (LDMP) shall be submitted to and approved by Council, which provides details on all aspects of the operation of the proposed new loading dock, and demonstrates that the loading dock can operate without impact to passenger vehicles entering and exiting Howatt Street.

17. Road Construction Plans

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

18. Acoustic Assessment

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

19. Electrolysis Risk

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

20. Craneage and Other Aerial Operations

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

21. Compliance Certificate – Road Reserve Works

Prior to the issue of an Occupation Certificate, the applicant shall submit to Fairfield City Council a copy of the Compliance Certificate to confirm that the road reserve works subject of the Section 138 Approval have been completed in a satisfactory manner and complies with Council, development and regulatory requirements.

22. Road Dilapidation Survey Required

The route for transportation of materials during construction to and from the development site shall generally be by the shortest possible route to the nearest “regional road”, with every effort to avoid school zones on public roads. The applicant shall nominate the route for transportation of materials for approval by the Traffic and Transport Coordinator Fairfield City Council prior to issue of any Construction Certificate.

Prior to issue of any Construction Certificate, the applicant shall submit to Council a Road Dilapidation Survey of the local roads along the agreed transportation route. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects, and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good under Council supervision or paid for by the applicant.

A damage deposit, bank guarantee or company guarantee may be required to be lodged with Council as a security against compliance with this condition prior to issue of any Construction Certificate.

23. Details of Screening Devices and Grills

Prior to the issue of a Construction Certificate, the applicant shall prepare revised plans for the sleeving of the podium car park to the satisfaction of Council. The revised plans must provide full details of the:

- a. screening devices and grills to be used on the building elevations which comprise podium car parking;
- b. percentage of the open area within the podium parking building elevations and the depth of any ribbed metal;
- c. the design treatments to be used in the ceiling design to exclude lighting and reduce impact on the residential neighbours and the public domain.

24. Provision for Electric Vehicle Charging Stations

Prior to the issue of a Construction Certificate, the applicant shall prepare revised plans for the car parking in the development to the satisfaction of Council. The revised plans must provide the infrastructure necessary to allow users of the car parks to install electric vehicle charging stations in the car spaces.

25. Artwork Feature

Prior to the issue of a Construction Certificate for the building's facade, the applicant shall provide revised plans for the development to satisfaction of Council. The revised plans must provide full details of the artwork feature to be provided either on the building façade or in the public open space adjacent to the building facing the Council car park.

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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. **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.

34. **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.

35. **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.

36. **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.

37. BASIX Certification

Prior to the issue of an Occupation Certificate, a compliance certificate shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with the commitments identified on BASIX Certificate No. 1200496M_10.

Should the design of the dwelling alter or the commitments to BASIX change, a new BASIX Certificate is required to be completed and submitted to the Principal Certifier.

38. 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.

39. Mailbox Required

Prior to the issue of an Occupation Certificate, a mailbox shall be provided on site in accordance with the requirements of Australia Post.

40. House Number Required

Prior to the issue of an Occupation Certificate, the applicant shall contact Council's Information Management branch on phone 9725 0384 to request allocation of house numbers, and where appropriate, unit numbers. The numbers shall be placed on the mailbox and on the building in a readily visible location.

41. 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.

42. 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'.

43. 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.

44. 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.

45. 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) Noise Impact Assessment prepared by Acoustic Logic, dated 23 July 2021, ref 20210202.1
- (b) Remediation Action Plan prepared by Douglas Partners, dated July 2022, Ref R.001.Rev0.

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.

46. 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).

47. Compliance with Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to throughout all stages of the demolition and/or construction process. Source separation of materials and maximum reuse and recycling of materials are requirements of Fairfield City Council's Waste Not DCP. The applicant is required to keep supporting documentation (receipts/dockets), of reuse/recycling/disposal methods carried out, which are to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

In addition, the applicant is to supply Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

48. **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.

49. **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.

50. **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.*

51. **Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to Council's existing storm water network.

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.

52. 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.

53. Tree Preservation Order

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

54. 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.

55. Maintenance of Construction Site

Once site works have formally commenced and 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 neighborhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months after construction has commenced, 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.

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.

56. Switchboards

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

57. 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.

58. Carparking – Residential

The development shall provide and maintain the following number of carparking spaces on site:-

- a. A total of 119 car parking spaces on site. 112 residential spaces and 7 visitor parking spaces.

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

59. Carparking and Vehicle Conditions

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

- a. All vehicles shall enter and exit the site in a forward direction.
- b. The available clearance shall be signposted at the vehicle entrance to the building.
- c. Convex mirrors shall be installed within the development's car parking area to improve the available sight distance of motorists and to help them negotiate intersections/corners.
- d. Wheel stops shall be provided within all parking areas to limit the travel of vehicle into a parking space.
- e. All parking spaces to be allocated to various users of the development shall be clearly signposted.
- f. Smaller vehicles servicing the site shall be accommodated within the visitor parking spaces.
- g. The disabled parking spaces shall be clearly signposted.
- h. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads
- i. A minimum clear head height of 2.2m is required to be provided for all areas within the basement car park;
- j. A clear head height of 2.5m is required to be provided above all accessible spaces and shared zones;
- k. Design envelope around parked vehicle to be kept clear of columns, walls and obstructions as per Figure 5.2 of AS/NZS 2890.1:2004;
- l. The layout of any proposed bicycle parking spaces shall comply with section 2.1 of AS 2890.3:2015;
- m. Any redundant driveways and laybacks as a result of the development works shall be reinstated to standard kerb and gutter to the satisfaction of Council.

- n. Pedestrian visibility splays shall be provided in accordance with the requirements of Figure 3.2 of AS/NZS 2890.1:2004. No permanent obstructions shall be placed in this area.
- o. Where pedestrian splays cannot be provided, convex mirrors shall be provided allowing motorists to watch approaching pedestrians before exiting site. Appropriate signage is to be installed in conjunction with the mirror, including a stop sign and 'watch for pedestrians' sign shall be installed warning approaching pedestrians of a vehicle exiting the carpark.
- p. All waste collection vehicles are to manoeuvre within the site to undertake waste collection activities and must enter and exit the site in a forward direction.
- q. All waste collection activities must be undertaken outside of peak traffic periods.
- r. All servicing vehicle deliveries must be undertaken with the assistance of the site manager or appropriate person to ensure that the maneuvering activities do not pose safety risks to pedestrians or other motorists on site.

60. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the internal loading bay located on the ground floor.
- d. Vehicles servicing the site shall be restricted to 12.5m heavy rigid vehicles (HRVs). 12.5m HRV servicing the site shall be restricted to off-peak hours only.

61. Monitoring of State 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.

62. Security Requirements

The following shall be complies with at all times:

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

63. Use of Building Not Approved

Separate development consent is required for the use of the ground floor information and education facility. The information and education facility shall comply with the Fairfield Local Environmental Plan 2013 definition as follows:

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

64. **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.

65. **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.

66. **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.

67. **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. 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.

68. **Garbage Rooms**

The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities

69. 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.

70. Waste Storage Area

Waste must be adequately secured and contained within designated waste areas. Bins must not be stored in or allowed to overflow into parking or landscaping areas, must not obstruct the exit of any building and must not be stored on any neighbouring public or private properties.

71. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner / lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

72. Public Address System

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

73. 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.

74. Clothes Drying Facilities

The following shall be complied with at all times:

- a. Individual clothes drying facilities shall be provided to each unit. Drying facilities shall not be capable of being seen from public places or shall be fully screened from public view.
- b. Clothes dryers are to be provided within the laundry of each unit, excluding the social housing units.

75. Air Conditioning Units

The following shall be complied with at all times:

- a. Connections shall be provided for the installation of air conditioning units on the balconies of all units;
- b. Air conditioning units installed shall not be capable of being seen from public places or must be suitably screened from public view.

76. Pollution Entering the Rail Corridor

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.

77. Excess Soil

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.

78. Drainage Disposed

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.

79. Copies of Documents Submitted to Council

Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

80. Communication with Sydney Trains

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

81. During Demolition, Excavation & Construction Works

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

82. All Requests and/or Documentation

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is west and they can be contacted via email on West_Interface@transport.nsw.gov.au

83. Waste Room Door

An alternative door arrangement for the door blocking the vehicle path on the ground floor shall be implemented into the plans prior to the issue of the Construction Certificate.

84. Compliance with the VPA

All commitments within the Voluntary Planning Agreement in respect of the redevelopment of the subject site of LOT 37, DP 138481, No. 2 Kamira Ave, Villawood shall be satisfied in accordance with the requirements of the Voluntary Planning Agreement.

85. Ceiling Fans

The living area to all the social housing units shall be provided with ceiling fans.

86. Public Domain Plan

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

- Upgrading of the pedestrian footpath area, including street tree planting and landscape mass planting areas, along the length of the site's front boundary on Kamira Court, Howatt Street and Kamira Avenue out to the back of kerb. The pavement upgrade, street tree planting and mass planting works must be approved by Council and reflect the high quality pavement character already in use at the Centre.
- Upgrading the secondary pedestrian footpath area along the rear of the site adjacent to the public carpark out to the back of kerb. The works must be approved by Council and reflect the character of similar secondary treatments in use at the Centre.

- Detailed plans of the awning which includes the installation of under awning lighting along the length of the cantilevered awning of the building frontage on Kamira Court and the internal pedestrian link. The lighting shall meet Australian standards and be part of the awning infrastructure.
- **Covenants which may Affect this Proposal**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.