

DRAFT CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 303.1/2022

Stage 2 of the Redevelopment of No. 2 Kamira Court within the Villawood Town Centre comprising a combination of 8-11 storey Mixed Use buildings containing a total of 228 residential units, a community facility, supermarket, retail premises, medical centre, associated landscaping and road works, car parking located with a basement and above ground and 2000m² of public open space

Lot: 37, DP: 202006, No. 2 Kamira Avenue, Villawood

APPROVED PLANS

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (Architectural Plans as prepared by DKO, project number 00012870 dated 2 August 2023). and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

| SUBSET | DRAWING NO. | DESCRIPTION | ISSUE ID |
|-------------|-------------|--|----------|
| Cover Pages | | | |
| | DA000 | Coversheet | B |
| | DA001 | Development Summary | B |
| | DA002 | Car Parking Summary | B |
| Site Series | | | |
| | DA100 | Site Analysis | A |
| | DA102 | Existing Site Analysis | A |
| | DA103 | Demolition Plan | A |
| | DA104 | Staging Plan | A |
| | DA105 | Proposed Site Plan | A |
| GA Plans | | | |
| | DA200 | Basement Plan | C-WIP |
| | DA201 | Ground Floor Plan | C-WIP |
| | DA202 | Level 1 | C-WIP |
| | DA203 | Level 2 | C-WIP |
| | DA204 | Level 3 | B |
| | DA205 | Level 4 | B |
| | DA206 | Level 5 and 6 Typical Plan | B |
| | DA207 | Level 7 | B |
| | DA208 | Level 8-10 Typical Plan | B |
| | DA209 | Roof Level | B |
| Elevations | | | |
| | DA300 | North & East Elevation Building A | B |
| | DA301 | South & West Elevation Building A | B |
| | DA302 | North & East Internal Elevation Building A | B |
| | DA303 | South Internal Elevation Building A | B |

ATTACHMENT S

| | | | |
|---------------------|--------|--|---|
| | DA304 | North & East Elevation Building C | B |
| | DA305 | South & West Elevation Building C | B |
| | DA306 | North & East Internal Elevation Building C | B |
| | DA307 | North & East Streetscape | B |
| | DA308 | South & West Streetscape | B |
| | DA309 | External Material Finishes Schedule | A |
| | DA310 | Perspectives 1 | A |
| | DA311 | Perspectives 2 | A |
| | DA312 | Perspectives 3 | A |
| | DA313 | Perspectives 4 | A |
| | DA314 | Perspectives 5 | A |
| Sections | | | |
| | DA400 | Sections Building A | A |
| | DA401 | Sections Building C | B |
| Shadow Diagrams | | | |
| | DA500 | Shadow Diagrams | B |
| | DA 501 | COS Shadow Diagrams | A |
| | DA 502 | Public Park Shadow Diagram | A |
| | DA 503 | Eye of Sun | B |
| Supporting Drawings | | | |
| | DA600 | Cross Vent Analysis | B |
| | DA601 | Solar Analysis | B |
| | DA610 | Communal Open Space | B |
| | DA611 | Landscape Area | A |
| | DA612 | GFA Calculations | B |
| | DA613 | Apartment Mix | B |
| | DA617 | Perspective – LEP height Limit Building C | A |
| | DA618 | Perspective – LEP height Limit Building A | A |
| | DA620 | Adaptable Units Allocation Plan | B |
| | DA621 | Adaptable Units | B |
| | DA622 | Adaptable Units | B |
| | DA623 | Adaptable Units | A |

ATTACHMENT S

| Document Title | Version No | Prepared By | Date |
|--|-------------------------------------|-----------------------------------|------------------|
| Statement of Compliance Access for People with a Disability | | Accessible Building Solutions | 21 April 2022 |
| DA Acoustic Report | ID:12177 R01v1 | PKA Acoustic Consulting | 19 April 2022 |
| Arboricultural Impact Assessment Report | D4800 | Allied Tree Consultancy | May 2021 |
| BCA 2019 Indicative Compliance Report | PRO – 06803 - F5Q2 | Building Innovations Australia | 7 April 2022 |
| Civil Plans Sheets C-1.01, 1.10, 2.01, 2.10, 4.10, 5.10, 6.10, 7.10, C-SMP1-7 | Project Number J2166 Revision B | MRC Consulting Engineers | 17 December 2021 |
| Preliminary Geotechnical and Contamination Assessment | Project 45789 | Douglas Partners | November 2008 |
| Landscape Design Report and Landscape Plans – DA100, L101, DA 110, DA111, DA112, DA113, DA120, DA121, DA 400 | Revision 1 Reference no. 2021034 | Landform Studios | April 2022 |
| Natural Ventilation Assessment | SLR Ref: 610.30935 - R02 | SLR Consultancy Australia Pty Ltd | 12 July 2023 |
| Statement of Environmental Effects | | Think Planners | 10 May 2022 |
| Traffic Impact Assessment | 2021-7(28) Version 2 | Traffic Wise Consultants | 13 April 2022 |
| Operational Waste Management Plan | Report No. 5639 Revision A | Elephants Foot | 23 January 2024 |

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. **Payment of Development Contributions**Payment of Section 7.11 Contributions

Before the issue of a Construction Certificate, the applicant must pay the following contributions to Council for:

| | |
|--|-----------------------|
| Community and Recreation Facilities | \$893,112 |
| Open Space Acquisition | \$846,659 |
| Open Space Embellishment | \$474,900 |
| Public Domain Improvements | \$309,573 |
| Stormwater Detention | \$73,498 |
| Plan Administration | \$42,938 |
| Total | \$2,640,680.00 |

The total contribution payable to Council under this condition is \$2,640,680.00 as calculated at the date of this consent, in accordance with the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

A copy of the contributions plan is available for inspection at Fairfield City Council.

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development

3. **Payment of Building and Construction Industry Long Service Levy**

Before the issue of a Construction Certificate, the long service levy of \$223,125.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Reason: To ensure the long service levy is paid.

4. **Public Domain Plan/Works**

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, Villawood Road 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.

Reason: To ensure compliance with the relevant legislation.

5. Utilities and Services

Before the issue of the relevant Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a response from SYDNEY WATER as to whether the plans proposed to accompany the application for a Construction Certificate would affect any SYDNEY WATER infrastructure, and whether further requirements need to be met.

Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.

6. Stormwater Drainage Certificate

Before the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Management Policy 2017.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

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

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

Reason: To ensure compliance with Council Stormwater Management Policy.

7. On-site Detention Design Certificate

Before the issue of a 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, a copy 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.

Reason: To ensure compliance with Council Stormwater Management Policy.

8. Engineering Approval – Section 138

Before the issue of a Construction Certificate, a Section 138 Approval shall be issued by an accredited certifier or by Fairfield City Council for the construction of the stormwater connection works to Council's drainage infrastructure.

Civil Design Plans shall be prepared by a suitably qualified engineer and submitted to the chosen certifier via the Planning Portal. The final design shall be designed in accordance with approved plans and specifications at no cost to Council.

Prior to the issue of a Section 138 Approval, the applicant shall lodge with Council, a bank guarantee, or a cash bond to the cost of all works required under this consent to be carried out within the road reserve or on land under the control of Council and. Council will hold the bond for a period of six (6) months from date of issue of the Compliance Certificate. The value

of the bank guarantee or the cash bond will be determined by Council upon approval of the detailed engineering drawings.

Reason: To ensure compliance with Council Roadworks & Drainage Specifications.

9. Vehicular Crossing Application

Before 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 standard crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

Reason: To ensure compliance with Council Vehicular Crossing Policy.

10. Final Stormwater Drainage Plan

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan.

The final plan shall be in accordance with:

- a. *Fairfield City Council's Stormwater Management Policy 2017,*
- b. *AS 3500,*
- c. *the BASIX certificate*

and conditions of this consent.

Reason: To ensure compliance with Council Stormwater Management Policy.

11. Parking Spaces to be Provided

Parking spaces are to be provided in accordance with the approved plans referenced in condition 56 of this Consent and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate.

Reason: To comply with Council's parking requirements and Australian Standards.

12. Driveway Grades

The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – "Off-Street Car Parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

13. Internal Ramps

The gradients of the internal ramps shall be in accordance with Appendix C of AS 2890.2:2004 and adjustments may be required to accommodate suitable transition lengths. Where there is to be a kerb or barrier higher than 150 mm and closer than 300 mm from one edge of the

roadway or ramp, the roadway or ramp shall be widened to provide a minimum of 300 mm clearance to the obstruction. If there is to be a high kerb or barrier on both, details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To comply with Australian Standards.

14. **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.

Reason: To ensure development complies with Council Development Control Plans.

15. **Interpretation Strategy**

An interpretation strategy is to be prepared for the site in accordance with the NSW Heritage Council Guidelines for approval by Council's Manager Strategic Land Use Planning as a prelude to an interpretation plan, which based on the recommendations of the strategy. The strategy should consider the history and development of the area within the vicinity of the development and focus on the history and development of Villawood Railway Station. The strategy and plan are to be prepared by the nominated heritage consultant in coordination with Council's Heritage Advisor.

Reason: To ensure that new development in the area enables the community to appropriately recognise and appreciate the history and significance of Villawood Railway Station.

16. **Loading Dock Management Plan**

The applicant shall submit a loading management plan to Council's Coordinator Traffic and Transport for review and approval prior to the issue of a Construction Certificate. The applicant shall provide a breakdown of the numbers and types of commercial vehicles (for example, 6.4m small rigid vehicles, 8.8m medium rigid vehicles, 12.5m heavy rigid vehicles) that are expected to service the site on a daily and weekly basis. This is to ensure that potential conflicts between commercial vehicles and passenger vehicles can be managed/minimised.

Reason: To ensure the safe and efficient operation of the loading areas

17. **Construction Traffic Management Plan**

The applicant shall submit to Council a Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks on a daily/weekly basis, hours of operation, access arrangements and traffic control for review and approval by Council's Co-Ordinator Traffic and Transport, prior to the issue of a Construction Certificate

The construction impacts of the development site onto the adjacent road network need to be assessed. The applicant shall specify the types and the number of heavy and light vehicle trips to and from the site at various stages of the construction works. The Construction Traffic Management Plan should also provide a summary of the construction works, the types, the number of construction vehicles, the largest vehicle required at each stage of the work.

Reason: To ensure that the construction of the development will not adversely impact the surrounding locality

18. 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 Council’s Coordinator Traffic and Transport prior to issue of any Construction Certificate.

Prior to the 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 suitably qualified 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.

Reason: To ensure Council’s assets are maintained.

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 issue of the Construction Certificate.

Reason: To ensure Sydney Trains assets are maintained.

20. Craneage and Other Aerial Operations

Prior to the issue 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.

Reason: To ensure Sydney Trains assets are maintained.

21. Waste Management Requirements

The following waste management requirements must be complied with, and details of compliance demonstrated to Council prior to the issue of a Construction Certificate:

- All on-site waste collection infrastructure (including but not limited to waste collection, bulky waste, chute rooms, commercial/retail waste rooms) to provide:
 - Hot & Cold tap facilities
 - Mechanical ventilation
 - Automated lighting
 - Floor graded to a centralised drain connected to the sewer
 - The water proofing throughout all intersections and extend a minimum 1200mm high on the walls
 - The doors to be dual, 180-degree, outwards opening, self-closing, and sealed doors to permit accessible resident access
- The bin cupboards on each residential level to provide the following:
 - Located within proximity to the central elevator core
 - Waterproofed and tiled to permit scheduled cleaning
 - Access via 180-degree, outwards opening, self-closing, and sealed doors to permit accessible resident access
 - Mechanically ventilated
 - Garbage chute inlet for Councils waste Garbage Waste stream
 - Storage of 2x 240L bins to accommodate Council waste streams (Recycling, Organics) with minimum dimensions of 1500mm wide by 1000mm depth
- An updated Waste Management Plan (WMP) to be submitted to reflect the waste collection and service infrastructure detailed within the updated architectural plans. The plans to further reflect the following, including but not limited to:
 - Section 5.2 to reflect Councils collection schedule for its waste streams (General, Recycling, Organics)
 - Section 5.3 to include organics bins adjacent to chute inlets on each residential level
 - Section 5.4 to outline Councils master key system to be installed to permit unobstructed access to the loading bay and waste infrastructure
- The waste collection room/s to incorporate the following infrastructure:
 - Be off sufficient size to accommodate the full bin allocation and 200mm clearances between each bin for manoeuvrability
 - Building A: 30x660L red, 53x 240L yellow, 27x 240L green
 - Building B: 13x 660L red, 24x 240L yellow, 12x 240L green
- Each of the chute rooms within basement 1 to incorporate the following infrastructure:
 - A circular carousel system large enough to accommodate 4x 660L bins
 - Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm
 - Bunted bin wash bay to permit scheduled washing of bin infrastructure (660L)
- The waste collection rooms (Building A & B) to be updated to reflect the following infrastructure:
 - Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm
 - Room to be enclosed, walled, and not permit through access to other on-site infrastructure
- To permit unobstructed access to Councils collection contractors to perform scheduled collections, all on-site infrastructure (roller doors, turn tables, waste collection and bulky waste rooms) to be keyed to Councils bi-lock key system

- Detailed elevations and swept paths to be provided to demonstrated unobstructed height and operational clearances are provided throughout all on-site manoeuvres for Councils standard 10.6m HRV responsive to AS2890.2.
- A designated bin tug & trailer storage room to be provided, and incorporate the following:
 - Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm
 - Room enclosed, walled, and not permit through access to other on-site infrastructure
 - Sufficient size to accommodate a bin tug and trailer to permit the movement of 660L bins & bulky waste items
 - Electrical charge capabilities (specific to system proposed) to permit scheduled charging
- The goods lift (Building A & B) to be of sufficient size and doorway opening to accommodate the movement of 4x 660L bin from basement 1 to ground floor.

Reason: To ensure compliance with the EP&A Act and Regulations

BEFORE THE COMMENCEMENT OF BUILDING WORK

22. Construction Certificate Required

Before the commencement of any site or building work, 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.

Reason: To ensure compliance with the EP&A Act and Regulations

23. Erosion and Sedimentation Controls in Place

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.

24. Signs on Site

Before the commencement of any site or building work, a sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason: (Prescribed condition EP&A Regulation, section 70 (2) and (3)).

25. **Sydney Trains Assets**

Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineer stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.

Reason: To ensure Sydney Trains assets are maintained.

26. **Kerb and Gutter Protection**

Before the commencement of any site or building work, the developer shall provide adequate footpath, kerb and gutter protection at all points of entry to the site in accordance with Council's Code of Protection of Footpaths and Erection of Hoardings. This protection shall be maintained in good condition throughout the course of construction.

Reason: To ensure Council assets are maintained.

27. **Tree Protection Signage**

Before the commencement of any site or building work, tree protection signage is to be attached to the fencing of each Tree Protection Zone. It is to be displayed in a prominent position and in locations where the fence changes direction. Each sign must contain the following detail in a clear and legible form to protect existing trees during the construction phase:

- (a) The Tree Protection Zone is a 'No-Go Zone';
- (b) This fence has been installed to prevent damage to the trees and their growing environment, both above and below ground level. Access to this area is restricted; and
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To ensure adequate protection of existing trees.

28. **Dilapidation Report**

- a. A dilapidation report shall be carried out on all adjoining properties by the Applicant prior to the commencement of any works on site. The required dilapidation report, to be prepared by a suitably qualified structural engineer, shall be submitted to Fairfield City Council prior to the commencement of any works on site. The report shall cover structural and geotechnical factors likely to arise from the development. A copy of this report shall be submitted to Council as a record.
- b. During construction, excavation and compaction associated with the development, the builder shall be responsible in monitoring vibration impact upon neighbouring properties to ensure no adverse impact to adjoining properties. The person having the benefit of

the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

- c. A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1 metre below the proposed final excavation level). The report shall describe inter alia:
- i. an indication of the nature and depth of any uncontrolled fill at the site;
 - ii. an indication of the nature and condition of the material to be excavated;
 - iii. indications of groundwater or seepages;
 - iv. required temporary measures for support of any excavations deeper than 1 metre adjacent to property boundaries;
 - v. statement of required excavation methods in rock and measures required to restrict ground vibrations;
 - vi. other geo-technical information or issues considered relevant to design and construction monitoring.

Reason: To record the condition of adjoining properties before the commencement of construction and ensure any damage to adjoining properties is rectified.

DURING BUILDING WORK

29. Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the BCA.

Reason: (Prescribed condition - EP&A Regulation Section 69 (1)).

30. Procedure for Critical Stage Inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To require approval to proceed with building work following each critical stage inspection

31. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00 am to 6:00 pm on Monday to Friday
- 8:00 am to 1:00 pm on Saturday

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority

Reason: To protect the amenity of the surrounding area

32. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- i. Protect and support the building, structure or work from possible damage from the excavation, and
- ii. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: (Prescribed condition - EP&A Regulation section 75).

33. Waste Management

While site work is being carried out:

- a. all waste management must be undertaken in accordance with the waste management plan, and
- b. upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled

34. Hoarding / Fencing

While building work is being carried out, a hoarding or site safety fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, overhead protection is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To ensure protection to the general public.

35. **Maintenance of Construction Site**

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

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

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

Reason: To ensure the property is maintained and protect the general public.

36. **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 (Resilience and Hazard) 2021; and the Environment Protection Authority Contaminated Sites Guideline series.

Reason: To confirm the site is suitable for proposed use and compliance with State Environmental Planning Policy (resilience and hazards) 2021.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

37. **Works-As-Executed Plans and any other Documentary Evidence**

Before the issue of the relevant Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a. All stormwater drainage and storage systems

The Principal Certifier must provide a copy of the plans to Council with the Occupation Certificate.

Reason: To confirm the location of works once constructed that will become Council assets.

38. Completion of Public Utility Services

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

39. Design Verification

Before the issue of the relevant Occupation 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 in respect of which the Construction Certificate was issued, 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 Principal Certifier.

Reason: To ensure compliance with State Environmental Planning Policy No. 65.

40. On Site Detention System Registration – Works-As-Executed

On completion of the drainage works and prior to the relevant Occupation Certificate, 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.

Reason: To ensure compliance with Council Stormwater Management Policy

41. On-site Detention System Registration – Restriction and Covenant

Prior to the issue of the relevant Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's Stormwater Management Policy – September 2017 shall be submitted to the Principal Certifying Authority. The terms to be used can be found in Councils Stormwater Management Policy, Appendix M.

Reason: To ensure compliance with Council Stormwater Management Policy.

42. 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 relevant 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.

Reason: To ensure compliance with Council Stormwater Management Policy.

43. Building in Saline Environments

Before the issue of the relevant 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'.

Reason: To ensure compliance with Council's Building in Saline Environments Policy.

44. On-Site Detention System Registration – 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 the relevant Occupation Certificate of the proposed development.

Reason: To ensure compliance with Council Stormwater Management Policy.

45. Ancillary Development Works Required

Before the issue of the relevant Occupation Certificate, the following work shall be undertaken to the satisfaction of the Principal Certifier:

- a. All retaining walls and associated drainage shall be constructed;
- b. Grading of the external ground;
- c. Construction of the driveway; and
- d. Turfing, paving and dividing fencing.

Reason: To provide an acceptable standard for completion / occupation

46. Road Reserve Clearance Certificate

Before the issue of the relevant 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.

Reason: To ensure any damage to public infrastructure is rectified.

47. Landscape Certificate

Before the issue of the relevant 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.

Reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

48. Commencement of Waste Collection Services for Commercial Use

Before the issue of the relevant Occupation Certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the Principal Certifier.

Reason: To ensure a waste collection service is commenced at the time of occupation of the development.

49. 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) DA Acoustic report, Version ID:12177 R01v1, Prepared by PKA Acoustic Consulting dated 19 April 2022.
- (b) Arboricultural Impact Assessment Report, Version D4800, prepared by Allied Tree Consultancy dated May 2021.
- (c) Preliminary Geotechnical and Contamination Assessment, Project 45789, Prepared by Douglas Partners dated November 2008.

- (d) Natural Ventilation Assessment, SLR Ref: 610.30935 - R02, Prepared by SLR Consultancy Australia Pty Ltd dated 12 July 2023.
- (e) Statement of Environmental Effects, prepared by Think Planners dated 10 May 2022.
- (f) Traffic Impact Assessment, No. 2021-7(28) Version 2, prepared by Traffic Wise Consultants dated 13 April.
- (g) Operational Waste Management Plan, Report No. 5639, Revision A, Prepared by Elephants Foot dated 23 January 2024.

Reason: To ensure compliance with the consent and Council requirements.

50. **BASIX Certification**

Prior to the issue of an Occupation Certificate, and Updated BASIX Certificate that is consistent with the approved plans is required to be submitted to the Certifier

Furthermore, 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 in the Updated BASIX Certificate.

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.

Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation)

51. **Operational Waste Requirements**

Prior to the issue of an Occupation Certificate the following is to be submitted to and approved by Fairfield City Council:

- All waste management requirements in accordance with Condition No. 21 of this Consent are incorporated into the design and have been completed.
- The developer is to enter into a formal agreement with Fairfield City Council for the utilisation of Councils Waste Collection Service. The document will be provided upon request from Councils Waste and Resource Recovery Department.
- Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure. The inspection to review the infrastructure to support a safe and efficient waste collection service in accordance with the stamped plans and Councils policy provisions.
- The assigned strata manager for the development and direct contact details to be provided to Councils Waste and Resource Recovery Department.

Reason: To ensure compliance with the EP&A Act and Regulations.

52. **Completion of Public Domain Works**

Prior to the issue of an Occupation Certificate, all Public Domain Works as approved under Condition No. 4 of this Consent have been completed to the satisfaction of Council.

Reason: To ensure compliance with the consent and Council requirements.

53. Voluntary Planning Agreement Commitments

Prior to the issue of an Occupation Certificate, all commitments within the Voluntary Planning Agreement dated 20th July 2023 in respect of the redevelopment of the subject site of LOT 37, DP 138481, No. 2 Kamira Ave, Villawood shall be completed.

Reason: To ensure compliance with the consent and Council requirements.

54. 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.

Reason: To protect the public areas.

OCCUPATION AND ONGOING USE

55. 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.

Reason: To ensure compliance with the EP&A Act and Regulations.

56. Carparking

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:

Residential – Building A

- i. 207 off-street car parking spaces for staff and visitors, including
- ii. 18 off-street accessible car space in accordance with AS 2890.6.

Residential – Building C

- i. 95 off-street car parking spaces for staff and visitors, including
- ii. 5 off-street accessible car space in accordance with AS 2890.6.

Non-Residential

- i. 98 off-street car parking spaces for staff and visitors, including
- ii. 7 off-street accessible car space in accordance with AS 2890.6.

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

Reason: To ensure compliance with Fairfield City Wide Development Control Plan 2013.

57. Carparking and Vehicle Conditions

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

- All vehicle movements onto and off a site to be in a forward direction;
- The largest waste vehicle servicing the site shall be restricted to 10.5m waste collection vehicle;
- All vehicles must carry out unloading and loading activities within the site and not on the adjacent/nearby public roads;
- The Applicant shall submit to Council an operational traffic management plan (OTMP) and Plan of Management for the site to the satisfaction of Council's Coordinator Traffic and Transport detailing how peak traffic generation will be managed within the site without creating internal manoeuvring issues or without adversely impacting traffic flows on the external adjoining road network. In addition, the plan shall detail how the turn table will operate in a power outage, mechanical breakdown or when a truck arrives to the site when the turntable is in use by another truck;
- As part of the OTMP, the applicant shall also undertake queuing analysis at the proposed boom gate of the basement car park. To determine the storage queue of the boom gate, guidance shall be sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004, the 95th percentile queue lengths, which would be considered to be the appropriate design standard that should be accommodated. This would ensure that the queuing provision is to accommodate the 95th percentile queue lengths and minimise the potential impacts onto the adjoining external road network;
- All parking spaces and loading spaces for various users of the development site shall be clearly signposted and line marked;
- Access for vehicles and/or trucks to and from the development site shall be clearly signposted and line marked to minimise conflicts between vehicle/vehicle and vehicle/pedestrian movements within the site.

Reason: To ensure compliance with Fairfield City Wide Development Control Plan 2013.

58. Use of Premises

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

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- c. The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.

Reason: To protect the amenity of surrounding properties and ensure the development operates in accordance with the development consent.

59. Storage of Goods

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

Reason: To protect the amenity of the streetscape.

60. Unreasonable Noise and Vibration

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

Reason: To protect the amenity of neighbouring properties.

61. Closed Circuit Television (CCTV)

- a. A camera must be located at the main entrance to the buildings and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
 - i. the person represents not less than 100% of screen height, and
 - ii. there is an unobstructed view of the person's face.
- b. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - i. all other public entrances and exits, whether or not in use at the time
 - ii. staircases in multi-level premises
 - iii. all portions of the floor area accessible to the public where facilities are provided
 - iv. toilet external areas
 - v. all general areas accessible by the public
 - vi. the car park area adjacent or within the premises
- c. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
 - i. the person represents not less than 50% of the screen height, and
 - ii. there is an unobstructed view of the persons face.
- d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e. Recordings must;
 - i. be in digital format
 - ii. record at a minimum of six frames per second, and
 - iii. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.

- f. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- g. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
- h. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- i. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
- j. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.
- k. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.
- l. Camera recordings must meet the standards set in (a) and (k) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

Reason: To ensure the safety and security of the premises and of patrons/staff utilising the premises.

62. 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.

Reason: To ensure the requirements of Australia Post are achieved.

63. 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.

Reason: To ensure houses are appropriately numbered.

64. Retail premises in Building C

The retail premises located within Building C shall operate as a 'neighbourhood shop' at all times. This premises shall not operate as any other commercial premises. The operation of the premises must ensure it complies with the following definition of a 'neighbourhood shop':

"neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises."

65. Use of Building Not Approval

Separate approvals are required for the Non – Residential uses located on the ground floor of both Building A and Building C prior to the occupation of the building.

Reason: To ensure the relevant development approvals have been obtained under Part 4 of the *Environmental Planning and Assessment Act 1979* prior to the occupation of the site.

66. OSD Construction

The on-site detention drainage system shall be constructed in accordance with the approved design and Council's Stormwater Management Policy – September 2017.

Reason: To ensure the development is carried out in accordance with the approved development and Council's Stormwater Management Policy (February 2017).

67. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to:

- a) The existing street pipeline – this requires a Roads Act Approval (Section 138).

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.

Reason: To ensure compliance with Council Stormwater Management Policy.

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.

Reason: To ensure compliance with relevant standards and protect the local amenity and environment.

69. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282_2019 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Reason: To protect the amenity of the occupants of nearby premises.

70. 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.

Reason: To protect local amenity and prevent noise pollution.

71. Compliance with Food Act 2003

The premises shall comply with the requirements of the Food Act 2003, Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 Construction and fit out of food premises.

Reason: To ensure compliance with AS 4674 & Food Act 2003.

72. Premises Food Requirements

The premises shall comply with the following requirements:

- a. A grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.
- b. The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.

Reason: To ensure compliance with the statutory requirements of Sydney Water and the Food Act 2003.

73. 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*.

Reason: To ensure compliance with POEO Act 1997.

74. Waste Storage Area

A spill kit must be installed and maintained within the liquid storage areas at all times, to clean up any chemical spills or leaks.

Reason: To ensure that any liquid spills can be contained on site and prevent pollution of water

75. **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.

Reason: To advise on the process to prune or remove any trees

76. **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.

Reason:

77. **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.

Reason: To protect public infrastructure.

78. **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

Reason: To ensure the safety of the residents

79. **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.

Reason: To maintain the amenity of the streetscape and ensure consistency with the development approved by Council.

80. **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.

Reason: To ensure compliance with POEO Act 1997.

81. **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.

Reason: To provide amenity to the residents and protect the streetscape

82. **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.

Reason: To ensure compliance with the *Protection of the Environment Operations Act 1997*.

83. **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 dated 20th July 2023.

Reason: To ensure compliance with the consent and Council requirements.

84. **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.

Reason: To ensure Sydney Trains assets are maintained.

85. 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.

Reason: To ensure Sydney Trains assets are maintained.

86. 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.

Reason: To ensure Sydney Trains assets are maintained.

87. 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

Reason: To ensure Sydney Trains assets are maintained.

88. Number of Social Housing Units

The redevelopment of the site located at Lot 37, DP 138481, No. 2 Kamira Avenue, Villawood shall comply with the 30:70 social to private tenure mix set out in the Future Directions for Social Housing in NSW (Future Directions) Policy. Accordingly, a total of sixty - nine (69) social housing units shall be provided in the subject development as part of and a total of one hundred and two (102) units be provided in both Stages 1 and 2 of the redevelopment of the site.

Reason: To ensure the development does not result in an acceptable social impact to the locality and is in accordance with Futures Directions Policy.