

**DRAFT CONDITIONS OF CONSENT**

**DEVELOPMENT APPLICATION NO. 279.1/2023**

**Construction of a Part Three (3) and Part Four (4) Storey Residential Flat Building, Comprising Twenty-Five (25) Social Housing Units, over Basement Carparking Comprising of Twenty-Seven (27) Car Parking Spaces, Associated Landscaping and Site Works on an Approved Lot within Bonnyrigg Newleaf Stages 8 to 11**

**Lot: 4099, DP: 1182418, No. 123 Newleaf Parade, Bonnyrigg**

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**GENERAL CONDITIONS**

**1. Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

- Architectural Plans prepared by AJH+, Drawing Numbers A00, A01, A02, A09, A10, A11, A20, A21, A22, A23, A31, A32, A42, A56, A57, A58, A62, A65, A66, A67 and A70, Revision 06, and Drawing Numbers A54, A54.1, A55, A55.1, Revision 07, dated 6<sup>th</sup> September 2024. Drawing Numbers A03, A04, A05, A06, A12, A13, A14, A30, A45, A60, A61, A75, A76 and A77, Revision 05, dated 14<sup>th</sup> June 2024.
- Landscape Plans prepared by Distinctive Living Design, Project Number 11-23, Sheet Numbers 11-23.00, 11-23.01, 11-23.02, 11-23.10, 11-23.11, 11-23.12, 11-23.20, 11-23.21, 11-23.22, 11-23.23, 11-23.24, 11-23.25, 11-23.30, 11-23.31, 11-23.32, Revision H, dated 11<sup>th</sup> September 2024.
- Civil Engineering Plans prepared by Intrax Projects, Project Number NSW230003, Drawing Numbers C-0000, C-0001, C-0002, C-1001, C-1011, C-3001, C-3811, C-4001, C-4101, C-4301, C-4401, Issue 03, dated 30<sup>th</sup> May 2024.
- Hydraulic Services Rainwater Design Plans prepared by Surex Consulting, Project Number SUR22139, Drawing H, HY-001, Revision C, dated 13<sup>th</sup> June 2024, and Drawing Numbers HY-100, HY-200, HY-300, HY-400, HY-500, HY-600, Revision C, dated 14<sup>th</sup> June 2024.
- Statement of Environmental Effects prepared by Premise, Report Number 323131, Final Revision, dated 16<sup>th</sup> August 2023.
- Apartment Design Guide (ADG) Assessment, undated.
- DA Acoustic Assessment prepared by Acoustic Logic, Project Number 20230563.1, Document Number 20230563.1/3006A/R1/SW, Revision 1, dated 30<sup>th</sup> June 2023.
- Construction and Demolition Waste Management Plan prepared by Elephants Foot Consulting, Revision A, dated 17<sup>th</sup> July 2023.
- Cost Report prepared by Newton Fisher Group, dated 13<sup>th</sup> July 2023.
- Statement of Compliance Access for People with a Disability, Job Number 223014, dated 29<sup>th</sup> June 2023.
- BASIX Certificate Number 1298296M\_03, dated 31<sup>st</sup> May 2024.
- BASIX Report prepared by Jensen Hughes, Project Number 117386, dated 31<sup>st</sup> May 2024.
- Building Code of Australia Capability Report, prepared by Incode Solutions, Reference Number 2023047, Report Number 03, dated 12<sup>th</sup> June 2024.

- NatHERS Certificate Number #HR-FMR8DX-02, dated 30<sup>th</sup> May 2024.
- Operational Waste Management Plan prepared by Elephants Foot Consulting, Report Number 4834, Revision E, dated 11<sup>th</sup> September 2024.
- SEPP 65 Design Report prepared by AJH+, Revision 02, dated June 2024.
- Transport Impact Assessment prepared by Ryenskild Traffic Engineering, Reference Number 23053, Version 3, dated 11<sup>th</sup> June 2024.
- Site Urban Study Report prepared by AJH+, Revision 02, dated June 2024.
- Letter addressed to Fairfield City Council, prepared by Intrax Projects, dated 29<sup>th</sup> November 2023.
- Letter addressed to Fairfield City Council, prepared by AJH+, dated 14<sup>th</sup> June 2024.
- Letter addressed to Fairfield City Council, prepared by Premise, dated 24<sup>th</sup> June 2024.
- Letter addressed to Fairfield City Council, prepared by Premise, Reference Number 322204-LE001, dated 22<sup>nd</sup> December 2023.
- Letter addressed to Bonnyrigg Greens Apartment Trust, prepared by AJH+, dated 20<sup>th</sup> December 2023.
- Water Cycle Management Plan prepared by ADW Johnson Pty Ltd, Issue D, dated 8<sup>th</sup> November 2021.

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. Erosion and Sediment Control Plan

Before the issue of a Construction Certificate an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
- c) The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

**Reason:** To ensure no substance other than rainwater enters the stormwater system and waterways.

#### 3. Waste Management Plan Requirements

Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to Certifier. The plan must be prepared in accordance with

- a. The EPA's Waste Classification Guidelines as in force from time to time, and
- b. Council's Waste Management Development Control Plan

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out; as well as after occupation of the development.

**Reason:** To ensure resource recovery is promoted and local amenity protected during construction

#### 4. 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.

#### 5. Adaptable Units

Before the issue of the relevant Construction Certificate, a report prepared by a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*.

**Reason:** To ensure adaptable units are designed in accordance with the Australian Standard.

#### 6. Car parking details

Before the issue of the relevant construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking and of council's relevant development control plan (in force as at the date of determination of this consent).

**Reason:** To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP

#### 7. Design Verification

Before 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 (Housing) 2021, shall be submitted to the Certifier.

**Reason:** To ensure compliance with State Environmental Planning Policy (Housing) 2021

### 8. 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.

### 9. Engineering Approval – Section 138

Before the issue of a Building Construction Certificate, a **Section 138 Approval** shall be issued by an accredited certifier or by Fairfield City Council for the construction of **drainage works external to the site**.

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 an **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.

### 10. Vehicular Crossing Application

Before the issue of a Building Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a standard residential 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.

### 11. 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.

### 12. Existing Street Trees

Should the developer wish to remove a street tree, Council shall be compensated for the loss of any tree. Before the issue of the Construction Certificate, the applicant is to contact Council to organise a valuation and payment of the compensation. This money will be used for further street planting in the area.

**Reason:** To protect the Natural Environment and Council assets.

### 13. Landscape Management Plan

Before 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 compliance with Council's Development Control Plan.

### 14. Parking Obstructions

Before the issue of the Construction Certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate.

**Reason:** To ensure appropriate vehicular manoeuvring is provided.

### 15. Accessible Parking

A total of four (4) accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

### 16. Sight Distance

The driveway shall comply with Figure 3.3 of AS/NZS 2890.1:2004 (sight distance requirements at access driveways). Adequate sight distance shall be provided at the boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath. Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To comply with Australian Standards.

### 17. Wheel Stops

Wheel stops shall be designed and installed in accordance with AS/NZS 2890.1:2004 to limit the travel of a vehicle into parking spaces for all car parking spaces. Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To comply with Australian Standards and ensure the safety of vehicles.

### 18. Reflectivity of External Finishes

External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the Construction Certificate to the satisfaction of the Certifier.

**Reason:** To have a minimal impact on the neighbouring property.

### 19. Outdoor Lighting

All outdoor lighting must comply with the relevant provisions of AS/NZS 158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifier.

**Reason:** To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

### 20. Location of Plant and Equipment

Before the issue of a Construction Certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air condition equipment) is located within the basement.

**Note:** Architectural plans identifying the location of all plant and equipment must be provided to the Certifying Authority.

**Reason:** To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

### 21. Subdivision to be Finalised

Before the issue of a Construction Certificate, the subdivision creating this lot under Development Consent No. 234.1/2021 shall be finalised and the linen plan registered by NSW Land Registry Services.

**Reason:** To ensure the development is in accordance with the provisions of the Environmental Planning and Assessment Act 1979

### 22. Onsite Waste Infrastructure

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

- All onsite waste collection infrastructure (communal waste collection and bulky waste storage rooms) to provide:
- Hot and 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, outward opening, self-closing and sealed doors to permit accessible resident access.
- The bulky waste storage room is to have a minimum unobstructed internal depth (north to south) of 1800mm and a height of at least 2700mm.
- The communal waste collection room is to have a minimum unobstructed internal width of 3200mm, depth of 8400mm (north to south), and height of at least 2700mm.
- The kerbside presentation area to support bulky waste collections to be detailed on the Architectural Plans to demonstrate a safe and efficient collection can be provided by Council's standard waste collection vehicle.
- A designated walled and enclosed room is to be provided to accommodate the bin mover as outlined in Section 5.4 of the Waste Management Plan.
- The Waste Management Plan is to be updated to reflect these requirements.

**Reason:** Preservation of amenity.

### BEFORE THE COMMENCEMENT OF BUILDING WORK

#### 23. 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

#### 24. 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.

#### 25. 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)).

#### 26. Road Reserve Dilapidation Report

Before the commencement of any site or building work, the applicant shall submit a dilapidation report for the road reserve area to Council detailing the existence of, and the condition of any foot paving, kerb & Gutter and any assets provided adjoin the site for checking against Council records. Damage to Councils Road reserve and general streetscape will be restored at the developer's expense. A copy of a template report can be found on Council's web site.

**Reason:** To ensure Council's assets are maintained.



### 27. 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.

### 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.

### 29. Disconnection of Services

Before work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements:

**Reason:** To protect life, infrastructure and services

### 30. Notice of Commencement

At least one week before work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a. name
- b. address,
- c. contact telephone number,
- d. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- e. the contact telephone number of council and
- f. the contact telephone number of SafeWork NSW (4921 2900).

**Reason:** To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

### DURING BUILDING WORK

### 31. 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)).

### 32. 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

### 33. 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

### 34. Implementation of BASIX Commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

**Reason:** To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under section 75 EP&A Regulation).

### 35. Surveys by a Registered Surveyor

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —

- a. All footings/ foundations
- b. At other stages of construction – any marks that are required by the principal certifier.

**Reason:** To ensure buildings are sited and positioned in the approved location

### 36. Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

**Reason:** To protect and manage public infrastructure.

### 37. 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).

### 38. Soil Management

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.

- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants

### 39. Waste Classification

Any soil requiring removal from the site, as part of future site works, shall be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).

**Reason:** To ensure waste material is appropriately managed.

### 40. 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

### 41. 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.

### 42. **Planting Requirements**

All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size to ensure appropriate landscaping.

**Reason:** To ensure the restoration of the environmental amenity of the area.

### 43. **Site Maintenance**

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

- a. Protective fencing and any hoardings to the perimeter on the site
- b. Access to and from the site
- c. Construction traffic management measures
- d. Protective measures for on-site tree preservation and trees in adjoining public domain
- e. Onsite temporary toilets
- f. A garbage container with a tight-fitting lid

**Reason:** To protect workers, the public and the environment

### 44. **Buried Waste**

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

**Reason:** Preservation of environment.

### 45. **Tree Preservation**

Any retained trees on the property that may be affected by machinery or construction work are to have appropriate Tree Protections Zones (TPZ) put in place. TPZ should be no less than 2m nor greater than 15m (except where crown protection is required).

**Reason:** Preservation of environment.

### 46. **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.

### 47. **Endeavour Energy – Safety Clearances from Electricity Assets**

During construction, the applicant must ensure that the construction and/or development site must comply with Endeavour Energy guidelines for safety clearances from their electricity assets and any other relevant legislation/guidelines. For further information, please contact Endeavour Energy.

**Reason:** To ensure compliance with Endeavour Energy requirements.

## **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### 48. **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.

### 49. **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.

### 50. **Repair of Infrastructure**

Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

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

### 51. **Waste Collection Arrangement**

Prior to the issue of an Occupation Certificate, the Applicant is to undertake the following:

- Enter into a formal agreement with Fairfield City Council for the utilisation of Council's Waste Collection Service. The document will be provided upon request to Council's Waste and Resource Recovery Branch.
- Council's Waste and Resource Recovery Branch shall conduct a site inspection of the onsite waste management infrastructure. The inspection shall review the infrastructure to support a safe and efficient waste collection service in accordance with the stamped plans and Council's policy provisions.
- The assigned building manager for the development and direct contact details are to be provided to Council's Waste and Resource Recovery Branch.

**Reason:** To ensure a safe and efficient waste collection service.

### 52. **Removal of Waste Upon Completion**

Before the issue of an Occupation Certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

**Reason:** To ensure waste material is appropriately disposed or satisfactorily stored.

### 53. **Completion of Landscape and Tree works**

Before the issue of an Occupation Certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

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

### 54. **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 (Housing) 2021, shall be submitted to the Principal Certifier.

**Reason:** To ensure compliance with State Environmental Planning Policy (Housing) 2021.

**55. Works As Executed Plans for Road and Drainage Works**

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

**Reason:** To confirm the location and levels of works once constructed.

**56. Certification for Road and Drainage Works**

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

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

**57. Surveyor's Certification of Location of Building Completion**

Prior to the issue of an Occupation Certificate, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifier certifying that the development has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment and the distances of the development from the boundaries.

**Reason:** To ensure the building has been constructed in accordance with the approved plans

**58. Works on Adjacent Roads**

Before the issue of the relevant 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.
- c. The developer shall remove and replace all damaged or displaced path paving in Newleaf Parade and New Future Road at no cost to Council.

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.

**Reason:** To ensure Councils Assets are protected.

**59. Certification of Approved Finished Floor Level and Ridge Height**

Prior to the issue of the relevant Occupation Certificate, a certificate by a registered surveyor shall be submitted to the Principal Certifier certifying that the finished floor level and ridge height of the building has been constructed in accordance with the approved plans.

**Reason:** To ensure the building has been constructed in accordance with the approved plans



### 60. 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

### 61. NSW Fire Brigade Notification

Before the issue of the relevant Occupation Certificate, evidence that the NSW Fire Brigade has been notified of the exact location and operational procedures of the proposed stormwater isolation valve to be installed at the subject premises shall be submitted to the Principal Certifier and Fairfield City Council.

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

### 62. BASIX Certification

Before the issue of the relevant 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. 1298296M\_03.

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)

### 63. Mailbox Required

Before the issue of the relevant 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.

### 64. House Number Required

Before the issue of the relevant 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.

### 65. Intercom on Front Entry Required

Prior to the issue of an Occupation Certificate, a hard-wired intercom system shall be provided at the building entrances, to alert occupants of any visitors.

**Reason:** To protect the amenity of residents.

### 66. 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. Acoustic Report, prepared by Acoustic Logic, dated 30/6/2023, Ref:20230563.1/3006A/R1/SW.

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

### 67. 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.

### 68. 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).

### 69. Certification of Disability Access

Before the issue of the relevant Occupation Certificate, a certificate from a suitably accredited person shall be issued to the Principal Certifier certifying that the building complies with the relevant requirements of the Building Code of Australia, AS 1428.1 and Disability (access to Premises) Standards.

**Reason:** To ensure that the building complies with the relevant requirements of the Building Code of Australia, AS 1428.1 and Disability (access to Premises) Standards.

### 70. 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.

### 71. **Adaptable Dwellings Residential**

Before the issue of a relevant Occupation Certificate, certification shall be submitted to the Principal Certifier that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

**Reason:** To ensure the requirements of DCP 2011 have been met.

## **OCCUPATION AND ONGOING USE**

### 72. **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.

### 73. **Clothes Drying Areas**

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

**Reason:** To protect the amenity of the streetscape.

### 74. **Carparking –**

You shall provide and maintain the following number of carparking spaces in accordance with the requirements of Council's Residential Development Guidelines DCP:-

- a. Twenty-Two (22) off-street car parking spaces for residents and visitors; and
- b. Five (5) off-street disabled car space in accordance with AS2890.6-2009

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.

**Reason:** To ensure compliance with Council's Residential Development Guidelines DCP and Australian Standards.

### 75. **Advertising Sign**

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.

### 76. **Single Master TV Antenna**

A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

No additional antennas, satellite dishes, etc, shall be installed on the building or within individual unit balconies.

**Reason:** To protect the visual amenity of the area.

### 77. **Unreasonable Noise and Vibration**

The development, 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.

### 78. **State Environmental Planning Policy - (Housing) – 2021 – Compliance with Standards**

The subject development shall comply with all requirements set out in SEPP (Housing) 2021.

**Reason:** To ensure the development is carried out in accordance with State Environmental Planning Policy (Housing) 2021.

### 79. **Landscape Maintenance**

All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions to ensure restoration of environmental amenity.

**Reason:** To ensure appropriate landscaping.

### 80. **Side and Rear Fencing**

A 1.8 metre high masonry, brushwood or lapped and capped timber or colourbond fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. **COLORBOND FENCES ARE NOT PERMITTED WITHIN THE FRONT SETBACK OF THE SITE AND WITHIN ANY BOUNDARY THAT IS VISIBLE FROM THE PUBLIC DOMAIN, STREET OR RESERVES.** In this case, no colourbond fencing shall be erected in front of the approved building line.

**Reason:** To provide privacy and protect the amenity of the streetscape

### 81. Switchboards

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

**Reason:** To ensure the visual amenity of the streetscape.

### 82. Driveway Separation from Landscaping

All driveways shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

**Reason:** To facilitate vehicular access to private sites while protecting site landscaping

### 83. 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.

**Reason:** To ensure compliance with Australian Standards AS 2890.

### 84. Schedule of Finishes

The development is to be constructed and finished in the materials and colours approved by the development consent. The materials approved are as follows:

- a. Walls:
  - Austral Bricks: Bowral 76 Simmental Silver
  - Colorbond: Monument, Surfmist, Cottage Green and Pale Eucalypt
  - Dulux: Bretz and Paramount Design
  - Sculptform Batten: Powdercoat Colour Copper Metallic Kinetic and Night Sky.

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

**Reason:** To ensure the development is carried out in accordance with the development consent.

### 85. 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.

### 86. 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.

### 87. 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.

### 88. 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.

### 89. Traffic Conditions

The following conditions must be complied with at all times:

- All vehicles must enter and exit the subject site in a forward direction.
- The largest vehicle to enter the onsite carpark shall be a B99 vehicle.
- All car parking spaces shall be designed in accordance with Australian Standard AS2890.

**Reason:** Compliance with plans and documentation.

### 90. Water Outlets

Water outlets shall be provided for primary balconies of individual units.

**Reason:** To protect the amenity of residents.

### 91. Way Finding Maps

## ATTACHMENT L

Way Finding Maps and legible signage shall be provided across the development to assist visitors and residents with apartment numbers, common areas, facilities and general wayfinding.

**Reason:** To protect the amenity of residents.