

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 69.1/2024

LOT: 100, DP: 1277808, NO. 46 COURT ROAD, FAIRFIELD

Proposed alterations and additions to an approved mixed use development by proposing a further 3 storeys of residential units above an approved 8-12 storeys mixed use development, resulting in an overall mixed use development comprising of up to 15-storeys to provide 356 residential units (57 x infill affordable housing units and 299 non-affordable units) under SEPP (Housing) 2021; 1,056.69m² of commercial/retail floor space over 3 basement levels providing 431 car parking spaces.

DEFERRED COMMENCEMENT

You are advised that the subject application has been granted a “Deferred Commencement” consent pursuant to Section 4.16(3) of the environmental Planning and Assessment Act 1979.

This consent does not become operative until the Applicant has satisfied the deferred commencement conditions in Schedule “A”. If the deferred commencement conditions in Schedule “A” are not satisfied within 12 months of the date of determination, the consent lapses. If the conditions are satisfied prior to 12 months from the date of determination, the consent will then become operative.

SCHEDULE A

1. Prohibition Order Issued by Building Commission NSW

Written evidence from the Building Commission NSW signed by the Secretary of the Building Commission NSW or their authorised delegate, shall be submitted to Fairfield City Council, verifying that the Prohibition Order issued by the Building Commission NSW on 6 November 2024 has been revoked, and that the reasons for the issuing of the Prohibition Order have been wholly rectified by the developer, to the satisfaction of the Building Commission NSW.

Reason: To ensure compliance with the Prohibition Order and to ensure that buildings at the site are safe and compliant with regulatory requirements.

SCHEDULE B**APPROVED PLANS****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:

Plan No.:	Revision No.:	Plan Title:	Prepared By:	Date:
Architectural Plans				
MA000	8	Cover Sheet	Level 33	27/02/2025
MA010	8	Summary	Level 33	27/02/2025
MA011	5	Unit Schedule	Level 33	16/01/2025
MA020	5	GFA Diagrams	Level 33	16/01/2025
MA021	5	GFA Diagrams	Level 33	16/01/2025
MA022	5	GFA Diagrams	Level 33	16/01/2025
MA027	7	Landscape Calculations	Level 33	20/02/2025
MA028	7	Deep Soil Calculations	Level 33	27/02/2025
MA029	6	Common Open Space	Level 33	27/02/2025
MA096	5	Site Analysis & Site Plan	Level 33	16/01/2025
MA097	6	Basement 3 Plan	Level 33	21/02/2025
MA098	6	Basement 2 Plan	Level 33	21/02/2025
MA099	6	Basement 1 Plan	Level 33	21/02/2025
MA100	10	Ground Floor Plan	Level 33	27/02/2025
MA101	7	Level 1 Plan	Level 33	20/02/2025
MA102	6	Level 2 Plan	Level 33	18/02/2025
MA103	6	Level 3 Plan	Level 33	18/02/2025
MA104	6	Level 4 Plan	Level 33	18/02/2025
MA105	6	Level 5 Plan	Level 33	18/02/2025
MA106	6	Level 6 Plan	Level 33	18/02/2025
MA107	6	Level 7 Plan	Level 33	18/02/2025
MA108	6	Level 8 Plan	Level 33	18/02/2025
MA109	6	Level 9 Plan	Level 33	18/02/2025
MA110	6	Level 10 Plan	Level 33	18/02/2025
MA111	7	Level 11 Plan	Level 33	21/02/2025
MA112	6	Level 12 Plan	Level 33	18/02/2025
MA113	6	Level 13 Plan	Level 33	18/02/2025
MA114	6	Level 14 Plan	Level 33	18/02/2025
MA115	4	Level 15 Roof	Level 33	16/01/2025
MA116	7	Site Through Links Part 1	Level 33	27/02/2025

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MA117	7	Site Through Links Part 2	Level 33	27/02/2025
MA119	7	Site Through Links Part 3	Level 33	27/02/2025
MA120	7	Ground Floor Plan – Traffic and Waste	Level 33	27/02/2025
MA121	5	Building A – Corridor Detail Design	Level 33	16/01/2025
MA122	5	Adaptable Units – Building B	Level 33	16/01/2025
MA123	6	Adaptable Units – Building D	Level 33	16/01/2025
MA124	5	Adaptable Units – Building D	Level 33	16/01/2025
MA125	5	Adaptable Units	Level 33	16/01/2025
MA127	5	Livable Units	Level 33	16/01/2025
MA130	5	Additional Units Storage Calcs	Level 33	16/01/2025
MA134	5	Adaptable Standards	Level 33	16/01/2025
MA140	5	Solar Access – 2 Hours	Level 33	16/01/2025
MA141	5	Solar Access – 2 Hours	Level 33	16/01/2025
MA144	5	Solar Access - Calculations	Level 33	16/01/2025
MA150	5	Cross Ventilation	Level 33	16/01/2025
MA151	5	Cross Ventilation	Level 33	16/01/2025
MA152	5	Cross Ventilation	Level 33	16/01/2025
MA153	5	Cross Ventilation - Calculations	Level 33	16/01/2025
MA160	5	Affordable Housing Units	Level 33	16/01/2025
MA161	5	Affordable Housing Units	Level 33	16/01/2025
MA162	5	Affordable Housing Units	Level 33	16/01/2025
MA200	6	Elevations Sheet 1	Level 33	18/02/2025
MA201	6	Elevations Sheet 2	Level 33	18/02/2025
MA202	6	Elevations Sheet 3	Level 33	18/02/2025
MA203	6	Elevations Sheet 4	Level 33	18/02/2025
MA204	6	Elevations Sheet 5	Level 33	18/02/2025
MA205	6	Elevations Sheet 6	Level 33	18/02/2025
MA206	6	Elevations Sheet 7	Level 33	18/02/2025
MA207	6	Elevations Sheet 8	Level 33	18/02/2025
MA208	4	Finishes Schedule - Perspective	Level 33	16/01/2025
MA209	4	Finishes – Court Road	Level 33	16/01/2025
MA210	4	Finishes – The Horsley Drive	Level 33	16/01/2025
MA211	4	Finishes – Building B and C	Level 33	16/01/2025
MA212	4	Lobby Designs	Level 33	16/01/2025
MA213	6	Site Through Link	Level 33	27/02/2025
MA300	5	Longitudinal Section	Level 33	16/01/2025
MA301	5	Part Section 1	Level 33	16/01/2025
MA302	5	Part Section 2	Level 33	16/01/2025
MA303	5	Part Section 3	Level 33	16/01/2025

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MA304	5	Cross Section Building D	Level 33	16/01/2025
MA305	5	3D Height Plane	Level 33	16/01/2025
MA306	5	3D Height Plane – Existing Surface Levels	Level 33	16/01/2025
MA400	5	View From Sun – June 21 9am	Level 33	16/01/2025
MA401	5	View From Sun – June 21 10am	Level 33	16/01/2025
MA402	5	View From Sun – June 21 11am	Level 33	16/01/2025
MA403	5	View From Sun – June 21 12pm	Level 33	16/01/2025
MA404	5	View From Sun – June 21 1pm	Level 33	16/01/2025
MA405	5	View From Sun – June 21 2pm	Level 33	16/01/2025
MA406	5	View From Sun – June 21 3pm	Level 33	16/01/2025
MA500	4	Shadow Diagrams – June 21 9am	Level 33	16/01/2025
MA501	5	Shadow Diagrams – June 21 10am	Level 33	16/01/2025
MA502	5	Shadow Diagrams – June 21 11am	Level 33	16/01/2025
MA503	5	Shadow Diagrams – June 21 12pm	Level 33	16/01/2025
MA504	4	Shadow Diagrams – June 21 1pm	Level 33	16/01/2025
MA505	5	Shadow Diagrams – June 21 2pm	Level 33	16/01/2025
MA506	5	Shadow Diagrams – June 21 3pm	Level 33	16/01/2025
MA600	4	Building A Detail Plans	Level 33	16/01/2025
MA610	4	Building B Detail Plans	Level 33	16/01/2025
MA620	4	Building C Detail Plans	Level 33	16/01/2025
MA640	4	Building D Detail Plans	Level 33	16/01/2025
MA9001	-	Notification Sheet 1	Level 33	-
MA9002	-	Notification Sheet 2	Level 33	-
MA307	2	Photomontage – The Horsley Drive	Level 33	21/10/2024
MA308	2	Photomontage – Pedestrian Through Link	Level 33	21/10/2024
MA309	2	Photomontage – Court Road Residential Entry	Level 33	21/10/2024
MA310	2	Photomontage – Level 01 Communal Garden	Level 33	21/10/2024
Multiple pages from MA1000 to MA2046	-	Urban Design Study (35 pages)	Level 33	Received by Council 1 October 2024
Landscape Plans				
DA-L101	D	Landscape General Layout Plan: Ground Fr	Canvas Landscape Architects	24/02/2025
DA-L102	D	Landscape Plan: Ground Fr-West	Canvas Landscape Architects	24/02/2025

DA-L103	D	Landscape Plan: Ground Fr-East	Canvas Landscape Architects	24/02/2025
DA-L104	D	Landscape Plan: Level 01	Canvas Landscape Architects	24/02/2025
DA-L105	C	Landscape Plan: Level 07 & 10	Canvas Landscape Architects	11/02/2025
DA-L106	C	Landscape Plan: Level 08	Canvas Landscape Architects	11/02/2025
DA-L107	C	Landscape Plan: Level 09	Canvas Landscape Architects	11/02/2025
DA-L108	C	Landscape Plan: Level 14	Canvas Landscape Architects	11/02/2025
DA-L109	C	Landscape Typical Details & Maintenance Schedule	Canvas Landscape Architects	11/02/2025
Stormwater Concept Plans and Survey Plans				
SW00	A	Cover Sheet, Legend and Drawing Schedule	Smart Structures Australia	23/01/2024
SW01	A	Basement 3 Stormwater Drainage Plan	Smart Structures Australia	23/01/2024
SW02	A	Basement 2 Stormwater Drainage Plan	Smart Structures Australia	23/01/2024
SW03	A	Basement 1 Stormwater Drainage Plan	Smart Structures Australia	23/01/2024
SW04	A	Ground Floor Stormwater Drainage Plan	Smart Structures Australia	23/01/2024
SW05	A	Level 1 Stormwater Drainage Plan	Smart Structures Australia	23/01/2024
SW20	A	Pre and Post Development Catchment Plans	Smart Structures Australia	23/01/2024
SW21	A	Stormwater Drainage Sections and Details Sheet 1	Smart Structures Australia	23/01/2024
SW25	A	OSD Design Calculations and Details Sheet 1	Smart Structures Australia	23/01/2024
SW26	A	OSD Design Calculations and Details Sheet 1	Smart Structures Australia	23/01/2024
SW30	A	Erosion and Sediment Control Plan and Details Sheet 1	Smart Structures Australia	18/01/2024
SW31	A	Erosion and Sediment Control Plan and Details Sheet 2	Smart Structures Australia	18/01/2024
210340-DT	A	Detail and Utilities Survey, Sheet 1 of 5	Geosurv	17/08/2021
210340-DT	A	Detail and Utilities Survey, Sheet 2 of 5	Geosurv	17/08/2021

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210340-DT	A	Detail and Utilities Survey, Sheet 3 of 5	Geosurv	17/08/2021
210340-DT	A	Detail and Utilities Survey, Sheet 4 of 5	Geosurv	17/08/2021
210340-DT	A	Detail and Utilities Survey, Sheet 5 of 5	Geosurv	17/08/2021

Report Title:	Prepared By:	Revision No.:	Date:
Access Report, Reference No. 22/0284	East Coast Accessibility	4	29/10/2024
Apartment Design Guide Compliance	Level 33	01	16/01/2025
BCA Assessment Report, Reference No. 25002.2-BCA	Nest Consulting Group	2	05/02/2025
Clause 4.6 Variation to the Internal Apartment Size SEPP (Housing) 2021	Think Planners	-	January 2025
Design Verification Statement	Jean Ligadu, Registered Architect	1	23/02/2024
Noise Impact Assessment, Report No. R200665R3	Rodney Stevens Acoustics	2	11/05/2025
Operational Waste Management Plan, Report No. 5660	Elephants Foot	J	17/01/2025
Roadside Air Quality Assessment	EnvironOdour	-	16/09/2024
Statement of Environmental Effects: Amending DA	Think Planners	C	29/02/2024
Structural Engineering Letter	EI Australia	-	26/02/2025
Supplementary Planning Statement	Think Planners	-	12/02/2025
Traffic Impact Assessment, Reference No. 24015	Genesis Traffic	7	21/02/2025
Urban Design Report	Atlas Urban	-	16/10/2024

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.

2. Modification of Development Consent No. 687.1/2014

Pursuant to Section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, Development Consent No. 687.1/2014 granted by Sydney West Joint Regional Planning Panel is required to be modified as necessary so that it is consistent with this development consent. The required modifications to the consent are as follows:

- a) A condition is to be inserted into Development Consent No. 687.1/2014 in the following terms:
"Despite any provision of this development consent, this consent does not authorise or require anything that is inconsistent with the development approved under Development Consent No. 69.1/2024 and to the extent of any inconsistency the latter consent applies. The terms of Development Consent No. 69.1/2024 must be satisfied when carrying out development under this consent."
- b) Condition 1 is to be modified to refer to the approved plans and documents referred to in Condition 1 of the subject Development Consent No. 687.1/2014.

The modification of Development Consent No. 687.1/2014 is to be effected by written notice in accordance with section 67 of the Environmental Planning and Assessment Regulation 2021 prior to the issue of any construction certificate pursuant to the subject Development Consent No. 69.1/2024.

3. Previous Consent Issued for the Site

The subject Development Consent No. DA 69.1/2024 shall be read in conjunction with Development Consent No. DA 687.1/2014 (as amended in accordance with Condition 2 above).

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**4. Certificate of Structural Adequacy**

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified structural engineer shall be submitted to the satisfaction of the certifier, and a copy provided to Fairfield City Council attesting that the existing buildings, as constructed, are structurally adequate to withstand the forces and loading of the alterations and additions approved under this consent. The structural engineering certification shall comply with Part A5G3 of the NCC/BCA.

A Peer Review of the certificate prepared by a suitably qualified and chartered structural engineer that is a member of Engineers Australia, shall also be submitted to the satisfaction of the certifier, and a copy provided to Fairfield City Council.

Reason: To ensure compliance with the National Construction Code (Building Code of Australia) and relevant Australian standards.

5. Construction Site and Traffic Management Plan

Before the issue of a Construction Certificate, a construction site and traffic management plan is prepared and provided to the certifier.

The applicant shall advise Council in writing if there is a change to the Construction Traffic Management Plan previously approved by Council's Traffic and Transport Branch, under DA 687.1/2014.

The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings to the perimeter on the site
- b) Provisions for public safety
- c) Pedestrian and vehicular site access points and construction activity zones
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
- e) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 – Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent
- f) Details of any bulk earthworks to be carried out
- g) The location of site storage areas and sheds
- h) The equipment used to carry out works
- i) The location of a garbage container with a tight-fitting lid
- j) Dust, noise and vibration control measures
- k) The location of temporary toilets.

A copy of the construction site management plan must be kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

6. **Site Remediation and Validation Report**

Prior to the issue of a Construction Certificate, a Site Remediation and Validation Report shall be prepared by a suitably qualified contaminated land consultant and be provided to Fairfield City Council for review and acceptance.

The Site Remediation and Validation Report shall be prepared in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (April 2013), and all NSW Environment Protection Authority Guidelines, including but not limited to, Consultants Reporting on Contaminated Land, Contaminated Land Guidelines Dated 5 May 2020. The Site Remediation and Validation Report shall contain a clear statement from the consultant confirming that the site is suitable for the proposed residential land use.

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

7. **Fencing Plan**

Before the issue of a Construction Certificate, the applicant shall submit and obtain written approval from Fairfield City Council, a detailed Fencing Plan that identifies the material, types, finishes and heights of fencing along the boundaries of the site, particularly the southern boundary.

Reason: To ensure there is a unified approach to the provision of boundary fencing.

8. Amended Loading Management Plan

Before the issue of a Construction Certificate, the applicant shall submit and obtain written approval from Fairfield City Council, swept path diagrams in an amended Loading Management Plan to demonstrate an SRV and an HRV can access the loading bay simultaneously.

Reason: To ensure there is adequate manoeuvrability.

9. Amended BASIX Certificate

Before the issue of a Construction Certificate, the applicant shall submit to the satisfaction of the principal certifier, a new BASIX Certificate that relates to the approved plans.

Reason: The current BASIX submitted does not reflect the proposed development.

10. Transport for NSW (TfNSW) Requirements

The applicant shall at all times, comply with the conditions of NSW Roads and Maritime Services (RMS), now known as TfNSW, which were imposed on Development Consent No. DA 687.1/2014.

Additionally, before the issue of a Construction Certificate for this development and throughout all the stages of the development, the applicant is required to comply with the following updated requirements of TfNSW:

- a. The redundant driveway on The Horsley Drive boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on The Horsley Drive shall be in accordance with TfNSW requirements restricting movements to left-in left-out, suitability signposted. Details of these requirements should be obtained by email to development.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works.

The developer is required to enter a Works Authorisation Deed (WAD) for the abovementioned works. Please note TfNSW fees for administration, plan checking, civil works inspections and project management to be paid by the developer prior to the commencement of works. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- b. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to: development.sydney@transport.nsw.gov.au.
A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

- c. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020-001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to:
development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- d. The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
- e. The development's full frontage on The Horsley Drive has a "Clearway" and "No Stopping" restrictions in place and shall remain unchanged.
- f. The proposed development should be designed such that road traffic noise from The Horsley Drive is mitigated by durable materials to satisfy the requirements for habitable rooms under clause 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- g. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on The Horsley Drive during construction activities. A ROL can be obtained through:
<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

11. Amended Detailed Landscape Plan

An amended detailed Landscape Plan is to be submitted to Fairfield City Council prior to the issue of a construction certificate, for review by Council and for written approval from Fairfield City Council. The amended plan shall address the following matters:

- a. The amended plan is required to reflect the final approved architectural plans.
- b. The amended Landscape Plan shall be accompanied by a separate plan showing the detailed design for the common open space areas and particularly the playground areas.
- c. The amended Landscape Plan shall be accompanied by design documentation which will detail the layout in plan and section (where required), provide a separate material and play schedule for the play items, furniture and safety surfacing to be included in the playground and surrounds, as well as a detailed planting plan and construction detail sheets.
- d. The documentation should include a certificate from an *independent play certifier* noting that they have reviewed the proposed playground and fitness spaces documentation and certifying that the design of these spaces complies with relevant Australian Standards including but not necessarily limited to AS4685 and AS4422. The inspection and certification should be undertaken by a suitably professional with qualification in Playground Certification Inspections. Other matters such as fencing, if applicable, should also be reviewed by the inspector.

12. Waste Management Requirements

Before the issue of the relevant Construction Certificate, the following requirements must be met, for the whole development at the site, including but not limited to all units approved under Development Consent No. DA 687/2014 and approved under the subject consent:

- a) All integrated on-site waste and recycling storage and collection infrastructure to incorporate the following infrastructure, including but not limited to:
 - Room to be free from internal pylons, obstructions and other external services
 - Mechanical ventilation
 - Automated lighting
 - Hot and cold-water taps
 - Bunded wash bays
 - Drainage connected to the sewer
 - Minimum unobstructed internal height clearance of 2700mm
 - Water proofing throughout all intersections and extend 1200mm high on walls
 - Doors locked through a restricted key arrangement to inhibit resident access.
- b) The following infrastructure to be key to Council bi-lock system to permit unobstructed access to perform scheduled collections:
 - Bulky Waste Room
 - Residential Waste Collection Room
 - Loading Bay Roller Door.
- c) 'Temporary Bollards' (in front of HRV loading bay) are not permitted and will inhibit unobstructed access for Council. The roller to be keyed to restrict unauthorised access and support the provision of Councils scheduled collections.
- d) The communal waste storage rooms adjacent to Units 135-134 and 132-133 to accommodate the following infrastructure:
 - Doors to have individual frames/jambs to permit unobstructed and separate opening/closing via a respective door lever
 - Doors to be a single 900mm wide door, 180-degree, outwards opening, self-closing, and sealed
 - The path of travel of 240L bins from the respective storage rooms to the Waste Collection Room to be outlined within the Waste Management Plan
- e) The enclosed bin cupboard/s located on each residential level to provide the following:
 - Access via dual 180-degree, outwards opening, self-closing, and sealed doors to permit accessible resident access
 - Minimum size of 1500mm (length) and 1000mm (width) to accommodate Council waste streams (Recycling & Organics)
 - Doors to have individual frames/jambs to permit unobstructed and separate opening/closing via a respective door lever.

- f) The Garbage chute inlets on each residential level to be located within an enclosed cupboard in accordance with Appendix B.1 of the approved Operational Waste Management Plan.
- g) The chute room/s located on ground floor to accommodate the following infrastructure:
 - A chute offset and dampener to be provided prior to material discharging into Councils bin infrastructure
 - Bunded bin wash bay to permit scheduled cleaning of Councils assigned bin infrastructure
- h) A 1800mm wide unobstructed access corridor and supporting dual doors to be provided to permit the movement of bulk bins from Chute Room D2 to the Waste Collection Room.
- i) The Waste Management Plan (WMP) to outline a detailed plan of management outlining how Councils waste streams (General, Recycling, Organics) and bin infrastructure will be actively managed/rotated on each residential level to permit unobstructed resident access to the full volumes anticipated for the development.
- j) The Retail Bin Boom to have a minimum internal width of 1800mm with an internal unobstructed access corridor to support the provision of a safe and efficient waste collection service.
- k) Swept paths for Council standard heavy rigid collection vehicle to be provided to demonstrate a minimum 300mm clearance from all obstructions throughout all required vehicle manoeuvres to permit safe and efficient scheduled collections in accordance with AS2890.2.
- l) A 2000mm unobstructed clearance to be provided at the rear of the SRV loading bay to support the provision of a safe and efficient waste collection service.
- m) The Waste Management Plan (WMP) to be updated to include the changes outlined above.

Reason: To ensure that there are adequate waste management facilities.

13. **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	\$345,598
Open Space Acquisition	\$327,568
Open Space Embellishment	\$183,788
Public Domain Improvements	\$119,798
Stormwater Detention	\$28,430
Plan Administration	\$16,646

The total contribution payable to Council under this condition is \$1,021,828 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

14. Payment of Building and Construction Industry Long Service Levy

Before the issue of a Construction Certificate, the long service levy of \$75,075 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.

15. 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 letter of consent from an approved electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b. 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.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

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

16. Adaptable Units

Before the issue of the relevant Construction Certificate, a report prepared by a suitably qualified consultant is to be prepared to demonstrate, 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.

17. Design Requirements for Residential Apartment Development

A certifier must not issue a construction certificate unless the certifier has received a statement by a qualified designer verifying that the relevant building work plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles for residential apartment development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the Environmental Planning and Assessment Regulation 2021.

18. 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.

19. 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.

20. 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 drainage connection to Council pipe that traverses the subject 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.

21. 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 heavy vehicle 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.

22. 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.

23. 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:

- a) Council's relevant development control plan,
- b) 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. Grades of Manoeuvring Areas

The maximum grades of the manoeuvring areas shall comply with AS/NZS 2890.1:2004 for parking facilities Part 1: Off-Street Car Parking Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To comply with Australian Standards.

29. Car Parking Details

Before the issue of the 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

30. 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.

31. Bicycle Parking Spaces

The bicycle storage area must be capable of accommodating a minimum of 135 bicycles within a fixed bicycle rail. The bicycle storage areas and bicycle rail must be designed to meet the requirements of AS 2890.3:2015. Bicycle parking and access arrangements shall ensure that the potential conflicts with vehicles are minimised. Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To comply with Bicycle Parking requirements

32. Driveway Separate 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. Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To provide a suitable landscape interface and to comply with Council's parking requirements.

33. 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.

34. 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.

35. Adaptable Dwellings for the Residential Flat Building

The residential flat building must incorporate 18 adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriately designed.

36. Implementation of Acoustic Treatment

Prior to the issue of any construction certificate, an acoustic statement prepared by a qualified acoustic consultant shall be submitted to Fairfield City Council and the principal certifier, certifying that all acoustic treatments and all recommendations as specified in the recommendations of the approved Noise Impact Assessment prepared by Rodney Stevens Acoustics, Report No: R200665R3, Revision 2, Dated 11 February 2025, have been incorporated into the design and construction of the development.

Reason: To protect the amenity of neighbouring properties.

BEFORE THE COMMENCEMENT OF BUILDING WORK

37. 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.

38. 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.

39. 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)).

40. 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 website.

Reason: To ensure Council's assets are maintained.

41. 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.

42. 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.

43. **Tree Protection Zone**

The retained trees on the neighbouring property and on the road reserve that may be affected by machinery or construction work are to have appropriate Tree Protections Zones (TPZ) put in place. TPZ should not be less than 2 metres nor greater than 15 metres (except where crown protection is required).

Reason: To ensure the protection of the tree(s) to be retained on the site

DURING BUILDING WORK

44. **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)).

45. **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.

46. **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.

47. **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).

48. 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

49. 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).

50. Soil Management

While site 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.
- b. All fill material imported to the site must be:
 - i. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and 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 not contaminated and is safe for future occupants.

51. 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.

52. 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.

53. 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.

54. Tree Protection During Work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- a. the construction site management plan under this consent,
- b. the relevant requirements of AS 4970 Protection of trees on development sites,
- c. any arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

55. Protective Fencing

Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy drip line or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing to protect the environmental amenity of the area.

Reason: To ensure adequate protection of existing trees.

56. Tree Protection During Construction

Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites" to ensure trees are protected during construction.

Reason: To ensure adequate protection of existing trees.

57. Planting Requirements

All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size except the street tree which shall be a minimum 200 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.

58. Flood Affected Development

The development the subject of this consent is located within flood prone land. The following shall be complied with during the construction process:

- a. Only flood resistant materials shall be used below the designated floor level.
- b. All services and utilities connected to the property are required to be flood proofed.
- c. There is to be no alteration to the existing ground levels.
- d. A Flood Evacuation Plan prepared by a qualified Consultant shall be kept within the premises.

Reason: To ensure the safety of occupants and to ensure the development is carried out in accordance with flood prone land requirements.

59. 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).

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

60. **Structural Certification**

Prior to the issue of an Occupation Certificate, a certificate from a practising Structural Engineer shall be submitted to the certifier, and a copy provided to Fairfield City Council, certifying that the building has been erected in compliance with the approved structural drawings and relevant Australian Standards and is structurally adequate.

A Peer Review of the certificate prepared by a suitably qualified and chartered structural engineer that is a member of Engineers Australia, shall also be submitted to the satisfaction of the certifier, and a copy provided to Fairfield City Council.

Reason: To ensure compliance with the National Construction Code (Building Code of Australia) and relevant Australian standards.

61. **Approval of Fairfield Traffic Committee**

Before the issue of an Occupation Certificate, the developer shall submit a Traffic Control and Movement Plan for the section of road with two-lane traffic for the consideration of the Fairfield Local Traffic Committee. The Plan shall outline restrictions and traffic movement along the entire laneway (driveway, cul-de-sac end of the laneway) particularly vehicle turn-around area, no stopping signage, and road and pedestrian measures.

An Occupation Certificate shall not be issued until the proposed traffic and road safety measures are addressed and implemented to the satisfaction of Fairfield City Council. This is to ensure that traffic circulation is safe, efficient, accessible for various users; and to ensure that the road is appropriately approved and sign-posted for enforcement. Proposed traffic measures shall include but not be limited to signage and line marking in accordance with the approved plans and reports. All measures are to be implemented at the sole cost of the developer.

Reason: To ensure that traffic circulation is safe, efficient, accessible for various users, and appropriately approved and sign-posted for enforcement.

62. **Affordable Housing Component Required for the Development**

In this condition:

“Affordable Housing Guidelines” means the NSW Affordable Housing Ministerial Guidelines published by the Department of Community and Justice and approved by the Minister for Families, Communities and Disability Services from time to time.

“registered community housing provider” has the same meaning as in the Community Housing Providers (Adoption of National Law) Act 2012, section 13.

“Registrar of Community Housing” means the Registrar of Community Housing appointed under the Community Housing Providers (Adoption of National Law) Act 2012, section 10.

“affordable housing” means housing for very low income households, low income households or moderate income households, being such households as are prescribed by Section 13 of State Environmental Planning Policy (Housing) 2021.

- (a) Before the issue of any occupation certificate for the development—
- (i) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure that apartments identified as **Apartment numbers 36, 42, 60, 69, 72, 78, 87, 96, 237, 242, 245, 259, 262, A-802, A-803, A-804, A-805, A-902, A-903, A-904, A-905, A-1002, A-1003, A-1004, A-1005, B-1201, B-1202, B-1203, B-1204, B-1205, B-1206, B-1207, B-1208, C-1201, C-1202, C-1203, C-1204, C-1205, C-1206, C-1207, C-1208, C-1303, C-1305, C-1306, D-801, D-802, D-803, D-804, D-805, D-901, D-902, D-903, D-904, D-1001, D-1002, D-1003 and D-1004** on the approved plans must be used for affordable housing and must be managed by a registered community housing provider for a period of at least 15 years commencing on the day an occupation certificate is issued for the development.
 - (ii) evidence of an agreement with a registered community housing provider for the management of the apartments identified as **Apartment numbers 36, 42, 60, 69, 72, 78, 87, 96, 237, 242, 245, 259, 262, A-802, A-803, A-804, A-805, A-902, A-903, A-904, A-905, A-1002, A-1003, A-1004, A-1005, B-1201, B-1202, B-1203, B-1204, B-1205, B-1206, B-1207, B-1208, C-1201, C-1202, C-1203, C-1204, C-1205, C-1206, C-1207, C-1208, C-1303, C-1305, C-1306, D-801, D-802, D-803, D-804, D-805, D-901, D-902, D-903, D-904, D-1001, D-1002, D-1003 and D-1004** on the approved plans must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
 - (iii) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.
- (b) During the period of 15 years commencing on the day an occupation certificate is issued for the development:
- (i) the apartments identified as **Apartment numbers 36, 42, 60, 69, 72, 78, 87, 96, 237, 242, 245, 259, 262, A-802, A-803, A-804, A-805, A-902, A-903, A-904, A-905, A-1002, A-1003, A-1004, A-1005, B-1201, B-1202, B-1203, B-1204, B-1205, B-1206, B-1207, B-1208, C-1201, C-1202, C-1203, C-1204, C-1205, C-1206, C-1207, C-1208, C-1303, C-1305, C-1306, D-801, D-802, D-803, D-804, D-805, D-901, D-902, D-903, D-904, D-1001, D-1002, D-1003 and D-1004** on the approved plans must be used for affordable housing, and
 - (ii) the apartments identified as **Apartment numbers 36, 42, 60, 69, 72, 78, 87, 96, 237, 242, 245, 259, 262, A-802, A-803, A-804, A-805, A-902, A-903, A-904, A-905, A-1002, A-1003, A-1004, A-1005, B-1201, B-1202, B-1203, B-1204, B-1205, B-1206, B-1207, B-1208, C-1201, C-1202, C-1203, C-1204, C-1205, C-1206, C-1207, C-1208, C-1303, C-1305, C-1306, D-801, D-802, D-803, D-804, D-805, D-901, D-902, D-903, D-904, D-1001, D-1002, D-1003 and D-1004** on the approved plans must be managed by a registered community housing provider, and
 - (iii) notice of a change in the registered community housing provider who manages the apartments referred to in paragraphs (a) and (b) must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and

- (iv) the registered community housing provider who manages the apartments referred to in paragraphs (a) and (b) must apply the Affordable Housing Guidelines.

Reason: To ensure that affordable housing is provided in accordance with SEPP (Housing) 2021.

63. Loading Dock Management Plan

Before the issue of an occupation certificate, a comprehensive Loading Dock Management Plan is to be submitted to Council's Traffic and Transport Branch for written approval, outlining relevant measures to manage truck activities, including but not limited to:

- a. Detailing the frequency and the types of vehicles servicing the site
- b. Implementing an online booking system to coordinate truck arrivals, vehicle types, heights, and frequencies
- c. Installing associated low headroom signages at the car park entry
- d. Outlining general operational rules for truck movements.

Reason: To ensure the operation of the loading dock is managed appropriately.

64. 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
- b. Ensure StrataVault tree pits are as in accordance with Council's Citygreen specifications/details.
- c. The proposed street tree near Shop 5 on the Landscape Plans shall incorporate StrataVault tree pits.

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.

65. Acoustic Report – Road Traffic Noise

Before the Occupation Certificate, certification from a suitable qualified person stating that the building has been constructed to meet the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Road Noise Policy, shall be submitted to the certifier.

Reason: To ensure compliance with the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Road Noise Policy.

66. Completion of Public Utility Services

Before the issue of an 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.

67. 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.

68. 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.

69. Works on Adjacent Roads

Prior to the issue of an Occupation Certificate, the following works are to be completed:

- a. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and replaced with pavement in accordance with Council's Public Domain Manual specifications and in consultation with the Place Manager for Fairfield.
- b. The development shall remove and replace all damaged or displaced path paving in Court Road and The Horsley Drive.

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.

70. 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.

71. 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 Council's Stormwater Management Policy, Appendix M.

Reason: To ensure compliance with Council Stormwater Management Policy.

72. 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.

73. 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.

74. 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.

75. Building in Saline Environments

Before the issue of the 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.

76. Road Reserve Clearance Certificate

Before the issue of the 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.

77. Post Construction Dilapidation Report

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.
- c. a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

78. 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.

79. 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).

80. Completion of Landscape works

Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape 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).

81. Design Requirements for Residential Apartment Development

A certifier must not issue an occupation certificate unless the certifier has received a design statement. **Design statement** means a statement by a qualified designer verifying that the development achieves the design quality shown in the plans and specifications for which the construction certificate was issued, having regard to the design principles for residential apartment development.

Reason: To comply with Environmental Planning and Assessment Regulation 2021.

82. Acoustic Compliance Statement/Certificate

Prior to the issue of any occupation certificate a compliance statement/certificate shall be submitted to Fairfield City Council and the principal certifier, certifying that all acoustic treatments and all recommendations as recommended within the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Report No: R200665R3, Revision 2, Dated 11 February 2025, have been installed to the proposed development.

Reason: To ensure acoustic report recommendations are implemented.

83. Waste Collection Restriction and Public Positive Covenant

Before the issue of an occupation certificate for the development, a restriction and public positive covenant in terms that have been approved in writing by the Council must be registered, in accordance with section 88E of the Conveyancing Act 1919, against the title of the property relating to the development, which will ensure:

- (a) The registered proprietor and any user or occupier permits the Council and any entity engaged by the Council to enter upon the land with or without vehicles for:
 - the purpose of the removal of waste from the land and to remain upon the land for a reasonable time for the purpose of such removal.
 - the delivery, removal, inspection and repair of waste containers.
- (b) The registered proprietor and any user or occupier of the land cannot make any claim against the Council or any entity engaged by the Council for any repairs or damage caused to the land as a result of the Council or any entity engaged by the Council exercising the rights set out in clause (a). "Repairs and damage caused to the land" in this clause (b) shall include repairs of, and damage to, any fixture, flora, kerb, gutter, underground pipe, drain and/or infrastructure located above or beneath the surface of the land.
- (c) The registered proprietor of the land indemnifies the Council and any entity engaged by the Council against any future claim for damage or loss arising from the exercise by the Council or any entity engaged by the Council of the rights set out in clause (a) except to the extent that such damage or loss is a result of the negligence of the Council or any entity engaged by the Council as the case may be. "Damage or loss" in this clause (c) shall include damage or loss to any fixture, flora, kerb, gutting, underground pipe, drain and infrastructure located above or beneath the surface of the land where such damage or loss is suffered by the said registered proprietor or any other person.
- (d) The registered proprietor of the land and any user or occupier of the land must not park any vehicle or place any goods or materials on the land which will impede the exercise by the Council or any entity engaged by the Council in exercising the rights available to them set out in clause (a).
- (e) Nothing in the restriction and public positive covenant shall oblige the Council or any entity engaged by the Council to exercise any of the rights set out in clause (a).

84. Waste Agreement and Collection

Prior to the issue of an occupation certificate, the following requirements shall be complied with:

- a. 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.
- b. The assigned strata manager for the development and their direct contact details to be provided to Councils Waste and Resource Recovery Department.
- c. The bin tug and trailer to be provide, operational and available on-site to demonstrate the system specification support the movement of the developments full bin allocation.

Reason: To ensure that there are adequate waste management facilities.

85. 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.

86. Adaptable Dwellings

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 the planning controls have been met.

87. Playground Certification

Prior to the issue of an Occupation Certificate, a certificate and test results from an independent play certifier is to be provided to Council noting that the independent play certifier has inspected and tested the proposed playground and fitness spaces and noting that they comply with the relevant Australian Standards including but not necessarily limited to AS4685 and AS4422. This inspection, testing and certification should be undertaken by a suitably qualified professional with qualifications in Playground Certification Inspections.

Reason: To ensure the playground is appropriately certified.

88. 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

89. 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.

90. Environmental Reports Certification

Before 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 in the following reports have been completed:

- a. Noise Impact Assessment prepared by Rodney Stevens Acoustics, Report No: R200665R3, Revision 2, Dated 11 February 2025.

Reason: To protect the amenity of neighbouring properties.

91. 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 the BASIX Certificates.

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)

92. 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.

93. House Number Required

Before 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.

94. Intercom at 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.

OCCUPATION AND ONGOING USE**95. 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.

96. 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.

97. Use of Loading Dock

The approved hours of operation for the use of the loading dock are:

7:00am to 10.00pm Monday to Sunday.

Reason: To ensure there are no amenity impacts on the locality.

98. Obstruction of Waste Collection Service

In the event that there are on-site issues that may cause an obstruction of the waste collection service and that may prevent the service from being provided, resulting in missed collections, the landowners will be charged to the in accordance with Council's Fees and Charges – per missed service.

Reason: To ensure there are no obstructions that would prevent waste collection.

99. **Deliveries and Servicing**

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, unloading, or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No vehicles larger than a 12.5 metre truck shall be used for the servicing or operations of this development.
- d. All truck deliveries to the premises shall be made to the at-grade loading bay provided within the site.
- e. All service vehicles shall reverse into the on-site loading bay then exit the loading bay in a forward direction.
- f. Deliveries and waste collection shall only be carried out between 7am to 10pm.

Reason: To ensure the amenity of surrounding properties and ensure safe loading and unloading practices.

100. **Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to the drainage easement which requires Local Government Approval (Section 68).

Reason: To ensure compliance with Council Stormwater Management Policy.

101. **Compliance with Acoustic Report**

All recommendations outlined within the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Report No: R200665R3, Revision 2, Dated 11 February 2025, approved as part of the development application shall be complied with at all times.

Reason: To ensure acoustic report recommendations are implemented.

102. **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.

103. **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 compliance with statutory requirements.

104. Car and Bicycle Parking

You shall provide and maintain a combined **total of 431 carparking spaces** across the whole development in accordance with the requirements of SEPP (Housing) 2021 and Fairfield CityWide DCP 2024 designated as follows:

Retail Tenancies

A total of **52 retail parking** spaces shall be provided, designated as follows:

- a. 27 x retail parking spaces at ground level (including 4 accessible spaces),
- b. 25 x retail parking spaces at Basement 1

Residential Apartment Units

A total of **379 residential parking spaces** shall be provided, designated as follows:

- a. 124 residential parking spaces (including 23 accessible spaces) at Basement 1
- b. 158 residential parking spaces (including 19 accessible spaces) at Basement 2
- c. 97 residential parking spaces at Basement 3

The 379 parking spaces shall be assigned as follows:

- a. 272 residential parking spaces assigned to the non-affordable units,
- b. 29 residential parking spaces assigned to the affordable rental units,
- c. 78 residential visitor spaces.

Electric Vehicle Charging Bays

Electric car charging bays shall be designated as follows:

- 4 electric vehicle charging bays for residents in Basement 1.
- Additional residential car charging bays shall be provided to residential units and installed as needed.

Bicycle Parking Spaces

A total of 135 bicycle parking spaces are designated as follows:

- 119 residential bicycle parking spaces
- 4 retail bicycle spaces
- 12 visitor bicycle parking spaces.

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

Reason: To ensure there is adequate parking, to comply with the parking controls in SEPP (Housing) 2021, the DCP and Australian Standards.

105. Fencing

Fencing shall be erected on all of the sites front, side and rear boundaries behind the front building alignment and between each required property or private open space at the sole cost of the developer and in accordance with the approved plans. **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 Colorbond fencing shall be erected in front of the approved building line.

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

106. Disabled Access

Access for disabled people shall be provided in the building or portion of the building in accordance with Clause D4D2, D4D3 and D4D4 of the BCA and to the standards set out in AS 1428.1 and Disability (Access to Premises – Buildings) Standards.

Reason: To ensure the development complies with the BCA.

107. 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.

108. Schedule of Finishes

The development is to be constructed and finished in the materials and colours approved by the development consent and in accordance with the approved plans.

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

Reason: To protect the amenity of the streetscape.

109. 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.

110. Water Outlets

Water outlets shall be provided for primary balconies and private open spaces of individual units.

Reason: To protect the amenity of residents.

111. Way Finding Maps

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.

112. Use of Premises

The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

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

113. Storage of Goods

All works and storage shall be contained wholly within the building.

Reason: To protect the amenity of the streetscape.

114. 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.

115. 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

116. 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.

117. Unreasonable Noise and Vibration

The mixed-use 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.

118. 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.

119. 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.