

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 139.1/2025

**Lot: 10, DP: 969, Lot: 3, DP: 22203, Lot: A, DP: 398409, Lot: 1, DP: 947762, Lot:
4, DP: 22203, Lot: 2A, DP: 420389, Lot: B, DP: 398409, Lot: 5, DP: 22203, Lot:
1A, DP: 420389, No. 72 Canley Vale Road, CANLEY VALE**

**Demolition of existing structures and the Construction of a three (3) storey
Commercial Development Building including a supermarket over basement car
parking compromising 248 car parking spaces**

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Date
A00.01	PPR A	Cover Sheet	BN Group	17/03/2026
A00.02	PPR A	Title Sheet, Location Plan & Drawing List	BN Group	17/03/2026
A00.04	PPR A	Site Analysis	BN Group	17/03/2026
A00.05	PPR A	Notification Plan	BN Group	17/03/2026
A02.01	PPR A	Demolition Plan	BN Group	17/03/2026
A02.02	PPR A	Site Plan	BN Group	17/03/2026
A02.10	PPR A	Basement Floor Plan	BN Group	17/03/2026
A02.11	PPR A	Ground Floor Plan	BN Group	17/03/2026
A02.12	PPR A	Level 1 Floor Plan	BN Group	17/03/2026
A02.13	PPR A	Level 2 Floor Plan	BN Group	17/03/2026
A02.14	PPR A	Roof Plan	BN Group	17/03/2026
A02.51	PPR A	Site Aerial Views	BN Group	17/03/2026
A09.01	PPR A	Elevations	BN Group	17/03/2026
A09.02	PPR A	Elevations	BN Group	17/03/2026
A09.03	PPR A	Elevations / 3D Perspective (Neighbouring)	BN Group	17/03/2026
A11.01	PPR A	Sections – Sheet 1	BN Group	17/03/2026
A11.02	PPR A	Sections – Sheet 2	BN Group	17/03/2026
A60.01	PPR A	Signs & Displays	BN Group	17/03/2026
A70.01	PPR A	Material Sample Board	BN Group	17/03/2026
A100.21	PPR A	GFA & Car Parking Analysis	BN Group	17/03/2026
A100.50	PPR A	Solar Study	BN Group	17/03/2026
A100.57	PPR A	Comparison Solar Access Plan – Review Impact on Southern Residential	BN Group	17/03/2026
A100.85	PPR A	Perspective – View From Canley Vale Rd	BN Group	17/03/2026
A100.86	PPR A	Perspective – View From Phelps St	BN Group	17/03/2026
A100.87	PPR A	Perspective – View From Corner of Canley Vale Rd and Phelps St	BN Group	17/03/2026
C0-0000	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0010	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0011	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0012	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0200	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0270	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0300	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0340	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0350	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0355	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0700	Rev A	Stormwater Plan	BG&E	27/02/2025
C0-0710	Rev A	Stormwater Plan	BG&E	27/02/2025

2910.GD.0 1	B	Landscape Plan	Greenland design Pty Ltd	24/03/2025
2910.GD.0 2	B	Landscape Plan	Greenland design Pty Ltd	24/03/2025
2910.GD.0 3	B	Landscape Plan	Greenland design Pty Ltd	24/03/2025
2910.GD.0 4	B	Landscape Plan	Greenland design Pty Ltd	24/03/2025

Document Title	Version No	Prepared by	Date
DA Acoustic Assessment	3	Renzo Tonin & Associates	04/09/2025
Operational Management Plan	-	On The Park Pty Ltd	17/03/2026
Detailed Site Investigation	E26390.E02 _Rev1	EI Australia Pty Ltd	11/03/2026
Supermarket Waste Management Plan	-	On The Park Pty Ltd	August 2025
Traffic and Parking Impact Assessment	240860.01F A	McLaren traffic Engineering & Road Safety Consultants	8 April 2025
Statement of Environmental Effects		HDC Haskew de Chalain Planning	16 April 2025
Stormwater Report	B	BG&E	March 2025
Flood Risk Management Report	-	Floodmit Pty Ltd	March 2025
Flood Impact Assessment		BMT Commercial Australia Pty Ltd	26/03/2025
Flora and Fauna Assessment	Version 1	Anderson Pty Ltd	20/03/2025
Tree AZ Assessment	Version 2	Anderson Pty Ltd	22/11/2023
Crime Prevention through Environmental Design		HDC Haskew de Chalain Planning	16 April 2025
Statement of Heritage Impact		Heritage 21	March 2025
Geotechnical Report		Geotechnique Pty Ltd	19 June 2024
Operational Waste Management Plan	Revision D	Elephants Foot Consulting	21 March 2025
Net Zero Statement	Issue B	Efficient Living	11 April 2025
Mechanical Services Air Pollution and Odour Report	Revision 2	BenMAX	28 February 2024
Loading Management Plan		On The Park Pty Ltd	15 June 2026
Car Park Management Plan		On The Park Pty Ltd	15 June 2026

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. **Endeavor Energy Requirements**

The attached endeavour Energy requirements must be complied with at all times.

Reason: To ensure compliance with State Authorities requirements.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. **Payment of Development Contributions**

Payment of Section 7.12 Contributions

Before the issue of a Construction Certificate of alternative timing, the applicant must pay a total contribution of \$784,917.12 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act 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.

4. **Housing and Productivity Contribution**

The housing and productivity contributions (HPC) set out in the table below is required to be made:

Housing and productivity contribution	\$330,859.57
Total housing and productivity contribution	\$330,859.57

The HPC must be paid before the issue of a construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required).

The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

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

5. Payment of Building and Construction Industry Long Service Levy

Before the issue of a Construction Certificate, the long service levy of \$ 196,229.28 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.

6. Driveway Design

Prior to the issue of a Construction Certificate, amended traffic and engineering drawings shall be submitted to and approved by the Certifying Authority, and endorsed by a suitably qualified and experienced traffic engineer, demonstrating that vehicular access, driveway design and loading facilities operate safely and efficiently. The drawings shall address sight distance, swept paths and driveway splay geometry and demonstrate compliance with AS 2890.1, AS 2890.2 and AS 2890.6 (as applicable) to the satisfaction of the Certifying Authority.

Reason: To ensure compliance with Council Vehicular Crossing Policy and pedestrian and vehicle safety.

7. Existing Street Trees

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

Reason: To protect the natural environment and Council assets.

8. 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.
- b. A letter of consent from an approved electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.

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

9. 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.

10. 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;
- ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140 L/s/ha.

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.

11. Vehicular Crossing Application

Before the issue of a Building Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a crossing as per the approved driveway design in Condition No. 5 of this consent and 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.

12. 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*
- d. *The final stormwater/civil plan shall be amended to reflect the following:*
 1. All drainage lines to connect to the existing drainage shall be via a gravity line and shall not be charged.
 2. A boundary pit shall be incorporated in the stormwater layout prior to connection to council pit in Phelps Street.
 3. The proposed kerb inlet pit on Phelps Street shall be a minimum 1.0m offset from any existing driveways, utilities or existing services.
 4. The final stormwater plans shall clearly illustrate the location and size of the orifice within the OSD.
 5. The final stormwater plans shall clearly illustrate the 375-diameter outlet pipe connected to the OSD in the cross-sectional plans. The RL of the lowest external point of the OSD system shall be shown on the plan, demonstrating vertical clearance compliance.

and conditions of this consent.

Reason: To ensure compliance with Council Stormwater Management Policy.

13. Engineering Approval – Section 138

Before the issue of a Building Construction Certificate, a **Section 138 Approval** shall be issued by an accredited certifier or by Fairfield City Council for the construction of proposed kerb inlet pit on Phelps Street.

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.

14. Food Fit Out Certification

Before the issue of a Construction Certificate, a design report shall be submitted to the Certifier, demonstrating that the proposed kitchen fit out meets all the requirements of Australian Standard 4674-2004 Construction and Fit out of Food Premises.

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

15. Construction Traffic Management Plan

Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control for the various stages of construction including but not limited to demolition, excavation, construction and public domain works shall be submitted and approved by Council's Traffic Branch.

Reason: To ensure the road network is not adversely impacted upon during the construction of the development.

16. Mechanical Plant Noise Assessment

Prior to the issue of any Construction Certificate (CC), a Mechanical Plant Noise Assessment must be submitted and approved by the Certifier to evaluate noise emissions from all proposed mechanical plant and equipment. All recommendations of the assessment must be incorporated into the CC plans.

Reason: To protect the amenity of neighbouring properties.

17. Amended Architectural Design

Prior to the issue of a Construction Certificate, amended architectural plans shall be submitted to and approved by Fairfield City Council, demonstrating that an additional thirty – three (33) car parking spaces are provided onsite within a basement level. In this regard, the basement for the approved development shall contain a minimum of 281 car parking spaces. The plans shall demonstrate sight distance and swept paths and demonstrate compliance with AS 2890.1, AS 2890.2 and AS 2890.6 (as applicable) to the satisfaction of Fairfield City Council.

Reason: To ensure compliance with the Fairfield City Wide Development Control Plan 2024 and prevent any impact to the on street car parking and road network around the site.

18. Public Domain Plan

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

- Upgrading of the pedestrian footpath area, including street tree planting and landscape mass planting areas, along the length of the site's front boundary on Canley Vale Road and

Phelps Street out to the back of kerb. The pavement upgrade, street tree planting and mass planting works must be approved by Council and reflect the high quality pavement character already in use at the Centre.

- Detailed plans of the awning which includes the installation of under awning lighting along the length of the cantilevered awning of the building frontage in Canley Vale Road. The lighting shall meet Australian standards and be part of the awning infrastructure.

The Public Domain Plan shall include feedback from Council's Assets Team and Council Place Manager of Canley Vale. The Plan shall also include the following:

- Submit a list of new constructed assets as part of the development that will be handed over (as specified in Council's New Asset Handed Over Template – Contact Asset Management Division).
- Provide details of Council's burden and benefited easement and its maintenance responsibility, if any. If the drainage system is located inaccessible to machineries, provide detail maintenance plan, how stormwater system can be maintained.
- Whole life cycle cost (capital and maintenance costs) to be provided to Council for the operation of the proposed new assets over the life of the asset. Council can provide the useful life of the proposed new assets for life cycle analysis.

Reason: To protect and enhance the amenity of neighbouring properties.

19. **Detailed Geotechnical Subsurface Investigation**

Before the issue of a Construction Certificate, the applicant shall undertake, and submit to the satisfaction of the certifier, detailed geotechnical subsurface investigations prior to the final design to determine the site specific subsurface profile and geotechnical parameters for design of footings, in accordance with any recommendations of the approved Geotechnical Report, , prepared by Geotechnique Pty Ltd, dated 19 June 2024. A qualified Geotechnical Engineer shall certify that all recommended measures have been undertaken as outlined in the Detailed Geotechnical Investigation that is to be prepared.

Reason: To assess the likely site surface and subsurface conditions and geotechnical factors to facilitate the construction of the development.

20. **Bicycle Parking Spaces**

The bicycle storage area must be capable of accommodating a minimum of 20 bicycles within a fixed bicycle lockers. 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 provide adequate bicycle parking.

21. **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.

22. Implementation of Acoustic Treatment

Prior to the issue of a 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 Acoustic DA Assessment prepared by Renzo Tonin & Associates, dated 4 September 2025, have been incorporated into the design and construction of the development.

Reason: To protect the amenity of neighbouring properties.

23. Awnings

An Awning Maintenance Plan shall be submitted to the satisfaction of the Certifier. The Plan shall demonstrate maintenance will be carried out over the life of the consent in order to maintain the condition of the awning. Under awning lighting shall be provided to the underside of the entire length of the awning of the building along the Canley Vale Road frontage of the site. The lighting shall be provided in accordance with the requirements of relevant Australian Standards.

Reason: To ensure that the awning is maintained in a safe and satisfactory manner.

BEFORE THE COMMENCEMENT OF BUILDING WORK

24. 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

25. 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.

26. 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)).

27. Road Reserve Dilapidation Report

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

Reason: To ensure Council's assets are maintained.

28. 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.

29. Demolition, Excavation, Construction Noise and Vibration Management Plan

Prior to the commencement of any demolition, excavation and construction works on site, a site-specific Demolition, Excavation, Construction Noise and Vibration Management Plan must be prepared in accordance with the requirements of the NSW EPA Interim Construction Noise Guideline (2009), and submitted to Council.

The plan must be prepared by a suitably qualified acoustic consultant (being an employee of a member firm of the Association of Australasian Acoustical Consultants (AAAC)). The plan must include but not be limited to the following:

- Identification of any noise sensitive receivers adjacent to the site (including ground floor and upper floor
- receiver locations;
- The predicted noise and vibration levels at the nearest noise sensitive receivers;
- A statement outlining whether or not predicted noise levels will comply with the noise objectives
- stated in the NSW EPA Interim Construction Noise Guideline (2009). Where noise levels are
- predicted to exceed the noise objectives, then details of the following must be included in the plan:
 - Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
 - Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum;
- Details of the community liaison procedure to be implemented including contact details for

- relevant site foreman/manager;
- Details of the noise and vibration programme that is to be undertaken during works; and
- The type of action that will be undertaken following receipt of a noise or vibration complaint.

Reason: To protect the amenity of neighbouring properties.

30. Dilapidation Report

- a. A dilapidation report shall be carried out on all adjoining properties by the Applicant prior to the commencement of any works on site. The required dilapidation report, to be prepared by a suitably qualified structural engineer, shall be submitted to Fairfield City Council prior to the commencement of any works on site. The report shall cover structural and geotechnical factors likely to arise from the development. A copy of this report shall be submitted to Council as a record.
- b. During construction, excavation and compaction associated with the development, the builder shall be responsible in monitoring vibration impact upon neighbouring properties to ensure no adverse impact to adjoining properties. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.
- c. A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1 metre below the proposed final excavation level). The report shall describe inter alia:
 - i. an indication of the nature and depth of any uncontrolled fill at the site;
 - ii. an indication of the nature and condition of the material to be excavated;
 - iii. indications of groundwater or seepages;
 - iv. required temporary measures for support of any excavations deeper than 1 metre adjacent to property boundaries;
 - v. statement of required excavation methods in rock and measures required to restrict ground vibrations;
 - vi. other geo-technical information or issues considered relevant to design and construction monitoring.

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

DURING BUILDING WORK

31. Hours of Work

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

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

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

Reason: To protect the amenity of the surrounding area

32. Shoring and Adequacy of Adjoining Property

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

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

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

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

33. Remedial Action Plan

Remediation Action Plan (RAP) shall be prepared by a suitably qualified contaminated land consultant and be provided to Fairfield City Council for review and approval.

All remediation work shall be carried out in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021, National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (April 2013), and NSW Environment Protection Authority Guidelines.

Reason: To ensure the site is remediated so it can be made suitable for proposed use and compliance with State Environmental Planning Policy (resilience and hazards) 2021.

34. Validation Report

A validation report shall be prepared by a suitably qualified contaminated land consultant and be provided to Fairfield City Council for review no later than sixty (60) days after the remediation is completed. The Validation Report shall be prepared in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (April 2013), and NSW Environment Protection Authority Guidelines.

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

35. 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

36. **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.

37. **Acid Sulphate Soils**

The land the subject of this approval is located within 500 metres of known acid sulphate soils. You are advised to exercise extreme caution with excavations up to and exceeding one (1) metre in depth. For further information in this regard, please contact the Department of Land and Water Conservation.

Reason: To ensure compliance with the Department of Land and Water Conservation requirements.

38. **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.

39. **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.

40. **Tree Protection**

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

Any tree pruning must be in accordance with Australian Standard AS4373-2007, Pruning of Amenity Trees (AS4373).

Reason: to ensure the existing vegetation is protected during the construction of the proposed development.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

- a. All stormwater drainage and storage systems

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

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

42. **Completion of Public Utility Services**

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

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

43. 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.

44. Removal of Waste Upon Completion

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

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

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

45. 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

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

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

Reason: To ensure compliance with Council Stormwater Management Policy.

47. 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.

48. 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.

49. Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

Reason: To protect sewerage and stormwater systems.

50. 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

51. Building in Saline Environments

Before the issue of the relevant Occupation Certificate, documentary evidence shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

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

52. Road Reserve Clearance Certificate

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

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

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

53. Carpark Signage and Linemarking Plan

Prior to the issue of a Occupation Certificate, a carpark signage and linemarking plan shall be to Council's Traffic Branch for approval.

Reason: To ensure compliance with the relevant Australian Standards.

54. Acoustic Compliance Statement/Certificate

Prior to the issue of any Occupation Certificate, an acoustic compliance statement/certificate shall be submitted to Principal Certifier, certifying that all acoustic treatments and all recommendations as outlined within the DA Acoustic Assessment prepared by Renzo Tonin & Associates, Rev 3, dated 4 September 2025, has been implemented.

Reason: To protect the amenity of neighbouring properties.

55. Registration of Final Plan of Consolidation

Before the issue of the relevant Occupation Certificate, a copy of the plan of consolidation, registered by NSW Land Registry Services shall be submitted to the Principal Certifying Authority, which consolidates the allotments which are the subject of the development into one allotment.

Reason: To ensure proposed lots have been created for construction.

56. Full Width Footpath Paving

Prior to the issue of the Final Occupation Certificate, the footpath shall be constructed for the full road frontage of the property in Canley Vale Road and Phelps Street. The footpath shall be in accordance with the Council approved Public Domain Plan. The developer shall complete any necessary transitioning to the existing footway beyond the boundary at no cost to Council.

Construction details and the geometric set out of the pavers shall be in consultation with Council's Subdivision Engineer and subject to approval via a separate application for a Construction Certificate (Engineering Approval). The existing pavement shall be demolished and removed from the site.

Reason: To protect and enhance the amenity of neighbouring properties.

57. Facade Lighting Treatment

Prior to the issue of an Occupation Certificate, specific design details of the lighting system that will be installed to be installed along the northern, southern and eastern elevation of the building, supported by engineering advice shall be submitted and approved by Fairfield City Council. This shall also include details of testing required to be carried out to determine the appropriate level of brightness to ensure that light spill impacts are minimised and details confirming that the brightness level of the system can be adjusted when necessary.

Reason: To protect the amenity of neighbouring properties.

58. Environmental Reports Certification

Before the issue of the Occupation Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved by Fairfield City Council and the following reports have been completed:

- Tree AZ Assessment prepared by Anderson Environmental Pty Ltd Version 2 dated 22/11/2023.
- Flora and fauna Assessment prepared by Anderson Environmental Pty Ltd Version 1 dated 20 March 2025.
- Supermarket Waste Management Plan prepared by On The Park Pty Ltd dated August 2025.
- Traffic and Parking Impact Assessment Version 240860.01FA prepared by McLaren traffic Engineering & Road Safety Consultants dated 8 April 2025.
- Flood Risk Management Report prepared by Floodmit Pty Ltd dated March 2025.
- Flood Impact Assessment prepared by BMT Commercial Australia Pty Ltd dated 26 March 2025.
- Crime Prevention through Environmental prepared by HDC Haskew de Chailain Planning dated 16 April
- Statement of Heritage Impact prepared by Heritage 21 dated March 2025
- Geotechnical Report prepared by Geotechnique Pty Ltd dated 19 June 2024
- Operational Waste Management Plan prepared by Elephants Foot Consulting, Revision D dated 21 March 2025
- Net Zero Statement prepared by Efficient Living Issue B dated 11 April 2025
- Mechanical Services Air Pollution and Odour Report prepared by BenMax, Revision 2 dated 28 February 2024.

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

OCCUPATION AND ONGOING USE

59. 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.

60. Separate Development Consent

The fit out and use of the tenancies does not form part of this development consent. Separate approval is required to be obtained for the fit out and use of each individual tenancies within the subject premises.

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

61. Maximum Floor Space

The approved development shall have a maximum gross floor area (GFA) of 10200m² at all times. The maximum allowed gross floor area for the following types of landuses shall not exceeded:

Office Premises:	3,144m ²
Retail Premises:	5,929m ²
Food and Drink Premises:	947m ²
Recreation Facility (indoor):	180m ²

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

62. Restriction of Use

The commercial premises located on the first and second floor (T.11, T.12 and T. 23) of the approved development, which equates to an area of 3144m², shall be used as office premises only in accordance with the definition within the Fairfield Local Environmental Plan 2013.

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

63. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading, or servicing shall be parked on site and not on adjacent or nearby public roads.

- c. No articulated vehicles shall be used for the servicing or operations of this development. Accordingly, the largest vehicle permitted to service the development shall be restricted to a 12.5 metre Heavy Rigid Vehicle. The largest vehicle size permitted to access the carpark is a B99 vehicle.
- d. All deliveries to the premises shall be made to the on-site loading bays.

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

64. Use of Loading Dock

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

6:00am to 10:00pm, seven (7) days a week

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

65. Carparking – General

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

- i. Two-hundred and eighty one (281) off-street car parking spaces for staff and visitors, including
- ii. Five (5) off-street accessible car space in accordance with AS 2890.6.

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

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

66. Operation of the Car Park

The operation of the parking system within the basement car park shall comply with the following requirements at all times:

- The access infrastructure and advisory signage shall be wholly located within the site and not cover any parking spaces, obstruct vehicle or pedestrian access.
- It should be ensured that the height and location of signage does not interfere with the site distances or driver visibility.
- The first three (3) hours of parking shall be made freely available to customers. Signage installed at the site shall clearly convey this provision
- The parking system shall operate as ancillary to the approved development and not as a separate commercial use.
- Staff shall be able to use the car park facility free of cost.

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

67. Hours of Operation

The approved hours of operation for the supermarket and liquor land are:

Monday to Sunday: 6:00am – 12:00am (midnight)

Note: All other tenancies onsite required separate approval from Council. The hours of the future use of each individual tenancy shall be in accordance with Condition No. 66 of this Consent.

Reason: To ensure the acoustic amenity of surrounding properties.

68. Hours of Future Use for Commercial Tenancies

Any future use of commercial tenancies shall not extend outside the hours of:

Monday to Friday: 9:00am to 7:00pm
Saturday: 9:00am to 7:00pm
Sunday: 9:00am to 7:00pm
Public holidays: No work / trading / operation is permitted.

Reason: To ensure the acoustic amenity of surrounding properties.

69. Signage Conditions

The proposed signage is subject to the following conditions:

- i. Wording: As per Stamped Plans.
- ii. The size and dimensions of the signage shall be in accordance with the signage plan prepared by BN group, Drawing no. A60.01 revision PPR A dated 17 March 2026.
- iii. Sign to be non-flashing.
- iv. Sign to be maintained in a manner satisfactory to Council at all times.
- v. Submission of a certificate of adequacy from a practising structural engineer upon erection of the sign.
- vi. Under no circumstances shall any signs be erected above the wall to which the signs are attached.
- vii. The sign shall be erected in accordance with manufacturer's specifications.

Reason: To ensure the structures are safe and not affect amenity of the area.

70. Advertising Sign

No advertising signs or structures (not included in Condition No. 68 of this Consent) 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.

71. Use of Premises

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

- a. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- b. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- c. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- d. The windows of the premises shall be kept transparent at all times so that the operation is clearly visible from the street.
- e. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- f. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- g. The use of the premises is not to interfere with the amenity of the residential area.
- h. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

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

72. **Storage of Goods**

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

Reason: To protect the amenity of the streetscape.

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

- a. A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
 - i. the person represents not less than 100% of screen height, and
 - ii. there is an unobstructed view of the person’s face.
- b. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - i. all other public entrances and exits, whether or not in use at the time
 - ii. staircases in multi-level premises
 - iii. all portions of the floor area accessible to the public where facilities are provided
 - iv. toilet external areas
 - v. all general areas accessible by the public
 - vi. the car park area adjacent or within the premises

- c. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
 - i. the person represents not less than 50% of the screen height, and
 - ii. there is an unobstructed view of the persons face.
- d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e. Recordings must;
 - i. be in digital format
 - ii. record at a minimum of six frames per second, and
 - iii. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.
- f. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- g. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
- h. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- i. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
- j. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.
- k. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.
- l. Camera recordings must meet the standards set in (a) and (k) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

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

74. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

Reason: To ensure appropriate landscaping.

75. Unreasonable Noise and Vibration

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

Reason: To protect the amenity of neighbouring properties.

76. 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 and implemented as required.
- e. A freeboard of 300mm above 1 in 100 Year ARI level shall be enforced on all Finished Floor Levels

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

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

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

78. Method of Stormwater Drainage

The stormwater Drainage generated from the development shall be directed to existing Council Stormwater Infrastructure on Phelps Street via proposed kerb inlet pit, as shown on approved stormwater plans.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

Reason: To ensure compliance with Council Stormwater Management Policy.

79. Compliance with Flora and Fauna Assessment

All recommendations contained with the Flora and Fauna Assessment prepared by Anderson Environmental Job Number 2490 Version 1 dated 20 march 2025 shall be complied with at all times. All mitigation measures identified in Table 10 (Page 28) must be complied with during the construction of the approved development.

Reason: To protect the natural environment.

80. Hazardous Building Material Survey

All recommendations outlined in the Hazardous Material Survey prepared by EI Australia, Ref: E26930.E10_Rev0, dated 1 July 2024, shall be incorporated into the Plan of Action for removal and safe disposal of identified hazardous building materials. All recommendations arising from the Hazardous Material Survey shall be actioned and completed.

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

81. Compliance with Acoustic Report

All recommendations outlined within the DA Acoustic Assessment prepared by Renzo Tonin & Associates, Rev 3, dated 4 September 2025, submitted as part of this development application shall be complied with at all times.

Reason: To protect the amenity of neighbouring properties.

82. Compliance with Operations Management Plan

The Operational Management Plan prepared by Theo Van Veenendaal, Ref A6534093, dated 28 March 2025 and submitted as part of this development application shall be complied with at all times.

Reason: To protect the amenity of neighbouring properties.

83. Compliance with Documentation

The approved development and its construction shall comply with all the following documentation, at all times:

- Tree AZ Assessment prepared by Anderson Environmental Pty Ltd Version 2 dated 22/11/2023.
- Flora and fauna Assessment prepared by Anderson Environmental Pty Ltd Version 1 dated 20 march 2025.
- Supermarket Waste Management Plan prepared by On The Park Pty Ltd dated August 2025.
- Traffic and Parking Impact Assessment Version 240860.01FA prepared by McLaren traffic Engineering & Road Safety Consultants dated 8 April 2025.
- Statement of Environmental Effects prepared by HDC Haskew de Chalain Planning, dated 16 April 2025.
- Flood Risk Management Report prepared by Floodmit Pty Ltd dated March 2025.
- Flood Impact Assessment prepared by BMT Commercial Australia Pty Ltd dated 26 March 2025.

- Crime Prevention through Environmental prepared by HDC Haskew de Chalain Planning dated 16 April
- Statement of Heritage Impact prepared by Heritage 21 dated March 2025
- Geotechnical Report prepared by Geotechnique Pty Ltd dated 19 June 2024
- Operational Waste Management Plan prepared by Elephants Foot Consulting, Revision D dated 21 March 2025
- Net Zero Statement prepared by Efficient Living Issue B dated 11 April 2025
- Mechanical Services Air Pollution and Odour Report prepared by BenMax, Revision 2 dated 28 February 2024.
- Loading Management Plan prepared by On The Park Pty Ltd dated 15 June 2026.
- Car Park Management Plan prepared by On The Park Pty Ltd dated 15 June 2026.

Reason: To protect the amenity of neighbouring properties.

84. **Traffic Requirements**

The following shall be complied with at all times:

- All parking demands shall be met within the site, preventing any overflow onto the streets.
- All vehicles shall enter and exit the site in forward direction.
- All car parking spaces and driveways shall be designed in accordance with AS2890.1 and AS2890.2.
- The largest vehicle to access the site's dedicated loading and unloading dock shall be limited to 12.5m truck. The largest vehicle size permitted to access the carpark is a B99 vehicle.
- All loading/unloading activities shall be undertaken within the site without vehicles queuing on adjacent streets or across driveways.

Reason: to ensure that the development does not have an adverse impact to the road network

85. **Compliance with Food Act 2003**

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

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

86. **Food Premises Requirements**

i. **Registration of Food Premises**

The premises shall be registered with Council prior to the commencement of business. In this regard, Council's Form - Registration of Business/Facility (a copy is attached) shall be completed and returned for processing.

Reason: To ensure compliance with Food Act 2003.

87. **Garbage Storage Area**

The designated garbage/waste storage area as detailed in the approved plans shall comply with the following requirements:

- a. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor.
- b. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements.
- c. The door to the room must be tight fitting and self-closing.

Reason: To protect local amenity, to prevent water and air pollution.

88. **NSW Protection of the Environment Operations Act 1997**

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

Reason: To ensure compliance with POEO Act 1997.

89. **Duty to Report Contamination**

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 Section 60 of the *Contaminated Land Management Act 1997*.

90. **Noise Complaints**

Should Council receive noise complaints in relation to the operation of the premises/development an acoustic report prepared by appropriately qualified noise consultant shall be submitted to Council. The report shall include but not be limited to the following information:

- a) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;
- b) All complaints received from local residents in relation to the operation of the premises/development.
- c) Where noise measurements required under point a) above, indicate that the relevant assessment criteria has been exceeded, then recommendations shall be provided by the consultant in relation to how noise emissions can be satisfactorily mitigated to comply with the assessment criteria.

Following written approval from Fairfield City Council, any recommendations provided under point c) above, shall be implemented fully within a time to the discretion of Council.

Reason: To maintain local amenity and prevent noise pollution.

91. **Management of Waste Storage Facilities**

All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.