

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 71.1/2015
JOINT REGIONAL PLANNING PANEL NO. 2015SYW037

PROPERTY:

LOT 1 & 2 DP 1071646 NOS. 1-19 BONNYRIGG AVENUE, BONNYRIGG

DESCRIPTION OF DEVELOPMENT:

**PROPOSED STAGED REDEVELOPMENT OF THE SITE FOR THE PURPOSE OF
 A BUNNINGS WAREHOUSE.**

APPROVED PLANS**1. Compliance with Plans and Documentation**

The development shall take place in accordance with the following approved development plans and documentation, except as modified in red by Council and/or any conditions of this consent:

Prepared by	Title	Date	Dwg No.	Rev
John R Brogan & Associates	Demolition Plan	06.02.15	005	A
John R Brogan & Associates	Outline Plan	06.02.15	010	A
John R Brogan & Associates	Site Plan / Roof Plan	04.11.15	030	C
John R Brogan & Associates	Area Diagram	04.11.15	040	C
John R Brogan & Associates	Floor Plan Undercroft Parking Level	03.11.15	100	C
John R Brogan & Associates	Floor Plan Warehouse / Mezzanine	04.11.15	101	C
John R Brogan & Associates	Sections	04.11.15	120	C
John R Brogan & Associates	Elevations	04.11.15	130	C
C & M Consulting Engineers	Cover Sheet, Drawing Index, General notes & Locality Sketch	06.02.15	01291_100	01
C & M Consulting Engineers	General Arrangement Plan Undercroft Level Sheet 1	09.11.15	01291_201	05
C & M Consulting Engineers	General Arrangement Plan Undercroft Level Sheet 2	09.11.15	01291_202	05
C & M Consulting Engineers	General Arrangement Plan Warehouse Level Sheet 1	09.11.15	01291_203	03
C & M Consulting Engineers	General Arrangement Plan Warehouse Level Sheet 2	09.11.15	01291_204	03
C & M Consulting Engineers	Bulk – Earthworks Plan	08.07.15	01291_231	02
C & M Consulting Engineers	Ramp Longitudinal sections	08.07.15	01291_301	02
C & M Consulting Engineers	Typical sections	09.11.15	01291_351	02
C & M Consulting Engineers	OSD Catchment Plan	06.02.15	01291_601	01
C & M Consulting Engineers	Stormwater Drainage OSD Tank & General Details	08.07.15	01291_651	02
C & M Consulting Engineers	Sediment & Erosion Control Details	06.02.15	01291_701	01
John Lock & Associates	Landscape Plan	08.11.15	2201 LP - 01	F
John Lock & Associates	Landscape Elevations	08.11.15	2201 LP - 02	F
John Lock & Associates	Landscape Details	09.07.15	2201 LP - 03	D

- Preliminary Environmental Site Assessment, Ref. E27813KGrpt, prepared by Environmental Investigation Services, dated 30 October 2014.
- Noise Assessment, Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015.
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by ABEL Archaeology, Project Number AA1501 02 February 2015.
- Statement of Environmental Effects including Addendums prepared by DFP Planning Consultants Project Number 8899A Revision 2 dated 9 February 2015, Reference Number 8899A.2KM, dated 13 July 2015 and Reference Number 8899A.3KM, dated 11 November 2015.
- Flora and Fauna and Bushfire Assessment prepared by Abel Ecology, Document Number 1342-REP-149-ISS-1, Issue 1 dated 28 January 2015.

2. Amendments in Red

The following amendments made in red on the approved plans, shall be incorporated into the design and submitted to Fairfield City Council for approval.

- A solid 2.1m high masonry wall shall be provided along the service ramp and raised platform on the northern elevation of the building in order to provide acoustic attenuation from vehicles using the service lane.
- Details of the Two (2) pylon signs shall be provided in accordance with the dimensions of Condition 60 of this Consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

3. Detailed Site Investigation Report

Prior to the release of the Construction Certificate, a (Stage 2) Detailed Site Investigation Report is to be prepared by a suitably qualified person and submitted to Fairfield City Council for assessment and approval.

Should remediation works be recommended, a Remedial Action Plan (RAP) prepared by a suitably qualified person shall also be submitted to Fairfield City Council for approval. The RAP shall include an 'Unexpected Finds Protocol' for the assessment/management of any contamination discovered during the course of works.

Any reports prepared in relation to the subject site shall be prepared in accordance with the NSW Environment Protection Authority's Contaminated Land Series.

4. Asbestos Management Plan

Prior to the release of the Construction Certificate, the Applicant shall prepare and submit to Fairfield City Council, an Asbestos Management Plan (AMP) for its assessment and approval. The AMP shall identify the proposed works/activities that are likely to exacerbate the release/spread of Asbestos Containing Materials and asbestos fines. The AMP shall be prepared in line with *Managing Asbestos in or on soil* (NSW Work Cover, March 2014).

5. 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 the abovementioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage policy, Urban Area On-Site Detention Handbook, AS 3500, conditions of this consent, and the following:

- a. The development shall drain through the on-site detention (OSD) tank by pipes and surface flowpath routes (up to the 100 year ARI storms) in accordance with the minor/major design principles in Australian Rainfall & Runoff (AR&R87) and include measures to direct overflows of the piped system into the OSD tank to be incorporated into the elevated access road drainage system. Openings shall be provided in the parapet walls to allow emergency overflows to be directed into the OSD tank. Redundancy shall also be incorporated in the design in the form of dual inlets and pipe systems to further convey overflows and increase the reliability of the system.
- b. An overland flow path shall be provided for overland flow entering the site from Bonnyrigg Avenue through the northern driveway to the drainage easement

6. Outstanding Fees and Charges

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Certifying Authority:

- | | |
|-----------------------------------|------------------|
| a. Kerb and Gutter Inspection Fee | \$103.50 |
| b. Kerb and Gutter Damage Deposit | \$2255.00 |

7. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

8. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority 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 100 years.

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.
- ii. 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.

9. On-site Detention Design Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with:

a. Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:

- i. To restrict the total discharge from 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 140/1/s/ha.

Note: If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

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

- a. Full details, as per Council's On Site Detention Handbook, 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 levels.

10. Works on Adjacent Roads – Approvals and Levels

All approvals and levels for works on adjacent roads (i.e. footway area) must be obtained prior to the release of the Construction Certificate.

11. Construction Certificate (Engineering Approval)

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifying Authority for the construction of the pipe connection into the existing pit located within the stormwater drainage easement located in Lot 1 DP 1000137 and relocation of the kerb inlet pit in Bonnyrigg Avenue outside of the proposed vehicular crossing location in accordance with approved plans and specifications at no cost to Council.

For the issue of Construction Certificate (Engineering Approval), five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

12. Waste Management Plan

Prior to the issue of a Construction Certificate, a Waste Management Plan shall be submitted to and approved by the Principle Certifying Authority. The Waste Management Plan shall be prepared in accordance with the requirements of the Fairfield City Council Waste Not DCP. The Waste Management Plan shall address the type of materials expected from demolition/construction; estimated volumes or tonnes of materials; proposed reuse or recycling methods; the contractors to be used; and the recycling outlet and/or landfill site.

13. Vehicular Crossing Application

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council for each proposed vehicular crossing in Bonnyrigg Avenue. Access to the development shall be via heavy duty crossings with sufficient width in accordance with AS2890.2-2002 and be located a minimum of one (1) metre from any utility pillar/pole.

Approval for vehicular crossings in Elizabeth Drive shall be sought from Roads and Maritime Services (RMS)

14. Section 94A Levy Development Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$250,800.00**

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

15. Retaining Walls/Structural Wall Panels

Any development that requires the construction of a retaining wall or structural panels located within the immediate vicinity of an adjoining boundary shall be wholly within the property boundaries of the subject development site and shall not encroach upon the adjoining properties. Details of the retaining wall or structural panels and associated drainage shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

16. Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Principle Certifying Authority. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

17. Town Centre Signage

Prior to the issue of a Construction Certificate, detailed plans shall be submitted to and approved by Fairfield City Council for the 'Bonnyrigg Town Centre' signage located at the intersection of Elizabeth Drive and Bonnyrigg Avenue. The applicant shall liaise with Council Bonnyrigg/Smithfield Place Manager in regards to the finishes and materials of the signage to ensure that it is consistent with Council's signage.

18. Sydney Water Consent

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents details – see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

19. Construction Noise Assessment

Prior to the issue of a Construction Certificate, a Construction Noise Assessment shall be submitted to Council for assessment and subsequent approval. The Assessment shall be prepared in line with the Environment Protection Authority (formerly known as Department of Environment and Climate Change) 2009 Interim Construction Noise Guidelines.

20. Proposed Seagull Arrangement on Bonnyrigg Avenue

Prior to the issue of a Construction Certificate, a seagull-island treatment on Bonnyrigg Avenue at its intersection with the subject property's access driveway and shall be designed in accordance with the Austroads' Guide to Road Design and suitable for use by a B99 vehicle and trailer as depicted I sketch "SP 1" prepared by Transport and Traffic Planning Associates (TTPA) and be located approximately 110m north of Elizabeth Drive/Bonnyrigg Avenue signalized intersection.

Detailed civil design and line marking plans of Bonnyrigg Avenue between Tarlington Parade and Elizabeth Drive shall be submitted to and approved by Fairfield City Council. Approval from the Traffic Committee shall be received prior to undertaking any works on Bonnyrigg Avenue.

No right turns shall be made into or out of the northernmost driveway of the subject site.

21. Demolition & Construction Traffic Management Plan

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council Traffic Section for approval, prior to the issue of a Construction Certificate.

22. Proposed Cafe

Prior to the issue of a Construction Certificate, detailed plans shall be submitted to the Principal Certifying Authority for the design of the proposed café. Plans shall comply with Australian Standard AS 4674-2004 (Design, Construction and Fit Out of Food Premises).

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

23. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

24. Appointment of a Principal Certifying Authority

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

25. Notify Council of Intention to Commence Works

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

26. Kerb and Gutter Status Form

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

27. Landscape Protection Works

Prior to the commencement of any construction works on site, the following works shall be undertaken to protect existing trees and other landscaping to be retained as part of the development. These works shall be consistent with any other requirements of the approved landscape plan:

- a. Isolate the root zone to the drip line (canopy line) of individual or groups of trees through the erection of a clearly marked fence, prior to land clearing or construction work.
- b. No dumping of materials, parking of vehicles, excavation or filling is to be permitted within the fenced root zone.
- c. Minimise soil disturbance in the surrounding area (to twice the canopy width).
- d. Where trenches for services cannot be laid outside the fenced zone, roots greater than 75mm wide in diameter are to be clean cut and treated with an approved hormone compound and sealed with bitumen.
- e. Tree guards, barriers or other measures as necessary are to be provided.

28. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.11 of the Fairfield City Wide DCP 2013** shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

29. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site at a ratio of 1 toilet per 20 workers. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

30. Interim / Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

31. Registration of Plan of Consolidation

Prior to the issue of the Final Occupation Certificate, a copy of the plan of consolidation, registered by Land and Property Information shall be submitted to the Principal Certifying Authority, which consolidates the allotments which are the subject of the development into one allotment.

32. Works on Adjacent Roads

Prior to the issue of the Final 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 the footpath topsoiled and turfed.
- b. The developer shall remove and replace all damaged or displaced path paving in Bonnyrigg Avenue and Elizabeth Drive directly in front of the subject site at no cost to Council.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

33. Footpath Paving

Prior to the issue of the Final Occupation Certificate, Council's standard concrete footpath paving shall be constructed by the developer at no cost to Council for the full road frontage of the property along Bonnyrigg Avenue. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

34. Works-As-Executed Plans for Stormwater Drainage

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

35. On Site Detention – Works-As-Executed

On completion of the drainage works and prior to Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal 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.

- b. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- c. Location and surface levels of all drainage pits, weir levels and dimensions.
- d. Invert levels of - the internal drainage lines.
 - orifice plates.
 - outlet control pit.

- e. Finished floor levels of structures such as units and garages.
- f. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- g. Verification that a trash screen is installed.
- h. Location and levels of any overland flow paths through the site.
- i. Details of any variations made from approved plans.

36. Registration of Restriction and Covenant over OSD System

Prior to the issue of the Final 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 Urban Area On-Site Detention Handbook (February 1997)/Council's On-Site Detention Guidelines for Rural Areas shall be submitted to the Principal Certifying Authority.

37. On-Site Detention – Certification of Works

A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

38. Certification of Approved Finished Floor Level and Ridge Height

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the finished floor level and ridge height of the building has been constructed in accordance with the approved plans.

39. Surveyor's Certificate of Location of Building upon Completion

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

40. Adjustments to Public Utilities

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

41. Compliance with Environmental Reports

All works / methods / procedures / control measures / recommendations contained within the following reports, shall be implemented:

- Noise Assessment, Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015.
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by ABEL Archaeology, Project Number AA1501 02 February 2015.
- Statement of Environmental Effects including Addendums prepared by DFP Planning Consultants Project Number 8899A Revision 2 dated 9 February 2015, Reference Number 8899A.2KM dated 13 July 2015 and Reference Number 8899A.3KM dated 11 November 2015.
- Flora and Fauna and Bushfire Assessment prepared by Abel Ecology, Document Number 1342-REP-149-ISS-1, Issue 1, dated 28 January 2015.

42. Building in Saline Environments

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

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

43. Certification of Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate(s) shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

44. OSD – Marker Plate

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required.
The wording is to consist of:-

**THIS IS AN ON-SITE DETENTION STRUCTURE
DO NOT TAMPER WITH,
CONTACT FAIRFIELD CITY COUNCIL PRIOR
TO ANY PROPOSED WORKS IN THIS AREA**

The marker plate is to be attached prior to occupation of the proposed development.

45. Restriction on Use and Positive Covenant – Overland Flow

Prior to the issue of a Final Occupation Certification a Restriction on Use and Positive Covenant shall be created in the location of the overland flow path in the following terms:

Restriction on Use

(1) The proprietor of the burdened lot shall not:-

- (a) Erect, construct or place any building or other structure,
- (b) Make alterations to the ground surface levels, kerbs, driveways or any other structure,

Within the land so burdened without the prior written consent of Fairfield City Council.

(2) No fencing, including boundary fencing shall be erected within the land hereby burdened unless such fencing is of an open style which will not obstruct the flow of water across the land.

Positive Covenant

(1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the stormwater overland flow path within the land so burdened to the satisfaction of Fairfield City Council and in this regard must comply with any written request of the Council with such reasonable time period as nominated in the said written request.

- (2) Where the proprietor of the burdened lot fails to comply with any written request of Fairfield City Council referred to in (1) above, the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- (3) Full and free right for the Fairfield City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any pipeline, grate, pit, other structure or alter surface levels to ensure the maintenance of the overland flowpath within the land so burdened.

Authority with the right to release, vary or modify restrictive and positive covenants is Fairfield City Council.

46. Landscape Certificate

Prior to the issue of an Occupation Certificate, a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to Fairfield City Council.

47. Spill Management

Spill response materials shall be provided on site at all times to clean up any minor liquid spillages.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

48. Air Quality

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport.

49. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

50. Compliance with Approved Waste Management Plan

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

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

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

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

51. Shoring and Adequacy of Adjoining Property Due to Excavation Works

If the development involves an excavation below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- Protect and support the adjoining premises from possible damage from the excavation, and
- Where necessary, underpin the adjoining premises to prevent any such damage.

52. Filling within a Building Envelope

Filling shall be sourced on-site and shall remain wholly within the confines of the external walls. Any fill imported into the site to fill within the building envelope must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999 and written verification provided to the satisfaction of the Principal Certifying Authority.

53. Administration Fee for the Lodgement of Certificates

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

54. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.

Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement

55. Surveyor's Certificate of Location of Building During Construction

Prior to the positioning of wall panels/bricks or block work, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the building has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment, distances of the building from the boundaries, and the dimensions of the building.

56. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the drainage easement.

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.

57. 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: On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

58. Encroachment of Easements

- a. This consent does not authorise the encroachment or overhang of any stormwater drainage easement. Any encroachment of other easements must be separately approved by the relevant service authority and evidence of any consent shall be submitted to the Principal Certifying Authority.
- b. The structures shall not exert any loads on the utilities within the easements. Maintenance works may be required on the utilities and therefore the structures shall be designed such that a trench can be excavated to enable replacement of the existing utilities without affecting the stability of the structure.
- c. The proposed structures shall not encroach (including overhangs and footings) onto the easement located within this property.

59. Tree Preservation Order

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

60. Signage Conditions

The proposed signage is subject to the following conditions:

- i. Wording: As per Stamped Plans.
- ii. Pylon Signage shall comply with the following dimensions:

- Sign (along Bonnyrigg Avenue) – 7200mm high by 4800mm wide; and
 - Sign (along Elizabeth Drive)– 7200mm high by 4800mm wide
- Painted Wall Sign shall comply with the following dimensions:
- North – “Bunnings Warehouse” text with dimensions of 18.192m x 5.75m;
 - North – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 18.425m x 7.2m;
 - East – “Bunnings Warehouse” text with dimensions of 7.9m x 2.5m
 - East – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 18.425m x 7.2m;
 - East – “Bunnings Warehouse” text with dimensions of 3.75m by 11.9m
 - South – “Bunnings Warehouse” text with dimensions of 7.9m x 2.5m;
 - South – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 9.3m x 3.25m;
 - South – “Bunnings Warehouse” text with dimensions of 3.75m by 11.9mm
 - West – “Bunnings Warehouse” text with dimensions of 18.192m x 5.75m; and
 - West – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 18.425m x 7.2m.
- iii. Sign to be non-flashing.
 - iv. Sign to be maintained in a manner satisfactory to Council at all times.
 - v. The sign is to be setback a minimum distance of 1metre from the property boundary. No portion of the sign is to infringe the setback.
 - vi. The sign shall be erected in accordance with manufacturer’s specifications.

61. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by John Lock & Associates, Drawing Numbers 2201 LP – 01 and 2201 LP – 02, Revision F dated 8 November 2014 and Drawing Number 2201 LP – 03 Revision D dated 9 July 2015 including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

62. 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.

63. 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.

64. Schedule of Finishes

The development is to be constructed and finished in the materials and colours approved by the development consent. All other building materials shall be compatible in type, colour and texture throughout the whole project.

65. Implementation of Approved Remediation

The recommendations of the Detailed Site Investigation Report and Remediation Action Plan (if any) approved pursuant to Deferred Commencement Condition A, shall be implemented prior to Issue of an Occupation Certificate.

66. Waste classification

Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and NSW Environment Protection Authority (formerly known as Department of Environment and Climate Change) "Waste Classification Guidelines Part 1: Classifying Waste". The classification of the material is essential to determine where the waste may be legally taken.

67. Importation of fill material

Any fill imported into the site must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999.

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site. A record of 'Chain of Custody shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

68. Wheel Wash Facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

69. Land Contamination

Any new information which comes to light during remediation/construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately after discovery.

70. Vehicle Access to the Site

Vehicles entering and exiting the site shall comply with the following requirements at all times, which includes installing signposting and measures to ensure compliance:

- a. All staff and customers (excluding customers accessing the Timber Trade Sales area) shall enter and exit via the southern vehicle crossing on Bonnyrigg Avenue;
- b. Heavy vehicles servicing the site shall enter via the northern vehicle crossing on Bonnyrigg Avenue and exit via a left only crossing on Elizabeth Drive; and
- c. Customers picking up goods from the Timber Trade Sales area shall enter and exit left only via the northern vehicle crossing on Bonnyrigg Avenue.

71. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- d. All vehicular entries and exits shall be made in a forward direction.
- e. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- f. No B-Double shall be used for the servicing or operations of this development.
- g. All deliveries to the premises shall be made to the rear service lane/loading bay provided.

72. Potential Aboriginal Archaeology

During Construction all workers are to be diligent when undertaking the works to not harm Aboriginal artifacts, and of the requirement to cease work. In the event that an Aboriginal artifact is discovered the applicant shall inform the NSW Office of Environment and Heritage and works at the site shall cease. To remove or destroy artifacts without a permit is an offence under Section 90, of the NPWS Act, 1974.

73. Flood Affected Development

The site is affected by flooding as described in the flood information sheets issued by Council on 13 August 2014 and the flood study prepared by Cardno, Ref. No. NA49913151-016, dated 10 July 2015. The following shall be complied with:

- a. An evacuation and site emergency flood response plan shall be prepared and implemented for the site in accordance with Council's Flood Risk Management Policy in Chapter 11 of the Fairfield City Wide DCP 2013.

74. Hours of Operation

The approved hours of operation for the use of the premises are:

Store Trading Hours

Monday to Friday:	6:00am to 10:00pm
Saturday, Sunday & Public holidays:	6:00am to 7:00pm

Deliveries and Unloading Activities

Delivery vehicles accessing the premises and associated unloading activities at the premises are permitted only during the following hours:

Monday to Friday:	7:00am to 10:00pm
Saturday, Sunday & Public Holidays:	9:00am to 6:00pm

75. Car parking - General

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2014 – Car parking, Vehicle and Access Management – Chapter 12:

- a. Four Hundred and ten **(410)** off-street car parking spaces for staff and visitors; including
- b. **Ten (10)** off-street car parking spaces for people with a disability.

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.

76. Advertising Signs

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

This requirement relates to all advertising matter, including any promotional material, displayed on the premises or in any public place.

77. Use of the Premises

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

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.

- b. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- c. 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.
- d. 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.

78. Storage of Goods

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

79. Road Dilapidation Survey Required

Prior to any truck movements occurring, the applicant shall submit to Council a road dilapidation survey along Bonnyrigg Avenue. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good or paid for by the applicant. A damage deposit or bank guarantee of **\$10,000** shall be lodged with Council as a security against compliance with this condition. This amount shall not be interpreted as being an upper limit of liability.

80. Sausage Sizzles

Any proposed sausage sizzles shall comply with the NSW Food Authority's Food Handling Guidelines for Temporary Events 2006 and the Food Standards Code.

81. Roads and Maritime Conditions

The applicant shall comply with the following conditions at all times:

- Roads and Maritime Services has previously acquired a strip of land for road along the Elizabeth Drive/Parramatta-Liverpool Transitway frontage of the subject property. Roads and Maritime has also previously vested a strip of land as road along the Elizabeth Drive frontage of the subject property. Therefore, all buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Elizabeth Drive and Parramatta-Liverpool Transitway boundaries. However, Roads and Maritime raises no objections to the application which provides access across Lot 455, DP 817546. This parcel of land required for access will be dedicated as road in due course.

- The design and construction of the vehicular crossing on Elizabeth Drive shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed vehicular crossing are to be submitted to Roads and Maritime for approval, prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant, prior to the release of the approved road design plans by Roads and Maritime.

- Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

- The Sydney Asset Management
- Roads and Maritime Services
- PO Box 973
- PARRAMATTA CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement, please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- The layout of the proposed carparking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Elizabeth Drive during construction activities.
- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements

and traffic control should be submitted to Council for determination prior to the issue of a Construction Certificate.

- The developer 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.
- Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- All demolition and construction vehicles are to be contained wholly within the site. A construction zone will not be permitted on Elizabeth Drive.
- All vehicles are to enter and exit the site in a forward direction.
- All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

82. **Dust Suppression**

Automatic sprinkler systems shall be set up on each site during demolition, remediation and construction phases of the development. Details of the sprinkler systems should be provided prior to the commencement of works.

83. **Unreasonable Noise and Vibration**

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

84. **Acoustic Assessment**

Prior to the commencement and/or installation of any new noise sources (e.g. mechanical plant) outside the Noise Assessment (Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015), a further Acoustic Assessment shall be prepared for all new noise sources proposed at the subject premises. The Acoustic Assessment shall provide details of the proposed operations/mechanical plant including predicted/measured noise levels at the nearest receiver. The Assessment shall also demonstrate that the approved noise criteria as contained within the approved Noise Assessment

(Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015) shall be achieved.

85. Existing Street Trees

Should the developer wish to remove a street tree, Council shall be compensated for the loss of any tree. A mature tree may have a value in excess of **\$2,000**. Prior to 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.

86. Bulky Goods Salesroom or Showroom & Plant Nursery

The use of the premises shall comply at all times with the following definition of a Bulky Goods Salesroom or Showroom and Plant Nursery (Fairfield LEP, 2013):-

"Bulky goods salesroom or showroom" means a building or place used for the sale by retail or auction or the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- a. a large area for handling, storage or display; or
- b. direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing.

"Plant nursery" means a building or place used for growing and selling plants whether or not also for storing, handling and subsequent distribution of plants, landscape supplies (including earth products) or other horticultural products for wholesale or retail sale to the public.

87. OSD Construction

The on-site detention drainage system shall be constructed in accordance with the approved design and Council's On-Site Detention Handbook – February 1997.

88. NSW Office of Water Approval

The attached NSW Office of Water General Terms of Approval shall be complied with at all times.

NB: The NSW Office of Water General Terms of approval DO NOT constitute a Part 3A Permit under the Rivers and Foreshores Improvement Act (1984). To obtain a Part 3A Permit, the developer will need to lodge a separate application with the NSW Office of Water. A Part 3A Permit shall be obtained prior to the issue of a Construction Certificate.

89. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

90. 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.

91. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with AS 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

92. Storage of Dangerous Goods

- a. Should any 'dangerous goods' proposed to be stored on the premises exceed the manifest quantity as prescribed by WorkCover, a Notification of Dangerous Goods on Premises (form FDG01 or FDG02) is required to be submitted to WorkCover for assessment.
- b. A separate development application shall be submitted for the proposed storage of dangerous goods above threshold quantities as specified within *State Environmental Planning Policy No. 33 Hazardous and Offensive Development*.

93. NSW Police Conditions

The applicant shall comply with the following conditions at all times:

- High resolution CCTV cameras shall be installed within the Bunning's store and carpark areas. The CCTV system shall operate 24 hours per day. This may assist in patron safety, deterring criminal activity and may assist police in identifying perpetrators should an incident occur.
- Appropriate lighting should be placed inside and around the vicinity and generally around the carpark especially the entry and exit points.
- Appropriate fencing around the perimeter of the premises should be considered to avoid loitering and other criminal activity during non-operating hours.
- Installation of a back to base alarm system, including duress buttons to be strategically positioned around the premises especially the front register area and administrative areas.
- After hours security patrols and monitoring of the premises.

- Warning signs should be placed around the premises informing patrons that the store is under 24 hour surveillance.

94. **Drain Stenciling**

All stormwater drains/pits on the site shall be provided and maintained with the message; "This pit drains to the Georges River". Lettering shall be 100mm high block bold yellow painted lettering. Paints used shall be of road line marking standard.

95. **Waste Receipts**

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers, upon request.

96. **Notice of Completion of Remediation Work**

Within thirty (30) days of completion of remediation works notice of the works completed shall be given to Council in accordance with Clause 17(2) of State Environmental Planning Policy No. 55 – Remediation of Land. The notice shall be in writing and prepared and signed by the person who carried out the work. The Notice shall also:

- a. Provide the person's name, address and business telephone number;
- b. Provide details of the person's qualifications to carry out the work;
- c. Specify, by reference to its property description and street address, the land on which the work was carried out;
- d. Provide a map of the location of the land;
- e. State when the work was completed;
- f. Specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- g. Specify the uses of the land immediately before the work started;
- h. Briefly describe the method of remediation used in the work;
- i. Specify the guidelines that were complied within the work;
- j. Specify the standard of remediation achieved (in the light of the use proposed for the land);
- k. Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and
- l. State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained.

Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.

97. **Validation Report**

Within thirty (30) days of completion of the remedial works, a Validation Report summarising the results of the remediation and final validation sampling for the site, shall be carried out in accordance with the NSW Environment Protection Authority Contaminated Sites Guidelines and submitted to Fairfield City Council for consideration.

The Validation Report shall include a statement that demonstrates what uses the site is suitable for.

Should the validation report deem that further remediation is required; a Remedial Action Plan (RAP) shall be developed by a suitably qualified contaminated land consultant and be submitted to Fairfield City Council for approval.

Subsequent to the completion of approved remediation works, a further site validation report is to be submitted to Fairfield City Council. The report shall confirm whether the goals set in the RAP have been achieved.

98. **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*.

99. **Compliance with Documentation**

The premises shall comply with the following documentation at all times:

- Noise Assessment, Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015.
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by ABEL Archaeology, Project Number AA1501 02 February 2015.
- Statement of Environmental Effects including Addendums prepared by DFP Planning Consultants Project Number 8899A Revision 2 dated 9 February 2015, Reference Number 8899A.2KM dated 13 July 2015 and Reference Number 8899A.3KM dated 11 November 2015.
- Flora and Fauna and Bushfire Assessment prepared by Abel Ecology, Document Number 1342-REP-149-ISS-1, Issue 1, dated 28 January 2015.