

10 March 2020

Jason Liang
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City Development & Compliance
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Dear Jason

OAKDALE EAST - DA2019.93 – Updated conditions

I refer to the draft condition for DA2019.93. We propose minor updates to the draft conditions to enable more streamlined construction of the proposal and reduce future need for S4.55(1A) modification. Below is a list of conditions proposed for updated (with new wording in **red** and removed wording ~~struckout~~). We include justification for each update sought.

The Condition proposed for update are as follows:

1) Condition 2 – Site Audit Statement

~~Prior to the issuance of a Construction Certificate, a site auditor accredited by the EPA under the Contaminated Land Management Act 1997 must be engaged. The site auditor is to provide a section A site audit statement (SAS) and accompanying site audit report certifying suitability of the land for the proposed land use.~~

Prior to the issue of any Construction Certificate for building works, a site auditor accredited by the EPA under the Contaminated Land Management Act 1997 must be engaged. The site auditor is to provide a section A site audit statement (SAS) and accompanying site audit report certifying suitability of the land for the proposed land use.

(Note: By engaging a site auditor to provide a section A SAS, the site auditor will review the adequacy of the investigations, unexpected finds protocol, any remedial works or management plan required and confirm suitability of the land use.)

Justification:

The previous wording required a SAS to be provided prior to any *construction certificate* (CC). This was unworkable as a CC is required for tree removal at the site, and tree removal is necessary to remediate the site and finalise the SAS.

The wording is therefore proposed to be updated to require the SAS be completed prior to any *building construction certificate*, rather than any *construction certificate*.

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2) Condition 8 - Landscape Plans Certified by Landscape Architect

*Prior to the issue of a Construction Certificate **for building works**, a landscape plan prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council's Landscape Policy shall be submitted to the Certifier.*

3) Condition 9 - Stormwater Drainage Certificate

*Prior to the issue of a Construction Certificate **for building works**, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that:...*

4) Condition 1 - On-site Detention Design Certificate

*Prior to the issue of an Engineering Construction Certificate **for building works**, 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:..."*

5) Condition 2 - Parking Spaces

*All car parking spaces (dimensions of the parking spaces and aisle widths) shall be designed in accordance with the requirement of AS/NZS 2890.1:2004. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

6) Condition 3 - Accessible Spaces

*All accessible spaces and shared areas shall comply with the requirement of AS/NZS 2890.6:2009. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

7) Condition 4 - Car Parking Obstructions

*Design envelope around parked vehicle to be kept clear of columns, walls and obstructions as per Figure 5.2 of AS/NZS 2890.1:2004. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

8) Condition 5 - Traffic Calming Devices

*Appropriate traffic calming devices and pedestrian facility shall be installed to minimise potential conflicts between heavy vehicles, motorists and pedestrians using the site. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

9) Condition 6 - Bicycle Parking Spaces

*The proposed bicycle parking spaces within the development shall comply with 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 **for building works** to the satisfaction of the Certifying Authority.*

10) Condition 7 - Water and Utilities

*Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

11) Condition 8 - Design and Construction

*New construction shall be undertaken using non-combustible cladding materials for the external surfaces of the development. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

12) Condition 9 - Ember Protection

*New construction shall be afforded with ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes sub floor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

13) Condition 10 - Landscaping

*Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. Details are to accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

14) Condition 11 - Impact on Existing Utility Installations

*Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate **for building works** to the satisfaction of the Certifying Authority.*

15) Condition 12 - Wheel Wash Facility

A plan and operational guidelines for a wheel wash facility shall be submitted to the satisfaction of the principal certifying authority prior to the issue of a construction certificate for building works. Any direction of Council with regard to cleansing trucks or the clean-up of road pavements adjoining the site shall be complied with immediately.

Justification:

Above conditions proposed for update to confirm these construction certificates relate to building construction certificates (CC3), rather than:

- earthworks and tree removal construction certificate (Council at PCA) (CC1)
- infrastructure (engineering) works construction certificate (Council as PCA) (CC2)

16) Condition 12 – Final Stormwater Drainage Plan

~~(i) All new commercial and industrial buildings require 80% of the roof area drain to a rainwater tank with a capacity of 3,000 litres per 100m² of roof area of the development as per Council's requirements for water conservation in Chapter 5 of Council's Stormwater Management Policy. In this regard, the Stormwater Design Plans shall be amended to include details of rainwater tanks.~~

(i) In accordance with the Oakdale East Development Control Plan, all industrial buildings must provide rainwater tank capacity to meet 50% of the water use demand for irrigation of landscape areas and toilet flushing. In this regard, the Stormwater Design Plans shall be amended to include details of rainwater tanks.

Justification:

Condition 12(i) should be updated to be consistent with the requirements of Clause 6.3(b) of the approval Oakdale East DCP controls relating to rainwater tank provision:

Oakdale East DCP - 6.3. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

6.3 (b)

Controls

- (a) Applications for new development or substantial alterations and additions shall be accompanied by water conservation measures in accordance with Section 5 Water Conservation of the Fairfield City Council, Stormwater Management Policy, September 2017.
- (b) Water conservation measures provided for developments referred to in (a) above must include:
 - (i) the roof area of the development being drained to a tank to meet part of the water use demand of that development, and
 - (ii) 50 per cent of water use demand for irrigation of landscaped areas and toilet flushing to, where possible, being supplied from sources other than potable mains.

~~(iv) Pool-type fencing including a self-closing gate shall be provided around the OSD basin to protect pedestrians and vehicles. An access ramp shall be provided for small utility vehicles to enter and exit the basin for maintenance purposes.~~

(iv) Non-climbable chain-link fencing including a self-closing gate shall be provided around the OSD basin to protect pedestrians and vehicles. An access ramp shall be provided for small utility vehicles to enter and exit the basin for maintenance purposes.

Justification:

Alternative chain-link fencing with lockable gate should be provided as an option to enable fencing flexibility.

17) Condition 38A - Solar roof panels:

"Solar panels to generate at least 50KW of power are to be installed on each of the roofs for warehouses 1, 2, 3A, 3B and 4 in the location as indicated on roof plans OAK-E DA11; OAK-E DA21; OAK-E DA31; and OAK-E DA51."

Justification:

Solar panels proposed to be added to all warehouse roofs, excluding the masonry plant (Which is unable to accommodate solar panels). The above condition is proposed to require this. The architectural roof plans have been updated to include indicative solar panel location.

18) Condition 13 - Environmental Reports Certification

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

Please contact the undersigned with any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read "Guy Smith".

Guy Smith
Planning Manager