

**DRAFT CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 219.1/2023 (PAN-350662)
132 NEWTON ROAD WETHERILL PARK
LOT: 11 DP: 747795**

**PROPOSED USE AND FITOUT OF UNIT 3 WITHIN AN EXISTING INDUSTRIAL
COMPLEX, FOR THE PURPOSE OF A WASTE MANAGEMENT AND RESOURCE
RECOVERY FACILITY, PROCESSING UP TO 4,800 TONNES PER ANNUM OF
ORGANIC FOOD WASTE UTILISING BLACK SOLDIER FLY.**

APPROVED PLANS

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Date
11136-001 – Sheet 1 of 2	.05	Packed Tower Size 3000 Plant General Arrangement	Fowlerex Technologies Pty Ltd	01/05/2023
11136-001 – Sheet 2 of 2	.05	Packed Tower Size 3000 Plant General Arrang	Fowlerex Technologies Pty Ltd	01/05/2023
Sheet 1 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
Sheet 2 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
Sheet 3 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
Sheet 4 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
Sheet 5 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
Sheet 6 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
Sheet 7 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023

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Sheet 8 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
Sheet 9 of 9	N/A	132 Newton Road, Odour Control	Goterra	03/04/2023
N/A	N/A	132 Newton Road, Wetherill Park – Roof Plan	Goterra	25/01/2023
132NRR01	N/A	Parking Plan	Auswide	26/02/2024
Sheet 1 of 1	1	Unit 3, 132 Newton Road – Waste Receiving Layout	Goterra	26.02.2024
TX.01	A	Unit 3 Loading Dock Ramp 12.5m HRV Underside Clearance Test Reverse Entry and Forward Egress Manoeuvre	Traffix	26.02.2024
TX.02	A	12.5m HRV Swept Path analysis Reverse Entry to Unit 3 Weighbridge	Traffix	26.02.2024
TX.03	A	12.5m HRV Swept Path Analysis Forward Egress from Unit 3 Weighbridge	Traffix	26.02.2024
TX.04	A	12.5m HRV Swept Path Analysis Reverse Entry to Unit 3 Loading Dock	Traffix	26.02.2024
TX.05	A	12.5m HRV Swept Path Analysis Forward Egress from Unit 3 Loading Dock	Traffix	26.02.2024
N/A	N/A	132 Newton Road, Wetherill Park – Section and Elevations	Goterra	25.01.2023
Sheet 2 of 6	N/A	Unit 3, 132 Newton Road – Truck Tipping Layout	Goterra	23.03.2023

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Sheet 2 of 6	N/A	Unit 3, 132 Newton Road – Bunding Layout	Goterra	23.03.2023
Sheet 2 of 6	N/A	Unit 3, 132 Newton Road – Layout for Movement Onsite	Goterra	23.03.2023
Sheet 2 of 6	N/A	Unit 3, 132 Newton Road – Layout for Movement Onsite	Goterra	23.03.2023
N/A	N/A	132 Newton Road, Wetherill Park – Site Zones	Goterra	25.01.2023
Sheet 1 of 6	N/A	Unit 3, 132 Newton Road – Positioning Layout	Goterra	23.03.2023
Sheet 2 of 6	N/A	Unit 3, 132 Newton Road – Positioning Layout	Goterra	23.03.2023
Sheet 3 of 6	N/A	Unit 3, 132 Newton Road – Positioning Layout	Goterra	23.03.2023
Sheet 4 of 6	N/A	Unit 3, 132 Newton Road – Positioning Layout	Goterra	23.03.2023
Sheet 5 of 6	N/A	Cable Layout	Goterra	23.03.2023
Sheet 6 of 6	N/A	Hose Layout	Goterra	23.03.2023
N/A	N/A	132 Newton Road, Wetherill Park – Mezzanine Plan	Goterra	25.01.2023
Sheet 1 of 1	N/A	Fire Evacuation Plan Unit 3, 132 Newton Road, Wetherill Park, NSW	Goterra	08.02.2023
132NRV01	N/A	12.5m HRV Vehicle Type Accessing Unit 3	Auswide	24.10.2023
132NRV02	N/A	12.5m HRV Vehicle Type Accessing Unit 3	Auswide	24.10.2023

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Document Title	Version No	Drawn By	Date
Noise Impact Assessment	0	Environmental Monitoring Services Pty Ltd	15.06.2023
Goterra Response to EPA	N/A	Michael Brewer	N/A
Odour Response Letter	N/A	Environodour Australia Pty Ltd	26.09.2023
Air Quality Impact Assessment Report	N/A	Environodour Australia Pty Ltd	11.04.2023
BCA Compliance Assessment	1	BCA Vision	15.06.2023
Response to Submissions Report	N/A	Jackson Environment and Planning	27.02.2024
Traffic Engineering Report	N/A	Traffix	26.02.2024
Environmental Impact Statement	N/A	Goterra	27.10.2023
Flood Risk Management Report	A	Neilly Davies	23.06.2023
SEPP 33 Assessment	1	Mendham Consultants	19.12.2023
Applicant Letter to Council regarding correspondence dated 13 th of October 2023	N/A	Goterra	N/A
SESL Response to EPA Request for Additional Information on Frass	N/A	SESL Aust	25.09.2023
Environmental Management Plan	1	Murrang Earth Sciences	24.06.2020
Goterra Business Management Plan Wetherill Park	N/A	Goterra	01.04.2023

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. NSW Environment Protection Authority (EPA) General Terms of Approval

All General Terms of Approval (GTAs), dated 3 November 2023 and issued by the NSW EPA shall be complied with prior, during, and at the completion of works. A copy of the GTAs are attached to this development consent.

Reason: To ensure compliance with EPA requirements.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. Payment of Section 7.12 Contributions

Before the issue of a Construction Certificate, the applicant must pay a total contribution of **\$9,938.30** 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 Fairfield City Council's Indirect (Section 7.12) Development Contribution Plan 2011.

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. Utilities and Services

Before the issue of a Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a response from SYDNEY WATER as to whether the plans proposed to accompany the application for a Construction Certificate would affect any SYDNEY WATER infrastructure, and whether further requirements need to be met.

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

BEFORE THE COMMENCEMENT OF BUILDING WORK

5. 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

6. 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.

7. 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)).

DURING BUILDING WORK

8. Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the BCA.

Reason: (Prescribed condition - EP&A Regulation Section 69 (1)).

9. Procedure for Critical Stage Inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To require approval to proceed with building work following each critical stage inspection.

10. 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.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

11. Building to be Upgraded

Before the issue of an Occupation Certificate, the building shall be upgraded in accordance with Section 64 of the Environmental Planning and Assessment Regulation 2021, as follows;

- a. All recommendations contained within Section 2.2 of the BCA Compliance Report prepared by BCA Vision dated 15 June 2023, shall be implemented. Written evidence shall be provided to the certifying authority, demonstrating all requirements have been constructed.

Reason: To ensure the existing building complies with the Building Code of Australia as at the date of the determination of and as specified by the consent authority.

12. Environmental Reports Certification

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

- a. Environmental Impact Statement, prepared by Goterra, dated July 2023.
- b. Air Quality Impact Assessment at 3/132 Newton Street, Wetherill park NSW prepared by EnvironOdour Australia Pty Ltd, dated 17 October 2023, Version 1, Job No: EJ509.
- c. Noise Impact Assessment prepared by Environmental Monitoring Services Pty Ltd, Dated 15 June 2023, Report No EMS230622.

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

13. Installation of Weighbridge

Before the issue of an Occupation Certificate, evidence shall be submitted to the Principal Certifier and Fairfield City Council, demonstrating that the 9.6 metre, aboveground weighbridge is installed, calibrated and certified in accordance with the National Measurement Act 1960 and Clause 36 of the Protection of the Environment Operations (Waste) Regulation 2014, in accordance with the following approved plans:

- Parking Plan, prepared by Auswide, Drawing No. 132NRV01, dated 26.02.2024.
- Unit 3, 132 Newton Road – Waste Receiving Layout, prepared by Goterra, Revision No. 1, dated 26.02.2024.

Reason: To ensure compliance with development application.

14. Updated Environmental Management Plan

Before the issue of an Occupation Certificate, an Updated Environmental Management Plan shall be prepared for the approved facility. The Plan shall be updated to incorporate all requirements with any approved Environmental Protection Licence for the facility and all approved documentation that forms part of this Development Consent. The Plan shall be prepared by a suitably qualified environment consultant and shall address means by which the

commitment in the EIS, subsequent assessment reports, approval or licence conditions will be fully implemented. The EMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures. The updated Environmental Management Plan shall be submitted and for Council for its records and shall be implemented and complied with at all times as part of the operation and use of the site.

Reason: To provide a framework for managing and mitigating environmental impacts in the event of incident.

15. Site Specific Plan of Management

Before the issue of an Occupation Certificate, a site-specific detailed Plan of Management for the facility at No. 132 Newtown Road, Wetherill Park shall be submitted to and approved by the Manager of Development Planning at Fairfield City Council. The Plan of Management shall address means by which the facility will operate in an environmental compliant manner and mitigation measures to minimise any potential adverse impacts to surrounding businesses.

The Plan of Management shall include but not be limited to the following:

- Site operation controls implemented to reduce odour generation, water pollutions, liquid spills, pests/vermin attraction;
- List all schedule maintenance regime for all pollution mitigation equipment and measures;
- The incorporation and implementation of all recommendations from all submitted environmental reports submitted to Council as identified in Condition No. 1 of this consent;
- Details of site contact and emergency contact information;
- Spill response procedures;
- Complaints notification procedures and register. The Plan shall outline how complaints are managed during and outside of staffed hours of operation, in accordance with Condition No. 25 of this consent.
- Complaints handling procedures;
- Proposed management and maintenance schedule to deter pests/vermin to the site.

The approved site specific Management Plan shall be implemented and complied with at all times as part of the operation and use of the site.

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

OCCUPATION AND ONGOING USE

16. 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.

17. Environmental Protection Authority (EPA) Licence

The use of the premises shall comply with any Environment Protection Licence issued by the NSW Environmental Protection Authority, at all times.

18. Maximum Volume of Organic Food Waste Processing

The approved facility shall process no more than four-thousand eight hundred (4,800) tonnes of organic food waste (excluding packaging and contaminants) per annum.

Reason: To ensure compliance with development application.

19. Maximum Waste Reveal and Production

The use of the premises shall be limited to the following waste received and produced within the site as follows;

- No more than fifty (50) tonnes of organic food waste shall be received onsite per day.
- No more than fifteen (15) tonnes of packaged waste shall be processed onsite per day.
- No more than one-thousand, eight-hundred (1,800) tonnes of waste for landfill disposal shall be produced per annum.

Reason: To ensure compliance with development application.

20. Maximum Waste Storage and Equipment within the Premises

Waste/product and equipment stored within the industrial unit shall be limited to the following;

- No more than fifteen (15) tonnes of frass shall be stored onsite at any given time.
- No more than seven (7) tonnes of protein shall be stored onsite at any given time.
- No more than three-hundred and forty (340) larvae trays are to be used in the production and no more than nine (9) Modular Infrastructure Biological Services containers stored onsite at any given time.

Reason: To ensure compliance with development application.

21. Measurement of Waste

All incoming and outgoing waste vehicles shall be weighed via the weighbridge, prior to unloading/loading activities. Such records are to be made available to authorised officers upon request.

Reason: To ensure compliance with development application.

22. Carparking

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. Six (6) off-street car parking spaces for staff.
- ii. One (1) off-street car space for visitors.

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.

23. Number of Staff

There shall be no more than six (6) staff members onsite at any given time.

Reason: To ensure compliance with development application.

24. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits to the site shall be made in a forward direction.
- b. All unloading activities shall be conducted via the existing loading dock and shall be directed into the waste receival area within the subject unit.
- c. No vehicle larger than a 12.5 metre Heavy Rigid Vehicle shall be used for the servicing of the premises.
- d. No more than two (2) vehicles used for the servicing of the premises shall be onsite at any given time.
- e. Vehicles servicing the site shall be managed in a way to ensure that vehicles are not idling or parking within the subject site (other than the designated loading dock) or on any nearby public roads.
- f. The loads of all vehicles that service the site shall be protected at all times.
- g. No loading/unloading activities are to occur outside of the subject unit.
- h. All deliveries to the premises shall be undertaken in accordance with the Delivery Schedule on Page Nos. 66 – 67 of the Environment Impact Statement, prepared by Goterra, dated July 2023.

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

25. Hours of Operation

- a. General production/processing activities:

Monday to Sunday: Twenty-four (24) hour operation.

- b. The premises shall be staffed during the following hours of operation:

Monday to Friday: 8:00am – 10:00pm

Saturday: 2:00pm – 8:00pm

Sunday: 5:00am – 12:00pm

- c. All loading/unloading activities shall occur during the following hours of operation:

Monday to Friday:	11:00am – 10:00pm
Saturday:	2:00pm – 8:00pm
Sunday:	5:00am – 12:00pm

Note: The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

Reason: To ensure the acoustic amenity of surrounding properties.

26. Resource Recovery Facility

The use of the premises shall comply at all times with the following definition of a resource recovery facility (Fairfield LEP, 2013):

“Resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration”.

Reason: To ensure the development is carried out in accordance with the relevant land use definition as prescribed in Fairfield Local Environmental Plan 2013.

27. Advertising Sign

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

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

Reason: To maintain the amenity of the streetscape and ensure consistency with the development approved by Council.

28. Use of Premises

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

- a. No sales of manufactured or stored goods shall be made to the general public from the subject premises.
- b. 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.
- c. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

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

29. Storage of Goods

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

Reason: To protect the amenity of the streetscape.

30. **Unreasonable Noise and Vibration**

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

Reason: To protect the amenity of neighbouring properties.

31. **Driveway Gradient**

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

Reason: To ensure compliance with Australian Standards AS 2890.

32. **Flood Affected Development**

A flood evacuation plan, as noted in Appendix 'D' of Flood Risk management Report by Neilly Davies & Partners dated 23 June 2023, shall be kept within the premises and implemented as required.

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

33. **Noise Impact Assessment**

All recommendations specified within the submitted Noise Impact Assessment prepared by Environmental Monitoring Services Pty Ltd, Dated 15 June 2023, Report No EMS230622 shall be complied with at all times.

Reason: To ensure compliance with development application.

34. **Air Quality Impact Assessment**

All recommendations detailed within the submitted Air Quality Impact Assessment at 3/132 Newton Street, Wetherill Park NSW prepared by EnvironOdour Australia Pty Ltd, dated 17 October 2023, Version 1, Job No: EJ509 shall be complied with at all times.

Reason: To ensure compliance with development application.

35. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282_2019 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Reason: To protect the amenity of the occupants of nearby premises.

36. Bund Wall

A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleaning.

Reason: To ensure that any liquid spills can be contained on site and prevent pollution of water.

37. Trafficable Bund

A trafficable bund, capable of preventing the escape of any pollutant and firefighting waters into Council's stormwater drainage system, shall be provided to all exits from the factory building.

Reason: To ensure that any liquid spills can be contained on site and prevent pollution of water.

38. 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.

Reason: To ensure compliance with relevant Australian Standard.

39. Storage of Hazardous Chemicals

Should any 'hazardous chemicals' proposed to be stored on the premises exceed the manifest quantity as prescribed in Schedule 11 of the Work Health Safety Regulation 2011, Notification of schedule 11 hazardous chemicals is required to be submitted to SafeWork NSW.

Reason: To ensure compliance with relevant Australian Standard.

40. 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 records are to be made available to Authorised Officers, upon request.

Reason: To ensure best practice in waste disposal

41. **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.

42. **Spill Kit**

A spill kit must be installed and maintained within the liquid storage areas at all times, to clean up any chemical spills or leaks.

Reason: To ensure that any liquid spills can be contained on site and prevent pollution of water.

43. **Complaints Register**

A Complaint Register shall be prepared and incorporated as part of the site-specific Plan of Management as required by Condition No. 15 of this consent. The Complaints Register shall include the requirement for a letter box drop to surrounding operators within a radius of 100 metres to occur once every twelve (12) months and shall include details of the person responsible for the operation of the premises, including name and telephone number. The register shall record the contact details of the person making the complaint, the nature of the complaint, details as to times of an incident to which the complaint relates, and actions taken to resolve the complaint. The person shall be available at all times during the operation of the facility. The register shall be made available to Council upon request. Evidence of this condition being satisfied shall be submitted to Council.

Reason: To ensure compliance with development application and ensure any complaints are appropriately managed.