

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 3.1/2024

LOT: 10, DP: 239868, NO. 68 VICTORIA STREET, SMITHFIELD

FITOUT AND USE OF AN EXISTING INDUSTRIAL PREMISES FOR THE PURPOSE OF A WASTE OR RESOURCE TRANSFER STATION, INVOLVING RECEIVING, CONSOLIDATING AND ONFORWARDING 30,000 TONNES OF TYRES AND 520 TONNES OF WIRE ANNUALLY. THE DEVELOPMENT IS DESIGNATED UNDER SCHEDULE 3, PART 2, CLAUSE 45 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021 AND IS NOMINATED INTEGRATED DEVELOPMENT REQUIRING APPROVAL AND A LICENSE FROM THE NSW ENVIRONMENT PROTECTION AUTHORITY UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Plan No. :	Revision No. :	Plan Title :	Drawn By :	Date :
A.1	15	Coverpage	Planzone Designs	03.09.2024
A.2	15	Survey	Planzone Designs	03.09.2024
A.3	15	Existing Site Plan	Planzone Designs	03.09.2024
A.4	15	Existing Ground Floor Plan	Planzone Designs	03.09.2024
A.5	15	Existing Mezzanine Plan	Planzone Designs	03.09.2024
A.6	15	Demolition Plan	Planzone Designs	03.09.2024
A.7	15	Proposed Site Plan	Planzone Designs	03.09.2024
A.8	15	Proposed Site Plan over Survey	Planzone Designs	03.09.2024
A.9	15	Proposed Roof Plan	Planzone Designs	03.09.2024
A.10	15	Tyre Storage Plan	Planzone Designs	03.09.2024
A.11	15	Concept Fire Services Plan	Planzone Designs	03.09.2024
A.12	15	Side Elevation	Planzone Designs	03.09.2024
A.13	15	Front Elevation	Planzone Designs	03.09.2024

ATTACHMENT R

A.14	15	Section	Planzone Designs	03.09.2024
A.15	15	Perspective	Planzone Designs	03.09.2024
A.16	15	Material Schedule	Planzone Designs	03.09.2024
SK01	E	Stormwater Drainage Plan	SLR	06.09.2024

Revision No. :	Plan Title :	Drawn By :	Date :
-	Environmental Impact Statement	MOD Urban	06.09.2024
-	Waste Management Plan	Equilibrium	August 2024
-	Traffic Impact Assessment	Apex Engineers	September 2024
1.2	Surface Water Assessment	SLR	29.08.2024
0	State Environmental Planning Policy – Resilience & Hazards Report	Riskcon Engineering	05.09.2024
-	Response to Council RFI	Apex Engineers	06.09.2024
-	Pollution Incident Response Management Plan	Equilibrium	September 2024
-	Plan of Management	MOD Urban	September 2024
1.2	Noise and Vibration Assessment	Acoustic Directions	21.11.2023
6	Fire & Incident Management Report	Innova Services Australia	06.09.2024
4	Air Quality Impact Assessment	Todoroski Air Sciences	06.09.2024
-	Operational Environmental Management Plan	Equilibrium	28.07.2023
-	BCA Statement	NCC	undated

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. Amendments in Red

The following amendments shall be made in red to the approved architectural plans as follows;

- The 66-tonne crumbed shelf does not form part of this approval and shall be removed.
- No more than 12.5-tonnes of shredded tyre shall be stored within this pile at any given time.

Reason: To comply with EPA's requirements.

3. Transport for New South Wales (TfNSW) Requirements

The application shall comply with the following TfNSW requirements at all times:

1. The redundant driveway on Victoria Street boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Victoria Street shall be in accordance with TfNSW requirements restricting movements to left-in left -out, suitability signposted. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works.

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

2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

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

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

4. The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.

5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Victoria Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Reason: To comply with TfNSW's requirements.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Payment of Development Contributions

i. Payment of Section 7.12 Contributions

Before the issue of a Construction Certificate of alternative timing, the applicant must pay a total contribution of \$726.00 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

A copy of the contributions plan is available for inspection at Fairfield City Council.

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

5. Utilities and Services

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

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

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

6. Landscape Plans Certified by Landscape Architect

Before the issue of a Construction Certificate, 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.

Landscape plans shall contain the following information:

- a. Outline of the proposed building;
- b. Existing trees (height and location);
- c. Trees to be removed;
- d. Proposed planting (quantity, species, and expected mature height);
- e. Proposed earth mounding;

- f. Paths and paving (location and materials);
- g. The method of planting and the proposed maintenance program; and
- h. Details of lighting, fencing, seating and paving, where relevant.

The landscaping shall be of a scale that will match the scale of the development. Landscaping shall be designed to complement and enhance the development and where applicable, screen such features as open storage areas, carparks, loading docks and garbage storage areas.

Reason: To ensure development complies with Council Development Control Plans.

7. Stormwater Drainage Certificate

Before the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Management Policy 2017.

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

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.

A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

Reason: To ensure compliance with Council Stormwater Management Policy.

8. Final Stormwater Drainage Plan

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan.

The final plan shall be in accordance with:

- a. *Fairfield City Council's Stormwater Management Policy 2017,*
- b. *AS 3500,*
- c. *the BASIX certificate*

and conditions of this consent.

The final stormwater drainage plan shall be amended to the following:

All proposed hardstand areas shall be provided with further stormwater drainage and shall be treated to the satisfaction of the EPA prior to the discharge to the existing easement.

Reason: To ensure compliance with Council Stormwater Management Policy.

9. Building Code of Australia Non-Compliances

Before the issue of a Construction Certificate, the Building Code of Australia non-compliances identified in the report prepared by New Crown Consulting, Reference No. NEW230515, shall be resolved to the satisfaction of the Certifier.

Reason: To ensure compliance with the BCA.

BEFORE THE COMMENCEMENT OF BUILDING WORK

10. 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

DURING BUILDING WORK

11. 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)).

12. 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.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

13. Environmental Reports Certification

Before the issue of the relevant 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:

- a. Environmental Impact Statement, dated September 2024, prepared by Mod Urban
- b. Preliminary Hazard Analysis, dated 05.09.2024, prepared by Riskcon Engineering.
- c. Acoustic Report, dated 21.11.2023, prepared by Acoustic Directions.
- d. Fire & Incident Management Report, dated 06.09.2024, prepared by Innova Services Australia.
- e. Air Quality Impact Assessment, dated 06.09.2024, prepared by Todoroski Air Sciences.

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

14. Works-As-Executed Plans and any other Documentary Evidence

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

- a. All stormwater drainage and storage systems

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

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

15. Completion of Public Utility Services

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

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

16. Repair of Infrastructure

Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

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

17. **Registration of Final Plan of Consolidation**

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

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

18. **Maintenance of Wastewater and Stormwater Treatment Device**

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

Reason: To protect sewerage and stormwater systems.

19. **Sealing of Site**

Prior to the issue of an Occupation Certificate, evidence shall be submitted to Fairfield City Council, demonstrating that Lot 9, DP 239868 has been appropriately sealed and constructed in accordance with Council's Stormwater Management Policy 2017.

Reason: To comply with Council's Stormwater Management Policy 2017.

20. **Amended Plan of Management**

Prior to the issue of an Occupation Certificate, an amended Plan of Management shall be submitted to and approved by Council, demonstrating how the premises will satisfactorily manage any complaints received. The Plan of Management shall incorporate the following details:

- a) Details of the complainant;
- b) Nature of the complaint, including time and date;
- c) Records of any actions taken to mitigate any noise impacts; and,
- d) Details of complainants responses to any mitigation actions

Reason: To review trends and identify the way the service can improve.

OCCUPATION AND ONGOING USE

21. **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.

22. Carparking – General

- a. 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. Eleven (11) off-street car parking spaces for staff and visitors,
 - ii. One (1) off-street accessible car space in accordance with AS 2890.6.
- b. 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.
- c. All car parking spaces shall be made available to staff and visitors to the premises and shall remain free from any storage or other obstructions at all times.

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

23. Waste or Resource Transfer Station

The use of the premises shall comply at all times with the following definition of a waste or resource transfer station (Fairfield LEP, 2013):

“waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note— Waste or resource transfer stations are a type of ***waste or resource management facility***”

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

24. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading, or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the rear loading bays provided.

- d. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- e. No vehicle larger than a 13.9m semi-trailer shall service the premises.
- f. Deliveries to the premises shall occur between Monday to Friday, 6:00am – 6:00pm.

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

25. Hours of Operation

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

General Operation

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

Site Cleaning, Preparation and Maintenance

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

Deliveries

Monday to Friday: 6:00am – 6:00pm

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. Waste Receival and Storage

The operation shall comply with the following maximum processing capacities at all times:

- No more than 87.5 tonnes of tyres shall be stored indoors at any given time.
- No more than 20 tonnes of steel wire created from the processing of waste tyres shall be stored onsite at any given time.
- No more than 30,000 tonnes of waste shall be processed per year.
- No more than 520 tonnes of tyre wiring shall be processed per year.

Reason: To comply with development application.

27. Fence Requirements

All fencing onsite shall be constructed as follows;

Front fencing

A maximum height of 1.8m and constructed in an open style, such as powder-coated wrought iron pickets and be of dark colour.

Side and rear fencing

A maximum height of 1.8m and constructed in an open style such as powder-coated wrought iron pickets or chain wire.

28. **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.

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

29. **Use of Premises**

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

- a. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- b. The use of the premises is not to interfere with the amenity of the residential area.
- 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.
- d. The premises shall be maintained in a clean condition and in good repair.

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

30. **Storage of Goods**

All works, storage and display of goods shall be contained wholly within the building. Only a maximum of twenty (20) tonnes of bagged steel wiring shall be stored underneath the external awning at any given time.

Reason: To protect the amenity of the streetscape.

31. **No Enclosure of Structure**

The awning shall not be enclosed beyond the extent shown on the approved plans.

Reason: To prevent unauthorised building work.

32. **Finishes of Structure**

The colours, materials and finishes of the awning structure and above-ground water tanks shall match and complement the existing industrial building.

Reason: To maintain streetscape and visual amenity.

33. 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 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.

Reason: To protect assets and easement rights.

34. Flood Affected Development

The development the subject of this consent is located within flood prone land, affected by the Probable Maximum Flood (PMF). The following shall be complied with during the construction process:

- a. There is to be no alteration to the existing ground levels.
- b. A flood evacuation plan prepared by a qualified consultant shall be kept within the premises.

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

35. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to:

- a) The existing stormwater drainage system.

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

Reason: To ensure compliance with Council Stormwater Management Policy.

36. Environmental Protection Authority (EPA)

The attached Environment Protection Authority General Terms of Approval shall be complied with at all times.

NB: The EPA General Terms of Approval DO NOT constitute a license under the Protection of the Environment Operations (POEO) Act 1997. The applicant is required to obtain a license

from the EPA for the approved development pursuant to the POEO Act 1997, prior to the commencement of any construction works, or any works or processes associated with the proposed development.

Reason: To protect the natural environment and ensure the development complies with the EPA General Terms of Approval.

37. Unreasonable Noise and Vibration

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

- a) Verification that noise levels at the nearest potentially affected receiver comply with all relevant guidelines and legislation.
- b) All complaints received from residents in relation to the operation of the premises/development.
- c) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Fairfield City Council, any recommendations provided under point c) above shall be implemented fully.

Reason: To protect the amenity of neighbouring properties.

38. 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.

39. Odours Complaint

A smoke and odour impact assessment may be required to be submitted to Council if any complaints are lodged with Council in relation to the emissions generated from the operation of the business. The report must be prepared by a suitably qualified environmental consultant and include modelling of the odour impact on the nearest affected receptor (e.g. residents/property occupants). Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 2015: The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings and AS 1668.2 – 2015: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

Reason: To protect & maintain local amenity.

40. Stormwater Quality Treatment Device

Stormwater runoff from the site must be treated by a stormwater quality treatment technique/device(s) before discharge to the stormwater system. The stormwater quality treatment technique/device(s) shall be effective at capturing and retaining:

- a. 60% to 80% of annual total suspended solids load;
- b. More than 90% of free oils during treatment flows;
- c. The treatment technique must be able to retain a majority of particulates having a diameter of less than 100 microns;
- d. A certificate, from an appropriately qualified person, shall be submitted to Council certifying that a stormwater quality treatment technique/device as specified above has been provided on site; and
- e. All treatment techniques/device(s) must be maintained in accordance with the manufacturer's specifications.

Reason: To ensure that pollutants are captured before entering the stormwater system.

41. Burning of Waste

The burning of waste of any kind is prohibited under the *Protection of the Environment Operations Act 1997*. All waste materials shall be stored in suitable containers that shall be located in a suitably constructed screened area/room. All waste material arising on the premises shall be removed regularly or as directed by the Principal Certifier or Fairfield City Council.

Reason: To prevent air pollution.

42. Waste Tyre Storage

Tyres shall be stored in accordance with the NSW Fire Brigades Policy No. 2 Guidelines for Bulk Storage of Rubber Tyres.

Reason: To prevent, control and manage fire.

43. 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.

44. Tree Protection Zone

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

Reason: To preserve trees.

45. Traffic Design

The design of the development shall comply with the following requirements:

- The provided car parking layout and dimensions shall be in accordance with the requirements set out in AS2890.1.
- Any changes to the driveway shall be in accordance with the requirements of AS2890.2 and submitted for council approval.

Reason: To comply with AS2890.1 and AS2890.2.

46. Measurement of Waste

All incoming and outgoing waste vehicles shall be weighed via the weighbridge, prior to unloading/loading activities.

Reason: To ensure compliance with development application.

47. Number of Staff

There shall be no more than eight (8) staff members onsite at any given time.

Reason: To ensure compliance with development application.

48. 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.

49. 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.

50. 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.

51. Shipping Containers

No shipping containers shall be used for the storage of waste products at any given time.

Reason: To comply with development application.

52. Storage of Waste Tyres

No waste tyres shall be stored outdoors, including underneath the awning structure at any given time.

Reason: To protect the amenity of the area.

53. Water Tanks

The two (2) above ground water tanks, each measuring 368,000L each, shall be constructed using darker colours/materials that complement the existing development.

Reason: To ensure the water tanks integrate with the existing development.

54. Implementation of Acoustic Measures

The use shall operate in accordance with all acoustic measures identified within the Noise and Vibration Assessment, prepared by Acoustic Directions, Version 1.2, dated 21 November 2023 at all times.

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

55. Acoustic Report Recommendations

The Noise and Vibration Assessment, prepared by Acoustic Directions, dated 21 November 2023, Version 1.2, submitted as part of this development application shall be complied with at all times. The recommendations as outlined within the noise and vibration assessment, listed below shall be complied with:

1. The location of all machinery shall be in accordance with the approved architectural plans as required per Condition No. 1 of this consent.
2. All roller doors within the factory shall remain closed during processing activities.
3. The engines of all delivery vehicles shall remain turned off while unloading/loading.
4. Forklifts shall not be used externally between 10:00pm and 8:00am, Monday to Sunday.
5. All external noise-generating equipment (including chillers) shall be located at least four (4) metres from the nearest boundary and shall be shielded from direct line-of-sight to the closest two (2) boundaries. This can be achieved by constructing an open-topped enclosure that surrounds the external equipment. The height of the enclosure should be at least 500mm above the highest machine and lined with 100mm thick insulation such as Megasorber P100.
6. No more than six (6) trucks shall service the premises per day.
7. No more than one (1) truck shall service the premises per 15-minute period.
8. Once the truck accesses the premises, the western roller door shall be opened.
9. Delivery vehicles shall not idle for more than the time taken to open the access door.
10. Deliveries to the premises shall only occur during Monday to Friday, 6:00am – 6:00pm.
11. The western roller door shall remain closed except when vehicles are required to pass through the site.

Reason: To ensure acoustic report recommendations are implemented.

56. **Air Quality Report Recommendations**

The Air Quality Impact Assessment, prepared by Todoroski Air Sciences, dated 6 September 2024, Job No. 23051588, submitted as part of this development application shall be complied with at all times. The recommendations as outlined within the air quality report, listed below shall be complied with:

1. All vehicle/plant equipment engines shall be turned off when not in use.
2. All vehicles/plant equipment shall be fitted with pollution reduction devices where practicable.
3. All vehicles accessing the premises are to be maintained and serviced according to the manufacturer's specifications.
4. Regular visual monitoring of activities is to be undertaken to identify dust generation.
5. A dust collector with bag filters is to be maintained and operated in accordance with the manufacturer's specifications.
6. Where practical, the drop heights from all loading/unloading activities shall be reduced.
7. Any spills onsite shall be cleaned immediately.
8. All hardstand areas, including inside the factory and the driveways are to be swept/cleaned regularly as required.
9. All vehicular traffic to the premises is to be restricted via designated routes in accordance with the approved Traffic Impact Assessment as required per Condition No. 1 of this consent.
10. No more than one (1) truck shall service the premises per 15-minute period.
11. Speed limits onsite are to be enforced in accordance with the approved Traffic Impact Assessment as required per Condition No. 1 of this consent.
12. All vehicle loads are to be covered/secured when entering/exiting the premises to prevent spillage.
13. Regular inspections of the site shall be conducted, ensuring the hardstand areas are maintained and potholes/depressions are fixed as required.

Reason: To ensure acoustic report recommendations are implemented.