

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 4.1/2024

Development: Construction of a Double-Storey Industrial Complex, Consisting of Sixty Two Industrial Units with Mezzanines, Two Hundred and Eighty Four (284) Car Parking Spaces, Associated Amenity Facilities and Vehicular Manoeuvring Space, Landscaping Works, Stormwater Drainage Works and Site Works and construction of hammerhead turning treatment at the end of Toohey Road.

Site: Lot: 2, DP: 700336, No. 1403 The Horsley Drive, Wetherill Park

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 09 May 2025

Date from which consent takes effect: 09 May 2025

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 1403 The Horsley Drive, Wetherill Park, Lot 2, DP 700336.

The conditions of consent are as follows:

1A. Submission of Amended Plans

Prior to the appointment of any certifier and the issue of any Construction Certificate, amended plans with the following changes must be submitted to an approved by Fairfield City Council:

- (i) The Architectural Plans listed in condition 1 shall be amended to show the HRV loading area adjacent to the eastern wall of unit 1.34 in place of the car parking space and landscape planter shown in that location.
- (ii) The Civil and Stormwater Plans prepared by C&M Consulting Engineers listed in condition 1 shall be amended to reflect the approved Architectural Plans listed in condition 1 (as amended by 1A(i)).
- (iii) The Landscape Plans listed in Condition 1 shall be amended to reflect the approved Architectural Plans listed in condition 1 (as amended by 1A(i)). The Landscape Plans shall be prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council's Landscape Policy. The Landscape plans shall contain the following information:
 - Outline of the proposed building;
 - Existing trees (height and location);
 - Trees to be removed;
 - Proposed planting (quantity, species, and expected mature height);
 - Proposed earth mounding;
 - Paths and paving (location and materials);
 - The method of planting and the proposed maintenance program; and
 - 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.

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (as amended by the plan submitted and approved pursuant to condition 1A) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Date
DA100	G	Ground Floor Plan	WMK Architecture	16.04.2025
DA101	H	Ground Floor Mezzanine	WMK Architecture	16.04.2025
DA102	J	First Floor Plan	WMK Architecture	16.04.2025
DA103	G	First Floor Mezzanine	WMK Architecture	16.04.2025
DA104	J	Roof Plan	WMK Architecture	16.04.2025

DA500	J	Elevations	WMK Architecture	16.04.2025
DA501	G	Internal Elevations	WMK Architecture	16.04.2025
2912 LP-00	F	Landscape Site Plan	John Lock and Associates Landscape Architecture	10.04.2025
2912 LP-01.1	F	Landscape Plan – Ground Lower Level	John Lock and Associates Landscape Architecture	10.04.2025
2912 LP-01	F	Landscape Plan Level 1 – Sheet 1	John Lock and Associates Landscape Architecture	10.04.2025
2912 LP-02	F	Landscape Plan Level 1 – Sheet 2	John Lock and Associates Landscape Architecture	10.04.2025
2912 LP-03	F	Landscape Plan Level 1 – Sheet 3	John Lock and Associates Landscape Architecture	10.04.2025
2912 LP-20	E	Landscape Details	John Lock and Associates Landscape Architecture	13.03.2025
2912 LP-20.1	A	Landscape Sections	John Lock and Associates Landscape Architecture	10 April 2025
5192-DET2_B	B	Plan of Detail and Levels over Lot 2 in DP 700336 Known as No. 1403 The Horsley Drive, Wetherill Park	Mepstead and Associates Registered Surveyors and Development Consultants	04.09.2023
02620_100	04	Cover Sheet, Drawing Index and General Notes	C&M Consulting Engineers	11.03.2025
02620_201	04	General Arrangement Plan – Ground Floor	C&M Consulting Engineers	11.03.2025
02620_202	04	General Arrangement Plan – Level 1	C&M Consulting Engineers	11.03.2025

02620_203	01	General Arrangement Plan – Roof	C&M Consulting Engineers	11.03.2025
02620_231	05	Bulk Earthworks Cut/Fill Plan	C&M Consulting Engineers	11.03.2025
02620_351	04	Site Sections	C&M Consulting Engineers	11.03.2025
02620_601	04	Stormwater Catchment Plan – Water Quality	C&M Consulting Engineers	11.03.2025
02620_701	04	Sediment and Erosion Control Plans and Details	C&M Consulting Engineers	11.03.2025

Document Title	Document No	Version No	Prepared By	Date
Traffic and Parking Assessment	22097	Issue H	TTPA Transport and Traffic Planning Associates	March 2025
Stage 2 Detailed Site Investigation	1615-DSI-01-150722.v1f	Revision V1F	Sydney Environmental Group	26 July 2022
Remedial Action Plan	1615-RAP-01-180722.v1f	Revision V1F	Sydney Environmental Group	26 July 2022
Structural Statement	221957	N / A	TTW Structural Civil Traffic Façade	2 June 2023
DA Estimate	5199.3 1403THD_WP Estimate r2	N / A	MDA Australia	27 September 2023
DA Acoustic Report	12605 R01v1	1	PKA Acoustic Consulting	22 September 2023
Air Quality Assessment	70B-23-0234-TRP-56833-1	Revision 01	Vipac Engineers and Scientists Limited	29 September 2023
Updated Bushfire Protection Assessment for the Construction of the Warehouse Buildings	B223910-1	Final Revision	Australian Bushfire Protection Planners Pty Ltd	27 July 2023
Geotechnical Investigation Report	17370-GR-1-1	Revision 0	Alliance Geotechnical and Environmental Solutions	8 November 2023
BCA Compliance Assessment Report	J1088-BCA-3	N / A	Building Code Clarity	19 September 2023
Access Review	J000814	Final V3	MGAC	9 April 2025
Flood Impact Assessment	R02620-FIA	Revision A	C&M Consulting Engineers Pty Ltd	14 June 2023

Stormwater Management Plan	R02620-SWMP	Revision B	C&M Consulting Engineers Pty Ltd	December 2022
Construction and Demolition Waste Management Plan	N / A	Revision C	Elephants Foot	6 September 2023
Section J Report		1.0	IGA	8 April 2025

No signage is approved as part of this development consent.

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:

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan is prepared and provided to the certifier. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings to the perimeter on the site
- b) Provisions for public safety
- c) Pedestrian and vehicular site access points and construction activity zones
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
- e) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 – Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent
- f) Details of any bulk earthworks to be carried out
- g) The location of site storage areas and sheds
- h) The equipment used to carry out works
- i) The location of a garbage container with a tight-fitting lid
- j) Dust, noise and vibration control measures
- k) The location of temporary toilets.

A copy of the construction site management plan must be kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

3. Erosion and Sediment Control Plan

Before the issue of a Construction Certificate an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
- c) The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

4. Payment of Development Contributions

Payment of Section 7.12 Contributions

Before the issue of a Construction Certificate, the applicant must pay a total contribution of \$568,104.16 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. Payment of Building and Construction Industry Long Service Levy

Before the issue of a Construction Certificate, the long service levy of \$135,262 as calculated at the date of this consent must be paid to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and proof of this payment must be provided to the certifier.

Reason: To ensure the long service levy is paid.

6. Housing and productivity contribution

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

Housing and productivity contribution	\$228,793.05
Total housing and productivity contribution	\$228,793.05

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

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

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

7. Engineering Approval – Roads Act Application

Prior to the issue of a Construction Certificate for the erection of any part of the building that includes the ground floor slab, an Engineering Approval via Section 68 of the Local Government Act 1993 (stormwater drainage work) (where applicable) and a consent as referred to in Section 138 of the Roads Act shall be obtained from Fairfield City Council for the following civil works associated with the construction of the hammerhead turning area at the end of Toohey Road:

- Construction of new road pavement
- Kerb and gutter.
- Stormwater drainage infrastructure
- Vehicle safety barriers
- Associated connection of the two new stormwater lines to the concrete drainage channel located adjacent to the northern boundary of the site.
- Scour Protection at the discharge point of the drainage channel.

Civil engineering plans shall be prepared by a suitably qualified and experienced civil engineer and submitted through the NSW Planning Portal. All designs shall comply with Council's Design Guidelines and Standard Drawings and be constructed at no cost to Council. The detailed civil design shall include, but not be limited to:

- a) Design and construction of the turning head geometry, including all pavement works, kerb and gutter, and vehicle safety barriers, in accordance with relevant Austroads and RMS standards.
- b) Provision of a new kerb inlet pit and associated stormwater line discharging to the existing concrete drainage channel located at the northern portion of the site. The design shall include all easement and connection requirements, subject to Council approval.
- c) Sealing of the pavement with a 50mm thick layer of AC14 asphaltic concrete (final wearing course), compacted to the satisfaction of Council's Engineering Representative and finished flush with the lip of the gutter.
- d) Stabilisation, signage and safety measures to ensure vehicular and pedestrian safety in accordance with Council requirements.

Prior to the issue of the Construction Certificate, the applicant shall lodge with Council a bank guarantee or cash bond equivalent to the value of all road and drainage works to be constructed within the public road reserve or on land under the care and control of Council. The amount of the bond will be determined by Council upon review and acceptance of the detailed engineering drawings. The bond will be retained for a period of six (6) months from the date of the final Compliance Certificate to ensure no defects or non-conforming works are identified.

Reason: To ensure compliance with Council Roadworks & Drainage Specifications.

8. NSW EPA Accredited Site Auditor

Prior to the issue of a Construction Certificate, a NSW Environment Protection Authority Accredited Site Auditor must be appointed to Audit reports compiled as part of the contaminated land assessment, remediation, and validation process.

Reason: To ensure the contamination remediation works are appropriately managed.

9. Validation Report

Prior to the issue of a Construction Certificate, a validation report shall be prepared by a suitably qualified contaminated land consultant and be provided to Fairfield City Council for review no later than sixty (60) days after the remediation is completed. The Validation Report shall be prepared in accordance with Consultants Reporting on Contaminated Land, Contaminated Land Guidelines, NSW EPA, 2020 (EPA 2020) and the Environment Protection Authority Contaminated Sites Guideline series.

Reason: To ensure the site is remediated.

10. Site Auditor Statement and Report

Prior to the issue of a Construction Certificate, a Section A2 Site Audit Statement and report certifying land use suitability shall be prepared by the NSW EPA accredited Site Auditor and must be submitted to the certifier and the consent authority. Any EMP attached to the Site Audit Statement shall be legally enforceable to ensure that the proposed containment cell for placement of contaminants is appropriately managed in perpetuity.

Reason: To ensure the site is suitable for the proposed use.

11. Long Term Environmental Management Plan

Prior to the issue of a Construction Certificate, the Long Term Environmental Management Plan shall be reviewed and approved by the Site Auditor. The Long Term Environmental Management Plan shall include (but not limited to):

1. Periodic inspection and maintenance to ensure the integrity of the cover layers of the containment cell; and
2. Any subsurface works that have the potential to expose contaminated soils in the containment cell to be managed by experience and qualified Environmental Consultant.
3. The EMP shall be adhered to at all times.

Reason: To ensure the site is suitable for the proposed use.

12. Sydney Water – Building Plan Approval

Prior to the issue of a Construction Certificate, the plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part your development. Any amendments to plan will require re-approval. Please go to Sydney Water Tap In: <https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html> to apply.

Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Reason: Compliance with Sydney Water requirements.

13. Transport for New South Wales Requirements (TFNSW)

The following Transport for NSW (TFNSW) requirements shall be satisfied as follows;

1. 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.

2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking restrictions may be required to maintain the required sight distances at the driveway.
3. 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 TFNSW and Council for Approval, which shows that the development complies with this requirement. Please send all documentation to development.sydney@transport.nsw.gov.au.
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 License (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on The Horsley Drive during construction activities.

Reason: Compliance with Transport for New South Wales requirements.

14. 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.

15. **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.

Reason: To ensure compliance with Council Stormwater Management Policy.

16. **Landscape Management Plan**

Before the issue of a Construction Certificate, a Landscape Management Plan shall be submitted to, and approved in writing by Fairfield City Council. The Plan shall include details demonstrating how the proposed landscaping will be managed and maintained over a period of two (2) years from the issue of the Occupation Certificate.

Reason: To ensure compliance with Council's Development Control Plan.

17. Driveway Separate 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. Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To provide a suitable landscape interface and to comply with Council's parking requirements.

18. Bushfire Protection

The Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd, Report Number B223910-1, Final Version, dated 27 July 2023, submitted as part of this development application shall be complied with at all times, including:

- The buildings located within 100 metres of the Category 1 Bushfire Prone Vegetation to the southwest of the development site shall be constructed to comply with section 3 and Section 5 [BAL 12.5] specifications as defined by A.S. 3959 – 2018 – Construction of Buildings in Bushfire Prone Areas.

Reason: Compliance with the relevant plans and documentations.

19. Retaining Walls

Unless otherwise approved by this application, where retaining walls are required as a result of cut and fill for the development, details of the retaining walls or other approved methods necessary to prevent soil movement, together with associated stormwater drainage measures shall be submitted to Council or the Principal Certifier. Unless otherwise approved by this application, a separate Development Application shall be lodged with Council for any proposed retaining walls not defined as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Reason: To ensure work is undertaken lawfully.

BEFORE THE COMMENCEMENT OF BUILDING WORK

20. 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

21. 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.

22. Dilapidation Report

Before the commencement of any site or building work, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

Reason: To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

23. Tree Protection Measures

Before the commencement of any site or building work, the principal certifier must be satisfied the measures for tree protection detailed in the construction site management plan are in place.

Reason: To protect and retain trees.

24. 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)).

25. Road Reserve Dilapidation Report

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

Reason: To ensure Council's assets are maintained.

26. Kerb and Gutter Protection

Before the commencement of any site or building work, the developer shall provide adequate footpath, kerb and gutter protection at all points of entry to the site in accordance with Council's Code of Protection of Footpaths and Erection of Hoardings. This protection shall be maintained in good condition throughout the course of construction.

Reason: To ensure Council assets are maintained.

DURING BUILDING WORK

27. 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)).

28. 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

29. 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

30. Shoring and Adequacy of Adjoining Property

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

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

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

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

31. Waste Management

While site work is being carried out:

- a. all waste management must be undertaken in accordance with the approved waste management plan, and
- b. upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled

32. Hoarding / Fencing

While building work is being carried out, a hoarding or site safety fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, overhead protection is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To ensure protection to the general public.

33. Retention of Trees on Road Reserve

The retained trees on the road reserve 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 2m nor greater than 15m (except where crown protection is required).

Reason: Preservation of existing vegetation.

34. Maintenance of Construction Site

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

Note: Fines may be imposed, be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

Reason: To ensure the property is maintained and protect the general public.

35. Implementation of the Site Management Plans

While site work is being carried out:

- a. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
- b. a copy of these plans must be kept on site at all times and made available to council officers upon request.

Reason: To ensure the required site management measures are implemented during construction

36. Surveys by a Registered Surveyor

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —

- a. All footings/ foundations
- b. At other stages of construction – any marks that are required by the principal certifier.

Reason: To ensure buildings are sited and positioned in the approved location

37. Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To protect and manage public infrastructure

38. Cut and Fill

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All soil and excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants

39. Flood Affected Development

The development the subject of this consent is located within flood prone land. The following shall be complied with during the construction process:

- a. Only flood resistant materials shall be used below the designated floor level.
- b. All services and utilities connected to the property are required to be flood proofed.

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

40. Schedule of Finishes

The development is to be constructed and finished in the materials and colours approved by the development consent. The materials approved are as follows:

- a. Walls: Pre-cast concrete – Light grey colour
 Concrete – Raw finish
 Concrete – Painted 9064 Keim

- Glazing – Clear
- Glazing – Frosted
- Weatherproof Louvre – Dark grey colour
- Metal Fins – Bronze gold pearl
- Metal – Dark grey colour
- Metal – Dulux powder coated gold pearl kinetic
- Perforated Metal – Bronze colour gold pearl
- Colourback – Spandrel dark grey colour; and
- b. Roof: Metal roof colourbond – Dark grey colour
- Translucent roofing ampelite 5-rib.

All other building materials shall be compatible in type, colour and texture throughout the whole project.

Reason: To ensure the development is carried out in accordance with the development consent.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

41. Strata By-Laws

Before the issue of the relevant Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, proposed strata by-laws requiring compliance with:

- a. Condition 54, in relation to onsite waste management;
- b. Condition 74, in relation to vehicles servicing the development; and
- c. Condition 90, in relation to the use of the lift.

The Principal Certifier must provide a copy of the strata by-laws to Council with the Occupation Certificate.

Reason: To ensure ongoing compliance with conditions in the context of a strata scheme.

42. 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:

- d. 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.

43. 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.

44. Registration of Easement for Drainage:

Prior to the issue of the relevant Occupation Certificate, the applicant shall provide the Principal Certifier with satisfactory evidence that an Easement to Drain Water, with a minimum width of 1.5 metres, has been created in favour of Fairfield City Council over all sections of the Council-owned stormwater drainage infrastructure.

Prior to Council endorsing any conveyancing instrument for the registration of an easement, a Compliance Certificate must be issued for the Engineering Approval associated with the construction of the stormwater drainage line.

All costs associated with the creation and registration of the easement, including survey, legal, and registration fees, shall be borne by the applicant, at no cost to Council.

Reason: To ensure legal access for ongoing maintenance and protection of public drainage infrastructure and to formalise Council's interest over stormwater assets located on private land.

45. Post Construction Dilapidation Report

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.
- c. a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

46. Preservation of Survey Marks

Before the issue of an Occupation Certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or

- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

Reason: To protect the State's survey infrastructure.

47. 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.

48. Works As Executed Plans for Road and Drainage Works

Before the issue of the relevant Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the road and drainage works have been constructed as approved shall be submitted to the Principal Certifier and Council.

Reason: To confirm the location and levels of works once constructed.

49. Works on Adjacent Roads

Before the issue of the relevant Occupation Certificate, the following works are to be completed:

- a. Civil works associated with the construction of the Turning Head within Toohey Road, including
 - a. Construction of new road pavement
 - b. Kerb and gutter.
 - c. Stormwater drainage infrastructure
 - d. Vehicle safety barriers
 - e. Associated connection of the two new stormwater lines to the concrete drainage channel located adjacent to the northern boundary of the site.
 - f. Scour Protection at the discharge point of the drainage channel.
- b. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.
- c. 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.
- d. The developer shall remove and replace all damaged or displaced path paving in The Horsley Drive and Toohey Road 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.

Reason: To ensure Councils Assets are protected.

50. Mailbox Required

Before the issue of the relevant Occupation Certificate, a mailbox shall be provided on site in accordance with the requirements of Australia Post.

Reason: To ensure the requirements of Australia Post are achieved.

51. 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. Stage 2 Detailed Site Investigation, Document Number 1615-DSI-01-150722.v1f, Revision V1fF, prepared by Sydney Environmental Group, dated 26th July 2022.
- b. Remedial Action Plan, Document Number 1615-RAP-01-180722.v1f, Revision V1F, prepared by Sydney Environmental Group, dated 26th July 2022.
- c. DA Acoustic Report, Document Number 12605 R01v1, Version 1, prepared by PKA Acoustic Consulting, dated 22nd September 2023.
- d. Air Quality Assessment, Document Number 70B-23-0234-TRP-56833-1, Revision 01, prepared by Vipac Engineers and Scientists Limited, dated 29th September 2023.

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

52. Landscape Certificate

Before the issue of the relevant 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 Principal Certifier and Fairfield City Council.

Reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

53. Certification of Disability Access

Before the issue of the relevant Occupation Certificate, a certificate from a suitably accredited person shall be issued to the Principal Certifier certifying that the building complies with the relevant requirements of the Building Code of Australia, AS 1428.1 and Disability (access to Premises) Standards.

Reason: To ensure that the building complies with the relevant requirements of the Building Code of Australia, AS 1428.1 and Disability (access to Premises) Standards.

54. Operational Waste Management Plan

Prior to the issue of an Occupation Certificate, a comprehensive Operational Waste Management Plan shall be prepared and submitted to the satisfaction of the Principal Certifier.

A copy of the Operational Waste Management Plan must be kept onsite and complied with at all times during occupation of the development. The Operational Waste Management Plan shall be made available to all tenants and occupants of the development.

Reason: To ensure the safe and efficient management of waste onsite.

55. Commencement of Waste Collection Services for Commercial Use

Before the issue of the relevant Occupation Certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the Principal Certifier.

Reason: To ensure a waste collection service is commenced at the time of occupation of the development.

56. Ancillary Development Works Required

Before the issue of the relevant Occupation Certificate, the following work shall be undertaken to the satisfaction of the Principal Certifier:

- a. All retaining walls and associated drainage shall be constructed;
- b. Grading of the external ground;
- c. Construction of the driveway; and
- d. Turfing, paving and dividing fencing.

Reason: To provide an acceptable standard for completion / occupation

57. Building in Saline Environments

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

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

58. Road Reserve Clearance Certificate

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

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

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

59. Sydney Water – Section 73 Compliance Certificate

Prior to the issue of an Occupation Certificate, a Compliance Certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Reason: Compliance with Sydney Water requirements.

60. Shading for Communal Staff Respite Areas

The communal staff respite area shall be provided with shading and weather protection.

Reason: Workforce amenity.

61. Flood Evacuation Plan

Prior to the issue of an Occupation Certificate, a Flood Evacuation Plan shall be prepared by a suitably qualified professional and submitted to and approved by Council. The Flood Evacuation Plan shall be kept onsite and made available to all tenants and occupants of the development.

Reason: Ensure the safety and wellbeing of occupants of the development.

62. Bushfire Evacuation Plan

An Evacuation Plan shall be prepared for the future industrial units. The Evacuation Plan shall address the protocols for the timely relocation of staff/visitors in the event that an emergency occurs, both within the site or within the local area. A copy of the Evacuation Plan shall be provided to the Local Emergency Management Committee, Police, Fire & Rescue NSW and the NSW Rural Fire Service together with the Certifier. The Evacuation Plan shall comply with AS 3745 - 2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces".

Reason: To ensure compliance with approved plans and documentation.

OCCUPATION AND ONGOING USE

63. 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.

64. Hours of Operation

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

Monday to Friday:	7:00am – 6:00pm
Saturday:	7:00am – 12:00pm
Sunday:	No Operating

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.

65. Closed Circuit Television (CCTV)

- a. A camera must be located at the main entrance to the industrial unit complex and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
- the person represents not less than 100% of screen height, and
 - there is an unobstructed view of the person's face.
- b. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
- all other public entrances and exits, whether or not in use at the time
 - staircases in multi-level premises
 - all portions of the floor area accessible to the public where facilities are provided
 - toilet external areas
 - all general areas accessible by the public
 - the car park area adjacent or within the premises
- c. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
- the person represents not less than 50% of the screen height, and
 - there is an unobstructed view of the persons face.
- d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e. Recordings must;
- be in digital format
 - record at a minimum of six frames per second, and
 - commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.

- f. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- g. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
- h. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- i. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
- j. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.
- k. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.
- l. Camera recordings must meet the standards set in (a) and (k) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

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

66. Switchboards

Switchboards for utilities must not be attached to the front elevations of the building(s).

Reason: To ensure the visual amenity of the streetscape.

67. 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.

Reason: To facilitate vehicular access to private sites while protecting site landscaping

68. Driveway Gradient

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2 2018.

- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1 2004.

Reason: To ensure compliance with Australian Standards AS 2890.

69. **Flood Evacuation Plan**

A Flood Evacuation Plan prepared by a suitably qualified consultant shall be kept within the premises. The Flood Evacuation Plan shall be made available to all tenants and occupiers of the building.

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

70. **Bushfire Evacuation Plan**

A Bushfire Evacuation Plan prepared by a suitably qualified consultant shall be kept within the premises. The Bushfire Evacuation Plan shall be made available to all tenants and occupiers of the building.

Reason: To ensure the safety of occupants.

71. **Method of Stormwater Drainage**

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

- a) The existing channel on the western side of the subject site.

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.

72. **External Areas**

All external areas to the building shall be kept free of all obstructions at all times.

Reason: To ensure all items are stored within the site.

73. **Carparking – General**

- a. The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2024 – Car Parking, Vehicle and Access Management - Chapter 12:

- i. Two hundred and eighty four (284) off-street car parking spaces for staff and visitors, including
- ii. Three (3) off-street accessible car space in accordance with AS 2890.6 - 2022.

- 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.

Reason: To ensure compliance with Fairfield City Wide Development Control Plan 2024.

74. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading, or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No articulated or rigid vehicles longer than 12.5m in length shall be used for the servicing or operations of this development.
- d. All deliveries to the premises shall be made to the loading bay/s provided.
- e. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

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

75. Pedestrian Safety

All internal pedestrian paths within the vehicular car parking areas shall be clearly line marked with a solid painted finish. The paint used for line marking of the paths must be non-slip and comply with AS4586 – 2013.

Reason: To ensure the safety of pedestrian movements within the premises.

76. Advertising Sign

No advertising signs or structures associated with the use of the premises have been approved. No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior lawful 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.

77. Use of Premises

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

- a. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- b. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.

- c. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- d. The use of the premises is not to interfere with the amenity of the residential area.
- e. 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.
- f. 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.

78. Storage of Goods

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

Reason: To protect the amenity of the streetscape.

79. Noise Control

There shall be no music within the outdoor area at any time. In this regard, the doors to the outdoor area, which is available for smoking shall remain closed at all times. Further, there shall be no installation or use of any Public Address System within that area for any purpose including general announcements and the like.

Reason: To protect the amenity of surrounding properties.

80. Landscape Maintenance

All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions to ensure restoration of environmental amenity.

Reason: To ensure appropriate landscaping.

81. 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.

82. Use of Industrial Units Not Approved

Separate approval is required for the use of the industrial units prior to the occupation of the development.

Reason: To ensure the relevant development approvals have been obtained under Part 4 of the *Environmental Planning and Assessment Act 1979* prior to the occupation of the site.

83. Garbage Rooms

The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

Reason: To ensure compliance with relevant standards and protect the local amenity and environment.

84. 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.

85. 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.

Reason: To protect local amenity and prevent noise pollution.

86. Acoustic Report

An acoustic report is to be prepared and submitted to Council for its assessment and approval within **three (3) months** of occupation/completion of the development. The report shall include but is not limited to the following information:

- a. Noise measurements taken at the nearing noise sensitive locations as indicated in the Acoustic report, prepared by PKA Acoustic Consulting, dated September 2023, ref:01V1.
- b. Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report.
- c. All complaints received from local residents in relation to the operation of the premises/development.

- d. 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 d) above shall be implemented fully.

Reason: To protect local amenity and ensure that works do not interfere with reasonable expectations of residents and the community.

87. 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.

88. 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 shall 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 assessment criteria detailed in the abovementioned report.
- 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.

89. Acoustic Report Recommendations

The DA Acoustic Report prepared by PKA Acoustic Consulting, Document Number 12605 R01v1, Version 1, dated 22 September 2023, submitted as part of this development application shall be complied with at all times. The recommendations within the acoustic report, listed below, shall be complied with:

1. Deliveries and Truck Movements

All truck movements, loading/unloading should take place with minimum amount of noise emission to the neighbouring industrial premises. The trucks should be selected to have minimal noise and a proper exhaust system. All drivers should be trained to keep the noise to a minimum. To eliminate the reversing beep, the route must be planned to minimise the

reversing distance. Trucks should be switched off as soon as they arrive at position for loading/unloading.

2. Mechanical Plant and Equipment

The selection and placement of any outdoor mechanical equipment such as condenser units, exhausts serving toilets, lifts etc. must be designed to acoustically comply with the criteria established in Section 5.3 of the report. This must be checked by an acoustic consultant and the appropriate criteria must be selected depending on the location of the equipment and the positioning of the residential receiver's boundary from the main road (to check if shielded from traffic noise).

3. Complaints Handling

If any complaints occur from other external residents/receivers during operation, Section 11 titled "Reviewing performance" of the NSW Industrial Noise Policy (now superseded) provides a method of complaint handling and management. Post negotiations, the following recommendations should be implemented (taken from the NSW INP). Where residual noise impacts have been negotiated, it is recommended that the proponent run a complaints-monitoring system. Components of such a system could include:

- a complaint hotline to record receiver complaints regarding the development.
- a system for logging complaints and dealing with them.
- a database of complaints and the proponent's responses/actions. This should be readily accessible to the community and regulatory authorities.
- a system for providing feedback to the community (this could be in the form of regular meetings with affected residents, or a newsletter).

Reason: To ensure acoustic report recommendations are implemented.

90. Use of Lift

The use of the lift between the ground and first floors of the development shall be made available for passengers only. The use of the lift for the transportation of goods, materials, and the like, is prohibited.

Reason: To ensure compliance with approved plans and documentation

91. Use of loading areas in the industrial units

The designated loading areas within each of the industrial units (shown as "LD HRV", "LD MRV" and "Loading Zone") on the approved architectural plans must be maintained at all times as areas that drivers may use to park their vehicle while they are delivering or picking up goods or materials to or from the relevant industrial unit and must not be used for storage of goods or materials at any time.

Reason: To ensure loading areas are used for their intended purpose.