

**DRAFT CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 205.1/2024**

**LOT: 1, DP: 1017259, NO. 94 NEWTON ROAD, WETHERILL PARK  
DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION AND  
USE OF TWO (2) ATTACHED WAREHOUSE AND DISTRIBUTION CENTRES,  
INCLUDING ANCILLARY SITE WORKS, AN INTERNAL ACCESS ROAD,  
LANDSCAPING, TREE REMOVAL, DOUBLE-STOREY OFFICES AND CAR  
PARKS, AND ASSOCIATED STRUCTURES.**

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**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.

**Architectural Plans**

| <b>Plan No. :</b> | <b>Revision No. :</b> | <b>Plan Title :</b>              | <b>Drawn By :</b> | <b>Date :</b> |
|-------------------|-----------------------|----------------------------------|-------------------|---------------|
| DA000             | F                     | Cover Sheet                      | sba               | 07.04.2025    |
| DA010             | C                     | Perspectives                     | sba               | 04.02.2025    |
| DA100             | E                     | Site Plan and Warehouse Plan     | sba               | 07.04.2025    |
| DA101             | E                     | Roof Plan                        | sba               | 07.04.2025    |
| DA201             | E                     | Office and Carpark A             | sba               | 07.04.2025    |
| DA202             | E                     | Office and Carpark B             | sba               | 07.04.2025    |
| DA250             | D                     | Dock Office Plan and Elevations  | sba               | 04.02.2025    |
| DA300             | D                     | Warehouse Elevations and Section | sba               | 07.04.2025    |
| DA301             | C                     | Office Elevations                | sba               | 04.02.2025    |
| DA302             | C                     | Shadow Diagram                   | sba               | 07.04.2025    |
| DA500             | E                     | Signage Plan                     | sba               | 07.04.2025    |
| DA550             | D                     | GFA Calculation                  | sba               | 07.04.2025    |
| DA005             | A                     | Demolition Plan                  | sba               | 17.11.2023    |

**Landscape Plans**

| <b>Plan No. :</b> | <b>Revision No. :</b> | <b>Plan Title :</b>                      | <b>Drawn By :</b> | <b>Date :</b> |
|-------------------|-----------------------|--|-------------------|---------------|
| LA-000            | C                     | Cover Sheet                              | Studio IZ         | 16/04/2025    |
| LA-001            | C                     | Legend, General Notes & Design Statement | Studio IZ         | 16/04/2025    |

## ATTACHMENT A

|        |   |                          |           |            |
|--------|---|--------------------------|-----------|------------|
| LA-002 | C | Existing Tree Plan       | Studio IZ | 16/04/2025 |
| LA-003 | C | Planning Strategy        | Studio IZ | 16/04/2025 |
| LA-101 | C | Landscape Plan – Sheet 1 | Studio IZ | 16/04/2025 |
| LA-102 | C | Landscape Plan – Sheet 2 | Studio IZ | 16/04/2025 |
| LA-103 | C | Landscape Plan – Sheet 3 | Studio IZ | 16/04/2025 |
| LA-104 | C | Landscape Plan – Sheet 4 | Studio IZ | 16/04/2025 |
| LA-201 | C | Landscape Elevation 1    | Studio IZ | 16/04/2025 |
| LA-202 | C | Landscape Section 1&2    | Studio IZ | 16/04/2025 |
| LA-600 | C | Typical Details          | Studio IZ | 16/04/2025 |
| LA-700 | C | Specification Notes      | Studio IZ | 16/04/2025 |

### Civil Plans

| Plan No. : | Revision No. : | Plan Title :                               | Drawn By : | Date :     |
|------------|----------------|--|------------|------------|
| DA 10      | C              | Drawing List & General Notes               | Costin Roe | 12/02/2025 |
| DA 11      | C              | General Notes – Sheet 2                    | Costin Roe | 12/02/2025 |
| DA 15      | C              | Existing Services Plan                     | Costin Roe | 12/02/2025 |
| DA 20      | E              | Erosion and Sediment Control Plan          | Costin Roe | 14/04/2025 |
| DA 25      | C              | Erosion and Sediment Control Details       | Costin Roe | 12/02/2025 |
| DA 31      | E              | Concept Bulk Earthworks Plan – Sheet 1     | Costin Roe | 14/04/2025 |
| DA 32      | E              | Concept Bulk Earthworks Plan – Sheet 2     | Costin Roe | 14/04/2025 |
| DA 35      | D              | Bulk Earthworks Sections – Sheet 1         | Costin Roe | 12/02/2025 |
| DA 36      | D              | Bulk Earthworks Sections – Sheet 2         | Costin Roe | 12/02/2025 |
| DA 40      | E              | Drawing Key Plan                           | Costin Roe | 15/04/2025 |
| DA 41      | F              | Concept Stormwater Drainage Plan – Sheet 1 | Costin Roe | 15/04/2025 |
| DA 42      | F              | Concept Stormwater Drainage Plan – Sheet 2 | Costin Roe | 15/04/2025 |
| DA 44      | E              | Stormwater Catchment Plan – Music Model    | Costin Roe | 14/04/2025 |
| DA 45      | C              | Concept Stormwater Details – Sheet 1       | Costin Roe | 12/02/2025 |
| DA 46      | C              | Concept Stormwater Details – Sheet 2       | Costin Roe | 12/02/2025 |
| DA 51      | E              | Finishes Levels Plan – Sheet 1             | Costin Roe | 15/04/2025 |
| DA 52      | F              | Finishes Levels Plan – Sheet 2             | Costin Roe | 14/04/2025 |
| DA 55      | C              | Typical Sections – Sheet 1                 | Costin Roe | 12/02/2025 |
| DA 56      | D              | Typical Sections – Sheet 2                 | Costin Roe | 12/02/2025 |
| DA 57      | C              | Typical Sections – Sheet 3                 | Costin Roe | 12/02/2025 |

## ATTACHMENT A

| Plan Title  | Drawn By                  | Plan No       | Revision No | Date       |
|---|---------------------------|---------------|-------------|------------|
| Letter of Response to Stakeholder Comments                          | asongroup                 | n/a           | n/a         | 01.04.2025 |
| Acoustic review of Updated Architectural Set for Revised DA         | E-Lab Consulting          | P00756        | n/a         | 31.03.2025 |
| Addendum Transport Assessment                                       | asongroup                 | n/a           | n/a         | 05.02.2025 |
| Civil Engineering Assessment  | Costin Roe Consulting     | CO15039.01    | D           | 12.02.2025 |
| Response to Stormwater Comments                                     | Costin Roe Consulting     | n/a           | n/a         | 12.02.2025 |
| Fire Engineering Review   | Affinity Fire Engineering | 232071        | n/a         | 04.02.2025 |
| Air Quality Report  | Northstar                 | 24.1052.FR2V2 | n/a         | 04.02.2025 |
| Transport Assessment  | asongroup                 | P2514         | 03          | 28.05.2024 |
| Statement of Environmental Effects                                  | Urbis                     | P0045152      | n/a         | 12.07.2024 |
| State Environmental Planning Policy (Resilience and Hazards) Report | Riskcon engineering       | n/a           | 5           | 15.03.2024 |
| Operational Waste Management Plan                                   | Foresight Environmental   | n/a           | 2           | 22.04.2024 |
| Noise and Vibration Impact Assessment                               | E-Lab Consulting          | P00756        | 2           | 24.04.2024 |

## ATTACHMENT A

|   |                              |               |     |            |
|---|------------------------------|---------------|-----|------------|
| Net Zero Statement                              | ACOR Consultants             | n/a           | n/a | 29.04.2024 |
| Heritage Impact Statement                       | Travers Bushfire and Ecology | n/a           | n/a | 11.06.2024 |
| Surface Water and Groundwater Impact Assessment | EP Risk                      | EP3206.002    | n/a | 22.04.2024 |
| Detailed Site Investigation                     | EP Risk                      | EP3206.001    | n/a | 22.04.2024 |
| Biodiversity Assessment Report                  | Travers Bushfire and Ecology | 23CENT02      | n/a | 23.05.2024 |
| BCA and Access Assessment Report                | bmg                          | 230198        | 1   | 10.04.2024 |
| Arboricultural Impact Assessment Report         | Hugh The Arborist            | n/a           | A   | 01.05.2024 |
| Air Quality Impact Assessment                   | Northstar                    | 24.1052.FR1V4 | 4   | 04.06.2024 |
| Access Review                                   | MGAC                         | 00742         |     | 18.04.2024 |

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. Water NSW

The application must comply at all times with the General Terms of Approval, issued by WaterNSW, dated 14 November 2024, attached at the end of this development consent.

**Reason:** To comply with WaterNSW requirements.

### 3. Endeavour Energy

The application must comply at all times with the Endeavour Energy Letter, dated 22 August 2024, attached at the end of this development consent.

**Reason:** To comply with Endeavour Energy 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 **or** alternative timing, the applicant must pay a total contribution of **\$495,593.5** 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. 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       | <b>\$429,517.04</b> |
| Total housing and productivity contribution | <b>\$429,517.04</b> |

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.

### 6. Provide a Project Ecologist

Prior to the issue of a Construction Certificate, a Certificate from an Ecologist must be submitted to satisfaction of the principal certifier, certifying that all required ecological works have been undertaken.

## ATTACHMENT A

The Ecologist must have a minimum tertiary degree in Science, Conservation, Biology, Ecology, Natural Resource Management, Environmental Science or Environmental Management. *The Ecologist must be licensed with a current Department of Primary Industries Animal Research Authority permit and New South Wales Scientific License issued under the BC Act.*

Ecologist will be commissioned to:

- Undertake an extensive pre-clearing survey.
- Delineate habitat-bearing trees and shrubs to be retained/removed
- Be available to supervise the clearance of trees and shrubs (native and exotic) in order to capture, treat and/or relocate any displaced fauna.

**Reason:** To ensure all ecological works are satisfactorily conducted.

### 7. Final Landscape Plan

Before the issue of a Construction Certificate, a final Landscape Plan must be submitted to and approved by the Manager of Development Planning at Fairfield City Council. The Landscape Plan must be consistent with the plan numbered LA-000, LA-001, LA-002, LA-003, LA-101, LA-102, LA-103, LA-104, LA-201, LA-202, LA-600, LA-700, dated 16 April 2025, prepared by Studio IZ as approved under Condition No. 1 of this consent, together with any additional criteria required by the Development Consent addressing the following requirements:

- a. Additional tree plantings ranging in height and species shall be provided within the rear setback of the premises in order to compensate for the loss of trees onsite.
- b. All landscape plans are to be prepared by a professionally qualified landscape architect or designer and appropriately replaced, using species from Appendix F of Fairfield City Councils DCP 2013.

**Reason:** To ensure that landscaping is appropriate implemented.

### 8. 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 five (5) years from the issue of the Occupation Certificate.

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

### 9. Erosion and Sediment Control Plan (ESCP)

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:

- a) Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004).
- i) Site works will not start until adequate erosion and sediment control works outlined are installed and functional.

- ii) The entry to and departure of vehicles from the site will be confined to one stabilised point.
- iii) Sediment or barrier fencing will be used to restrict all vehicular movements to that point.
- iv) Sediment fences and barrier fences will be installed as shown on the attached drawings.
- v) All stockpiles will be placed in the location shown on the ESCP and at least 2 metres clear of all areas of possible areas of concentrated water flow, including driveways.
- vi) All erosion and sediment controls will be checked at least weekly and after rain to ensure they are maintained in a fully functional condition.
- vii) During works, all stormwater pits shall be protected using hay bale pit surrounds or otherwise appropriate means which shall be maintained in place
- viii) The devices shall be maintained in place until all works are completed and grassing has become established.

**Reason:** To comply with the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004).

### 10. 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.

### 11. 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.

### 12. Final Stormwater Drainage Plan

The **relevant** 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.

### 13. Engineering Approval – Section 68

Before the issue of **the relevant** Construction Certificate, a Section 68 Approval pursuant to the Local Government Act 1993 shall be issued by an accredited certifier or by Fairfield City Council for the construction of the stormwater pit (Pit 11) over the existing pipe connection to the concrete channel and for the connection to the kerb and gutter on Newton Road for the grated drain.

Civil Design Plans shall be prepared by a suitably qualified engineer and submitted to the chosen certifier via the Planning Portal. The final design shall be designed in accordance with approved plans and specifications at no cost to Council.

Prior to the issue of a Section 68 Approval, the applicant shall lodge with Council, a bank guarantee, or a cash bond to the cost of all works required under this consent to be carried out within the road reserve or on land under the control of Council and. Council will hold the bond for a period of six (6) months from date of issue of the Compliance Certificate. The value of the bank guarantee or the cash bond will be determined by Council upon approval of the detailed engineering drawings.

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

### 14. Vehicular Crossing Application

Before the issue of a Building Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via an industrial crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.



**Reason:** To ensure compliance with Council Vehicular Crossing Policy.

### 15. 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.
- l) The location of parking for construction workers on site.

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.

### 16. Directional Signage

Prior to the issue of a Construction Certificate, amended architectural plans shall be submitted to and approved by the Manager of Development Planning at Fairfield City Council, providing additional building identification signage to clearly inform staff and visitors where they can and cannot access both Warehouses A and B.

**Reason:** To improve directions for staff and visitors.

### 17. Parking Spaces to be Provided

Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the **relevant** Construction Certificate.

**Reason:** To comply with Council's parking requirements and Australian Standards.

### 18. Bicycle Parking Spaces

The bicycle storage area must be capable of accommodating a minimum of ten (10) bicycles within a fixed bicycle rail. The bicycle storage areas and bicycle rail must be designed to meet the requirements of AS 2890.3:2015. Bicycle parking and access arrangements shall ensure that the potential conflicts with vehicles are minimised. Details are to accompany an application for the relevant Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To comply with Bicycle Parking requirements.

### 19. 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 relevant Construction Certificate to the satisfaction of the Certifying Authority.

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

## 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. 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)).

### 23. 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.

### 24. 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.

### 25. Dilapidation Report

- a. A dilapidation report shall be carried out on all adjoining properties, public road reserve area and the extent of Newton Road accessed by construction vehicles by the Applicant prior to the commencement of any works on site. The required dilapidation report, to be prepared by a suitably qualified structural engineer, shall be submitted to Fairfield City Council prior to the commencement of any works on site. The report shall cover structural and geotechnical factors likely to arise from the development. A copy of this report shall be submitted to Council as a record.
- b. During construction, excavation and compaction associated with the development, the builder shall be responsible in monitoring vibration impact upon neighbouring properties to ensure no adverse impact to adjoining properties. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.
- c. A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1 metre below the proposed final excavation level). The report shall describe inter alia:

- i. an indication of the nature and depth of any uncontrolled fill at the site;
- ii. an indication of the nature and condition of the material to be excavated;
- iii. indications of groundwater or seepages;
- iv. required temporary measures for support of any excavations deeper than 1 metre adjacent to property boundaries;
- v. statement of required excavation methods in rock and measures required to restrict ground vibrations;
- vi. other geo-technical information or issues considered relevant to design and construction monitoring.

**Reason:** To record the condition of adjoining properties before the commencement of construction and ensure any damage to adjoining properties is rectified.

### DURING BUILDING WORK

#### 26. 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)).

#### 27. 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.

#### 28. 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.

#### 29. 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).

### 30. **Waste Management**

While site work is being carried out:

- a. all waste management must be undertaken in accordance with the 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.

### 31. **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.

### 32. Archaeology and Aboriginal Heritage

#### Archaeology

In accordance with Section 146 of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered; the works are to stop immediately, and the NSW Heritage Council notified of the discovery.

#### Aboriginal Heritage

In accordance with Council's Aboriginal Heritage Study, this condition is applied to ensure that any objects of potential indigenous significance are protected. Such objects are not specifically protected by the relics provision as outlined by the NSW Heritage Council. The National Parks & Wildlife Act (1974) provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) under Section 90 of the Act, and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community) under Section 84. It is an offence to harm either an Aboriginal object or Aboriginal Place in NSW. The Act defines an Aboriginal 'object' as:

'any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal European extraction, and includes Aboriginal remains'.

Works must be stopped in the instance where there is a suspected discovery of an 'object' in accordance with the above definition and NSW Heritage (OEH) notified under Section 89A of the NPW Act. In this instance, a valid and applicable Aboriginal Heritage Impact Permit may be required under Section 90 of the NPW Act.

**Reason:** To be consistent with the provisions of the National Parks & Wildlife Act (1974) and ensure the protection of all items, objects and remains that are significant.

### 33. 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.

### 34. Endeavour Energy – Safety Clearances from Electricity Assets

During construction, the applicant must ensure that the construction and/or development site must comply with Endeavour Energy guidelines for safety clearances from their electricity assets and any other relevant legislation/guidelines. For further information, please contact Endeavour Energy.

**Reason:** To ensure compliance with Endeavour Energy requirements.

### 35. Tree Protection Zone

The retained trees on the property that may be affected by machinery or construction work are to have appropriate Tree Protections Zones (TPZ) put in place. TPZ should not be less than 2 metres nor greater than 15 metres (except where crown protection is required). Any tree pruning must be in accordance with Australian Standard AS4373-2007, Pruning of Amenity Trees (AS4373).

**Reason:** To comply with AS4373-2007.

### 36. Construction Hold Points

The following construction hold points shall be adhered to:

- a) Preclearance survey
- b) Site Establishment – Successful installation of specified TPZ around retained trees and erosion and sediment plan prior to commencement of work.
- c) Practical completion – successful implementation of the Landscape plan and appropriate establishment of replacement species.

**Reason:** To ensure works are in accordance with the approved landscaping plan(s).

## BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

### 37. Loading Management Plan

Prior to the issue of an Occupation Certificate, a Loading Management Plan shall be submitted to and approved by Fairfield City Council's Traffic Section Branch. The plan shall provide a breakdown of the number of vehicles (12.5m heavy rigid vehicles, 20m semi-trailers, 26m B-Double vehicles etc) that are expected to use the site on hourly basis throughout the day.

**Reason:** To ensure that the site can accommodate the peak traffic and parking demands without impacting traffic on the adjacent external road network.

### 38. 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) Noise and Vibration Impact Assessment, prepared by E-Lab Consulting, dated 24 April 2024

- b) Detailed Site Investigation Report, prepared by EP Risk, dated 22 April 2024
- c) Preliminary Risk Screening, prepared by Riskcon, dated 15 March 2024
- d) Air Quality Impact Assessment, prepared by Northstar, dated 4 June 2024

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

### 39. **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.

### 40. **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.

### 41. **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.

### 42. **Works on Adjacent Roads**

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

- a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.



- b. 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.

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.

#### 43. **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.

#### 44. **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.

#### 45. **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.

#### 46. **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).

## OCCUPATION AND ONGOING USE

### 47. 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.

### 48. Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the building, 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.

### 49. 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 designated loading bays provided on-site. Service vehicles shall not park at locations where they will obstruct the flow of traffic into, within and out of the site.
- d. Signs and line marking shall be installed to differentiate the loading and manoeuvring areas and to assist with vehicle movements within the site.
- e. The largest vehicle servicing the site shall be restricted to 26m B-Double vehicle unless otherwise permitted. Heavy vehicle drivers and operators must comply with the Heavy Vehicle National Law (HVNL) and its requirements for restricted access vehicles. Restricted access vehicles must not travel on local roads unless the applicant has obtained permits from National Heavy Vehicle Regulator (NHVR). Requests to use these vehicles on public road(s) must be submitted to the NHVR at least 28 days prior to the vehicles' scheduled travel dates. Information on restricted access vehicles can be found on the website at [www.nhvr.gov.au](http://www.nhvr.gov.au).

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

### 50. **Carparking – General**

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. Two-hundred and nine (209) off-street car parking spaces for staff and visitors, including
- ii. Four (4) off-street accessible car space in accordance with AS 2890.6.

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.

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.

### 51. **Hours of Operation**

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

Twenty-four (24) hours per day, seven (7) days a week.

**Reason:** To ensure the acoustic amenity of surrounding properties.

### 52. **Advertising Sign**

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

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

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

### 53. **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 properties.
- 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.

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

### 54. **Storage of Goods**

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

**Reason:** To protect the amenity of the streetscape.

### 55. **Ancillary Development**

The offices shall operate as ancillary to the use of the subject site for the purposes of a warehouse and distribution centres, at all times. The office shall be subservient to the warehouse and distribution use and not an independent use on the premises.

**Reason:** To ensure the development operates in accordance with the approved development.

### 56. **Warehouse and Distributions**

The use of the premises shall comply at all times with the following definition of a warehouse and distribution centre (Fairfield LEP, 2013):

**‘Warehouse or Distribution Centre’** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

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

### 57. **Closed Circuit Television (CCTV)**

- a. A camera must be located at the main entrance to the premises and building 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:
  - i. the person represents not less than 100% of screen height, and
  - ii. 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:
  - i. all other public entrances and exits, whether or not in use at the time
  - ii. staircases in multi-level premises
  - iii. all portions of the floor area accessible to the public where facilities are provided
  - iv. toilet external areas
  - v. all general areas accessible by the public
  - vi. 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:
  - i. the person represents not less than 50% of the screen height, and
  - ii. 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;
  - i. be in digital format
  - ii. record at a minimum of six frames per second, and
  - iii. 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.

### 58. Signage Conditions

The proposed signage is subject to the following conditions:

- i. Wording: As per Stamped Plans.
- ii. Size(sign face):
  - Sign 1 – 2x Building Identification Pylon Signs – 5m H x 1.510m W
  - Sign 2 – 1x Building Identification Pylon Sign – 3m H x 1.510m W
  - Sign 3 – 1x Building Identification Pylon Sign – 3m H x 1.510m W
  - Sign 4 – 2x Flush Wall Business Identification Signs – 1.240m H x 6.870m W

- Sign 5 – 2x Flush Wall Business Identification Signs – 1m H
- Sing 6 – 2x Roof Branding Signs – 20m H x 110.8m W
- iii. Signs to be non-flashing.
- iv. Signs to be maintained in a manner satisfactory to Council at all times.
- v. Submission of a certificate of adequacy from a practising structural engineer upon erection of the signs.
- vi. The proposed flush wall signage must not project more than 300mm from the wall to which they are attached.
- vii. The sign is to be setback a minimum distance of 3 metres from the property boundary. No portion of the sign is to infringe the setback.
- viii. Under no circumstances shall any signs be erected above the wall to which the signs are attached.
- ix. The sign shall be erected in accordance with manufacturer's specifications.

**Reason:** To ensure the structures are safe and not affect amenity of the area.

### 59. Driveway Gradient

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

**Reason:** To ensure compliance with Australian Standards AS 2890.

### 60. Method of Stormwater Drainage

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

- a) The concrete lined channel – this requires Local Government Approval (Section 68).

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.

### 61. 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 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.

### 62. 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.

### 63. 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.

### 64. Landscape Maintenance

All landscape works shall be maintained for a minimum period of five (5) 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.

### 65. Glass Façade

All external glass located on the buildings shall not to exceed 20% reflectivity.

**Reason:** To minimise discomfort from glare and reflected heat.

### 66. Tree Removal

This subject development consent does not permit the removal of Tree Nos. 181 and 183 identified within the Landscape Plan prepared by Studio IZ, Sheet No. LA-002, located at No. 68 Newton Road, Wetherill Park (Lot 1, DP 851250).

**Reason:** To comply with Statement of Environmental Effects.

### 67. 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.

### 68. 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.

### 69. 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.

### 70. 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.

### 71. Fencing

All fencing on the premises shall comply with the following requirements at all given times.

- Front fencing facing Newton Road shall be of open style, such as powder-coated wrought iron pickets, be of dark colour, and not exceed 2.4m in height; and
- Fencing along the side and rear boundaries shall be of open style, such as powder-coated wrought iron pickets or chain wire, be of dark colour and not exceed 2.4m in height.

**Reason:** To comply with the Fairfield City Wide Development Control Plan 2024.