

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 250.1/2024

LOT: 45 & 46, SEC: 6, DP: 1625, NO. 31 THE PROMENADE, YENNORA

Use of an Existing Industrial Premises for the Purposes of a Resource Transfer Station, Involving the Collection, Sorting and Transfer of a Maximum of 606 Tonnes of Scrap Metal Per Annum

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Plan No. :	Revision No. :	Plan Title :	Drawn By :	Date :
DA01	C	Cover Sheet	Lime Architects	29.05.2025
DA02	C	Site Plan	Lime Architects	29.05.2025
DA03	C	Existing Ground Plan	Lime Architects	29.02.2025
DA04	C	Operations Ground Plan	Lime Architects	29.05.2025
DA05	C	Elevations	Lime Architects	29.05.2025
DA06	C	Landscape Plan	Lime Architects	29.05.2025

Plan Title	Drawn By	Plan No	Revision No	Date
BCA Design Compliance Report	MBC Group	25000083	01	18 February 2025
Environmental Impact Statement	Myriad	2024023	2.1	26 August 2024
Plan of Management	Lime	POM00735v1.0	2.0	7 February 2025
Waste Management Plan	Lime	WMP00735v1.0	1.0	30 April 2024
Response to Council's Request for Information	Transport Strategies	24047	N/A	30 May 2025
Traffic Report	Transport Strategies	24047	N/A	9 August 2024
Preliminary Hazard Analysis (PHA) and Environmental Risk Assessment	Myriad	2024023	1.1	26 August 2024
Flood Impact and Risk Management Report	New Horizon	NH975	1	15 August 2023
Fire and Incident Management	Lime	FIM00735v1.0	1.0	30 April 2024
Odour Impact Assessment	Environodour	EJ540	Final	18 July 2024
Noise Impact Statement	Acoustic Dynamics	6445R001.JC.24 0717	0	8 August 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. **Amendments in Red**

The following amendments in red shall be made to the approved architectural plans:

- The staff car parking space located inside the building shall be deleted and does not form part of this approval;
- The car parking space located within the front setback labelled “visitor car space” shall be made available to staff only;
- The six (6) customer parking bays shall be permanently line-marked and made available for customers only and be used for the purposes of unloading of goods/waste only; and
- Appropriate signage shall be displayed within the front of the building, directing customers to the parking bays inside the building.

Reason: To protect the amenity of the surrounding locality.

3. **Engineering Approval – Section 138 Road Act Approval**

A Section 138 Roads Act Approval shall be issued by an accredited certifier or by Fairfield City Council for the removal of the existing redundant vehicular crossing and the reinstatement of kerb and gutter and grass nature strip within the road reserve area.

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 an Section 138 Roads Act 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 Council’s road reserve area is satisfactorily restored.

4. **Building Works**

The proposed building works the subject of this consent, must be completed within one-hundred and twenty (120) days from the date of the determination of the development consent.

Reason: To ensure the required building works are completed prior to the use continuing.

5. **Compliance Certificate**

A Compliance Certificate must be submitted to Fairfield City Council and the Principal Certifier, certifying that the engineering works as required per Condition No. 3, has been completed within a period of one-hundred and twenty (120) days from the date of the determination of the subject Development Consent.

Reason: To ensure the required building works are completed within a reasonable time period.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. **Utilities and Services**

Before the issue of the 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.

7. **Provide a Final Landscape Plan**

Before the issue of a Construction Certificate, a final Landscape Plan must be submitted to the certifier, which is consistent with Plan No. DA06, dated 29.05.2025, prepared by Lime Architects, together with any additional criteria required by the Development Consent addressing the following requirements:

- a. A proposed plant schedule indicating planting locations, species type (botanic/ common name) mature dimensions, plant numbers and the size of the containers at planting.
- b. All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that landscaping is appropriate implemented.

BEFORE THE COMMENCEMENT OF BUILDING WORK

8. **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.

9. 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)).

10. 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.

DURING BUILDING WORK

11. Compliance with the Building Code of Australia

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

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

12. Procedure for Critical Stage Inspections

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

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

13. **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.

14. **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.

15. **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.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

16. Environmental Reports Certification

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

- a) Environmental Impact Statement, prepared by MYRIAD, dated August 2024
- b) Air quality Impact Assessment, prepared by Environodour Australia Pty Ltd, dated 18 July 2024
- c) Acoustic Report, prepared by acoustic dynamics, dated 8 August 2024
- d) Plan of Management, prepared by Lime Architects, dated 7 February 2025

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

17. Registration of Final Plan of Consolidation

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

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

18. Works on Adjacent Roads

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

- a. The nature strip along the frontage of the property shall be regraded, top soiled and turfed in accordance with the approved plans.
- b. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. The redundant crossing shall be removed, and 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 Council's Assets are protected.

19. Building in Saline Environments

Before the issue of the 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.

20. Road Reserve Clearance Certificate

Before the issue of the 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.

OCCUPATION AND ONGOING USE

21. Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), an Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifier must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate.

Reason: To ensure compliance with the EP&A Act and Regulations.

22. Carparking – General

- a. The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2024 – Car Parking, Vehicle and Access Management - Chapter 12:
 - i. Six (6) parking bays for the purposes of unloading goods/waste located inside the building for customers
 - ii. Three (3) parking spaces for staff only.
- b. All car parking spaces and driveways shall be designed in accordance with AS2890.2.
- c. All parking bays shall always be maintained free from any obstructions.
- d. All parking bays shall always be made available to customers.

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

23. 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 vehicle larger than a 6.025m small-rigid vehicle shall access the premises at any given time.
- d. All deliveries to the premises shall be made to the designated loading area inside the building.

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

24. Hours of Operation

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

Monday to Friday:	7:00am- 5:00pm
Saturday to Sunday:	7:00am – 2:00pm

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

Reason: To ensure the acoustic amenity of surrounding properties.

25. 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. The premises shall be always maintained in a clean and tidy state. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.
- d. No processing, recycling or manufacturing of materials shall occur onsite at any given time.
- e. Only collection, sorting and transfer of scrap metal, including copper, aluminium and steel shall occur onsite at any given time.
- f. All material received onsite shall be weighed using the weigh bin.
- g. No material or goods shall be stored within the front setback of the site at any given time.

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

26. Storage of Goods and No Storage of Shipping Containers

- a. All works and storage shall be contained wholly within the building. No shipping containers shall be stored or used onsite at any given time.

Reason: To protect the amenity of the streetscape.

27. Unreasonable Noise and Vibration

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

Reason: To protect the amenity of neighbouring properties.

28. **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.

29. **Waste Receipts**

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such records are to be made available to Council's Officers, upon request.

Reason: To ensure best practice in waste disposal.

30. **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.

31. **Waste or Resource Transfer Station**

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

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

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

32. **Operation Capacity**

The premises shall comply at all times with the following operational requirements.

- No more than twelve (12) tonnes of material shall be received per week.
- No more than six-hundred and six (606) tonnes of material shall be received per annum.
- No more than twenty (20) tonnes of material shall be stored onsite at any given time.
- No more than three (3) employees shall be onsite at any given time.

Reason: To comply with development application.

33. Waste Streams

The application shall comply with the following quantity of waste streams at all times.

Type of Material	Maximum Volume Per Annum (tonnes)	Maximum Weekly Volume (tonnes)
Ferrous steel	260	5.19
Copper	42	0.84
Brass	5	0.1
Aluminium	154	3
Zinc	5	0.1
Stainless Steel	61	1.2
Zinc	5	0.1
Nikel	5	0.1
Gold / Silver	0.5	0.01
E Waste	25	0.5
Plastics/PVC	1	0.02
Tyres	15	0.3
Alloy	25	0.5
Glass	0.5	0.01

Reason: To comply with development application.

34. Tree Removal

The subject development consent does not permit the removal of any trees onsite.

Reason: To comply with development application.