
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-64/2010
Property: 13 Carter Street, LIDCOMBE
Description: Alterations and additions to existing industrial building and use as a cable drum warehouse with ancillary workshops and offices by Energy Australia (Crown DA)

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans, including any amendments marked in red, as numbered below (except as otherwise provided by the conditions of this determination):

Plan Number & Title	Prepared By	Issue/Revision	Dated
A0.10 – Site Management Plan	Custance	C/2	10 May 2010
A1.00 – Existing/Demolition Ground Floor Plan	Custance	C/-	10 May 2010
A1.01 – Existing/Demolition First Floor Plan	Custance	B/-	15 February 2010
A1.80 – Ground Floor Plan	Custance	C/1	10 May 2010
A1.81 – First Floor Plan	Custance	B/-	15 February 2010
A3.01 – External Elevations	Custance	B/-	15 February 2010
A4.00 – Building Sections	Custance	B/-	15 February 2010
D0.04 – Materials + Finishes	Custance	A/-	15 February 2010
D0.05 – Site Signage	Custance	A/-	15 February 2010
C010140.00-C-C02 – Sediment & Erosion Control Plan	Costin Roe Consulting	A	10 February 2010
C010140.00-C-C03 – Concept Stormwater Plan	Costin Roe Consulting	B	16 February 2010
L-01 – Landscape Plan	ecodesign	D	10 May 2010
Landscape Maintenance Strategy	ecodesign	-	31 August 2009
09 266 Traffic Management Plan	Traffix	-	2 August 2010
EG 120 – Waste Guidelines	Energy Australia	Version 5	June 2009

Note:

Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

2. Time Period of Consent

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

Reason:- to satisfy the requirements of Section 95 of the Environmental Planning and Assessment Act.

3. **Auburn Development Contributions Plan 2007**

Development Contributions are payable in accordance with Council's Auburn Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the commencement of any works.

Reason:- to ensure that the development complies with the Auburn Development Contributions Plan 2007.

4. **Carter Street Precinct Development Contributions**

A sum of \$20,896.48 is to be paid to Council for the purpose of traffic management, streetscape improvement works and provision of public open space in the Carter Street precinct.

The above sum is broken down to the following items:

Item	Amount
Traffic Management	\$10,500.60
Open Space	\$7,275.25
Public Domain Works	\$3,120.63
TOTAL	\$20,896.48

Reason:- to provide traffic management, streetscape improvement works and provision of public open space in the Carter Street precinct.

5. **Demolition/Construction Waste Management**

Prior to the commencement of any site works, a detailed waste management plan for the demolition and construction phases of the development is to be prepared by a suitably qualified person.

A copy of the plan is to be submitted to Council for information.

Reason:- to ensure suitable management of wastes generated by the demolition and construction phases of the development.

6. **Consolidation of Lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

7. **No Alteration without Council Consent**

The development is not to be altered in terms of built form, layout and/or operational use (and any associated features) without the prior consent of Council.

Reason:- to ensure the development is not altered to be inconsistent with the terms of this consent.

8. **Provision of Street Numbers**

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

Reason:- to clearly identify the street number of the property.

9. **Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

10. **Disabled Access and Facilities**

Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of Part D3 and F2 of the Building Code of Australia and Australian Standards AS1428.1 (Design for Access and Mobility – General Requirements), AS1428.4 (Tactile Indicators) and AS2890.1 (Car Parking).

Reason:- to ensure compliance with the requirements of the Building Code of Australia.

11. **Commonwealth Disability Discrimination Act**

The Commonwealth Disability Discrimination Act 1992, may apply to the proposal. Submission and/or approval of this application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.

Reason:- to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992.

12. **Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

- a) Showing the name and telephone number (including out-of-hours) of the principal contractor for the site works;
- b) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason:- to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

13. **Demolition and Construction Hours**

Site works, including all demolition and construction works and the delivery of materials and/or equipment to and from the property, are to be carried out between the hours of 7.00am and 6.00pm only from Mondays to Fridays and between 8.00am and 4.00pm only on Saturdays. No site works or deliveries are to take place on Sundays or public holidays.

Prior to commencement of any site works, the applicant is to erect signs which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted hours.

Reason:- to reduce nuisance to the surrounding properties during the construction period.

14. **Infrastructure Fee**

An infrastructure inspection fee in accordance with Council's Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate. The amount may be obtained by calling Council's Customer Services unit.

Reason:- to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

15. **Maintain Plans On-site**

A copy of the development consent conditions and approved plans must be kept on the site at all times and be available for inspection by authorised officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

16. **Items not to be placed on Roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

17. **Unauthorised Entry Signage**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

18. **Toilet Accommodation**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside;
- Be constructed of weatherproof material;

- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason:- to ensure suitable toilet accommodation is provided for workers.

19. **Excavated and Filled Areas**

All excavated and filled areas shall be battered to a slope not steeper than two (2) horizontal to one (1) vertical and the fill area shall continue a minimum of one metre past the edge of the house, or similarly be retained in accordance with a retaining wall detail approved by Council. In the event that the retaining wall exceeds 600 mm when measured vertically from the base of the cut, the wall shall be designed by a practicing Structural Engineer, the details submitted to Council, and approved prior to work commencing.

Reason:- to adequately retain excavated and filled areas and prevent soil movement, which may be detrimental to the subject or adjoining premises.

20. **Fencing of Construction Sites**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

Note:

Should any part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) before the fence/hoarding is erected.
- Comply with Council's specifications for the erection of Class A Hoardings.

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

21. **Sedimentation Control**

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

22. **Display of a Warning Sign for Soil and Water Management**

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

23. **Excavations Below Footings of Adjoining Development**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

24. **Soil and Water Management Plan – Large sites**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's Managing Urban Stormwater: Construction Activities. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the Plan shall be maintained at all times. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

Reason:- to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring.

25. Noise from Construction Activities

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

Level Restrictions:-

- i) Construction period of 4 weeks and under:-
 - 1) The L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).
- ii) Construction period greater than 4 weeks and not exceeding 26 weeks:-
 - 1) The L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
- iii) All possible steps should be taken to silence construction site equipment.

Reason:- to ensure noise arising from construction activities is in accordance with relevant legislation and EPA requirements.

26. Dial Before You Dig

Prior to the commencement of any excavations within the site, information regarding underground utility services is to be obtained from Dial Before You Dig.

Reason:- to ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

27. Discovery of Contamination Information During Works

The discovery of new information during any site works which has the potential to alter previous conclusions about site contamination conditions shall be notified to the Council immediately.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

28. Off-site Soil Disposal

Any off-site soil disposed shall be classified in accordance with the procedures of the NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason:- to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

29. Number of Car Parking Spaces

A total of 67 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 metres (depth) by 2.4 metres (width) and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 metres.

Car parking spaces shall not be enclosed without the prior consent of council.

Reason:- to ensure there is sufficient car parking for the development and to comply with Council's Parking and Loading DCP.

30. **Signs for Visitor and Employee Parking**

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor and employee parking spaces shall be clearly identified.

Reason:- to delineate the spaces suitable for visitor and employee parking.

31. **Adequate Signs and Pavement Markings to Assist Traffic Flow**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site.

Reason:- to assist with traffic flow within the development.

32. **Vehicles Related to the Development to be Parked on the Development Site**

All vehicles associated with the use of the premises shall be parked within the confines of the site at all times.

Reason:- to minimise the impacts of car parking on local streets does not impact surrounding development.

33. **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

34. **Loading and Unloading of Vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas (as identified on approved plans) within the site and not from any access driveways, car parking spaces or landscaped areas.

Reason:- to ensure delivery vehicles do not obstruct these designated areas of the site.

35. **Size Limit of Delivery Vehicles**

Vehicles making deliveries to the premises shall generally be limited to articulated vehicles (AV) or smaller as defined by Australian Standard AS2890.2.

Despite the above the use of a specialist service vehicle, having dimensions of 23 metre (length) by up to 4.35 metres (width), is permitted for up to 120 times per year subject to obtaining the relevant further approvals for each movement from the NSW Roads and Traffic Authority and providing Council with 14 days notice prior.

Reason:- to ensure adequate manoeuvring space is provided at the site.

36. **Car Park and Service Vehicle Areas**

The layout of the car park shall comply with Australian Standard AS2890.1 – 2004: Parking Facilities Part 1, Off Street Parking. All parking spaces are to be line marked.

The layout of the service vehicle area shall comply with Australian Standard AS2890.2 – 2004: Off Street Parking Part 2 – Commercial Vehicle Facilities.

Reason:- to ensure that the car parking and service vehicles areas are designed and constructed to meet relevant Australian Standards.

37. **Storage of Dangerous Goods**

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act 1975, shall be submitted to the WorkCover Authority in accordance with their requirements.

Reason:- to comply with WorkCover Authority requirements.

38. **Installation of LPG Facility**

The installation of the LPG facility shall be in accordance with the latest version of Australian Standard AS1596 – 1997: Storage and Handling of LP Gas and any additional technical controls in the guidelines.

In the event of a nearby development causing the LPG facility to become non-compliant with the Hazardous Industry Location Guidelines No.1- LPG Automotive Retail Outlets, the applicant shall make alterations to bring the facility back into compliance. This may include the installation of additional protective features or it may necessitate removal of the LPG facility.

Reason:- to ensure compliance with the relevant Australian Standard.

39. **Storage and Handling of LPG**

The operation of the LPG facility shall be in accordance with the latest version of Australian Standard AS1596 – 1997 Storage and Handling of LP Gas and any additional technical controls in the guidelines.

Delivery tankers shall be parked wholly within the site during unloading. Tankers shall enter and exit the site in a forward direction and tankers shall only remain on site during unloading operations. All tanker deliveries shall be made outside peak usage periods.

Reason:- to ensure compliance with the relevant Australian Standard.

40. **Quantities of Dangerous Goods**

The total quantity of chemicals classified as Dangerous Goods which are stored on the site at any one time shall not exceed the screening threshold requirements of State Environmental Planning Policy No.33 – Hazardous and Offensive Development.

Any proposed increase above and beyond the screening threshold requirements is to be the subject of a further application to Council, prior to implementation.

Reason:- to ensure the quantity of dangerous goods is in accordance with SEPP 33.

41. Demolition of Buildings

The (part of) building/s shall only be demolished in accordance with the requirements of Australian Standard AS2601 – 2001: The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off to Council's requirements.
- e) The disposal of refuse is to be to an approved waste disposal depot.

Reason:- to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

42. Demolition – Lead Paint Disposal

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with Australian Standard AS2601 – 2001: Demolition of Structures. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the Lead Safe A renovator's guide to the dangers of lead, NSW EPA, 1998.

Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason:- to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

43. Demolition – Common Sewerage System

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

44. Demolisher Details

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
 - i) Written notice, indicating the date when demolition of the building is to commence.
 - ii) The demolisher's full name and address.
 - iii) Details of Public Liability Insurance.

- b) Comply with Australian Standard AS2601 – 2001: Demolition of Structures.
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works.

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

45. **Demolition Works – Noise and Vibration**

The following shall be compiled with:-

- a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

46. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
 - i) The Occupational Health and Safety Act 2000;
 - ii) The Occupational Health and Safety Regulation 2001;
 - iii) Protection of the Environment Operations Act 1997
 - iv) Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999
 - v) Waste Avoidance and Resource Recovery Act 2001.
 - vi) The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];

- vii) The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] www.nohsc.gov.au; and
- viii) The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note:

The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting www.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

47. Services to be Capped

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority.

Reason:- to ensure all services are capped adequately.

48. Materials and Finishes

Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:-

- a) Quality and durable materials are to be used throughout the development.
- b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

Reason:- to ensure a high quality appearance to all materials within the development.

49. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%.

Note:

The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason:- to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

50. Roofing Materials – Reflectivity

Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings.

Reason:- to ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development.

51. Stormwater Disposal

All stormwater runoff from the development shall be directed to Council's drainage system in accordance with the approved Concept Stormwater Plan, Drawing No.C010140.00-C-C03 (Issue B), prepared by Costin Roe Consulting and dated 16 February 2010.

Reason:- to ensure that stormwater is suitably discharged.

52. Submission of Stormwater Disposal Details

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council prior to commencement of any works, to ensure the approved stormwater plans are incorporated in the development.

The details are to be prepared by a suitably qualified practicing Civil/Hydraulic Engineer and must be in accordance with Australian Rainfall and Runoff 1987. In this regard:

- The proposed stormwater system shall be generally in accordance with the approved Stormwater Concept P, Drawing No.C010140.00-C-C03 (Issue B), prepared by Costin Roe Consulting and dated 16 February 2010.
- Runoff from car parking and driveway areas shall be drained through an oil silt arrestor prior to discharging to the Council system.

Reason:- to ensure the stormwater is suitably discharged.

53. Runoff from Car Parks

All car parking and service vehicle manoeuvring areas must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system. This shall be carried out in accordance with:-

- EPA's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater first Flush Pollution);
- EPA's Managing Urban Stormwater: Treatment techniques.

Reason:- to ensure stormwater runoff is suitably treated prior to being discharged into Council's drainage system.

54. Works-as-Executed Plan

Prior to occupation of the building, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer for works affecting the public way or Council's infrastructure shall be submitted to Council. The W.A.E. plan shall show (where applicable):-

- i) Whether all works have been completed generally with the approved drainage plans;
- ii) Any departure from the approved plans and conditions of consent;
- iii) Any additional work that has been undertaken;

- iv) Location, levels and sizes of pipes and pits;
- v) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on the approved drainage plan.

Reason:- to account for minor variations and to ensure Council has the final details.

55. **Maintenance Schedule – Water Quality Device**

Prior to the occupation of the development, a maintenance schedule for the proposed oil silt arrestor/water quality device shall be submitted to Council for approval with the stormwater works-as-executed plan.

Reason:- to ensure the oil silt arrestor/water quality device is maintained in good working order.

56. **Reinstatement of Footpath and Footpath Crossing**

The footpath and footpath crossings adjacent to the property shall be reinstated by Council at the completion of works with all costs being borne by the developer. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

Reason:- to ensure the footpath and the footpath crossings are repaired from any damage caused during the construction phase.

57. **Carrying Capacity of Driveways**

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to occupation of the building.

Reason:- to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

58. **Street Boundary Levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Engineering Department. These levels are to be incorporated in all drainage submissions required under this determination.

Reason:- to ensure the correct levels are obtained and used for the development.

59. **Road Opening Permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

60. **Restoration Works**

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts and Maintenance Engineer.

Reason:- to ensure that Council's infrastructure is maintained in a safe and trafficable manner.

61. **Boom Gate**

The boom gate to the medium rigid vehicle entry to the site (adjacent to Car Parking Bay No.2) shall be removed/deleted.

Reason:- to prevent vehicles from queuing across the public footpath.

62. **Widening of Access Driveways**

The proposed widened driveways on Carter Street and Uhrig Street shall comply with Figure 3.2 of Australian Standard AS2890.2 – 2002.

Reason:- to ensure pedestrian safety.

63. **Footpaths**

New pedestrian footpaths in accordance with Council's standards and specifications (to be obtained) are to be provided for the entirety of the Carter Street and Uhrig Road frontages of the subject site. All associated costs are to be borne by the applicant.

Reason:- to ensure the minimum public domain upgrades are undertaken.

64. **Amenity**

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Reason:- to protect the amenity of the locality.

65. **Odour**

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the Protection of the Environment Operations Act 1997.

Reason:- to protect the surrounding locality from offensive odours.

66. **Water Pollution**

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

Reason:- to protect waterways and stormwater systems from pollution.

67. **Light Overspill**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282 – 1997: Control of the obtrusive effects of outdoor lighting.

Reason:- to ensure light overspill arising from the development does not interfere with the amenity of the locality and complies with relevant Australian Standards.

68. Final Fire Safety Certificate

Prior to the occupation of the building, a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule is to be obtained. A copy is to be submitted to Council for information.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person; and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

Note:

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-
 - i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades; and
 - ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 and 171 of the Environmental Planning and Assessment Regulation 2000.

69. Annual Fire Safety Statement

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

- a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

Note:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-
 - i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades; and
 - ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

70. **Fire Safety Notices**

The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of "Offences relating to fire exits". The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

71. **Upgrade of Landscaped Areas**

Prior to occupation of the building, the existing landscaped areas of the site are to be upgraded and refurbished in accordance with the approved landscape plan. The works are to include but not be limited to the following:-

- The removal of all weeds and rubbish.
- Replacement of all dead plants or plants in poor condition with healthy specimens.
- Re-mulching of the landscaped areas with organic mulch to an even depth of 75mm.

The landscaping shall be appropriately maintained at all times.

Reason:- to ensure the landscaped areas at the site are adequately landscaped and maintained.

72. **Landscaping Installation and Maintenance**

Landscaping must be installed and maintained in accordance with Schedule A-4 – Minimum Landscaping Requirements of Council's General Requirements Development Control Plan.

Reason:- to ensure compliance with Council's Development Control Plan requirements.

73. **Tree Protection**

- a) Prior to the commencement of any works on the site, a Tree Protection Zone (TPZ) shall be established around all trees, including street trees, which are to be retained in accordance with the approved plans. The TPZ shall extend to a radius that is 10 times the diameter of the trunk of each tree. The measurement of the trunk shall be taken 1.5 metres from ground level.

The area shall be enclosed with a protective fencing consisting of 1.8 metres high fully supported chainmesh. Tree Protection Zone signage is to be attached to protective fencing and is to include the name and contact details of the site arborist. Signs shall be attached to all fencing stating that the area is a 'No Go Zone' and show the site arborist's name and contact details. Unless an area is already covered by a hard surface, the area enclosed by the TPZ is to be kept weed/ grass free and be mulched to a depth of 100mm with an approved mulch.

- b) All activities not related to tree maintenance are not to be conducted within the TPZ. The area is not to be used for the storage of materials, stockpiling, siting of work sheds, preparation of mixes, cleaning of tools or equipment, pedestrian or vehicular activity, including parking. Original soil levels within the TPZ shall not be changed, except where Council approval has been granted for cut or fill within a TPZ, and in this case the work shall be supervised by the appointed Site Arborist.

Refuelling and/ or the maintenance of machinery and equipment is not permitted within 10 metres of any TPZ. The washing down of machinery, chemical, concrete or cement handling equipment or the storage of chemicals is not permitted within 10 metres of any TPZ.

Placement of any underground services shall not take place within any TPZ. Where this is not possible, tunnelling or boring shall be used. Where tunnelling or boring is not possible, all excavation shall be carried out by hand. Any works within the TPZ shall be supervised by the appointed site arborist.

All approved works to trees must be carried out by a suitably qualified arborist and in accordance with Australian Standard AS4373 – 1996: Pruning of Amenity Trees.

Roots with a diameter of 40mm or larger encountered during excavation works outside the TPZ shall be cleanly cut in accordance with accepted arboriculture practices.

Reason:- to ensure protection of existing street trees and trees on the site.

74. **Tree Retention**

All reasonable measures shall be undertaken to ensure that the existing trees (other than any tree approved for removal under Council's Tree Preservation Order) on-site are not damaged during the approved works.

Reason:- to protect trees in accordance with Council's Tree Preservation Order.

75. **Installation of Fuel Tanks**

Installation of the fuel tanks shall comply with Australian Standard AS1940 – 1993: The Storage and Handling of Flammable and Combustible Liquids and shall be licensed by WorkCover Authority prior to the occupation of the premises. A copy of the compliance certificate and WorkCover Dangerous Goods licence is to be submitted to Council.

Reason:- to ensure the requirements of WorkCover Authority are complied with.

76. **Storage of Waste Oil**

The premise shall contain adequate holding facilities for the reception of waste oil and a contract for the recycling of this oil must be in place and available for inspection by authorised officers, prior to the occupation of the building.

Reason:- to ensure waste oil will be properly dealt with.

77. **Washing of Vehicles – Further Approval**

No washing of vehicles shall be carried out at the premises without a further development application being submitted to and approved by Council for this purpose.

Reason:- to ensure further approval is obtained for the washing of vehicles at the premises.

78. No Public Address System or Sound Amplifying Equipment

A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.

Reason:- to ensure the development does not cause a noise nuisance to adjoining development.

79. Noise and Vibration

The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- a) An 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- b) Transmission of vibration to any place of different occupancy above the requirements of Australian Standard AS2670.
- c) A sound pressure LAeq, period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) A sound pressure LAeq, 15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

80. Intruder Alarms

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

81. Arrangements for Water and Sewer Services

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator.

Reason:- to ensure that adequate water and sewer services can be provided to the site.

82. Sydney Water Approval

The approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped.

Reason:- to ensure the development does not damage or interfere with Sydney Water assets.

83. Hours of Operation

The hours of operation of the development are limited to between 7.00am and 6.00pm, Monday to Friday. No hours of operation are approved for weekends and public holidays.

All deliveries to and from the site are to be conducted within the approved hours, with the exception of the specialist cable drum deliveries which are subject to further approval from the NSW Roads and Traffic Authority. In this regard, Council is to be provided with 14 days notice of any such deliveries.

Reason:- to limit the operating hours of the development so as to reduce the likely nuisance on adjoining development.

84. Business and Building Identification Signage

Approved business and building identification signage is to be provided in accordance with the approved plans. In this regard, signage is limited to:

- An illuminated main pylon sign with dimensions of 3 metres (height) by 1 metre (width), located on the eastern side of the domestic vehicle entry to the site on Carter Street and containing the words "Energy Australia" and the site address;
- A non-illuminated secondary pylon sign with dimensions of 1.5 metres (height) by 0.75 metres (width), located on the western side of the domestic vehicle entry to the site on Carter Street and containing the words "Energy Australia" and departmental directions information;
- Two non-illuminated secondary pylon signs with dimensions of 1.5 metres (height) by 0.75 metres (width), located on the eastern side of the service vehicle entry to the site on Carter Street and the southern side of the service vehicle entry on Uhrig Road, containing the words "Energy Australia" and "In";
- Two wall-mounted signs of unspecified dimensions and illumination, to be located on the southern elevation of the office building (facing Carter Street) and the eastern elevation of the warehouse building and containing the words "Energy Australia" and departmental directions.

All signage shall comply with the following:-

- a) The approved signage shall be appropriately maintained at all times.
- b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent of Council.
- c) The signage shall not:-
 - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - ii) include any apparatus to provide any sound;
 - iii) carry a message(s) which is offensive;

- iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - v) contain interchangeable or movable parts;
 - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;
 - vii) must not impede the ability of the occupants to exit the building under emergency conditions.
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

Any other signage is to be the subject of an additional application to Council.

Reason:- to ensure the appearance and operation of the signage is in an orderly fashion.

85. **Workplace Travel Plan**

Prior to the occupation of the building, a detailed Workplace Travel Plan is to be prepared by a suitably qualified person in accordance with Clause 5.3.2 of Council's Carter Street Precinct DCP and adopted by the operation of the development.

Reason:- to ensure a Workplace Travel Plan is prepared and adopted prior to the commencement of the use.

86. **Ecologically Sustainable Development**

Ecologically Sustainable Development principles are to be implemented throughout the development in accordance with the ESD Summary Report prepared by Custance and dated 10 May 2010.

Reason:- to ensure ecologically sustainable development principles are implemented in the development.

87. **Conditions to be Satisfied prior to Commencement of Use**

The use of the premises is not to commence until all terms of this consent have been satisfied.

Reason:- to ensure compliance with the terms of the development consent.

88. **Building not to be Adapted for Another Use**

The building is not to be altered or adapted for another use without the prior consent of Council.

Reason:- the building has only been approved for this use and other uses require a separate approval of Council.

89. **No External Display of Goods**

Materials, goods, plant, equipment, signage (other than those approved under this consent), advertising structures or the like are not to be stored, placed or displayed anywhere outside the building or property without further Council approval.

Reason:- to avoid visual intrusion into areas adjoining the site.

90. **Graffiti and Vandalism Rectification**

Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

Reason:- to ensure graffiti and vandalism is removed from premises in a timely manner and to protect the visual appearance of the area.

91. **Area of Office**

The approved areas of office shall not exceed that shown on the approved plans without prior approval from Council.

Reason:- to ensure the area of office space within the premises does not exceed that indicated on the approved plans and is used in association with the approved industrial use.

92. **Sublease of Premises**

The premises shall be used solely as one unit and not sub-let or otherwise divided into separate sections and used for additional purposes.

Reason:- to ensure the premises are not sublet or separately occupied without the further approval of Council.

93. **Container Storage**

No shipping/maritime/airfreight containers or other types of temporary storage structures shall be stored externally to the buildings.

Reason:- to ensure all containers are stored internally within the premises so to avoid visual intrusion to other properties.

94. **Cleaning of Facade**

The applicant/occupier of the building shall ensure that facade, including all windows, of the premises are cleaned regularly and, in any event, not less than twice in an annual period.

Reason:- to ensure regular maintenance and cleaning to the exterior of the premises.

95. **Lighting to Publicly Accessible Areas**

Publicly accessible areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Reason:- to ensure publicly accessible areas of the development are provided with sufficient illumination.

96. **Fencing – Further Approval**

The erection of any new fencing at the site that requires consent shall form the subject of a further development application to Council.

Reason:- to ensure further approval is obtained prior to the erection of any fencing that requires consent at the property.

97. **Lighting – External Flood Lights**

Exterior wall mounted flood lights shall be illuminated to a maximum level of between 25 and 50 lux at ground level. Should any substantive complaints be received or should the proposed lighting have an adverse impact on residential amenity, Council reserves the right to request modifications to the lighting arrangements.

Reason:- to ensure that external lighting does not result in any adverse impact on surrounding properties, including residential land.

98. **Trade Waste Containers**

An adequate area is to be set aside within the building for the storage of trade waste containers. Such space is to be reserved at all times for this purpose. The containers shall not obstruct or interfere with the use of any loading, parking areas or access ways.

Reason:- to ensure the trade waste containers are stored within the building to prevent vandalism, arson and possible pollution to the external environment.

99. **Trade Waste Agreement**

A copy of the Permission to Discharge Trade Wastewater shall be obtained from Sydney Water and a copy provided to Council prior to the issuing of the Construction Certificate. Please contact Sydney Water in relation to this matter.

A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Reason:- to ensure the requirements of Sydney Water are complied with.

100. **Waste Collection**

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations Act 1997. Records shall be kept of all waste disposal from the site.

Reason:- to ensure waste is properly disposed of.

101. **Contract for Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

Reason:- to ensure suitable arrangements are in place for the collection of trade waste and recyclables arising from the premises.

102. **Liquid Spillage**

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

Reason:- to ensure materials are available for the recovery of any liquid spillages at the premises.