

JRPP Ref No	2010SYW026
FILE NO:	361/2010
PROPOSED DEVELOPMENT	Warehouse/Distribution Centre & Offices - Volkswagen Group Australia, Lot 38 DP 1031735, 24 MUIR ROAD, CHULLORA
REPORT BY:	Bankstown Council



Development Assessment Report to the Joint Regional Planning Panel

July 2010

DEVELOPMENT APPLICATION - 361/2010, proposes:

Subdivision of the Land into Two (2) Lots and on Proposed Lot One (1) Construction of a Warehouse and Distribution Centre for Vehicle Spare Parts with Ancillary Offices and Car Storage, Including Associated Earthworks.

(The proposed development is Integrated Development requiring a Controlled Activity Approval under the Water Management Act, 2000 from the NSW Office of Water, due to works proposed potentially within 40m of a watercourse)

Part 3 (Regional Development) of State Environmental Planning Policy (Major Development) 2005 applies to this development as the capital investment value of exceeds \$10 million, specified under clause 13B. The development application is therefore to be determined by the Joint Regional Planning Panel.

ZONING: 4(a) - General Industrial, *Bankstown Local Environmental Plan 2001*

DATE OF LODGEMENT: 21 April 2010

APPLICANT: Commercial & Industrial Property Pty Ltd

OWNERS: Pacific National Pty Limited

CAPITAL INVESTMENT VALUE: \$28,458,208

SUMMARY:

Commercial & Industrial Property Pty Ltd have submitted a development application seeking approval for construction and development of a warehouse/distribution centre with ancillary offices at 24 Muir Road Chullora (Lot 38 DP 1031735).

The estimated capital investment value of the proposed development is \$28,458,208.

The site is vacant industrial land on the northern side of Muir Road, Chullora, located between Dasea Street and Worth Street. The site is 6.979ha in area and has frontage to Muir Road of approximately 196m.

The site is located within Chullora Technology Park, an industrial estate developed by Landcom in 1990s on surplus former State Rail Authority land. The estate is in an accessible and geographically central location within metropolitan Sydney serviced by major regional/arterial roads and rail freight terminal.

There are a range of larger industrial developments in the area including Tip Top /George Weston Bakery, News Limited, Fairfax Printers, Primo Smallgoods, and the Chullora Recycling facility.

Approval is sought for the following

- Earthworks over the entire site to create development platforms of approximately 39m AHD (proposed Lot 1) and 41.7m AHD (proposed Lot 2). This will include removal of existing vegetation but retention and fencing off of the threatened flora species Downey Wattle (*Acacia pubescens*) habitat located in the south western corner of the site. The extent of cutting and filling will be generally within the range of 1m to 1.5m but up to 2.5m to 3m.
- Site subdivision into two lots, comprising one lot to the east of the site (proposed Lot 1) for the VW warehouse distribution centre and offices and a residue lot to the west of the site (proposed Lot 2) for future development. The proposed lots will have the following areas and frontages:
 - Proposed Lot 1
5.07ha, 143.545m frontage to Muir Road, to the eastern side of the site, to be developed for warehouse distribution centre and offices.
 - Proposed Lot 2
1.91ha, 150.4m frontage to Muir Road, to the western side of the site for future development.
- Erection on proposed Lot 1 of a warehouse and distribution centre (to be built in 2 stages) with associated offices fronting Muir Road for Volkswagen Group Australia, and including a training facility for vehicle servicing and technicians.
- Stage 1 will incorporate subdivision and earthworks, construction of the primary warehouse (15,785sqm), the three storey office component and training facility of the development and provision of access, parking, external storage for 441 vehicles, landscaping and infrastructure including storm water drainage.
- Stage 2 involves a warehouse expansion (further 7,000sqm) over part of the car storage area proposed in Stage 1 but will retain car storage for 87 vehicles.
- The buildings on proposed Lot 1 will have the following areas:
Warehouse Stage 1 = 15,785sqm
Warehouse Stage 2 = 7,000sqm

Warehouse total = 22,785sqm

2 level ancillary offices within the primary or stage 1 warehouse = 375sqm

3 level office building (including ground floor training facility) = 10650sqm

Total Gross Floor Area = 33,810sqm

The application was advertised and notified for a period of 21 days from 5 May to 25 May 2010. No public submissions were received.

Submissions were received from the Roads and Traffic Authority and Rail Corp, in relation to referrals of the application required under the provisions of State Environmental Planning Policy (Infrastructure) 2007. These are discussed in the assessment report.

A submission was also received from NSW Office of Water being General Terms of Approval for Integrated Development and the provisions of the *Water Management Act 2000*.

The development has been assessed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and in particular the Objects of the Act (Section 5) and the heads of consideration under Section 79C(1). The development will substantially comply with relevant planning instruments, State Planning Environmental Policies and relevant provisions of Bankstown Local Environmental Plan 2001 and Bankstown Development Control Plan 2005.

Key issues have been considered and there are no significant likely impacts of the development, subject to appropriate consent conditions related to:

- implementation of remediation /environmental management plans to deal with remaining asbestos contamination of the site (including appropriate management and monitoring during site earthworks and eventual capping of the site);
- implementation of a vegetation management plan including protection of an area of vegetation significance;
- implementation of suitable treatment of stormwater runoff with pollutant control devices and discharge connections to existing infrastructure, avoiding any impacts on the adjacent Chullora wetland and wildlife sanctuary.
- implementation of a work place travel plan, which can include measures for car pooling and non-car travel modes.

The development will allow for:

- A suitable and orderly development of appropriately zoned land within an existing industrial estate containing a range of similar larger scale developments and activities, which is located close to existing rail freight services connected to Port Botany, with the potential to reduce reliance on road transport.
- Redevelopment of former degraded railway land and remediation of the site by capping and containment of areas of remaining asbestos contamination.
- Protection of an area of vegetation significance comprising a threatened flora species, Downey wattle (*Acacia pubescens*).
- Beneficial impacts for the neighbouring wetland and wildlife sanctuary, including removal of noxious weeds and invasive exotic vegetation from the site, and treatment of stormwater drainage from the development and its connection to existing infrastructure away from the wetland.

- A sustainable development with the inclusion of appropriate energy and water efficiency measures including efficient heating, ventilation, air cooling and lighting, solar controls and solar hot water, and 40,000l rainwater tanks.

On these grounds it is considered that the site is suitable for the development and that it will be in the public interest. Consequently it is recommended that the development be approved subject to the attached conditions.

ATTACHMENTS

A - Development Assessment Report, pages 6 - 39

B - Draft Conditions of Consent, pages 40-66

C - Assessment against relevant provisions of BLEP 2001, pages 67-74

D - Application/architectural plans.

ATTACHMENT A

DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA-361/2010

SITE & LOCALITY DESCRIPTION

The Site

The site (lot 38 DP 1031735) is vacant industrial land on the northern side of Muir Road, Chullora, located between Dasea Street and Worth Street. Muir Road connects Hume Highway, approximately 700 metres to the east of the site with Rookwood Road approximately 200 metres to the west of the site.

The site has an irregular triangular shape with maximum dimensions of approximately 460 metres east-west and 270 metres north-south and an area of 6.979ha and frontage to Muir Road of approximately 196m, on the southern boundary of the site.

Levels on the site vary from approximately 36m AHD in the east and north east corner to approximately 43m AHD in the south west corner of the site. Most of the site is between 38m and 42m AHD.

The site was previously owned by the State Rail Authority and was used for railway purposes, when it was cleared and subject to extensive land filling.

Vegetation across the site is characterised by grasses and low growing shrubs. Most of the vegetation is exotic, including weeds which will be removed. There is an area of Downey Wattle, *Acacia pubescens*, a listed threatened species, in the south west of the site, approximately 50sqm, which is to be retained and protected. A row of native trees, Mugga Ironbarks, *Eucalyptus sideroxylon*, have been planted on the footpath area along the Muir Road frontage of the site, six of these trees will be removed for access to the site.



Figure 1: The site - 24 Muir Road, Chullora - Lot 38, DP 1031735



Figure 2: View across the site from north eastern boundary towards Muir Road



Figure 3: View of the site adjacent to the north eastern boundary with Sydney Water land containing Chullora wetlands and wildlife sanctuary

The Locality

The site is located within Chullora Technology Park. Chullora Technology Park is an industrial estate developed by Landcom in 1990s on surplus former State Rail Authority land. The development of the area included initial remediation works to deal with contaminated and degraded land. There are a range of larger industrial developments in the area including Tip Top /George Weston bakery, News Limited, Fairfax Printers, Primo smallgoods, and the Chullora Recycling facility.

The site is bounded to the north and west by a rail corridor containing a subsidiary freight railway line. There is a rail freight terminal (Pacific National) further to the north west of the site, off Dasea Street. To the north east, the site is bounded by Sydney Water land which contains a constructed wetlands and wildlife sanctuary, replanted with endemic native flora. To the south east there is the Chullora campus of South Western Sydney Institute of TAFE. To the south the site is bounded by Muir Road. The Chullora Waste Recycling Facility (WSN) and George Weston/ Top Top Bakery are located south of the site on the opposite side of Muir Road.



Figure 4: The Locality



Figure 5: Site locality within Chullora Technology Park (source: CPI - Location Plan and Drawing List)

PROPOSED DEVELOPMENT

The estimated capital investment value of the proposed development is \$28,458,208 and will comprise:

Scope of Proposed Works

- Earthworks over the entire site to create development platforms of approximately 39m AHD (proposed Lot 1) and 41.7m AHD (proposed Lot 2). This will include removal of existing vegetation but retention and fencing off of the threatened flora species Downey Wattle (*Acacia pubescens*) habitat located in the south western corner of the site. The extent of cutting and filling will be generally within the range of 1m to 1.5m but up to 2.5m to 3m.
- Site subdivision into two lots, comprising one lot to the east of the site (proposed Lot 1) for the VW warehouse distribution centre and offices and a residue lot to the west of the site (proposed Lot 2) for future development. The proposed lots will have the following areas and frontages:
 - Proposed Lot 1
5.07ha, 143.545m frontage to Muir Road, to the eastern side of the site, to be developed for warehouse distribution centre and offices.

- Proposed Lot 2

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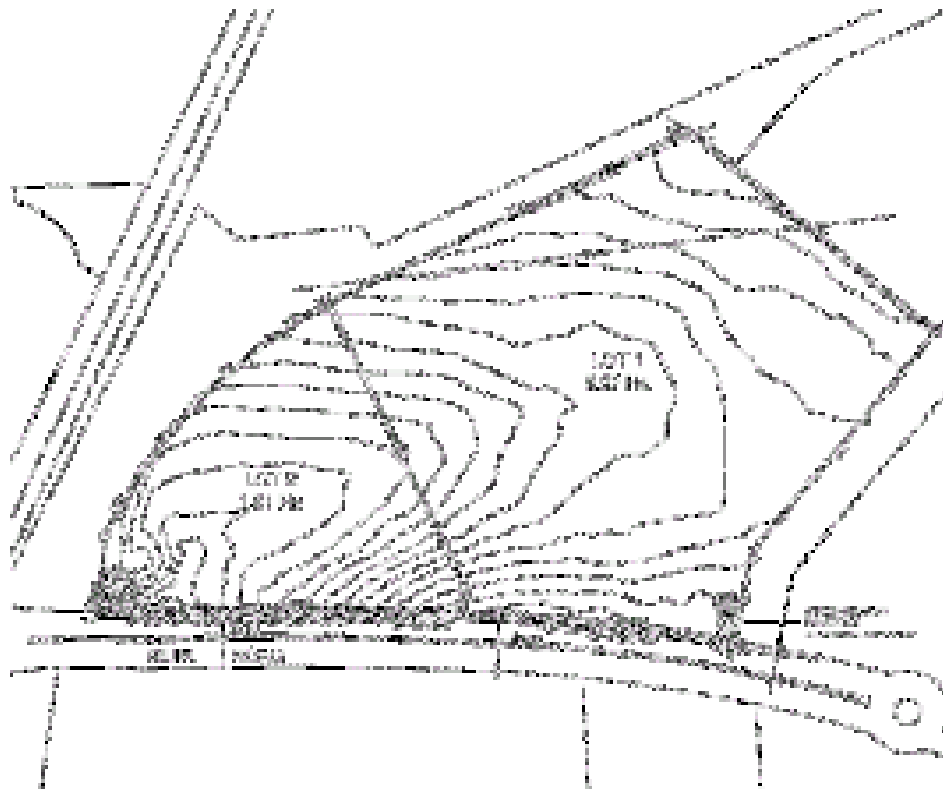


Figure 6: Proposed subdivision (source: CIP - Proposed Subdivision Plan)

- Erection on proposed Lot 1 of a warehouse and distribution centre (to be built in 2 stages) with associated offices fronting Muir Road for Volkswagen Group Australia, and including a training facility for vehicle servicing.
- Stage 1 will incorporate subdivision and earthworks, construction of the primary warehouse (15,785sqm), the three storey office component and training facility of the development and provision of access, parking, external storage for 441 vehicles, landscaping and infrastructure including storm water drainage.
- Stage 2 involves a warehouse expansion (further 7,000sqm) over part of the car storage area proposed in Stage 1 but will retain car storage for 87 vehicles.
- The buildings on proposed Lot 1 will have the following areas:
Warehouse Stage 1 = 15,785sqm
Warehouse Stage 2 = 7,000sqm
Warehouse total = 22,785sqm
2 level ancillary offices within the primary or stage 1 warehouse = 375sqm
3 level office building (including ground floor training facility) = 10650sqm
Total Gross Floor Area = 33,810sqm



Figure 7: Proposed development - Volkswagen Warehouse/Distribution Centre and offices (source - CIP, Site Plan)



Figure 8: Stage 1 (source - CIP, Floor Plan Stage 1)

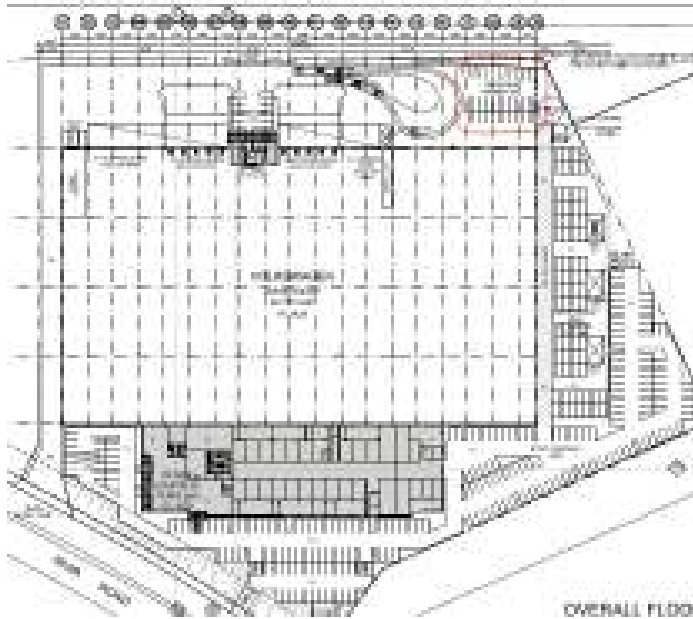


Figure 9: Stage 2 (source - CIP, Overall Floor Plan)

Nature of the Use

- The warehouse will be used to store spare parts and other vehicle related goods for Volkswagen Australia Group.
- The three storey office component of the development will be used in association with the warehouse, as well as being national offices for the Volkswagen Australia Group, and a national training facility. Latest vehicle models will also be displayed on the ground floor, and a workshop and service area, with work bays and small parts and warranty parts storage are also to be provided.
- The training facility, on the ground floor of the three storey office component, will be the centre of training for the Volkswagen national dealership network and the Volkswagen apprenticeship programme. This will include work bays and training rooms and will consist of 6 technical training areas each accommodating 15 trainees plus 1 trainer, and 1 non technical training area for 10 trainees and 1 trainer. There will be a total of 100 trainees and 7 trainers with 85% of trainees to be from interstate or rural NSW.
- A cafe (approximately 130sqm) for staff and visitors is to be provided on the ground floor of the offices/training facility.
- External car storage (with hail netting) is to be provided to the east of the warehouse building on proposed Lot 1, initially for 441 cars, to be later reduced to 87 cars when Stage 2 of the warehouse is constructed. This car storage area will include above ground fuel storage (diesel, petrol, and LPG), a detailing area and a wash bay.

Operation and Staffing

- The hours of operation of the use will be up to 24 hours 7 days a week.

Warehouse staff = 2 shifts - 6am - 1pm and 1pm - 8pm

Warehouse administration staff = 8am - 6pm

Office/training facility staff = 8am - 6pm

- There will be a total of 280 staff comprising:

Warehouse = 50 staff, 25 staff per shift

Warehouse administration = 10 staff

Office = approximately 220 staff, including trainers

Access, Parking, and Drainage

- A 12 metre wide combined ingress/egress driveway for trucks located towards the western boundary of proposed Lot 1.
- A 6 metre wide combined ingress/egress driveway for cars located midway along the frontage of proposed Lot 1.
- On site car parking is to be provided for up to 290 cars, for staff and visitors. 267 spaces will be provided at stage 1 and 290 spaces at the completion of stage 2.
- Stormwater drainage for proposed Lot 1 and the VW warehouse and offices will be connected to Sydney Water land and infrastructure to the east of the site, via appropriate easements, downstream of an existing gross pollutant trap. There will be no stormwater connections to the constructed wetlands. Stormwater drainage for future development of proposed Lot 2 will be directed to Council's system in Muir Road.

Signage

- No signage is proposed at this stage. A separate application is to be made to Council at a later date for the erection of identification signage.

Amendments to the Development

The application plans were amended on 2 June 2010 to increase the number of staff and visitor parking spaces provided on site from the 256 parking spaces as originally proposed up to 290 parking spaces at completion of stage 2. These additional spaces are provided within paved areas in the rear north east corner of the site.

Concept stormwater drainage plans were also amended on 10 June 2010 primarily to provide for stormwater drainage from the development on proposed Lot 1 to be connected to existing Sydney Water infrastructure downstream of the gross pollutant trap to the north east of the site and for stormwater drainage of future/ potential development on proposed Lot 2 to be connected to Council's system in Muir Road.

ASSESSMENT UNDER SECTION 79C(1) - Matters for Consideration-General

The proposed development has been assessed pursuant to section 79C(1) of the *Environmental Planning and Assessment Act, 1979*. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

The provision of any environmental planning instrument - section 79C(1)(a)(i)

State Environmental Planning Policy (Major Development) 2005

Part 3 (Regional Development) of this SEPP applies to this development as the capital investment value of \$28,458,208 exceeds \$10 million, specified under clause 13B. The development application is therefore to be determined by the Joint Regional Planning Panel.

State Environmental Planning Policy (infrastructure) 2007

Rail Corridor Impacts

Clause 85 - Development immediately adjacent to rail corridors

The northern and western boundary of the site is adjacent to an existing rail line or corridor. Referral of the application to Rail Corp is required under clause 85, as well as consideration of guidelines issued by the Director General (Development near Rail Corridor and Busy Roads - Interim Guideline, published by the Department of Planning)

Clause 86 - Excavation in, above or adjacent to rail corridors

Referral of the application to Rail Corp is also required under this clause where development involves the penetration of ground to a depth of at least 2m below existing ground level on land within 25m (measured horizontally) of a rail corridor. Consideration of the guidelines is also required. Consent is not to be granted without concurrence of the Chief Executive Officer of the rail authority. The Chief Executive Officer must take into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Comments

The application was referred to Rail Corp on 5 May 2010. On 17 May 2010 Rail Corp requested that additional information be provided to ensure that all risks were identified to ensure the integrity of the rail corridor would not be compromised, before their comments and concurrence could be issued. This additional information included submission of geotechnical information and cross sectional drawings to show the relationship of the development to the rail corridor. The applicant provided the required additional information on 11 June 2010.

The rail track within the rail corridor is located approximately 35m measured horizontally to the proposed building. No excavation is expected greater than 2m within 25m of the corridor. The proposed construction works are not expected to cause any major disturbance or vibration to the rail corridor, nor is vibration of the rail corridor expected to cause any major disturbance to the development.

The applicant has advised that the proposal will result in the following works in vicinity of the Rail Corridor, up to approximately 35m from the site boundary:

- Earthworks to create to create site levels ranging from approximately 1.2m cut to 1.2m fill.
- Shallow earth/landscaped fill batters for the frontage of lots 1 and 2, at their interface with the rail corridor.
- Trafficable (concrete) pavement for storage, heavy vehicle circulation and loading/delivery areas up to the proposed building line within Lot 1.
- Installation of associated services and stormwater management up to 1.5m depth within Lot 1.
- Construction works, in the vicinity of the Rail corridor, incorporating earth moving and compaction equipment to excavate for underground services; fill for bulk earthworks; and form the sub grade for pavements.

Rail Corp provided their concurrence to the development on 5 July 2010. This is subject to imposition of conditions relating to matters such as:

- provision of a survey locating the development in relation to the rail corridor,
- undertaking dilapidation survey/s,
- provision of an acoustic assessment,
- provision of a report on electrolysis risk from stray currents,
- excavation and construction works being undertaken in accordance with submitted geotechnical report,
- provision of a risk assessment/management plan and safe works methods statement for proposed works impacting on rail corridor,
- craneage and aerial operations being carried out in accordance with Rail Corp requirements,
- provision of appropriate fencing to the rail corridor, and
- approval for use of scaffolding within the vicinity of the rail corridor.

The above requirements are to be included as conditions of any consent.

Traffic Impacts

Clause 104 - Traffic Generating Development

The proposal is traffic generating development, as specified under schedule 3 of this SEPP. In accordance with the provisions of this clause the application was referred to the Roads and Traffic Authority (RTA) for consideration and comment. The development was considered at a Sydney Regional Development Advisory Committee (SRDAC) meeting of 19 May 2010.

Recommendations and comments were provided by the RTA/SRDAC to be taken into consideration in the determination of the application. These include the submission to Council of a Work Place Travel Plan prior to issue of an Occupation Certificate to assess and provide for non car travel modes; and the submission of a Traffic Management Plan (TMP) prior to issue of a construction certificate in relation to vehicles delivering spare parts from Port Botany. The RTA has advised that a TMP take into consideration the arrival times of heavy vehicles to the Waste Recycling Facility site to avoid queuing of heavy vehicles in Muir Road, due to a projected increase or doubling of heavy vehicle movements to that site.

Remaining matters raised by the RTA and SRDAC relate to issues such as the design and layout of access and parking in accordance with AS 2890.1 -2004 and 2890.2-200, loading and unloading on site and truck access and manoeuvring on site in accordance with AUSTROADS swept path requirements.

Comments

Work Place Travel Plan

These recommendations and comments have been reviewed by Council's Traffic Engineer who has suggested that, in accordance with the RTA's advice, a Work Place Travel Plan can be developed and submitted to Council, for review and endorsement, prior to the release of the Occupation Certificate for the development. This is to include a strategy for implementing a location specific, sustainable, travel behaviour change initiative, such as "Travelsmart" (www.travelsmart.gov.au) within the work place. This will include measures such as car pooling and non-car travel modes (including public transport use, walking and cycling, if possible) and provision of work based facilities to increase the potential for non-car mode share of travel to and from the site, such as cycle parking and showers.

Traffic Management Plan

Council's Traffic Engineer considers that a TMP is not warranted under the circumstances. The site has adequate and appropriate industrial road access with direct connection to the arterial road system, at Hume Highway and Rookwood Road. Traffic movement associated with the development will be consistent with industrial development of the Chullora Business Park and its preceding road/traffic planning. It is not expected to create any traffic congestion, any adverse environmental outcome, or any issues of adverse road safety.

Truck/ traffic movements associated with the development are expected to have multifarious origins and destinations, therefore will not necessarily be focused or impact on one direction or location. There are a number of suitable and appropriate arterial routes to destinations such as Port Botany and throughout Sydney and beyond, including the M5 motorway via Stacey Street and Fairford Road, the Hume Highway, and Rookwood Road.

Traffic modelling undertaken by the applicant's traffic engineer, and reviewed by Council's traffic engineer, indicates that the frequency of truck movements associated with the proposed development would not contribute to any 'truck queuing' on Muir Road, or at its intersections with Rookwood Road or the Hume Highway. This modelling has also included consideration of projected truck movements associated with any increase in activities at the Waste Recycling Facility. A level of service of 'A' (good operation) will be retained at the Muir Road/Hume Highway intersection and a level of service 'B' (good operation with acceptable delays and spare capacity) will be retained at the Rookwood Road/ Muir Road intersection.

Projected traffic generation from the development during morning and afternoon peak periods (7.00-10.00am and 4.00-7.00pm) will involve only 30 delivery vehicles (15 in and 15 out) and 1 car carrier (1 in and 1 out), with 112 staff vehicle movements into the site during the morning peak and out of the site during afternoon peak period.

Projected Traffic Movements - Waste Recycling Facility - 19 Muir Road

Council is currently assessing an application to modify the consent for the Waste Recycling Facility (operated by WSN) at 19 Muir Road opposite the site (modification application - DA2897/1996/1). This modification is seeking to increase the capacity of the materials recycled at the existing recycling facility, no other alterations or additions are proposed. This would increase truck movements to that site from 140 to 280 per day. The majority of vehicle movements to that site are by medium rigid trucks. The premises operate 24 hours a day with peak movements between 11am to 2pm, and projected truck movements of between 18-36 vehicles per hour at these times. Due to the potential spread of truck movements accessing both sites and the width and design of Muir Road queuing is unlikely to be an issue. It is noted that there is a break in the median island adjacent to the vehicular access to the Waste Recycling Facility which means that trucks accessing that site from the west on Muir Road can turn directly into that site and do not need to drive past the proposed access points to the VW Warehouse/Distribution centre and offices, approximately 150m further along Muir Road. The truck/traffic movements associated with the development of 24 Muir Road would only represent a fraction of the current and potential truck activity associated with the Waste Recycling Facility.

The remaining matters raised by the RTA and SRDAC in respect to design and layout of access and parking loading and unloading on site and truck access and manoeuvring on site can be included as conditions of any consent.

Traffic matters are considered further in relation to the assessment of the likely impacts of the development, under Section 79C (1)(b).

State Environmental Planning Policy No 33 - Hazardous and Offensive Development

The facility will be used to store spare parts and goods including Dangerous Goods such as fuels, paints, and corrosives, which are potentially hazardous depending on certain factors such as quantities to be stored. An assessment of the goods to be stored on the site has been undertaken by appropriate consultants on the applicant's behalf in relation to the requirements of SEPP 33. This constitutes a satisfactory risk screening procedure for the purposes of SEPP 33. This has concluded that the dangerous goods proposed to be stored on site are not subject to SEPP 33. They are all below the permissible threshold levels that trigger the application of the SEPP and the need for a preliminary hazard analysis. This means that the development will not be a potentially hazardous industry.

The following dangerous goods which will be stored on site are potentially hazardous.

- Class 2.1 - LPG
- Class 3- Flammable Liquids (Petrol and Points) ; and
- Class 8 - Corrosives (Batteries)

Class of Dangerous Good stored	Quantity Stored	SEPP 33 Thresholds
Class 2.1 (LPG)	1,000 litres (1m3)	16m3
Class 3 (Petrol)	10,000L	Depends on quantity stored and separation from site boundary*
Class 3 (Paints)	38.5 litres	2000 litres or 2m3
Class 8 Corrosives (Batteries)	9,206kg	50,000kg

- * The applicant's consultant has assessed the quantity and location of the petrol storage facility in relation to the relevant graph contained in the document Applying SEPP 33. It is proposed to provide a 10 separation between the petrol storage tank and site boundary. The quantity to be stored in conjunction with the distance from the site boundary will be outside the potential hazardous zone.

Appropriate conditions can be attached to any consent to deal with issues arising out of the use and storage of dangerous goods on the site. This will include an Emergency Response Management Plan and provision of pollution control devices to contain areas used for dangerous good storage.

State Environmental Planning Policy No 55 - Remediation of Land

Under the provisions of clause 7 of State Environmental Planning Policy No. 55, a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comments:

The site was formerly owned by NSW State Rail Authority, and has a history of chemical and asbestos contamination.

Remedial works were carried out between 1997 and 1999. Site validation and audit reports were prepared in 2002. Asbestos was detected as fragments in fill materials at the site, being a single bundle of asbestos fibres.

An accredited site auditor has certified that the site is suitable for commercial/industrial use, subject to conditions requiring a capping layer of minimum 500mm thickness being installed across the site due to the presence of asbestos materials, and preparation of a site management plan incorporating an asbestos management plan.

The 2002 site audit statement and certification was reviewed in 2007 by the original accredited site auditor, who advised that the site audit statement remained valid but that it would be advisable to upgrade and update the asbestos management plan.

The remediation and validation reports, site audit, and management plans have been reviewed by the applicant's Environmental Consultants, AECOM. They have recommended that the following environmental management plans will be prepared:

- A Remediation Works Plan (RWP), detailing any earthworks proposed as part of redevelopment, and the form of the proposed capping strategy for the Site;
- An Environmental Management Plan (EMP), including an Asbestos Management Plan (AMP), to be implemented during the redevelopment works;
- A Site Condition Report that confirms the post-redevelopment condition of the Site; and
- A Site Management Plan (SMP), incorporating an AMP, to be implemented at the Site upon completion of the redevelopment works.

These recommendations will form the basis of appropriate conditions of any consent.

The capping of the site and implementation of the above management plans means that the land will be suitable for the development and proposed use.

Capping of the site could involve the use of imported excavated natural material meeting relevant requirements of the Department of Environment Climate Change and Water (Resource Recovery Exemptions), or soil sourced from the site being validated as suitable for commercial/industrial use in accordance with human health based soil investigation levels provided in DECCW guidelines. Alternatively concrete pavement could be used as a capping layer.

Management of asbestos will comply with the following National Occupational Health and Safety Commission (NOHSC) publications:

- Code of Practice for the Management & Control of Asbestos in Workplaces
- Code of Practice for the Safe Removal of Asbestos in Workplaces
- Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres

Airborne asbestos monitoring will be conducted to assess the effectiveness of control measure adopted during earthworks.

These matters are discussed further in relation to the likely impacts of the development, Section 79 C(1)(b), and site contamination.

Bankstown Local Environmental Plan 2001

The following clauses of the *Bankstown Local Environmental Plan 2001* are relevant to the proposed development and were taken into consideration:

- Clause 2 - Objectives of the Plan
- Clause 6 - Definitions
- Clause 11 - Development which is allowed or prohibited within the zone
- Clause 16 - General Objectives of the Special Provisions
- Clause 17 - General Environmental Considerations

- Clause 19 - Ecologically Sustainable Development
- Clause 20 - Trees
- Clause 24 - Airports
- Clause 27 - Landfill
- Clause 30 - Floor Space Ratios
- Clause 32 - Access for People with Disabilities
- Clause 51 - Industrial Zone Objectives
- Clause 52 - Development in the Industrial Zones
- Schedule 1 - Dictionary

An assessment of the application against clause 2 objectives of the plan and Clause 11, Zonings, is provided below. An assessment of the application against the provisions of the remaining clauses listed has been included in Appendix C.

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2001*.

Clause 2, Objectives of the Plan

The objectives of this plan are:

(a) *to regulate development in accordance with the following principles:*

(i) *new buildings should be designed to achieve:*

(A) *good urban design, and*

(B) *public and private safety, and*

(C) *energy and resource efficiency, and*

(ii) *remnant bush land, natural watercourses and threatened species should be protected, and*

(iii) *intensive trip generating activities should be concentrated in locations most accessible to rail transport, and*

(iv) *new development should not diminish the role of the Bankstown central business district (CBD) as a sub-regional centre, and*

(v) *new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site, and*

(b) *to provide a framework within which the Council may prepare development control plans to make more detailed provisions.*

Comments:

The proposal will provide for a development of good urban design in the context of the industrial estate in which it is located. The design of the development is consistent with its purpose and the character of existing development in this area.

Varied and high quality materials and finishes will be utilised. The elevations to Muir Road, in particular the office component of the development, will provide a suitable presentation to street, in conjunctions with a wide landscaped setback along the frontage of the site.

Public and private safety will be satisfactory with generally clear and open vistas and surveillance of the development within and outside the site. Access to the warehouse, car storage and delivery areas can be appropriately secured or restricted and the use of a security service would be expected.

Appropriate energy and resource efficiency measure will be incorporated in the final design of the development including efficient heating, ventilation and air cooling systems; installation of efficient lighting system; solar control features such as internal solar blinds, external shading and solar control glazing; solar hot water with gas fired booster; water efficient fixtures and fittings; and installation of large rainwater tank/s.

There is an area of remnant vegetation on the site, being a threatened species, Downey wattle *Acacia pubescens*, listed under the *Threatened Species Conservation Act, 1995* which will be maintained and protected, and fenced off prior to and during the development works.

The development will not be subject to intensive trip generating activities beyond those that would be expected for uses in the Technology Park.

The site is not directly accessible to public rail transport, although it is directly accessible to rail freight facilities including a freight rail terminal in Dasea Street, which provide access to Port Botany. The closest rail station at Regents Park is approximately 2.7km distance from the site while Bankstown station is approximately 4km from the site. There is a bus service connecting Bankstown and Lidcombe station along Rookwood to the west of the site, operating weekdays (between 6am and 9pm) and weekends (Route 915, Veolia bus services).

The development will not diminish the role of Bankstown central business district as a sub regional centre. The development of large warehouse and distribution centre with associated offices and training centre could not reasonably be accommodated within the business centre, due to the size and scale of the warehouse building and associated areas that will be required.

Permissibility

Clause 11 Development which is allowed or prohibited within a zone

The land is zoned 4(a) - General Industrial. Uses permissible within the 4(a) zone applying to the land include:

- Car Park,
- Motor showroom,
- Office premises - [subject to Clause 6 'Definitions' and Clause 52(3) 'Development in Industrial Zones']
- Restaurant,
- Warehouse and distribution centre,
- Educational Establishments, other than infants', primary or secondary schools - [permissible under clause 52(7)].

Therefore all the nominated use of the site are permissible with consent.

Clause 6 - Definition - 'Office Premises'

The definition of 'office premises' under BLEP 2001:

office premises means a building or place used for the purpose of administration, clerical, technical, professional or like activities, where:

- (a) dealings with members of the public are not on a direct and regular basis or otherwise than by appointment, and*
- (b) in the case of land within Zone 4 (a) or 4 (b), or land within Zone 3 (b) which is identified on the map by dark blue cross-hatching (being the land to which clause 50 applies), the employee density does not exceed 1 person for each 50 square metres of gross floor area contained within the building,*

but (in the Table to clause 11) does not include a building or place elsewhere defined in this Schedule.

As the site is within Zone 4(a) the employee density is not to exceed 1 person for each 50 square metres of gross floor area contained within the building.

The proposal with 220 nominated employees within the main office component of the development (10,650sqm) will marginally exceed this density (being 1 person per 48.4sqm). It would be expected that a percentage of the staff, possibly 5% to 10%, could be on leave or away on any given day, therefore bringing the office staff numbers into compliance with the density requirement. (The 375sqm of warehouse administrative offices (10 staff) have not been considered as part of this density requirement as these offices are located within the warehouse building and are clearly ancillary to the warehouse use).

Any consent could be conditioned to required compliance with this employee ratio or density specified in the definition under BLEP 2001. The applicant's planning consultant however considers that this restriction or density requirement will not apply as the main offices are ancillary to the primary purpose of the development being a warehouse/distribution centre. It is certainly the case the offices would unlikely to be located on this site without the warehouse and distribution centre being also being co- located there.

In this context the consent can be conditioned to require that the offices are ancillary to and/or only used conjunction with the warehouse and not separately occupied or used to the main warehouse building on the site.

Clause 52 (3) - Development in Industrial Zone ('Office premises')

This clause provides that:

The consent authority must not grant consent to development for the purpose of office premises on land to which this clause applies, unless it is satisfied that:

- (a) the development will not detrimentally affect the viability of any business centre in the locality, and*
- (b) where the development may otherwise have occurred within a business centre in the locality, suitable land for the development is not available in that business centre, and*
- (c) the development is of a type appropriate to an industrial zone, or to the general character of existing development within the industrial zone.*

Comment:

This development will not affect the viability of the business centre in Bankstown CBD as there would unlikely to be any suitable alternative site or premises within the CBD to accommodate a warehouse /distribution centre of this size and scale in conjunction with the associated or ancillary offices, along with the training facility and car storage areas also required. The type of development is appropriate for the industrial zone and consistent with the scale and type of existing and expected development within Chullora Technology Park.

The provision of any draft planning instrument - section 79C(1)(a)(ii)

There are no draft planning instruments relevant to the consideration and assessment of this development application.

The provision of any development control plan - section 79C(1)(a)(iii)

The development has been assessed against the following provisions of Bankstown Development Control Plan 2005 (Bankstown DCP 2005):

- Part D6 - Industrial zones
- Part D7 - Sustainable Commercial and Industrial Development
- Part D8 - Parking
- Part E1 - Demolition and construction
- Part E2 - Tree Preservation Order
- Development Engineering Standards

Bankstown DCP 2005, Part D6 - Industrial Zones

The following table and discussion provides a summary of the development application against the controls contained in Parts D6 Industrial Zones and Part D7 'Sustainable Commercial and Industrial' Development of Bankstown Development Control Plan 2005.

STANDARDS Part D6	REQUIRED	PROPOSED	COMPLIANCE
Subdivision	Chullora Technology Park Minimum 1ha Lots not to straddle LGA boundaries	Site is within Chullora Technology Park Proposed Lot 1 = 5.07ha Proposed Lot 2 = 1.91ha Lots are within Bankstown LGA	Yes
Floor Space Ratio	Maximum 1:1	0.666:1 [GFA = 33,810sqm Site area = 50721sqm]	Yes, [Max 1:1 FSR - Clause 30 and floor space ratio maps BLEP 2001]
Site coverage	Maximum 70%	Approx 54.5%	Yes
Setbacks	10 metres to primary frontage	Minimum 12.275m setback at south western corner of the	Yes

STANDARDS Part D6	REQUIRED	PROPOSED	COMPLIANCE
		office component of the development.	
Urban Design	<p>Facade design to be Contemporary, include articulated elements.</p> <p>Quality facade materials such as brick glass, steel. Only small portion of sheet metal to street facade.</p> <p>Max 1.8m high front fence.</p>	<p>Contemporary design with articulated elements, to office facades facing Muir Road.</p> <p>The office component facing Muir Road will utilise precast and glazed panels with aluminium framed windows. The warehouse will comprise precast construction and metal cladding. Only part of the warehouse's south eastern elevation will be visible from Muir Road, behind offices. The south western elevation of the warehouse will be visible across proposed Lot 2 while this remains undeveloped.</p> <p>1.8m open pallisade fencing to Muir Road.</p>	Yes
Environmental Management	<p>Water efficiency measures and energy performance report to comply with Part D7 of DCP 2005 - 'Sustainable Industrial & Commercial Development'.</p> <p>Consider Industrial Noise Policy 1999 and amenity of residential land.</p> <p>Control any fumes, odour emissions and potential water pollutants.</p>	<p>Appropriate water and energy efficiency measures to be included.</p> <p>No industrial noise issues expected and no nearby residential development</p> <p>No fumes, odour emission expected. Storm water drainage system will include pollutant traps.</p>	Yes, Also refer to separate consideration of Part D7 DCP 2005 - 'Sustainable Industrial & Commercial Development'
Open Space	<p>Minimum landscaped width of 10m to primary frontage. [width may vary if high quality landscaping provided]</p> <p>Provide employee amenities that utilise or</p>	<p>A landscaped strip approx 115m in length is to be provided to the Muir Road frontage of Lot 1, exclusive of driveway access. Approx 30m is less than 10m wide where internal driveway access narrows the width, but this is compensated by greater width elsewhere. Approx 63m with landscaping up to 15m or more. Landscape masterplan provides for high quality design/landscaping.</p> <p>Appropriate employee amenities are provided</p>	Yes

STANDARDS Part D6	REQUIRED	PROPOSED	COMPLIANCE
	<p>access landscaped area</p> <p>1 tree (capable of 5m height) per 30sqm of landscaping..</p> <p>Outdoor car park to include 1 tree per 5 parking spaces.</p> <p>Landscaping within 50m of reserve or bushland must not seed or spread easily, or have potential to become naturalised.</p>	<p>including shaded seating areas within landscaping areas.</p> <p>A satisfactory number of trees will be provided throughout the landscaped area and to shade the car parking areas.</p> <p>The landscape architect who prepared the landscape masterplan has certified that plants selected for zones within 50m of the adjacent bushland reserve will not seed or spread easily and will not have potential to naturalise.</p>	
Safety & Security	<p>Front entry to face the street. Office/showroom located at the front of the building, upper floor windows to overlook the street.</p> <p>Street number to be visible.</p> <p>Install security alarm system.</p> <p>Access to loading dock or other restricted areas only available to tenant.</p> <p>Close outdoor car parks to public outside business hours.</p> <p>Lighting to be provided to external entry areas, driveway and car park.</p> <p>Lighting to car park in accordance with AS 1158.1, 1680, and 2890.1.</p> <p>1.5m setback to rail corridor to be treated with hedging or climbing plants. 2m high chain wire fence on boundary to rail corridor</p>	<p>The main entry areas and office component of the development will face Muir Road, with extensive glazed areas overlooking the frontage to the street.</p> <p>Appropriate site identification and security measures are expected to be provided.</p> <p>Loading dock areas will be at rear of the site/warehouse building and accessed by separate driveway access to the general public access, and car park area. A security service would be expected to be provided outside normal business hours.</p> <p>Any consent conditioned regarding the provision of appropriate lighting to the site and car park areas.</p> <p>A matrix of hedging plants and groundcovers are to be used in the setback with a chain wire fence of the boundary.</p>	Yes
Parking	Minimum 290 parking	267 Parking spaces for Stage	Yes,

STANDARDS Part D6	REQUIRED	PROPOSED	COMPLIANCE
	spaces To comply with Part D8 DCP 'Parking'	1 increased to 290 parking spaces at Stage 2 (additional warehouse floor space).	Also refer to discussion of Part D8 DCP 2005 - 'Parking'
Site Facilities & services	<p>Food premises to comply with Food Act 2003, Food Regulation 2004, FSANZ Food Standards Code; and AS 4674.2004</p> <p>Storage and use of hazardous materials/dangerous goods to comply with Dangerous Goods Act, requirements of DECCW and Work Cover NSW</p> <p>Waste Storage not visible from street, graded to drain to sewer system, contained to prevent pollutant leakage.</p>	<p>Cafe fitout not part of this development. Condition to require compliance with relevant requirements for future fitout.</p> <p>Storage of hazardous or dangerous goods will be in accordance with relevant standards and subject to appropriate conditions of consent (refer to discussion of SEPP 33)</p> <p>Waste storage is to be at the rear of the warehouse, not visible from the street. Appropriate conditions can require the grading of this area and provision of pollutant prevention devices.</p>	Yes
Chullora Technology Park	<p>Plan of management where areas of vegetation significance affected</p> <p>Demolition or removal of structure or buildings to be accompanied by advice from Railway Heritage Committee.</p> <p>Provide upgraded storm water system to retard flows and collect gross pollutant detrimental to Cooks River</p>	<p>Ecological assessment submitted with the application includes management plan or measures for area of significance containing threatened species, <i>Acacia pubescens</i>, on proposed lot 2</p> <p>No heritage impacts, refer to discussion of section 79C(1) and likely impacts of the development.</p> <p>Proposed storm water system will include on site detention include pollution traps. Stormwater will be connected down stream from existing gross pollutant trap, no expected impacts for Cooks River.</p>	Yes

Bankstown DCP 2005, Part D7 - Sustainable Commercial and Industrial Development

The following table and discussion provides a summary of the development application against the controls contained in Part D7 'Sustainable Commercial and Industrial' Development of Bankstown Development Control Plan 2005.

STANDARDS Part D7	REQUIRED	PROPOSED	COMPLIANCE
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STANDARDS Part D7	REQUIRED	PROPOSED	COMPLIANCE
Water Conservation	Water efficient fixtures must be installed and site water management plan must be prepared	Appropriate water efficient fixtures are proposed to be installed. A 40,000KL rainwater tank is to be installed as part of the site water management plan.	Yes
Energy Conservation	Energy performance report must be prepared, or building to achieve 4 stars of better, greenhouse rating scheme	Measures to achieve a 4 star NABERS energy benchmark have been provided in a report of environmental design consultant.	Yes

Proposed Water Efficiency and Energy Conservation Measures

The applicant has provided a report from an environmental design consultancy, Built Ecology. This provides a review of the proposal and recommended measures to be incorporated into the development with the potential to achieve a 4 star NABERS energy benchmark for the site, and suitable water conservation measures. Details of energy saving strategies will need to be further developed through the detailed design processes. Recommended energy and water conservation measures will include:

- Efficient heating, ventilation and air cooling systems.
- Installation of efficient lighting system.
- Lighting control systems including occupancy sensors, daylight sensors, and lighting zones.
- Implementation of solar control features such as internal solar blinds, external shading and solar control glazing.
- Solar hot water with gas fired booster.
- Provision of energy monitoring targets.
- Sub metering of lighting power and large power uses to monitor energy consumption.
- Water efficient fixtures and fittings, such as basins/taps - 6 stars or less than 4.5L/min; toilet cisterns - 4 stars or less than 4L/flush.
- Installation of 40,000KL rainwater tank to reduce potable water demand by estimated 57%, with rainwater to be used in toilet flushing, irrigation, wash down and dust control.

Bankstown DCP 2005, Part D8 - Parking

The development proposes to provide 290 parking spaces on site, with 267 spaces provided at stage 1 (Warehouse stage 1 - 15, 785sqm) and 290 spaces at stage 2 (additional 7,000sqm warehouse floor space). This number of parking spaces is considered to be satisfactory for the warehouse and office development on proposed Lot 1.

If parking for the development was assessed under the schedule of parking standards in Part D8, in relation to the parking requirements for warehouse and offices premises then 343 parking spaces would be required:

- Warehouses or distribution centre, at 1 car space per 300sqm gross floor area, 23,160sqm (including 375sqm of ancillary office within the warehouse) = 77.2 car parking spaces (54 spaces at stage 1 and additional 23 spaces at stage 2).

- Business premises/office premises (outside Bankstown CBD) at 1 car space per 40sqm gross floor area, 10,650sqm (including training facility) = 266.25.

If the various uses of the office component of the development were separately assessed, being the training facility, vehicle showroom, workshop/service area, cafe, and remaining office areas then this would reduce the overall parking required to 299 parking spaces.

- Educational establishment = 1 car space per employee or classroom whichever is the greater and 1 space per 8 students (7 trainers, 7 training areas and 100 trainees) = 19.5 spaces.
- Restaurant 0.15 car space per square metre of total dining area (130sqm dining area) = 19.5spaces.
- Motor showroom 1.5 car space per 200sqm of site area (approximately 300sqm of vehicle display area) = 2.25 spaces
- Vehicle workshop 1 car space per 100sqm of gross floor area (815sqm) = 8.15 spaces
- Remaining office floor area of 6895sqm = 172 spaces
- Warehouse = 77.2 spaces

Alternatively the total office component could be assessed on the basis of 1 space per 50sqm of gross floor area taking into consideration the employee density specified for office premises in industrial zones under Bankstown LEP 2001. In conjunction with the warehouse this would require the provision of 290 spaces.

There are a number of factors which will reduce staff parking demands such that 290 spaces are expected to be more than satisfactory for this development. These factors are:

- The applicant has advised that the majority of the trainees, approximately 85%, will be from interstate or rural areas of NSW. They will be brought to the site by assigned commuter buses and therefore parking for these trainees would not be required.
- The applicant expects that only 85-90% of the total office and warehouse staff would be car drivers with the remaining staff either utilising non car transport such as public transport or cycling, or would be car passengers dropped off at the site.
- The warehouse staff will be employed in two shifts (25 staff per shift), so that this will reduce their demand for parking.
- In accordance with recommendations from the RTA the applicant will be required to develop a Work Place Travel Plan for employees to include measures such as car pooling and non-car travel modes (including public transport use, walking and cycling, if possible) and provision of work based facilities to increase the potential for non-car mode share of travel to and from the site.

Bankstown DCP 2005, Part E1 - Demolition and construction

There are no structures to be demolished as the site is vacant. Contamination of the site has been considered in relation to the provisions of State Environmental Planning Policy No 55. The site has been validated as suitable for commercial/industrial use. This is subject to capping of the site to contain some remaining asbestos contamination. An environmental management plan to deal with the remaining asbestos will be implemented as part of the development of the site

Suitable erosion and sediment controls measures and a soil and water management plan will need to be put in place prior to commencement of construction works and retained during construction in accordance with relevant requirements and standard consent conditions.

Bankstown DCP 2005, Part E2 - Tree Preservation Order

The approximately 50sqm area of Downey Wattle, *Acacia pubescens*, a threatened species, located in the south western part of the site, on proposed Lot 2 is to be retained and protected. There are no other significant areas of vegetation or trees on the site.

Six street trees are required to be removed to provide for vehicular access to the site. Planting of canopy trees is to be incorporated within the landscaping of the frontage of the site and where possible replacement street trees can be provided.

Bankstown Development Engineering Standards

The proposal has been assessed against the relevant provisions of the Council's Development Engineering Standards (DES) and appropriate concept drainage plans have been provided by the applicant. These concept drainage plans provide for satisfactory stormwater drainage measures including:

- Maintenance of predevelopment catchment conditions by engineered earthworks/ finished surface levels across the site to ensure that post development areas draining to the Sydney Water catchment to the north of the site and Council's catchment system to the south, on Muir Road, match predevelopment conditions.
- Provision of on site detention areas across the site to control and regulate the rate of stormwater flows.
- Connection of stormwater flows from the development on Lot 1 to an existing 1200mm diameter Sydney Water stormwater pipe connected to existing infrastructure down stream of the gross pollutant trap to the north east of the site. No site stormwater discharge will outlet directly to the wetlands on Sydney Water land to the north east of the site.
- Provision of pollutant control devices and traps to ensure that stormwater infrastructure draining internal driveways and parking areas meets Sydney Water and DES water quality discharge requirements.

Provision of a footpath along Muir Road frontage

Clause 8.9 & 8.9.1 of the DES provides that Council may require a developer to upgrade infrastructure within the road reserve to be carried out at the developer's expense where these improvements do not exist, are in need of replacement due to damage or are sub-standard for its intended purpose. This includes the provision of concrete footpath paving 1.2m wide along the site frontage. While there are currently no footpaths along Muir Road, it is considered reasonable to require that it be provided along the frontage of the site. This will upgrade pedestrian access to the site. There is evidence of an informal foot track running along the northern side of Muir Road. This extends from Rookwood Road approx 500m to the west of the site to the entry to TAFE College to the east of the site. The provision of a footpath will assist in providing pedestrian access to Rookwood Road where there are bus stops for a public bus service. This will be necessary as the applicant has indicated that some staff can be expected to use public transport and a work place travel plan will be required to implement a strategy for non car modes of transport.

The provision of Planning Agreements - section 79C(1)(a)(iia)

There are no planning agreements relevant to this development application. The development will be subject to the provisions of Bankstown Section 94A Contribution Plan, which requires a levy of 1% of the cost of carrying out of the development, being \$284,582.

The provisions of the Regulations - section 79C(1)(a)(iv)

There are no matters prescribed in the regulations that are relevant to this development application. As the development does not involve any existing buildings, clauses 93 and 94 of the regulation do not apply.

A BCA Compliance report was submitted with the application. This concludes that the building could comply with deemed to satisfy provisions of the BCA with the option of a performance based (fire engineered) solution.

The likely impacts of the development - section 79C(1)(b)

Contamination and Remediation Validation

The site was formerly owned by NSW State Rail Authority, and has a history of chemical and asbestos contamination. In 1950s/60s the site was covered by an extensive and deep layer of fill of unknown origin, and included demolition rubble and asbestos containing materials. Drums of unidentified material were stored on site and some also buried on site.

Remedial works were carried out between 1997 and 1999. Site validation and audit reports were prepared in 2002. Asbestos was detected as fragments in fill materials at the site. One of 15 soil samples was found to contain a single bundle of asbestos fibres (not single fibres, which pose greater risk as they are more likely to be inhaled into the lungs).

An accredited site auditor certified in 2002 that the site is suitable for commercial/industrial use, subject to certain conditions.

- Due to the presence of asbestos in the fill materials a capping layer of minimum 500mm thickness being installed across the site, using materials such as virgin excavated natural materials, or concrete.
- A site management plan be prepared incorporating an asbestos management plan to be prepared and implemented and include an appropriate enforcement mechanism to ensure that future site owners comply with the requirements of the site management plan.

The 2002 site audit statement and certification was reviewed in 2007 by the original accredited site auditor, who advised that the site audit statement remained valid but that it would be advisable to upgrade and update the asbestos management plan.

The remediation and validation reports, site audit, and management plans have been reviewed by the applicant's Environmental Consultants, AECOM. This included a site inspection in January 2010 during geotechnical drilling works being undertaken on site and including a review of field logs for boreholes. It was concluded that the current conditions of the site are consistent with that reported in 2002.

AECOM's review concluded that the site would be suitable for the proposed development on the condition that a capping is placed on the site and various documents are prepared to manage the site from an environmental perspective, during the proposed development and subsequent site use. The following environmental management plans will be prepared:

- A Remediation Works Plan (RWP), detailing any earthworks proposed as part of redevelopment, and the form of the proposed capping strategy for the Site;
- An Environmental Management Plan (EMP), including an Asbestos Management Plan (AMP), to be implemented during the redevelopment works;

- A Site Condition Report that confirms the post-redevelopment condition of the Site;
and

- A Site Management Plan (SMP), incorporating an AMP, to be implemented at the Site upon completion of the redevelopment works.

Details of the information to be contained in these reports were provided by AECOM on 18 June 2010, and will form the basis of relevant conditions of any consent. A Remediation Works Plan (RWP) will be required before issue of a construction certificate and commencement of site works or construction. The Remediation Works Plan (RWP) and the Environmental Management Plan (EMP) will need to take into account the area of Downey Wattle, *Acacia pubescens*, a listed threatened species, in the south west of the site, on proposed Lot 2. This area is to remain undisturbed, fenced off and protected.

The capping of the site in relation to the presence of asbestos, and implementation of the above management plans means that the land will be suitable for the development and proposed use, and will satisfactorily resolve remaining contamination issues.

Ecological impacts

The applicant has provided an ecological assessment to identify potential impacts of the proposed development (Ecological Assessment, 24 Muir Road Chullora, AECOM Australia Pty Ltd, 1 June 2010).

An area of vegetation significance has also been identified in the south west corner of the site, in Part 6 Bankstown DCP 2005, Appendix 1.

The ecological assessment of the site included a desktop survey and a field survey, and an assessment of significance under section 5A of the Act (the 'seven part test').

Two threatened species have been identified as occurring or potentially occurring on the site, being Downey wattle (*Acacia pubescens*) and the Green and Gold Bell frog.

Downey Wattle

There is an area of Downey wattle (*Acacia pubescens*) in the south west corner of the site, on proposed lot 2, covering an area of approximately 50sqm. This is generally consistent with the area of vegetation significance identified in the DCP. Downey wattle is listed as a vulnerable species under the NSW *Threatened Species Conservation Act 1995* and the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999*.



Figure 10: Area of Downey Wattle, *Acacia pubescens*, on proposed Lot 2 (Source - Ecological Assessment prepared by AECOM dated 1 June 2010).

Green & Gold Bell Frogs

The assessment has also identified that the Green and Gold Bell frog, also a threatened species under the TSC Act and EPBC Act, would potentially use the site and be impacted by the proposed development. None have been found on the site. The adjoining wetland and sanctuary has been previously surveyed, in its current state, and found no records of the Green and Gold Bell Frog.

Green and Gold Bell frogs are however known to exist in the area and have been recorded in similar disturbed areas within western Sydney. The proposed development would remove an area of low vegetation including grasses which could be used as foraging habitat by the frogs, and would also fragment access to potential habitat to the west to the site, from potential breeding habitat in the adjacent wetlands.

Mitigation Measures

Mitigation measures are proposed to address potential impacts on these two threatened species. These measures include:

- The provision of barrier fencing around the Downey wattle (*Acacia pubescens*) and earthworks or site works and any construction being avoided within this area.
- Suppression and destruction of weeds on the site.
- Use of native landscaping to prevent weed growth and increase suitable habitat for native species.
- Making construction staff aware of potential presence of Green and Gold Bell frogs and if they are found during construction stopping works while advice is sought from Department of Environment Climate Change and Water.

The recommended mitigation measures can be included as conditions. This will also include the preparation of a vegetation management plan for protection of the Downey wattle (*Acacia pubescens*), and provision of barrier fencing around this area prior to commencement of site works.

The suppression of weeds on the site, and the use of native species in the landscaping along with the implementation of above mitigation measures would increase the integrity of the site and help in providing suitable green corridors through Chullora Technology Park

Impacts on adjacent Chullora Wetlands and wildlife sanctuary

The north eastern boundary of the site is adjacent to Sydney Water land which contains the Chullora or Freshwater creek wetlands and wildlife sanctuary, on land owned by Sydney Water also zoned 4(a) General Industrial. Freshwater creek is part of the headwaters of the Cooks River. The off line wetland was developed by Landcom and local community groups within a flood detention basin. It functions as a water quality treatment device for low flow situations reducing contaminants and pollutants entering the upper reaches of the Cooks River and reducing downstream flooding. The areas around the wetlands have been re-vegetated with seed gathered on site from plants representative of the original plant community and species that existed in this area (Cooks River/Castlereagh Ironbark Forest community).

The development will include removal of invasive weed dominated grassland vegetation and use of non invasive species within landscaped areas of the development; provision of storm water quality treatment devices to ensure that contemporary water quality discharge requirements are met; and provision of pollution control devices including for areas of dangerous goods storage. There will be beneficial impacts for the neighbouring wetland and wildlife sanctuary, from the removal of noxious weeds and invasive exotic vegetation from the site, and treatment of storm water drainage from the development and its connection to existing infrastructure away from the wetland. Conditions of any consent will require the provision of a shade cloth barrier fence constructed on or close to the boundary to prevent any excessive dust or materials from entering the wetland and wildlife sanctuary area during site and construction works.

Heritage impacts

The site is bisected by a subterranean pressure tunnel which was constructed in the 1920s and 1930s as part of Sydney water supply system connecting Potts Hill reservoirs to a pumping station at Waterloo, 16km away. At this location the pressure tunnel is located approximately 80m below ground (according to advice from Sydney Water asset management branch). The pressure tunnel is listed under the State Heritage register and listed in Sydney water's heritage database. It is of high historical and technical significance as it represents a successful engineering response to the difficulties of increasing the volume of water from the Potts Hill Reservoir to the pumping station at Waterloo. The physical boundary/ curtilage of the Pressure Tunnel are to be taken as a distance of 3 metres around the existing infrastructure, in accordance with the listing in the State Heritage register.

The proposed development will include construction of part of the warehouse and paved areas across the alignment of the tunnel but will not involve excavations of the site which would affect the item or its boundary/ curtilage, having regard to the tunnel's extensive depth below ground. The Heritage Branch, Department of Planning, has confirmed that no approval is necessary under section 57 of the Heritage Act unless there are works inside the

boundary of the item. There will be no works within the boundary of the item, which is the 3m boundary around the tunnel. There are no other heritage issues related to this development.

Traffic, Access and Parking

Traffic

The applicants' traffic consultants have assessed the traffic generation of the development in relation to the various identified uses and traffic activities. Traffic generated by the development will in the main involve staff vehicle movements, car carriers, and parts delivery vehicles.

Projected traffic generation from the development during morning and afternoon peak periods (7.00-10.00am and 4.00-7.00pm) will involve only 30 delivery vehicles (15 in and 15 out) and 1 car carrier (1 in and 1 out), with 112 staff vehicle movements into the site during the morning peak and out of the site during afternoon peak period. This is expected to involve up to a total of 128 vehicle movements or trips per hour into the site at morning peaks (staff, car carriers and deliveries) and 16 movements out of the site (car carriers and deliveries) with this being reversed during afternoon peaks as staff leave the site.

Warehouse Staff

2 shifts

6.00am - 1.00pm - 25 staff

1.00pm - 8.00pm - 25 staff

(No warehouse staff traffic movements during peak periods - 7.00am - 10.00am and 4.00pm - 7.00pm)

Warehouse Admin staff and other office staff

8.00am - 6.00pm - 220 staff

60% assessed to arrive and depart in same hour with 85% car drivers, resulting in 112 vehicle trips per hour into site at morning peak periods and out of the site at afternoon peak periods.

Car Carriers

There will be 6 car carriers into the site and 6 out of the site per day, with potentially 1 car carrier in and out of the site during peak periods.

Parts Deliveries

There will be 200 vehicles accessing the site (200 in and 200 out) per day, with potentially 30 vehicle trips per hour (15 in and 15 out).

This amount of additional traffic generated can be readily accommodated by the surrounding road network. The operational performance of the intersections of Muir Road and Rookwood Road and Muir Road and Hume Highway under post development circumstances has been assessed by the applicant's traffic consultants, and there will be no detrimental impacts. The traffic modelling (SIDRA) undertaken by the applicant's traffic engineer, and reviewed by Council's traffic engineer, indicates that a level of service of 'A' (good operation) will be retained at the Muir Road/Hume Highway intersection and a level of service 'B' (good operation with acceptable delays and spare capacity) will be retained at the Rookwood Road/Muir Road intersection.

Access

The site fronts Muir Road which is a collector road serving Chullora Technology Park and connecting the arterial State roads, Hume Highway and Rookwood Road, to the east and west of the site. Muir Road consists of 4 lanes, comprising traffic and parking lanes in each direction, separated by a wide median.

There is an approved B Double route along Muir Road, Hume Highway, and Rookwood Road.

There are traffic signals at the Rookwood Road/Muir Road and Hume Highway/Muir Road intersections and at the Muir Road/ Worth Street intersection to the east of the site.

Vehicle access arrangements will comprise

- A 12 metre wide combined ingress/egress driveway for trucks located towards the western boundary of proposed Lot 1.
- A 6 metre wide combined ingress/egress driveway for cars located midway along the frontage of proposed Lot 1.

The centre median restricts site access to left in and left out only. The driveways are to be designed to comply with Australian Standards AS 2890.1 (Parking facilities - Off Street Parking) and AS 2890.2 (Parking facilities - Off street commercial vehicle facilities). Left in and Left out access will require vehicles to circulate at the roundabouts to the east and west of the site on Muir Road. These are larger roundabouts designed to accommodate movements for larger vehicles including semi trailers. The applicant's traffic consultant has provided turning path diagrams to demonstrate that satisfactory 'u' turn movements by larger articulated vehicles can be accommodated at the roundabouts.

Parking

The development proposes to provide 290 parking spaces on site, with 267 spaces provided at stage 1 (Warehouse stage 1 - 15, 785sqm) and 290 spaces at stage 2 (additional 7,000sqm warehouse floor space). This number of parking spaces has been considered against the provisions of Bankstown Development Control Plan 2005 Part D8 'Parking' and the number of spaces to be provided will be satisfactory for the warehouse and office development on proposed Lot 1.

The suitability of the site for the development - section 79C(1)(c)

The site is located within Chullora Technology Park which was developed by Landcom as an industrial estate in 1990s, from surplus former railway land. The application will provide for a development that will be permissible in the industrial zone applying to the land and which is consistent with relevant statutory controls. A development of this nature and scale and would be reasonably expected within this area. It will be consistent with the existing the nature and scale of larger developments and activities in the vicinity. The development will therefore be suitable to the site.

Any submissions made in accordance with the Act or the regulations - section 79C(1)(d)

The application was advertised and notified for a period of 21 days from 5 May to 25 May 2010. This included placement of an advertisement in a local newspaper, the placement of

signs on the Muir Road frontage of the site and the issue of letters to surrounding landowners.

No public submissions were received.

Submissions were received from the Roads and Traffic Authority and Rail Corp, in relation to referrals of the application required under the provisions of State Environmental Planning Policy (Infrastructure) 2007. These are discussed above in this report.

A submission was also received from NSW Office of Water being General Terms of Approval for Integrated Development and the provisions of the *Water Management Act 2000*.

The public interest - section 79C(1)(e)

The development is considered to be in the public interest.

- It represents a suitable and orderly development of appropriately zoned land within an existing industrial estate containing a range of similar larger scale developments and activities.
- It is located close to existing rail freight services connected to Port Botany, with the potential to reduce reliance on road transport.
- It will represent the final redevelopment of former degraded railway land and will include remediation of the site by capping and containment of areas of remaining asbestos contamination.
- An area of vegetation significance comprising a threatened flora species, Downey wattle (*Acacia pubescens*) will be protected.
- There will be beneficial impacts for the neighbouring wetland and wildlife sanctuary, including removal of noxious weeds and invasive exotic vegetation from the site, and treatment of stormwater drainage from the development and its connection to existing infrastructure away from the wetland.
- It will involve the creation of temporary construction jobs and permanent jobs for up to 280 staff at the completion of the development.

Section 91 Integrated Development - Water Management Act

On 25 May 2010 the NSW Office of Water provided General Terms of Approval for works requiring a Controlled Activity Approval under the *Water Management Act 2000* in relation to works within 40 metres of a watercourse. The General Terms of Approval are required to be included in any development consent, and include measures such as erosion and sediment controls, and the preparation of a rehabilitation plans and vegetation management plans. It is not expected that these General Terms of Approval will be inconsistent with conditions of any consent.

Section 5 - Objects of the Environmental Planning and Assessment Act, 1979

The Objects of the Act, including the encouragement of Ecologically Sustainable Development (ESD) have been considered in the assessment of the application. The development will be consistent with the Objects of the Act and ESD principles as it will encourage the orderly and economic use and development of vacant industrial land, and the protection of protection and conservation of threatened species (*Acacia pubescens*).

There are five (5) accepted ESD principles (Clause 6(2) Protection of the Environment Administration Act 1991):

- Integration Principle - decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- Precautionary Principle - if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- Inter-Generational Principle - the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- Biodiversity Principle - the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making; and
- Valuation Principle - improved valuation, pricing and incentive mechanisms should be promoted.

Integration Principle

Long term and short term consideration have been integrated in the decision making process. The development will provide for short and longer term environmental benefits. The redevelopment of this site is consistent with the expected use of the land and part of the longer term redevelopment of former degraded railway land into an industrial estate. The development will provide for the orderly development of the land and will include suitable remediation of remaining contamination, clearance of weeds, preservation of remnant threatened flora, and developer levies to Council for local services.

Precautionary Principle

This assessment has identified and assessed the range of potential impacts of the development, in particular dealing with remaining asbestos contaminates and protecting threatened species. Appropriate mitigation measures will be implemented and no serious or irreversible environmental damage will result.

Inter-Generational Principle

The development will provide the following benefits to the local community now and into the future.

- Provision of suitable and orderly development of appropriately zoned vacant land within an existing industrial estate, located close to existing rail freight services connected to Port Botany, with the potential to reduce reliance on road transport.
- Provision of remediation of by capping and containment of areas of remaining asbestos contamination.
- Provision of measures to protect threatened species.
- Inclusion of energy and water efficiency measure in the construction of the development.

Biodiversity Principle

Most of the development site has been cleared of native vegetation, except for a small area of remnant and/or regenerating threatened species, *Acacia pubescens*, which is to be protected maintained and preserved as part of the development. The applicant has provided an ecological assessment by a suitably qualified ecologist who has undertaken an assessment of the development's compliance with:

- *Environment Protection and Biodiversity Conservation Act, 1999*, (Commonwealth).
- *Threatened Species Conservation Act, 1995*, (NSW).

Valuation Principle

The proposal will provide for a sustainable development of formerly degraded land including remediation, removal of weeds and invasive exotic vegetation, protection of a threatened species, and inclusion of energy and water efficiency measures. This will improve the value of the land and aid in the long term enhancement and maintenance of the locality and its environmental qualities, compared to an unsustainable development which would degrade the local environment and devalue the site and locality.

CONCLUSION

The development has been assessed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and in particular the Objects of the Act and the heads of consideration under Section 79C (1). The development will substantially comply with relevant planning instruments, State Planning Environmental Policies and relevant provisions of Bankstown Local Environmental Plan 2001 and Bankstown Development Control Plan 2005.

Key issues have been considered and there are no significant likely impacts of the development, subject to appropriate consent conditions related to:

- implementation of remediation /environmental management plans to deal with remaining asbestos contamination of the site (including appropriate management and monitoring during site earthworks and eventual capping of the site);
- implementation of a vegetation management plan including protection of an area of vegetation significance;
- implementation of suitable treatment of stormwater runoff with pollutant control devices and discharge connections to existing infrastructure, avoiding any impacts on the adjacent Chullora wetland and wildlife sanctuary.
- implementation of a work place travel plan, which can include measures for car pooling and non-car travel modes.

The development will allow for:

- A suitable and orderly development of appropriately zoned land within an existing industrial estate containing a range of similar larger scale developments and activities, which is located close to existing rail freight services connected to Port Botany, with the potential to reduce reliance on road transport.
- Redevelopment of former degraded railway land and remediation of the site by capping and containment of areas of remaining asbestos contamination.
- Protection of an area of vegetation significance comprising a threatened flora species, Downey wattle (*Acacia pubescens*).

- Beneficial impacts for the neighbouring wetland and wildlife sanctuary, including removal of noxious weeds and invasive exotic vegetation from the site, and treatment of stormwater drainage from the development and its connection to existing infrastructure away from the wetland.
- A sustainable development with the inclusion of appropriate energy and water efficiency measures including efficient heating, ventilation, air cooling and lighting, solar controls and solar hot water, and 40,000l rainwater tanks.

On these grounds it is considered that the site is suitable for the development and that it will be in the public interest. Consequently it is recommended that the development be approved subject to conditions.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions:

Ray Lawlor

Development Assessment Officer

ATTACHMENT B

DRAFT CONDITIONS OF CONSENT

The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.

Development shall take place in accordance with Development Application No. DA-361/2010, submitted by Commercial & Industrial Property Pty Ltd, in accordance with the drawings set out in the following table, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Architectural Drawings & Subdivision Plan Prepared by Commercial & Industrial Property Pty Ltd			
Drawing No.	Drawing Name	Revision	Date
2-14-004-MR-DA-001	Subdivision Proposal Plan	C	1 June 2010
2-14-004-MR-DA-002	Site Plan	C	1 June 2010
2-14-004-MR-DA-100	Overall Floor Plan	E	1 June 2010
2-14-004-MR-DA-101	Overall Floor Plan - Stage 01	D	1 June 2010
2-14-004-MR-DA-110	Office Plan - Ground Floor	C	1 June 2010
2-14-004-MR-DA-111	Office Plan - First Floor	B	1 June 2010
2-14-004-MR-DA-112	Office Plan - Second Floor	B	1 June 2010
2-14-004-MR-DA-120	Warehouse Office Plan	C	1 June 2010
2-14-004-MR-DA-130	Roof Plan	B	1 June 2010
2-14-004-MR-DA-200	Warehouse Elevations	C	1 June 2010
2-14-004-MR-DA-201	Office Elevations	C	1 June 2010
2-14-004-MR-DA-210	Warehouse Elevations - Stage 01	B	1 June 2010
2-14-004-MR-DA-220	Warehouse Office Elevations & Sections	B	1 June 2010
2-14-004-MR-DA-300	Site Sections	B	1 June 2010
2-14-004-MR-DA-310	Office Sections	B	29 April 2010
2-14-004-MR-CD-400	Rear Floodway Fence Details	A	11 June 2010
Landscape Drawings Prepared by Site Image			
Drawing No.	Drawing Name	Revision	Date
001	Landscape Masterplan	B	1 June 2010
002	Landscape Masterplan - Stage 1	B	1 June 2010
101	Landscape Detail Plan 1	E	1 June 2010
102	Landscape Detail Plan 2	E	1 June 2010

103	Landscape Detail Plan 3	E	1 June 2010
104	Landscape Detail Plan 4	E	1 June 2010
105	Landscape Detail Plan 5	E	1 June 2010
501	Landscape Details/Outline Specification	E	1 June 2010
001(c)	Planting Palette	-	June 2010

Engineering Drawings, Prepared by Northrop Engineers

Drawing No.	Drawing Name	Revision	Date
DA10	Catchment Plan - Pre Development	3	10 June 2010
DA11	Catchment Plan - Post Development	1	10 June 2010
DA20	Sediment & Erosion Control Plan - Sheet 1 of 2	3	10 June 2010
DA21	Sediment & Erosion Control Plan - Sheet 2 of 2	3	10 June 2010
DA22	Sediment & Erosion Details & Notes	3	19 April 2010
DA30	Stormwater Drainage Layout Plan	4	10 June 2010
DA31	Stormwater Management Plan - Sheet 1 of 6	5	21 June 2010
DA32	Stormwater Management Plan - Sheet 2 of 6	6	21 June 2010
DA33	Stormwater Management Plan - Sheet 3 of 6	3	10 June 2010
DA34	Stormwater Management Plan - Sheet 4 of 6	4	21 June 2010
DA35	Stormwater Management Plan - Sheet 5 of 6	4	21 June 2010
DA36	Stormwater Management Plan - Sheet 6 of 6	5	21 June 2010
DA37	Stormwater Longsections - Sheet 1 of 2	2	21 June 2010
DA38	Stormwater Longsections - Sheet 2 of 2	2	21 June 2010
DA40	Details Sheet	3	10 June 2010
DA45	Pavement Layout Plan	1	10 June 2010
DA46	Pavement Plan - Sheet 1 of 4	1	10 June 2010
DA47	Pavement Plan - Sheet 1 of 4	1	10 June 2010
DA48	Pavement Plan - Sheet 1 of 4	1	10 June 2010
DA49	Pavement Plan - Sheet 1 of 4	1	10 June 2010
DA50	Pavement Details	3	10 June 2010
DA60	Overland Flowpath Layout Plan	1	10 June 2010
DA61	Overland Flowpath Sections	1	10 June 2010
DA70	Bulkearthworks Layout Plan	1	10 June 2010
DA71	Bulkearthworks Plan - Sheet 1 of 4	1	10 June 2010
DA72	Bulkearthworks Plan - Sheet 2 of 4	1	10 June 2010
DA73	Bulkearthworks Plan - Sheet 3 of 4	1	10 June 2010
DA74	Bulkearthworks Plan - Sheet 4 of 4	1	10 June 2010
DA75	Bulkearthworks Sections	1	10 June 2010

The development shall also be undertaken generally in accordance with the terms, conclusions and recommendations of the following documents:

Ecological Assessment Report, 24 Muir Road Chullora, prepared by AECOM Australia Pty Ltd, dated 1 June 2010

Street Tree Report, Volkswagen Group Australia Site Muir Road Chullora, Site Image Pty Ltd, dated May 2010

Trade Waste Drainage Concept Design Report, Volkswagen Australia Development, Muir Road, Chullora, prepared by Steve Paul & Partners, dated 9 June 2010

SEPP 33 Review of the Proposed Volkswagen Facility, prepared by AECOM Australia Pty Ltd, dated 14 April 2010

Letter - Development Documentation Relating to Soil Contamination - 24(Lot 38 in DP 1031738) Muir Road, Chullora, prepared by AECOM Australia Pty Ltd, dated 18 June 2010

Energy Performance Report, Volkswagen Group Australia, 24 Muir Road Chullora, prepared by Built Ecology, dated 9 June 2010

Letter - Stormwater Discharge, 24 Muir Road Chullora, prepared by Sydney Water, dated 22 April 2010.

Letter -Geotechnical Assessment of Impact on Rail Corridor, prepared by Jeffrey & Katauskas Pty Ltd, dated 11 June 2010.

Geotechnical Investigation for Proposed Industrial Development at 24 Muir Road Chullora, prepared by Jeffrey & Katauskas Pty Ltd, dated 24 February 2010.

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.

CONDITIONS TO BE SATISFIED PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

The application for a subdivision certificate, to create two lots, shall be submitted to Council with the following information:

Original plan of subdivision signed by a qualified surveyor, plus five (5) copies;

Copy of the relevant development consent, (including any section 96 Modifications if applicable);

Works as executed engineering plans, as required;

Evidence that all conditions of consent, relating to subdivision of the land, have been complied with;

A certificate of compliance (Section 73 Certificate) from Sydney Water;

Certification by a registered surveyor that all services such as stormwater, drainage, water, gas, electricity and telephone are contained separately within each lot or within easements created to accommodate such services; and

Creation of the following easements, where or if necessary over the relevant lots, on the plan of subdivision under provisions of the Conveyancing Act. A statement shall be placed on the Section 88B Instrument that nominates Bankstown City Council as the authority empowered to release, vary or modify the easements created.

Easements to drain water (for inter-allotment drainage).

Easement for services (for utilities).

The developer shall register, on the plan of subdivision, a Restriction on the Use of Land, in accordance with the following terms:

a) No development shall be permitted on Lot 2 unless the stormwater runoff from all proposed impervious areas discharge to Muir Road and are limited to the existing site discharges for the 5, 10, 20, 50 and 100 year Critical Duration Average Recurrence Interval Storms. The existing area draining to Muir Road shall be adopted as 1.035Ha and 100% pervious in determining the existing site discharges.

Bankstown City Council shall be the only authority empowered to release, vary or modify the Restriction.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The Certifying Authority must ensure that any certified plans forming part of a Construction Certificate are not inconsistent with this Development Consent and accompanying /approved plans.

A Vegetation Management Plan (VMP) is to be prepared by a suitably qualified ecological consultant and shall include measures for the preservation and long term management of the area of the site containing Downey Wattle (*Acacia pubescens*), on proposed Lot 2, and measures related to weed management, removal and control across the site.

The VMP shall include all mitigation measures recommended in the Ecological Assessment report prepared by AECOM Australia Pty Ltd, dated 1 June 2010 (refer to condition 3), and in particular details of the exclusion area and fencing to be established around the area of Downey Wattle (*Acacia pubescens*). This exclusion area shall include the provision of a suitable area for future reproduction of these plants.

A copy of the VMP is to be submitted to Council prior to issue of a construction certificate.

A Remediation Works Plan (RWP) shall be prepared by suitably qualified environmental consultant in regard to the site earthworks and the form of the proposed capping strategy or strategies for the site. This Plan shall be prepared in accordance with the information provided in the letter submitted to Council by AECOM, titled "Development Documentation Relating to Soil Contamination - 24 (Lot 38 in DP1031735)", dated 18 June 2010, refer to condition 3. The RWP shall also be prepared in accordance with relevant guidelines of the Department of Environment Climate Change & Water (DECCW) including 'Guidelines for Consultants Reporting on Contaminated Sites 2000'.

This RWP shall be submitted to Bankstown City Council prior to issue of a construction certificate being issued.

An Environmental Management Plan (EMP) shall be prepared in order to manage asbestos contamination identified at the site. This Plan shall be prepared in accordance with the information provided in the letter submitted to Council by AECOM, titled "Development Documentation Relating to Soil Contamination - 24 (Lot 38 in DP1031735)", dated 18 June 2010, refer to condition 3.

This EMP shall include the current Asbestos Management Plan (AMP) for the site developed by Enterra P/L, titled "Asbestos Management Plan, Lot 28 in DP1007364 Muir Rd Chullora NSW 2190", dated 9 April 2002. This EMP shall also be prepared in accordance with relevant DECCW guidelines including 'Guidelines for Consultants Reporting on Contaminated Sites 2000'.

This EMP shall be submitted to Bankstown City Council prior to issue of a construction certificate being issued.

A detailed landscape plan prepared by a qualified landscape architect or designer is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate. This shall be generally in accordance with the Landscape Drawing listed in condition 2, and any relevant provisions of the approved Vegetation Management Plan. The landscape plan is also to be prepared in accordance with relevant provisions of Council's DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

Landscape planting shall include six (6) Mugga Ironbark trees (*Eucalyptus sideoxylon*) within the front setback of the site (on proposed Lot 1), to replace street trees of the same species to be removed for provision of site access.

The landscape plan shall include details of the exclusion area and fencing to be established around the area of Downey Wattle (*Acacia pubescens*) on proposed Lot 2, to be established in accordance with the approved Vegetation Management Plan.

Construction Certificate plans shall include details of waste or garbage receptacle area/s. The waste or garbage receptacle area/s shall not be visible from the street, but shall be located within the building or screened from the street by dense landscaping.

Relevant requirements of Bankstown DCP 2005 – Part D7 'Sustainable Commercial and Industrial Development' and generally in accordance with the recommendations of the report prepared by Built Ecology dated 9 June 2010, refer to condition 3, shall be complied with. Details of the proposed measures to demonstrate compliance with Bankstown DCP 2005 – Part D7 and the recommendations of the report prepared by Built Ecology shall be submitted with the Construction Certificate.

A Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with relevant provisions of Council's DCP. The plan shall be prepared by a suitably qualified professional and approved by the Certifying Authority, prior to the issue of a Construction Certificate.

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A Notice of Requirements must be issued prior to the release of the Construction Certificate.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate/occupation of the development.

A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.

Prior to issue of a Construction Certificate, a Long Service Levy payment of \$99,603, which is 0.35% of the value of the work being \$28,458,208, is required to be paid to Council on behalf of the Long Service Levy Corporation prior to issue of the Construction Certificate.

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$284,582.05 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94 Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

A Work Permit shall be obtained from Council for the following engineering works in front of the site, at the applicant's expense:

- a) An extra heavy duty VFC at the property boundary to Muir Road servicing the access driveway for the rear of Lot 1.
- b) A heavy duty VFC at the property boundary to Muir Road servicing the carpark area adjacent to Muir Road.
- c) Drainage connection to Council's kerb and gutter and existing stormwater pit.
- d) 1.2 metre wide concrete footway paving along the sites entire frontage to Muir Road.
- e) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- f) Repair of any damage to the public road including the footway occurring during development works.
- g) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

The subject site is affected by local overland flooding and shall comply with the following:

The floor level of the proposed structure(s) adjacent to Council's drainage easement and overland flowpath shall be constructed to a minimum 500mm above the maximum overland flow path top water level being RL 39.0m AHD including freeboard as shown in the concept plans 10315-DA60 and 103156-DA61 Revision 1 dated 10 June 2010. All approved construction details shall be consistent with this requirement.

Landscaping within the overland flowpath shall be limited to grassed or paved surfaces only. Where pavers are to be used they shall be constructed integral with a concrete base to prevent scour and uplifting. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. A copy of the approved landscaping details shall be submitted to Council for information.

Boundary fencing across Council's drainage easement and overland flowpath shall incorporate provision for the passage of overland stormwater runoff to cater for the 1:100 year A.R.I. storm. Minimum 450 mm high Louver type fences in accordance with Council's standard S-112A and S112B shall be constructed as follows:

For the full length along the northern boundary to Lots 1 and 2.

For 40 metres along the eastern boundary to Lot 1 measured from the north east corner.

All approved construction details shall be consistent with this requirement.

An unobstructed overland flowpath for excess stormwater runoff from Council's drainage system and upstream catchment shall be constructed and maintained within the pavement area to the north of the proposed structure in Lot 1. The flowpath and piped drainage system shall be designed to carry stormwater runoff from the 1:100 year A.R.I. design storms for the catchment concerned. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. The final detailed plan shall be in accordance with the concept plans 10315-DA60 and 103156-DA61 Revision 1 dated 10 June 2010. All approved construction details shall be consistent with this requirement. A copy of the approved details shall be submitted to Council for information.

The proposed building up to and including the 100 year flood level plus freeboard being RL 39.0m AHD shall be constructed of flood compatible building components in accordance with Council's DCP 2005 Part E3 - Flood Risk Management.

Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.

For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 20% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 20 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.

Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.

Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Construction Traffic Management Plan. A Private Certifier can not approve this Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

This plan shall include details of the following:

Proposed ingress and egress points for vehicles to and from the construction site;

Proposed protection of pedestrians, adjacent to the constructions site;

Proposed hoardings, scaffolding and/or fencing to secure the construction site;

Proposed pedestrian management whilst vehicles are entering/exiting the construction site;

Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;

Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Traffic Authority's requirements and AS1742.3.

Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.

Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.

Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Construction Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RTA Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A Private Certifier can not issue these permits.

Works requiring a 'Works Permit'.

Dig up, disturb, or clear the surface of a public footway or public road,
Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
Connect a road (whether public or private) to a classified road,
Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
Install utilities in, under or over a public road,
Pump water into a public footway or public road from any land adjoining the public road,
Erect a structure or carry out a work in, on or over a public road
Require a work zone on the public road for the unloading and or loading of vehicles
Pump concrete from within a public road,
Stand a mobile crane within a public road
Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.bankstown.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

Stormwater runoff from within the property shall be collected and controlled by means of an on site detention system in accordance with Sydney Water guidelines and Council's Development Engineering Standards.

The runoff from the detention storage in the southern car park shall be conveyed to an inspection pit to be located at the southern boundary of the site and from there to the existing stormwater pit in Muir Road. The connection to Council's stormwater pit shall be constructed in a manner that the site discharges in the direction of flow of the Council pipe.

The runoff from the detention storage in the eastern car park shall be conveyed to an inspection pit to be located at the eastern boundary of the site and from there to the existing 1200 diameter Sydney Water stormwater pipe within the existing 4 metre wide easement.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements, Sydney Water guidelines and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plans 10315 DA00 Revision 3 dated 10 June 2010, DA10 Revision 3 dated 10 June 2010, DA11 Revision 1 dated 10 June 2010, DA20 Revision 3 dated 10 June 2010, DA21 Revision 3 dated 10 June 2010, DA22 Revision 3 dated 19 April 2010, DA30 Revision 5 dated 21 June 2010, DA31 Revision 5 dated 21 June 2010, DA32 Revision 6 dated 21 June 2010, DA33 Revision 3 dated 10 June 2010, DA34 Revision 4 dated 21 June 2010, DA35 Revision 4 dated 21 June 2010, DA36 Revision 5 dated 21 June 2010, DA37 Revision 2 dated 21 June 2010, DA38 Revision 2 dated 21 June 2010, DA40 Revision 3 dated 10 June 2010, DA45 Revision 1 dated 10 June 2010, DA46 Revision 1 dated 10 June 2010, DA47 Revision 1 dated 10 June 2010, DA48 Revision 1 dated 10 June 2010, DA49 Revision 1 dated 10 June 2010, DA50 Revision 3 dated 10 June 2010, DA60 Revision 1 dated 10 June 2010, DA61 Revision 1 dated 10 June 2010, DA70 Revision 1 dated 10 June 2010, DA71 Revision 1 dated 10 June 2010, DA72 Revision 1 dated 10 June 2010, DA73 Revision 1 dated 10 June 2010, DA74 Revision 1 dated 10 June 2010, DA75 Revision 1 dated 10 June 2010 prepared by Northrop and 2-14-004-MR-CD-Elevations-400 Revision A dated 11 June 2010 prepared by CIP. The final plans shall be amended as follows:

- a) The stormwater drainage layout shown on sheet DA60 shall be amended to reflect the layout shown in plans DA32 and DA34 noted above.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged unto the corridor unless prior approval has been obtained from RailCorp.

Stormwater runoff from Lot 2 shall be collected and controlled by means of an on site detention system as required in accordance with Council's Development Engineering Standards and such that the stormwater discharge to Muir Road and to the northern flowpath from the proposed site is at or below the existing site discharges for all ARI's as per the Development Engineering Standards.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

Documentary evidence of Sydney Water's approval of the proposed connection to its drainage system is required to be submitted to the Certifying Authority prior to issue of the Construction Certificate. All conditions imposed by Sydney Water shall be strictly complied with and incorporated into the approved drainage plan.

A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

The design, construction and operation of any food preparation areas within the premises must comply with the following:

Food Act 2003;

Food Regulation 2004;

FSANZ Food Standards Code; and

AS2674:2004 Design, Construction and Fitout of Food Premises.

Note: Details to be submitted with the Construction Certificate shall include, but not be limited to:

Material finish of walls, floors (including approved coving), ceiling and light fittings.

Sections and elevations of the shelving, storage units, equipment and the like indicating the material and finishes and height above the floor.

Sections and elevations of the free standing refrigerators, freezers and the like indicating the material and finishes and height above the floor.

Sections and elevations of the stoves, grillers, ovens, other food preparation or cooking equipment and the like indicating the material and finishes and height above the floor.

Details of any mechanical ventilation systems proposed.

Details of all wash and cleaning facilities including wash and hand wash basins, indicating their precise location, designated use and water drainage connections.

Details of proposed waste storage area.

The layout of the proposed parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) should be designed in accordance with AS 2890.1 - 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 - 2004 for light vehicles and AS 2890.2 - 2002 for heavy vehicles.

The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval (under the Water Management Act 2000) until a copy of the Controlled Activity Approval has been provided to the Certifying Authority.

The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

An acoustic assessment is to be submitted to the Certifying Authority prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

Prior to issue of a construction certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended on the report to control risk. A copy of the report is to be provided to the Certifying Authority with the application for a Construction Certificate.

All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by Jeffrey and Katauskas Pty Ltd, dated 24 February 2010 and letter dated 11 June 2010, in addition to the following RailCorp requirements:

- a) Prior to the issuing of a construction certificate the applicant is to obtain final RailCorp approval regarding the proposed excavation, final; construction details of any proposed piers, piling sheet piling, batter, walls, levee walls and footings.
- b) No anchors to cross the boundary into RailCorp's land and that any anchors are to be restrained entirely within the subject development site.

A Construction Certificate shall not be issued until the measures detailed in the above Jeffrey and Katauskas Pty Ltd report and additional RailCorp requirements have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principal Certifying Authority shall provide verification to RailCorp that this condition has been complied with.

Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statement (SWMS) for the proposed works are to be submitted to the RailCorp for review and comments on the impacts on rail corridor. The Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Prior to the issuing of a Construction Certificate the Applicant is to submit to the RailCorp a plan showing all craneage and other aerial operation for the development and must comply with all RailCorp requirements. The Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

Where a condition of consent requires RailCorp's endorsement the Certifying Authority shall not issue a Construction Certificate or Occupation Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION/SITE WORKS

The erection of a building/site works in accordance with this development consent must not be commenced until:

Detailed plans and specifications have been endorsed with a Construction Certificate (by the consent authority or an accredited certifier), and

The person having benefit of the Development Consent has appointed a 'principal certifying authority' (PCA), and has notified the consent authority and the Council (if Council is not the consent authority) of the appointment, and

The person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.

The Remediation Works Plan (RWP) and the Environmental Management Plan (EMP) (refer to conditions 6 and 7), shall be reviewed by a NSW EPA/DECCW accredited site auditor. The auditor shall be satisfied with these plans and certify the plans as being appropriate prior to works commencing.

Permanent barrier or exclusion fencing shall be installed around the area of retained vegetation, being the Downey Wattle (*Acacia pubescens*), as identified in the Ecological Assessment Report prepared by AECOM dated 1 June 2010, and in accordance with the requirements of the approved Vegetation Management Plan and the recommendations of the Ecological Assessment report, prepared by AECOM Australia Pty Ltd, dated 1 June 2010 (refer to condition 3).

Installation of the fencing shall be carried out under supervision of a suitably qualified ecologist and in consultation with Council's Tree Management Officer.

No fill, excavated material, building material, equipment, machinery, or other items are to be placed within the barrier fencing/ exclusion zone established around retained vegetation.

No excavation is to take place around the root zone or canopy of retained vegetation.

All preservation zones are to be mulched to a depth of no less than 70-100mm using a suitable organic mulch or sand around the trees to be retained, ie; around the root zone or canopy of trees.

Fencing around retained vegetation is to be in place prior to commencement of site works.

The fencing should be signposted to warn contractors of its purpose.

Construction is to begin only when the above procedures are in place.

Failure to comply with the above conditions will result in an on-the-spot fine.

A fence shall be erected along the property boundaries of the development site, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the site. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high.

All fencing is to be maintained for the duration of the construction to ensure that the site is secured and privacy of the adjoining properties is not compromised.

Where the development site is located within 3m of a public place then a Class A or Class B hoarding shall be constructed appropriate to the works proposed. A Works Permit for such hoardings shall be submitted to Council for approval prior to the issue of any Construction Certificate.

Appropriate fencing shall be installed along the site boundary of the development site to the adjoining rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to the RailCorp's satisfaction prior to the fencing work being undertaken. The RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

Suitable erosion and sediment control measures shall be implemented in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.

These measures shall include provision of dust control fencing approximately 1.8m in height on or close to the site boundary with 16 Muir Road (Lot 26 DP 1007364) to prevent excessive dust from entering the wetland and wildlife sanctuary areas on the neighbouring property. The dust control fencing shall be maintained during construction until completion of all site, construction and landscaping works on proposed Lot 1, and the issue of a final occupation certificate for Lot 1.

Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.

Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.

A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition is being carried out:

showing the name, address and telephone number of the Principal Certifying Authority for the work, and
showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted during and outside working hours, and
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.

Note: This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building, or in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

The application must be submitted to the appropriate Sydney Water Officer to determine whether the development will affect Sydney Water infrastructure (ie. Sewer mains, easements, etc). If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.

Any fill material (that is fill not sourced from the site) must be notified to the Certifying Authority and approval obtained for the source of fill prior to the import of any material to the site.

Any fill imported on to the site shall be validated to ensure that the fill is suitable for the proposed land use. Specifically, only materials classified as Virgin Excavated Natural Materials (VENM), or meeting the requirements for Excavated Natural Materials (ENM) in accordance with the NSW DECCW ENM Exemption 2008, shall be imported onsite for use as a capping layer.

Prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

Site remediation works shall be implemented and carried out in accordance with the approved Remediation Works Plan and approved Environmental Management Plan and environmental requirements of the relevant DECCW guidelines and the occupational health and safety requirements of WorkCover NSW.

Remediation works shall not be carried within the exclusion area established around the Downey Wattles (*Acacia pubescens*) ***on proposed lot 2.***

Airborne asbestos monitoring shall be conducted during site the earthworks and remediation works in accordance with the relevant Occupational Health and Safety Regulations/ Guidelines and the information provided in the letter submitted to Council by AECOM, titled " Development Documentation Relating to Soil Contamination - 24(Lot 38 in DP1031735)", dated 18 June 2010, refer to condition 3.

Vegetation management and in particular the removal and control of weeds shall be implemented in accordance with the approved Vegetation Management Plan.

The exclusion area established around the Downey Wattles (*Acacia pubescens*) ***on proposed lot 2*** is to remain undisturbed at all times.

The hours of site works, including earth works and remediation works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.

Prior to the ground floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished ground floor level and siting to the property boundary conforms with the approved plans.

All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.

All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

If the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.

If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:

if necessary, must underpin and support the building in an approved manner, and

must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.

must take all precautions to protect all of the structures from damage.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). All stormwater pits shall be concrete benched at the base to prevent ponding of water and all pipe connections to pits shall be cut flush with the internal pit wall and siliconed/gouted to prevent seepage around the pipe.

Works on downstream properties is to be carried out in accordance with the following:

The owners of all affected downstream properties shall be given at least seven (7) days notice in writing of intention to commence work within their property, together with particulars of the proposed work.

Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -

Preserve and protect such building from damage; and

If necessary underpin and support such buildings.

c) Restoration of drainage works in all affected downstream properties shall be to the satisfaction of the owners of the property/these properties.

A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.

There shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

The proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

During earthworks:

No fill is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

All fill and cut batters shall be contained wholly within the site.

All disturbed areas, including proposed development platforms shall be stabilised upon completion of the earthworks, including where necessary provision of topsoil and turf/grass.

All earthworks shall be carried out in accordance with the Environmental Management Plan prepared for the site and in particular management and treatment of remaining asbestos contamination.

All staff involved in site works and construction activities should be made aware of the potential presence of the Green & Gold Bell Frog (*Litoria aurea*) on the site. Should any frogs be discovered while works are being undertaken, the contractor should be instructed to stop work and seek advice from the DECCW prior to recommencing works.

If any wildlife is inadvertently injured during site works or construction activities WIRES (NSW Wildlife Information Rescue and Education Service, phone 1300 094 737) or an accredited veterinarian should be contacted.

Fuel bowsters and service areas shall be covered and bunded to prevent direct entry of rainwater and surface water. In accordance with the DECCW guideline - Environmental Guideline: Surface water management on the covered forecourt areas of service stations.

The installation and operation of any fuel facility is to be done in accordance with:

DECCW "Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2008"

AS 1596-1997 Storage and Handling of LP Gas

DECCW Guidelines "Surface Water Management on the Covered Forecourt Areas of Services Stations"

AS 1940 - 2004 The Storage and Handling of Flammable and Combustible Liquids

WorkCover NSW Requirements

Removal and replacement of street trees is to be undertaken in accordance with the attached approval letter dated 7 June 2010. The attached letter represents approval for the removal of six Mugga Gum street trees (*Eucalyptus sideroxylon*) only.

Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove the trees identified on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

All demolition and construction vehicles are to be contained wholly within the site and must enter the site before stopping.

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

All works/regulatory signposting associated with the proposed development shall be at not cost to the RTA.

No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and any high voltage aerial supplies within or adjacent to the rail corridor.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

The use of a building in accordance with this Development Consent must not be commenced until Council or the PCA has issued an Occupation Certificate for the building and site works.

A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

A Validation and Site Condition Report (VSCR) shall be prepared by a suitably qualified consultant that confirms that the remediation works have been conducted in accordance with the Remediation Works Plan (RWP). This Report shall be prepared in accordance with the information provided in the letter submitted to Council by AECOM, titled " Development Documentation Relating to Soil Contamination - 24 (Lot 38 in DP1031735)", dated 18 June 2010, refer to condition 3.

This VSCR shall also be prepared in accordance with relevant guidelines of DECC W including 'Guidelines for Consultants Reporting on Contaminated Sites 2000'.

This VSCR shall be reviewed by an accredited site auditor (accredited under the Contaminated Land Management Act 1997) and a copy submitted to Bankstown City Council prior to issues of an occupation certificate.

A Site Management Plan (SMP) shall be prepared following the completion of the Site Condition and Validation Report (SCVR). This Plan shall be prepared in accordance with the relevant DECCW guidelines and National Occupational Health and Safety Commission (NOHSC) guidelines, as well as the information provided in the letter submitted to Council by AECOM, titled " Development Documentation Relating to Soil Contamination - 24 (Lot 38 in DP1031735)", dated 18 June 2010. This SMP shall be reviewed and approved by an appropriately qualified Occupational Hygienist as well as being reviewed by a NSW EPA accredited site auditor.

This SMP shall be submitted to Bankstown City Council prior to issue of an occupation certificate.

The applicant must register a covenant on the land title under section 88B of the Conveyancing Act 1919, to indicate that contaminated soil has been contained on site. This requirement shall be in accordance with the information provided in the Environmental Management plan (EMP), the Validation and Site Condition Report (VSCR), and the letter submitted to Council by AECOM, titled " Development Documentation Relating to Soil Contamination - 24(Lot 38 in DP1031735)", dated 18 June 2010, refer to condition 3.

Minimum 290 off street car spaces being provided comprising a minimum 267 spaces at completion of stage 1 (Warehouse, 15,785smq) and an additional 23 spaces being provided at completion of stage 2 (Warehouse 22, 785sqm), in accordance with the submitted plans.

A minimum of three (3) of the above parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:

List of chemicals and maximum quantities to be stored at the site;

Identification of potentially hazardous situations;

Procedure for incident reporting;

Details of spill stations and signage;

Containment and clean-up facilities and procedures; and

The roles of all staff in the plan and details of staff training.

Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

Vegetation management and in particular the provision of permanent exclusion fencing around the area Downey Wattles (*Acacia pubescens*) **on proposed lot 2 and the** removal and control of weeds across the development site shall be implemented in accordance with the approved Vegetation Management Plan.

A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.

The subject site is affected by a local overland flowpath and shall comply with the following:

A Work As Executed Plan prepared by a registered surveyor, together with certification from a qualified professional Civil Engineer of the capacity and adequacy of the constructed local overland flowpath shall be obtained prior to issue of the certificate of occupation or occupation of the site.

The Work As Executed information shall be shown on a copy of the approved plans and shall include construction information relating to the following:

All relevant natural ground and finish ground levels within the flow path and relevant surrounding levels.

Determination and the extent of the 1 in 100 year water surface level in the flow path.

The above information together with the Engineer's certification shall be submitted Council for information prior to issue of the occupation certificate or occupation of the site.

c) A Restriction as to User under the provision of Section 88E of the Conveyancing Act shall be registered on the title of the subject property, requiring that:

"An unobstructed flowpath for overland stormwater runoff, from upstream catchments shall not be allowed to fall into disrepair by the owner of the property burdened within the boundaries shown as 'x' on the plan."

"Trees or shrubs shall not be planted within the flowpath boundaries shown as 'x' on the plan."

"Changes to approved levels and/or the construction of walls and landscaping shall not occur within the boundaries shown as 'x' on the plan unless approved, in writing, by Council".

"Any special fencing requirements, as required by Council across the overland flow path, shall not be allowed to fall into disrepair and shall not block the free passage of overland flow of stormwater runoff".

Note: The location of the "Flowpath" shall be shown on the film plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the flow path shall be included on a site plan attached to the Section 88E instrument.

d) Bankstown City Council shall be empowered to release, vary or modify such Restriction.

e) The Restriction shall be registered on title following satisfactory construction and certification of the overland flow path system and prior to issue of the Occupation Certificate or occupation of the site. Evidence of such registration shall be submitted to Council.

A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

A Work Place Travel Plan shall be developed and submitted to Council, for review and endorsement, prior to the release of the Occupation Certificate for the development. The Plan shall include the company's strategy for implementing a location specific, sustainable, travel behaviour change initiative, such as "Travelsmart" (www.travelsmart.gov.au) to be adopted within the work place. The Plan should assess the potential for car pooling and non-car travel modes (including public transport use, walking and cycling) for the employees of the proposed development. The Plan should assess the ability for the company to provide work based facilities to increase the potential for non-car mode share of travel to and from the site. The Plan shall assess the accessibility of the development site by Public Transport.

The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of On Site Detention on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

The parking areas and entry/exit points need to be clearly delineated through line marking and signage to ensure smooth, safe traffic flow.

Appropriate street lighting shall be provided at the driveway entries and exits in order to provide adequate visibility at night, and appropriate lighting throughout the car park on site, having regard to Australian Standard AS1158.

Prior to the issue of an occupation certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. The submission of a detailed final dilapidation report will be required unless otherwise notified by RailCorp.

USE OF THE SITE

Car parking spaces for minimum 290 shall be provided in marked spaces in the manner generally shown on the approved site plan [minimum 267 spaces at completion of stage 1 (Warehouse, 15,785sqm) and an additional 23 spaces being provided at completion of stage 2 (Warehouse 22, 785sqm)]. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or storage of vehicles/commercial vehicles.

All loading and unloading of goods shall take place within the site or from the adjoining service lane in a manner that does not interfere with parking areas, driveways or landscaping.

There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.

All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.

All chemicals shall be stored, handled and disposed of in accordance with

AS1940-1993. The Storage and Handling of Flammable and Combustible Liquids.

Department of Environment and Conservation's Environment Protection Manual for Authorised Officers: Technical Section (Bunding and Spill Management)

Department of Environment and Conservation's Guidelines titled "Assessment, Classification and Management of Liquid and Non Liquid Wastes 1999" and the Protection of the Environment Operations Act 1997.

All filtration devices for odour control shall be regularly maintained to prevent odour problems.

The operation of the premises shall be carried out in accordance with any environmental requirements of the Department of Environment, Climate Change and Water.

The proposed use is to comply with the following requirements:

All motor vehicle repairs are to be carried out wholly within the building. Servicing, detailing and repairs of vehicles or the storage of vehicle parts are to be conducted in a bunded area. No repairs of any sort are to be carried out in the car park, common areas or on the public road.

Covered, bunded work areas including workshops and lube bays are to be graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal and/or reuse. If liquid wastes are to be disposed of to the sewer, a trade Waste Agreement from Sydney Water is to be obtained.

Damaged or leaking vehicles are to be stored within building to ensure no contaminants are washed into stormwater drains.

All new and used oils/lubricants are to be stored in sealed containers under cover, in a designated, bunded area while awaiting removal from the premises.

The business is to be operated in a manner so that no contaminants from the workshop are permitted to enter the stormwater drainage system by the washing down of work areas or the disposal of waste and spills.

All painting and chemical treatment of vehicles is to be conducted wholly within an approved spray booth.

The stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.

All vehicles are to enter and leave the subject site in a forward direction.

All vehicles should be wholly contained on site before being required to stop.

The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.

All pollution control devices (including bunds, drainage systems, sumps, traps, air filters, acoustic barriers) shall be maintained regularly.

Barrier or exclusion fencing around the area of retained vegetation, being the Downey Wattle (*Acacia pubescens*) as identified in the Ecological Assessment Report prepared by AECOM dated 1 June 2010, shall be maintained and replaced and repaired as required.

GENERAL TERMS OF APPROVAL FOR WORKS REQUIRING A CONTROLLED ACTIVITY APPROVAL UNDER THE WATER MANAGEMENT ACT 2000

These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 361-2010 and provided by Council:

- i. Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

The consent holder must prepare or commission the preparation of:

Rehabilitation Plan

Erosion and Sediment Control Plan

All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml

Vegetation Management Plans

Outlet structures

The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.

The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

ATTACHMENT C

ASSESSMENT AGAINST *BANKSTOWN LOCAL: ENVIRONMENTAL PLAN 2001*

The following clauses of the *Bankstown Local Environmental Plan 2001* were taken into consideration:

- Clause 2 - Objectives of the Plan
- Clause 6 - Definitions
- Clause 11 - Development which is allowed or prohibited within the zone
- Clause 16 - General Objectives of the Special Provisions
- Clause 17 - General Environmental Considerations
- Clause 19 - Ecologically Sustainable Development
- Clause 20 - Trees
- Clause 24 - Airports
- Clause 27 - Landfill
- Clause 30 - Floor Space Ratios
- Clause 32 - Access for People with Disabilities
- Clause 51 - Industrial Zone Objectives
- Clause 52 - Development in the Industrial Zones
- Schedule 1 - Dictionary

An assessment of the development against the provisions in the above clauses of BLEP 2001 is provided in the attached table.

Bankstown Local Environmental Plan 2001	Compliance
<p>Clause 2 Objectives of this plan</p> <p>The objectives of this plan are:</p> <p>(a) to regulate development in accordance with the following principles:</p> <p>(i) new buildings should be designed to achieve:</p> <p>(A) good urban design, and</p> <p>(B) public and private safety, and</p> <p>(C) energy and resource efficiency, and</p> <p>(ii) remnant bushland, natural watercourses and threatened species should be protected, and</p> <p>(iii) intensive trip generating activities should be concentrated in locations most accessible to rail transport, and</p> <p>(iv) new development should not diminish the role of the Bankstown central business district (CBD) as a sub-regional centre, and</p> <p>(v) new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site, and</p> <p>(b) to provide a framework within which the Council may prepare development control plans to make more detailed provisions.</p>	<p>Yes,</p> <p>Refer to discussion of this clause in the body of the assessment report.</p>
<p>Clause 6 Definitions</p>	<p>Yes,</p> <p>The development and proposed uses of the site are consistent with the definitions contained within relevant terms contained in the Dictionary - schedule 1.</p> <p>Refer to further discussion of relevant terms within the body of the assessment report.</p>
<p>Clause 11 Development which is allowed or prohibited within a zone</p>	<p>Yes,</p> <p>The development is permissible in the 4(a) General Industrial Zoning applying to the land.</p> <p>Refer to further discussion within the body of the assessment report.</p>

Bankstown Local Environmental Plan 2001	Compliance
<p>Clause 16 General objectives of these special provisions</p> <p>The general objectives of this Part are:</p> <ul style="list-style-type: none"> (a) to minimise the impact of development on the environment, and (b) to preserve trees and remnant bushland and to protect ecosystems, and (c) to ensure that development is carried out in a manner that reflects constraints associated with flooding, acid sulfate soils, aircraft noise and the like, and (d) to provide for the acquisition and use of land reserved for a public purpose, and (e) to improve water quality in the Georges River Catchment area by better managing the quality and quantity of storm water run-off, and (f) to regulate specific types of development. 	<p>Yes</p> <p>The development is consistent with relevant provisions of this clause.</p> <p>The development will preserve an area of remnant vegetation, threatened species <i>Acacia pubescens</i> located in the south western corner of the site. There are no constraints in regard to flooding, acid sulfate soils, aircraft noise or the like which would restrict the development. The development does not drain to the Georges River Catchment, but to the Cooks River Catchment. Appropriate storm water drainage measures are to be provided to manage the quality and quantity of storm water from the development to improve water quality on the catchment.</p>
<p>17 General environmental considerations</p> <p>(1) This clause applies to development which is likely to have a significant environmental impact by way of clearing of vegetation, alteration of the natural land form or the potential for air, water or ground pollution.</p> <p>(2) Before granting consent for development to which this clause applies, the consent authority must take into consideration such of the following matters as are relevant to the circumstances of the proposed development:</p> <ul style="list-style-type: none"> (a) the impact of that development on: <ul style="list-style-type: none"> (i) flora and fauna, including threatened species, and (ii) water quality of surface water bodies and ground water, and (iii) any catchment management strategy applying to the land, and (b) the reduction of stormwater run-off by minimising the area of impervious surfaces, increasing infiltration and the use of rainwater tanks. 	<p>Yes</p> <p>The development will have no significant environmental impacts. Clearing of existing vegetation on the site will be primarily exotic species and weeds. An area of threatened species is to be preserved. Cutting and filling of the site will alter the current site levels however the site has been subject to significant filling and alteration existing topography related to previous use for railway purposes.</p> <p>storm water runoff will be minimized with the use on site detention and use of rainwater tanks. pollutant traps will control water quality.</p>

Bankstown Local Environmental Plan 2001	Compliance
<p>19 Ecologically sustainable development</p> <p>Before granting consent for development, the consent authority must have regard to the following principles of ecologically sustainable development, to the extent it considers them relevant to the proposed development:</p> <p>(a) the conservation of energy and natural resources, particularly water and soil, and</p> <p>(b) the avoidance of environmentally damaging materials, and</p> <p>(c) the avoidance of significant adverse impact on the natural environment, particularly areas of remnant vegetation, watercourses and native flora and fauna, and</p> <p>(d) waste avoidance and waste minimisation, and</p> <p>(e) encouraging the use of public transport.</p>	<p>Yes,</p> <p>The development will include energy efficiency measures; will not involve environmentally damaging materials; will protect an area of vegetation significance, comprising remnant native flora, and will have beneficial impacts for the neighbouring wetland and wildlife sanctuary, including removal of invasive exotic plants and weeds from the development site. There are limited existing public transport opportunities in close proximity to the site, but there are opportunities to encourage car sharing and use of buses to transport staff and trainees to the the site. The RTA have recommended that a Work Place Travel plans be prepared.</p>
<p>20 Trees</p> <p>(1) The Council may, by resolution, make, revoke or amend a tree preservation order.</p> <p>(2) A person must not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, poisoning, removing or wilful destruction of any tree or trees to which a tree preservation order applies except in accordance with development consent, a permit issued by the Council or otherwise in accordance with the tree preservation order.</p> <p>(3) This clause does not apply in respect of:</p> <p>(a) trees within a State forest, or within a timber or forest reserve, within the meaning of the Forestry Act 1916, or</p> <p>(b) trees in a national park, within the meaning of the National Parks and Wildlife Act 1974, or</p> <p>(c) action required or authorised by or under any Act, or</p> <p>(d) plants declared to be noxious weeds under the Noxious Weeds Act 1993.</p> <p>(4) A tree preservation order and any revocation or amendment of such an order does not have effect until it has been published in a newspaper circulating in the Bankstown City local government area.</p>	<p>Yes,</p> <p>There are no significant trees on the site.</p> <p>There is however an area of vegetation significance, related to shrubs on the site. This area of significance comprising a listed threatened species, Downey wattles, <i>Acacia pubescens</i>, is in the south western corner of the site, which will be retained and protected with the development of the land.</p>
<p>24 Airports</p> <p>(1) In determining an application for consent to development on land in the vicinity of Bankstown Airport, the consent authority must consider:</p> <p>(a) the impact of the airport on the development to which the application relates in terms of Australian noise exposure forecasts, and</p> <p>(b) the obstacle limitation surface plan for the airport completed by the operator of the airport.</p>	<p>Yes</p> <p>The development is not within the vicinity of the airport. The maximum building height for this site in relation to the obstacle height limitation from the airport is 42.72m. The building will be approx. 13.6m in height well within this maximum building height.</p>

Bankstown Local Environmental Plan 2001	Compliance
<p>27 Landfill</p> <p>Consent for the placing of landfill may be granted only if the consent authority is satisfied that:</p> <p>(a) the landfill is required for the reasonable economic use of the land on which it takes place or for the provision of utility services, and</p> <p>(b) there would be no adverse impact by the landfill on:</p> <p>(i) a water body, or</p> <p>(ii) private or public property, or</p> <p>(iii) ground water quality and resources, or</p> <p>(iv) stormwater drainage, or</p> <p>(v) flooding.</p>	<p>Yes,</p> <p>The development will include earthworks across the site in order to cap remaining asbestos contamination and to provide development platforms on both of the proposed lots. The creation of the development platforms will include both cutting and filling generally within the range of 1m to 1.5m but up to 2.5/3m. There will be no adverse impacts. Storm water drainage will be directed away from the wetland or waterbody on the adjacent land to the north east of the site. Storm water drainage will be connected to existing infrastructure and directed downstream of an existing gross pollutant trap. Storm water from the development of Lot 1 will be directed to this trap while storm water drainage for the eventual development of Lot 2 will be directed to Council's system in Muir Road. Post development flows will match pre-development flows.</p> <p>Capping for asbestos contamination is only required to be approx. 500mm in depth.</p>

Bankstown Local Environmental Plan 2001	Compliance
<p>30 Floor space ratios</p> <p>(1) The objectives of the floor space ratios adopted by this plan are as follows:</p> <p>(a) to generally regulate the scale and bulk of development consistently with the capacity and character of the area of the development site,</p> <p>(b) to ensure non-residential development in residential zones is of a similar scale to that of permitted residential development,</p> <p>(c) to regulate the intensity of development in business zones consistently with the role and function of the particular business centre, the capacity of the road network to accommodate business-related traffic, and the availability of public transport,</p> <p>(d) to provide an incentive for redevelopment of key sites in the Bankstown CBD,</p> <p>(e) to ensure that business and retail development in industrial zones is of a scale comparable to mainstream industrial zone activity and does not attract development more appropriately located in business zones.</p> <p>(2) The consent authority must not grant consent to development if it has a floor space ratio in excess of that indicated for the development site on the Floor Space Ratio Map.</p> <p>(3) Where a floor space ratio shown on the Floor Space Ratio Map applies only where consolidation of adjoining lots is achieved, the consent authority must not grant consent to development if it has a floor space ratio in excess of that floor space ratio unless all adjoining allotments shown edged with a heavy black line on the Floor Space Ratio Map are consolidated into a single allotment.</p>	<p>Yes,</p> <p>The development is permissible in the 4(a) General Industrial Zoning applying to the land. The FSR of the development will be 0.666:1 which is well within the maximum 1:1 applying to the land.</p>
<p>32 Access for people with disabilities</p> <p>(1) A new building must not be erected unless it complies with the requirements of the Building Code of Australia in relation to access and facilities for people with disabilities.</p> <p>(2) In the case of proposed development involving:</p> <p>(a) an existing building, or</p> <p>(b) a new building of a type that is not subject to any requirement of the Building Code of Australia in relation to access and facilities for people with disabilities,</p> <p>the consent authority must take into consideration whether adequate provision is, or is able to be, made for such access and facilities.</p>	<p>Yes,</p> <p>The development will be designed to provide for suitable disabled access in accordance with the BCA, which will be finalized at the construction certificate stage of the development.</p>

Bankstown Local Environmental Plan 2001	Compliance
<p>51 Objectives of the Industrial zones</p> <p>(1) The objectives of Zone 4 (a) are:</p> <p>(a) to permit primarily industrial uses or uses which are inappropriate in other zones, and</p> <p>(b) to limit retail development, except where:</p> <p>(i) it is ancillary to an industrial use of land, or</p> <p>(ii) it services the daily convenience needs of the local workforce and does not have an adverse impact on the viability of the business areas of the City of Bankstown, and</p> <p>(c) to promote a high standard of:</p> <p>(i) building design (particularly along arterial roads), and</p> <p>(ii) environmental management, energy efficiency and resource conservation, and</p> <p>(d) to allow bulky goods salesrooms or showrooms only where they will not have an adverse impact on the viability of the business areas of the City of Bankstown.</p>	<p>Yes</p> <p>The development and uses are appropriately located in this area and would be inappropriate in other zones having regard to size and scale of the warehouse and associated car storage areas.</p> <p>The development will involve an appropriate standard of building design consistent with development in Chullora Technology Park and incorporate energy and water efficiency measures.</p>

Bankstown Local Environmental Plan 2001	Compliance
<p>52 Development in the Industrial zones</p> <p>(1) This clause applies to land within Zone 4 (a) or 4 (b).</p> <p>(2) Before granting consent for development on land to which this clause applies, the consent authority must take into consideration the following matters:</p> <p>(a) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated,</p> <p>(b) whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment,</p> <p>(c) whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality,</p> <p>(d) whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the consent authority must have regard to a written statement that:</p> <p>(i) illustrates that no alternative access is available otherwise than by means of a residential street, and</p> <p>(ii) demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas, and</p> <p>(iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment,</p> <p>(e) whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened,</p> <p>(f) whether the proposed development will detract from the amenity of any residential area in the vicinity,</p> <p>(g) whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.</p> <p>(3) The consent authority must not grant consent to development for the purpose of office premises on land to which this clause applies, unless it is satisfied that:</p> <p>(a) the development will not detrimentally affect the viability of any business centre in the locality, and</p> <p>(b) where the development may otherwise have occurred within a business centre in the locality, suitable land for the development is not available in that business centre, and</p> <p>(c) the development is of a type appropriate to an industrial zone, or to the general character of existing development within the industrial zone.</p> <p>(4) The consent authority must not grant consent to development for the purpose of a panel beating workshop on land to which this clause applies if the land adjoins land within a residential zone, unless appropriate arrangements are made to store all vehicles awaiting or undergoing repair, awaiting collection, or otherwise involved with the development on the site of the proposed development, and they will be stored either:</p> <p>(a) within a building, or</p> <p>(b) within a suitably screened area.</p> <p>(5) Despite clause 11, the consent authority may consent to development on land within Zone 4 (a) or 4 (b) for the purpose of the sale of motor vehicles or furniture by auction.</p> <p>(6) The consent authority may grant consent to development for the purpose of a convenience store on land within Zone 4 (a) or 4 (b) only if it has a gross floor area of not more than 250 square metres and is proposed to be used in conjunction with a service station.</p> <p>(7) The consent authority may grant consent to development on land within Zone 4 (a) or 4 (b) for the purpose of an educational establishment other than an infants', primary or secondary school.</p>	<p>Yes,</p> <p>The development will provide for 290 parking spaces which has been assessed as being adequate, relative to the demand for parking and consistent with the requirements of Bankstown DCP 2005.</p> <p>Suitable landscaping will be provided to the boundaries of the site and through the parking areas, including a significant landscaped setback along Muir Road, mostly 10m -15m wide.</p> <p>The development will contribute to the improvement of the character and appearance of the locality.</p> <p>Access will not affect any residential area.</p> <p>Goods plant and equipment will be suitably stored within the warehouse building or in areas suitably screened from Muir Road.</p> <p>The development will adopt appropriate energy efficiency and resource conservation measures.</p> <p>The development will not affect the viability of any business centre in the locality. Due to the size and scale of the development and in particular the proposed warehouse, it is appropriately located within an industrial zone. It is very unlikely there would be an alternative suitable site in a business centre such as Bankstown CBD.</p> <p>The development includes a training centre for technicians or vehicle servicing which is considered to be permissible in the zone under this clause.</p>