



# MEMORANDUM

**TO:** Joint Regional Planning Panel

**FROM:** Ray Lawlor, Development Assessment Officer

**SUBJECT:** No. 24 Muir Road, CHULLORA NSW 2190  
Lot 38 DP 1031735,

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.

**FILE NO:** 2010SYW026 - (DA-361/2010)

**DATE:** 21 July 2010

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## AMENDMENTS TO DRAFT CONSENT CONDITIONS

The draft consent conditions, attachment B to the development assessment report, were sent to the applicants on 8 July 2010 for their review.

On 15 July 2010 the applicant requested amendments to the draft conditions primarily related to staging of the construction of the development and timeframes for their clients (VW Group) to occupy the development.

### **1. Clarify conditions related to issue of construction certificates and staging of construction (conditions 7- 43).**

The applicant proposes to construct the development subject to staged construction certificates (e.g. Bulk earthworks CC, in-ground services and footings CC, structural CC etc.)

It is requested that the conditions be clarified so that they relate to the issue of a construction certificate 7-43 will only need to be met prior to the issue of the construction certificate to which it relates.

#### Comments:

The conditions required to be satisfied before the issue of construction certificate have been grouped into 2 separate sections.

The first grouping relates to conditions that would be required to be satisfied for the issue of an initial construction certificate, for the commencement of bulk earth works, and includes the requirements for a vegetation management plan and remediation works plan and environmental management plan. The second grouping relates to conditions that can be deferred to construction certificates for the building works related to the warehouse and offices, and are not required to be satisfied for initial bulk earthworks.

Amendments:

The construction certificate conditions specifically related to the construction of the building have been separated and grouped under the following heading:

'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR THE WAREHOUSE, DISTRIBUTION CENTRE AND OFFICES (OTHER THAN A CONSTRUCTION CERTIFICATE FOR BULK EARTHWORKS ON LOTS 1 AND 2)'.

**2. Clarify requirements for fit-out of food preparation areas (condition 32)**

The applicant is seeking to clarify that this condition will only be applied when an application is made for a Construction Certificate for the fit-out of the café.

Comments:

It is agreed that this requirement can be further clarified to refer to a construction certificate for the fit-out of food preparation areas.

Amendment:

The note in this condition (re-numbered as condition 39) has been amended to refer to the fit-out of food preparation areas.

**3. Delete requirement for an acoustic report related to the rail corridor (condition 38)**

The applicant has requested that this requirement be deleted as commercial and industrial uses are not included as noise sensitive developments under the Infrastructure SEPP (clauses 87 and 102).

Comments:

This condition was imposed as requested by RailCorp in the matters listed in their letter of 5 July 2010, in respect to concurrence under the Infrastructure SEPP (clause 86). Advice was received from Rail Corp on 16 July 2010 that given the location of the building and its use the requirement for an acoustic report could be deleted.

Amendment:

This condition has been deleted.

#### **4. Review or delete requirements for certification of the remediation and contamination management reports (Conditions 45, 83 and 84)**

Condition 45 requires that the Remediation Work Plan (RWP) and Environmental Management Plan (EMP) be certified by a NSW EPA/DECCW accredited site auditor prior to the commencement of works. The applicant has requested that this be deleted as a site audit already exists and the RWP and EMP are going over and above what the site audit requires.

Conditions 83 and 84 also require an accredited site auditor certify a Validation and Site Condition Report (VSCR) and Site Management Plan (SMP) prior to issue of an occupation certificate. The applicant has requested that this also be reviewed in relation to timing of this requirement, so that this would not jeopardise the need to have their clients (VW Group) move into the site by a certain timeframe.

##### Comments:

Council's Contaminated Lands Officer had requested that condition 45 be included as an additional precaution or safeguard, prior to commencement of works, to certify the proposed remediation works. It is agreed that in the context of the existing site audit, the nature and expected limited extent of remaining asbestos contamination, and the proposed commercial /industrial use, this condition can be deleted. Council can instead rely upon validation and certification of the completed remediation works, at the occupation certificate stage of the development.

In relation to condition 83 and 84, it is considered important to retain the requirement for an auditor to review the final validation report and the site management plan, at the occupation certificate stage of the development. It is however considered reasonable to allow for these to be provided within a 2 week time frame of the issue of an interim occupation certificate, which would allow for the occupation of the first stage of the development and warehouse building. These matters would still be required to be finalised prior to issue of a final occupation certificate.

##### Amendments:

Condition 45 has been deleted.

Conditions 83 and 84 (re-numbered as conditions 81 and 82) have been amended to require that prior to issue of a final occupation certificate, or within two weeks of the issue of an interim occupation certificate, the VSCR and SMP be reviewed and approved by an accredited site auditor and occupational hygienist.

#### **5. Provide for increased or additional site/construction works hours (condition 60)**

Condition 60 limits 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 applicant has requested additional work hours to meet construction deadlines and given that the site is not adjacent to any sensitive uses. It is requested that the site and construction work hours be amended to 6.00am to 6.00pm on weekdays, and 6.00am to 4.00pm on Saturday and Sundays, including weekends adjacent to public holidays.

Comments:

Extended site/construction work hours are unlikely to have any significant impacts due to the nature of the adjacent development not being sensitive land uses and also that most construction vehicles/traffic will approach the site via arterial roads (Hume Highway and Rookwood Road). The extended hours will also allow greater opportunity for construction traffic access to the site outside of peak hours.

Amendment:

Condition 60 (re-numbered as condition 58) be amended as requested to provide for extended site/construction work hours.

## **6. Other matters**

The following note has been added to condition 2, to highlight that amendments may be required to the proposed bulk earthworks on proposed Lot 2:

*Note: Bulk earthworks on proposed lot 2 (DA70, DA73, DA75 Bulk Earthworks Layout Plan, Sheet 3 of 4 and Sections) may require adjustments or alterations to take account of the requirements of conditions 8, 11 and 44 regarding vegetation management and the provision of exclusion or barrier fencing around the area of Downey Wattle (Acacia pubescens).*

## DRAFT CONDITIONS OF CONSENT - 21/7/2010

- 1) 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.
- 2) 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	Bulk Earthworks Layout Plan	1	10 June 2010
DA71	Bulk Earthworks Plan - Sheet 1 of 4	1	10 June 2010
DA72	Bulk Earthworks Plan - Sheet 2 of 4	1	10 June 2010
DA73	Bulk Earthworks Plan - Sheet 3 of 4	1	10 June 2010
DA74	Bulk Earthworks Plan - Sheet 4 of 4	1	10 June 2010
DA75	Bulk Earthworks Sections	1	10 June 2010

Note: Bulk earthworks on proposed lot 2 (DA70, DA73, DA75 Bulk Earthworks Layout Plan, Sheet 3 of 4 and Sections) may require adjustments or alterations to take account of the requirements of conditions 8, 11 and 44 regarding vegetation management and the provision of exclusion or barrier fencing around the area of Downey Wattle (*Acacia pubescens*).

- 3) The development shall also be undertaken generally in accordance with the terms, conclusions and recommendations of the following documents:
  - a) Ecological Assessment Report, 24 Muir Road Chullora, prepared by AECOM Australia Pty Ltd, dated 1 June 2010

- b) Street Tree Report, Volkswagen Group Australia Site Muir Road Chullora, Site Image Pty Ltd, dated May 2010
  - c) Trade Waste Drainage Concept Design Report, Volkswagen Australia Development, Muir Road, Chullora, prepared by Steve Paul & Partners, dated 9 June 2010
  - d) SEPP 33 Review of the Proposed Volkswagen Facility, prepared by AECOM Australia Pty Ltd, dated 14 April 2010
  - e) 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
  - f) Energy Performance Report, Volkswagen Group Australia, 24 Muir Road Chullora, prepared by Built Ecology, dated 9 June 2010.
  - g) Letter - Stormwater Discharge, 24 Muir Road Chullora, prepared by Sydney Water, dated 22 April 2010.
  - h) Letter -Geotechnical Assessment of Impact on Rail Corridor, prepared by Jeffrey & Katauskas Pty Ltd, dated 11 June 2010.
  - i) Geotechnical Investigation for Proposed Industrial Development at 24 Muir Road Chullora, prepared by Jeffrey & Katauskas Pty Ltd, dated 24 February 2010.
- 4) 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**

- 5) The application for a subdivision certificate, to create two lots, shall be submitted to Council with the following information:
- a) Original plan of subdivision signed by a qualified surveyor, plus five (5) copies;
  - b) Copy of the relevant development consent, (including any section 96 Modifications if applicable);
  - c) Works as executed engineering plans, as required;
  - d) Evidence that all conditions of consent, relating to subdivision of the land, have been complied with;
  - e) A certificate of compliance (Section 73 Certificate) from Sydney Water;
  - f) 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

- g) 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.
  - i) Easements to drain water (for inter-allotment drainage).
  - ii) Easement for services (for utilities).
- 6) 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**

*Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:*

- 7) 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.
- 8) 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.

- 9) 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.

- 10) 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.

- 11) 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.

- 12) 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.
- 13) 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](http://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.

- 14) 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.
- 15) Prior to issue of a Construction Certificate, a Long Service Levy payment which is 0.35% of the value of the work being is required to be paid to Council on behalf of the Long Service Levy Corporation prior to issue of a Construction Certificate.
- 16) 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.

- 17) 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.

- 18) 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:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) 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;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) 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.
- h) 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.
- i) 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.
- j) 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.

- 19) 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.
- 20) 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 issues these permits.

Works requiring a 'Works Permit'.

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) 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](http://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.

- 21) 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.

- 22) 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.
- 23) 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.
- 24) 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.
- 25) All excavation and construction works are to be undertaken in accordance it 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.

- 26) 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.
- 27) 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 conditions has been satisfied.
- 28) 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 THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR THE WAREHOUSE, DISTRUBUTION CENTRE AND OFFICES (OTHER THAN A CONSTRUCTION CERTIFICATE FOR BULK EARTHWORKS ON LOTS 1 AND 2).**

*In addition to conditions listed above, prior to the release of a Construction Certificate for the warehouse, distribution centre and offices (other than bulk earthworks on lots 1 and 2) the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:*

- 29) 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.
- 30) 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.
- 31) 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 vehicular footway crossing (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.

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

- a) 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.
- b) 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.
- c) 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:
  - (i) For the full length along the northern boundary to Lots 1 and 2.
  - (ii) 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.



- d) 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.
  - e) 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.
- 33) 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.
- 34) 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.
- 35) 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.
- 36) 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.

- 37) 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.

- 38) 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.
- 39) 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 any Construction Certificate for the fitout of food preparation areas shall include, but not be limited to:

- a) Material finish of walls, floors (including approved coving), ceiling and light fittings.
  - b) Sections and elevations of the shelving, storage units, equipment and the like indicating the material and finishes and height above the floor.
  - c) Sections and elevations of the free standing refrigerators, freezers and the like indicating the material and finishes and height above the floor.
  - d) 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.
  - e) Details of any mechanical ventilation systems proposed.
  - f) Details of all wash and cleaning facilities including wash and hand wash basins, indicating their precise location, designated use and water drainage connections.
  - g) Details of proposed waste storage area.
- 40) 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.
- 41) 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.

- 42) 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.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION/SITE WORKS**

- 43) The erection of a building/site works in accordance with this development consent must not be commenced until:
- a) Detailed plans and specifications have been endorsed with a Construction Certificate (by the consent authority or an accredited certifier), and
  - b) 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
  - c) 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.
- 44) 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 Australia Pty Ltd, 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 (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.

- a) 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.
- b) No excavation is to take place around the root zone or canopy of retained vegetation.
- c) 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.
- d) Fencing around retained vegetation is to be in place prior to commencement of site works.
- e) The fencing should be signposted to warn contractors of its purpose.
- f) 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.

- 45) 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.

- 46) 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.
- 47) 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.

- 48) 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.
- 49) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 50) 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.
- 51) 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:
  - a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted during and outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, 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.

- 52) 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.
- 53) 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.

- 54) 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**

- 55) 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*.

- 56) 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.
- 57) 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.

- 58) The hours of site works, including earth works and remediation works shall be limited to between 6.00am and 6.00pm on weekdays and 6.00am and 4.00pm on weekends.
- 59) 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.
- 60) 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.
- 61) 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.
- 62) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 63) 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.
- 64) 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:
- a) if necessary, must underpin and support the building in an approved manner, and
  - b) 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.

- c) 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.

- 65) 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.
- 66) Works on downstream properties is to be carried out in accordance with the following:
  - a) 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.
  - b) Where drainage excavation works extend below the level of the base of the footings of buildings the Applicant shall, at his own expense: -
    - (i) Preserve and protect such building from damage; and
    - (ii) 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.
- 67) 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.
- 68) 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.
- 69) 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:

- a) 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.
- b) All fill and cut batters shall be contained wholly within the site.
- c) 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.

- 70) 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.

- 71) Fuel bowzers 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:

- a) DECCW "Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2008"
  - b) AS 1596-1997 Storage and Handling of LP Gas
  - c) DECCW Guidelines "Surface Water Management on the Covered Forecourt Areas of Services Stations"
  - d) AS 1940 - 2004 The Storage and Handling of Flammable and Combustible Liquids
  - e) WorkCover NSW Requirements
- 72) 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.
  - 73) 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.

- 74) All demolition and construction vehicles are to be contained wholly within the site and must enter the site before stopping.
- 75) 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.
- 76) All works/regulatory signposting associated with the proposed development shall be at not cost to the RTA.
- 77) 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.
- 78) 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**

- 79) 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.
- 80) 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.
- 81) 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'.

Prior to issue of a final occupation certificate, or within two weeks of the issue of an interim occupation certificate, the VSCR shall be reviewed and approved by

an accredited site auditor (accredited under the Contaminated Land Management Act 1997) and a copy submitted to Bankstown City Council.

- 82) 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.

Prior to issue of a final occupation certificate, or within two weeks of the issue of an interim occupation certificate, the SMP shall be reviewed and approved by an appropriately qualified Occupational Hygienist as well as being reviewed by a NSW EPA accredited site auditor and a copy submitted to Bankstown City Council.

- 83) 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.

- 84) A 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.

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

- a) List of chemicals and maximum quantities to be stored at the site;
- b) Identification of potentially hazardous situations;
- c) Procedure for incident reporting;
- d) Details of spill stations and signage;
- e) Containment and clean-up facilities and procedures; and
- f) The roles of all staff in the plan and details of staff training.

- 86) 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.

- 87) 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 an Occupation Certificate or occupation of the site.
- 88) The subject site is affected by a local overland flowpath and shall comply with the following:
- a) 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.
  - b) The Work As Executed information shall be shown on a copy of the approved plans and shall include construction information relating to the following:
    - (i) All relevant natural ground and finish ground levels within the flow path and relevant surrounding levels.
    - (ii) 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 to 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:
  - (i) "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."
  - (ii) "Trees or shrubs shall not be planted within the flowpath boundaries shown as 'x' on the plan."
  - (iii) "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".

- (iv) "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.
- 89) 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.

- 90) 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](http://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.
- 91) 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.

- 92) The parking areas and entry/exit points need to be clearly delineated through line marking and signage to ensure smooth, safe traffic flow.
- 93) 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.
- 94) 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**

- 95) 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.
- 96) 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.
- 97) 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.
- 98) 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.
- 99) All chemicals shall be stored, handled and disposed of in accordance with

- a) AS1940-1993. The Storage and Handling of Flammable and Combustible Liquids.
  - b) Department of Environment and Conservation's Environment Protection Manual for Authorised Officers: Technical Section (Bunding and Spill Management)
  - c) 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.
- 100) All filtration devices for odour control shall be regularly maintained to prevent odour problems.
- 101) The operation of the premises shall be carried out in accordance with any environmental requirements of the Department of Environment, Climate Change and Water.
- 102) The proposed use is to comply with the following requirements:
- a) 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.
  - b) 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.
  - c) Damaged or leaking vehicles are to be stored within building to ensure no contaminants are washed into stormwater drains.
  - d) 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.
  - e) 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.
  - f) All painting and chemical treatment of vehicles is to be conducted wholly within an approved spray booth.

- 103) 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.
- 104) All vehicles are to enter and leave the subject site in a forward direction.
- 105) All vehicles should be wholly contained on site before being required to stop.
- 106) The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
- 107) All pollution control devices (including bunds, drainage systems, sumps, traps, air filters, acoustic barriers) shall be maintained regularly.
- 108) 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**

- 109) 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.

- 110) 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.
- 111) The consent holder must prepare or commission the preparation of:
  - i. Rehabilitation Plan
  - ii. Erosion and Sediment Control Plan
- 112) 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](http://www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml)

- (i) Vegetation Management Plans
- (ii) Outlet structures

- 113) 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.
- 114) 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.
- 115) 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.
- 116) 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.
- 117) 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.
- 118) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
- 119) 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.