

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	2012SYE011
<b>DA Number</b>	DA11/272
<b>Local Government Area</b>	City of Botany Bay
<b>Proposed Development</b>	<p>Grant Development Application No. 11/272 a “Conditional Consent” for alterations and additions to the existing industrial development including:</p> <ul style="list-style-type: none"><li>• Partial demolition of the existing factory buildings and structures to facilitate the reduction of the existing tobacco manufacturing operations to the north-east portion of the site;</li><li>• External alterations and additions and the internal fitout of the remaining factory buildings;</li><li>• Subdivision of the subject site into two (2) lots, and</li><li>• Construction of a road to connect to Bunnerong Road, at 128 Bunnerong Road, Pagewood.</li></ul>
<b>Street Address</b>	128 Bunnerong Road, Pagewood
<b>Applicant</b>	British American Tobacco Australia Pty Ltd.
<b>Owner</b>	British American Tobacco Australia Pty Ltd.
<b>Number of Submissions</b>	Six (6) submissions including one (1) petition containing six (6) signatures.
<b>Recommendation</b>	Conditional Consent
<b>Report by</b>	Rodger Dowsett, Director Planning and Development

**ASSESSMENT REPORT AND RECOMMENDATION****128 BUNNERONG ROAD, PAGEWOOD – INTEGRATED DEVELOPMENT – INDUSTRIAL SUBDIVISION**

**File No:** 11/272

**Responsible Officer:** Mr Rodger Dowsett - Director of Planning and Development

**Date of Preparation:** 12 June 2012

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**DA No:** 11/272

**Application Date:** 21 December 2011

**Property:** 128 Bunnerong Road, Pagewood

**Lot No:** 1

**DP No:** 776089

**Details:** Development Application for alterations and additions to the existing industrial development including:

- Partial demolition of the existing factory buildings and structures to facilitate the reduction of the existing tobacco manufacturing operations to the north-east portion of the site;
- External alterations and additions and the internal fitout of the remaining factory buildings;
- Subdivision of the subject site into two (2) lots, and
- Construction of an internal road to connect to Bunnerong Road, at 128 Bunnerong Road, Pagewood.

**Applicant:** British American Tobacco Australia Pty Ltd

**Applicant Address:** 128 Bunnerong Road, Pagewood

**Builder:** To Be Advised

**Principal Certifying Authority:** To Be Advised

**Property Location:** Block bound by Bunnerong Road to the east, Heffron Road to the north, Westfield Drive to the south and Banks Avenue to the west

**Zoning:** Industrial General 4(a)

Botany Local Environmental Plan, 1995

**Present Use:** Industrial and Commercial

**Classification of Building:** Class 5 - commercial building  
Class 7a - carpark  
Class 7b - storage  
Class 8 - factory, process  
Class 10b - fence

**Value:** \$56,000,000

**Drawing No:** Refer to Condition No. 1

### **SUMMARY OF REPORT**

**Recommendation:** Conditional Consent

**Special Issues:** JRPP, Integrated Development

**Public Objection:** Yes - Six (6) submissions including one (1) petition containing six (6) signatures

**Permissible:** Yes

### **THE DIRECTOR OF PLANNING AND DEVELOPMENT REPORTS:-**

#### **Executive Summary**

Council received Development Application No. 11/272 on 21 December 2011 seeking consent for alterations and additions to the existing industrial development including:

- Partial demolition of the existing factory buildings and structures to facilitate the reduction of the existing tobacco manufacturing operations to the north-east portion of the site;
- External alterations and additions and the internal fitout of the remaining factory buildings;
- Subdivision of the subject site into two (2) lots, and
- Construction of an internal road to connect with Bunnerong Road, at 128 Bunnerong Road, Pagewood.

Amendments were made to the proposal on 20 February 2012 and 8 March 2012 in relation to the withdrawal from the development application of some aspects of the demolition work.

The proposed development is integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act. The Development requires the concurrence of the Roads and Maritime Services as the development involves the construction of a road connecting to a classified road (Bunnerong Road). As such the application was referred to Roads and Maritime Services. Correspondence by the

Sydney Regional Development Advisory Committee (SRDAC) dated 27 February 2012 requested additional information in relation to the proposed road works for the new internal road connecting with Bunnerong Road, operational details and the land dedication of the portion of the subject site at the intersection of Bunnerong Road and Heffron Road for future upgrade works to the road network. The Applicant provided additional information to RMS in response to the above correspondence from the SRDAC, however matters relating to concurrence remain unresolved.

The Council as the Planning Authority resolved to hold a meeting with RMS and the Applicant on 14 May 2012 to discuss the outstanding issues raised by RMS. It was agreed that additional information would be prepared by the Applicant for submission to Council and RMS in relation to design concepts showing exiting and proposed adjustments to boundary lines and swept paths for B-Double trucks entering and exiting the proposed internal road. It was noted that the proposed development will not require any roadworks on the land within the site and at the corner of Heffron Road and Bunnerong Road but this land may be required for road dedication in the future in the form of a separate Lot and DP prior to the issue of an occupation certification. Therefore, a deed of agreement is contemplated to permit this land to be dedicated to Council subject to the future development of the residue lot (Lot 2) at no cost to Council, for road purposes.

The letter of RMS's concurrence dated 28 May 2012 was received by Council on 1 June 2012 raised no objection to the proposed development subject to the imposition of appropriate conditions. This letter was later amended by a subsequent letter of concurrence dated 6 June 2012, the details of which are discussed further in this report.

The application was notified for a 30 day period from 17 January 2012 to 17 February 2012 in accordance with Council's Notification Development Control Plan No.24 together with the Integrated Development Provisions under the *Environmental Planning and Assessment Act 1979*.

A total of six (6) submissions including one (1) petition containing six (6) signatures were received. The matters raised in the submissions have been considered in the assessment of the development proposal.

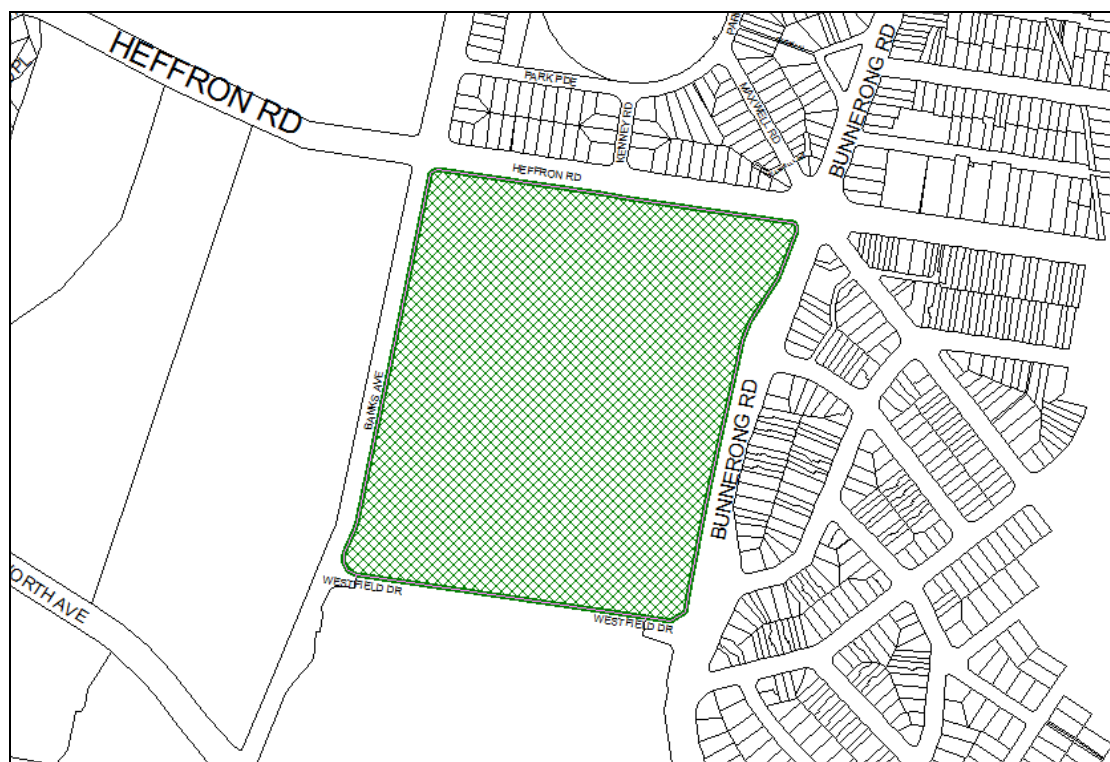
As the proposal has a Capital Investment Value of greater than \$20 million, the Joint Regional Planning Panel, Sydney East Region (JRPP) is the consent authority for the development application.

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval, subject to conditions of consent.

### **Site Description**

The subject site occupies the block bounded by Bunnerong Road to the east, Heffron Road to the north, Westfield Drive to the south and Banks Avenue to the west. The subject site is irregular in shape with an area of 165,555.65m<sup>2</sup> and a 461.65 metre

frontage to Bunnerong Road including splay. The site is generally flat and is located within the 4(a) Industrial zone. A location map is included below:



Several industrial and commercial buildings are currently located on site. The British American Tobacco Australia Pty Ltd (BATA) Main Factory Building occupies the greater portion of the subject site and contains tobacco manufacturing, storage, packaging and distribution facilities including loading docks, dust collection plant, odour plant, pump house, sprinkler water tanks, electrical substations, chemical and fuel storage, workshops, meeting rooms, offices and staff amenities. Several ancillary buildings and facilities are located around the main factory building and include:

- Technical Centre Building;
- Canteen;
- Boiler House;
- SMD Training Room;
- Flavour Room;
- Corporate Building;
- Administration Building;
- Security Building;
- Mail / Courier Room;
- I.T. Building;
- I.T. Data Centre;
- Bond Store Warehouse;
- Sealed car parking and accessible car parking areas (440 spaces in the western car park and 291 spaces in the eastern car park);
- Additional unsealed car parking areas for 118 cars;
- Vehicle access via Westfield Drive including external gates on Westfield Drive, on Banks Avenue and on Heffron Road;



- Internal access roads; and
- Site landscaping and perimeter fencing.

Development surrounding the site consists of Westfield Eastgardens Shopping Centre to the south, single and two storey residential and commercial/retail development to the east, single storey residential to the north and the Bonnie Doon Golf Club to the west. Aerial photographs are included below:



## Development History

DA No.	Description	Approval Date
DA No. 369	Tobacco products manufacturing plant	17 June 1982
DA No. 588	Erection of Administration building and amendments to car parking layout and landscape provision of DA No. 369	14 October 1983
DA No. 2348	Erection of new administration building (Corporate Building)	6 July 1990
DA No. 00/233	Removal of asbestos cement sheet roof and wall cladding from Bond Store 1 and the re building of the roof and external walls with prefinished profiled metal section	20 October 1999
DA No. 00/552	Construction of staff café / bistro on ground floor of the Corporate Building	12 April 2000
DA No. 00/404	Internal modifications to existing commercial and industrial buildings	10 February 2000
DA No. 02/316	Installation of external free standing covered structures for employee's relaxation in garden and grassed areas at six locations around the site	19 March 2002
DA No. 02/147	Change of use to part of the existing factory building from a tobacco production area to be a tobacco storage area	26 September 2002
DA No. 04/48	Removal of the external skin of brickwork to the southern wall of Bond Store 3 and replacement with metal cladding – class 8	17 October 2003
03/355	Replacement of lighting to existing carparks with floodlight poles.	10 December 2002
04/226	Replacement of existing hot and cold food servery equipment.	10 December 2003
06/083	Factory fitout and new internal walls.	21 September 2005
06/349	Fence off area for use as a temporary carpark.	10 April 2006
07/135	Installation of two additional cooling towers.	22 February 2007
09/316	Upgrade and construction of staff amenities.	8 July 2009

## Description of Development

The development application seeks Council consent for alterations and additions to the existing industrial development detailed as follows:

### Subdivision

- Subdivision of the subject site into two (2) lots, comprising:
  - Lot 1 – Reduced manufacturing facilities (61,067m<sup>2</sup>).
  - Lot 2 – Residual lot (104,488.65m<sup>2</sup>).

### Road Works (External and Internal)

- Partial construction of an internal road on the southern boundary of proposed Lot 1 to allow vehicular access to the site connecting to Bunnerong Road, at 128 Bunnerong Road, Pagewood.
- The development of a deceleration lane from the western edge of Bunnerong Road into the proposed internal road.
- The partial development of the internal road on the southern edge of the site to allow access to Lot 1.
- The development of two entry and egress locations from the internal road into Lot 1, one for the use of trucks and the other to provide car access to the proposed car parking area.
- The construction of internal roadways including turning circles around the south east corner of the site (Lot 1).

### Alterations to the existing industrial buildings

- Partial demolition of the existing factory buildings and structures to facilitate the reduction of the existing tobacco manufacturing operations to the north-east portion of the site (Lot 1).
- External alterations and additions and the internal fitout of the remaining factory buildings in the north east corner of the site.
- The boiler house, canteen and technical centre that exist on the eastern portion of the subject site fronting Bunnerong Road will remain as part of the redevelopment.
- Staged demolition of redundant structures and buildings.

### Site Works

- The construction of a car park within the south east corner of the site for 104 car parking spaces.
- Additional landscaping works to the proposed new Lot boundaries between Lots 1 and 2 including irrigation works and bio-swales. Landscaping and tree planting are also proposed to occur within the new car parking area. Much of the existing landscaping on the site is to remain with some tree removal proposed to accommodate the proposed works.
- The construction of a new 2.1m high palisade fence around the perimeter of the site.

### Operational details

At present, there are a total of 1,100 workers employed at the BATA site. The site operates 24 hours a day, 7 days a week with staff being employed in shift patterns. The proposed reduction of the industrial development will result in a maximum number of staff reduced to 149 being employed as per the existing shift patterns.

## **SECTION 79C CONSIDERATIONS**



In considering the Development Application, the matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration in the preparation of this report and are as follows:

**(a) The provisions of any EPI and DCP and any other matters prescribed by the Regulations.**

These matters have been considered in the assessment of the development application.

Environmental Planning and Assessment Act 1979 – Part 4, Division 5 – Special Procedures for Integrated Development and Environmental Planning and Assessment Regulations 2000 – Part 6, Division 3 – Integrated Development

The relevant requirements under Division 5 of the EP&A Act and Part 6, Division 3 of the EP&A Regulations have been considered in the assessment of the development application.

The proposed development is integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act. The Development requires the concurrence of the Roads and Maritime Services as the development involves the construction of a road connecting to a classified road (Bunnerong Road).

Before granting development consent to an application, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development.

In this regard, the applications were referred to the Roads and Maritime Services in a letter dated 13 January 2012. The Roads and Maritime Services issued their concurrence in amended format on 6 June 2012 which raised no objection to the proposed development subject to the imposition of appropriate conditions which are attached to the schedule of consent conditions.

State Environmental Planning Policy No. 33 (SEPP) Hazardous and Offensive Development

It should be noted that the proposed development refers to the subdivision of the subject site and the reduction of the existing industrial manufacturing facility. The use of the site will remain unaltered and the proposed industrial operations will be reduced in scale. A Hazardous Substance/Dangerous Goods Report prepared by Aurecon Australia dated 14 December 2011 was submitted with the development application and detailed the dangerous goods currently stored on site. The Report concludes that the classification of the dangerous goods on site are outside the provisions of SEPP 33 assessment and the quantity to be stored is less than the applicable screening level threshold. As such, the application is considered to be satisfactory in terms of SEPP 33.

State Environmental Planning Policy No. 55 (SEPP) Remediation of Land

The subject site has been used to manufacture tobacco products since 1982 with historical information indicating that previous uses include rural purposes and as an automobile assembly plant by General Motors Holden. As such, the provisions of SEPP 55 along with the requirements of DCP No. 34 relating to

Contaminated Land have been considered in the assessment of the development application.

The applicant has submitted a Phase 1 Contamination Assessment Report prepared by Douglas Partners dated August 2011. The report confirms that the continued use of Lot 1 for the reduced industrial manufacturing facilities is suitable.

As mentioned above, the proposed development refers to the subdivision of the subject site and the reduction of the existing industrial manufacturing facility. The use of the site will remain unaltered and the proposed industrial operations will be reduced in scale.

The reports were referred to Council's Internal and External Environmental Scientists for assessment and no objections were raised to the proposed development subject to the imposition of the recommended conditions which have been imposed on the consent. As such, the application is considered to be satisfactory in terms of SEPP 55 and Council's DCP 34.

### **Botany Local Environmental Plan (LEP) 1995**

#### *Clause 10 – Zoning*

The subject site is zoned 4(a) Industrial in accordance with Botany LEP 1995 and the proposed development is permissible within the zone with the appropriate consent of Council. The primary objective of the 4(a) zone is as follows:

*The primary objective is to ensure that development for industrial purposes is carried out in a manner which contributes to the economic and employment growth of the area and, in so doing, improves amenity and does not affect adversely the environment or give rise to unacceptable levels of risk in the area.*

The secondary objectives of the zone are as follows:

*(a) to encourage development which does not affect adversely the efficient operation of the local and regional road system,*

*(b) to improve the environmental quality of the local government area by ensuring that industries conform to strict environmental and hazard reduction guidelines,*

*(c) to provide for retail and non-residential development which provides direct services to the industrial activities and their workforce, and*

*(d) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.*

It is considered that the proposal for the subdivision of the subject site together with associated road and site works are consistent with the primary and relevant secondary objectives for development within the 4(a) Industrial zone. The existing industrial manufacturing facilities are being reduced in scale and a Dust and Odour Assessment, Contamination Report, Hazardous Substances Dangerous Goods Report, Environmental Noise and Assessment and Traffic and Transport Report have been submitted detailing the impact of the

proposed development and concluding that the proposed development is suitable for the subject site.

*Clause 11 – Subdivision of Land*

The proposed development involves the subdivision of the subject site into two (2) allotments comprising:

- Lot 1 – Reduced manufacturing facilities.
- Lot 2 – Residual lot.

The proposed subdivision has been submitted for the consent of Council in accordance with this Clause.

*Clause 13A – Noise or Vibration*

The subject site is located on Bunnerong Road which is identified by the Roads and Maritime Services (RMS) as a classified road. As such, Clause 13A of the LEP has been considered in the assessment of the Development Application. An Environmental Noise Assessment Report prepared by Aurecon Australia has been submitted with the application. The application was referred to Council's Health and Environmental Services Department who raised no objection to the proposal subject to the imposition of appropriate conditions. A condition shall be imposed that required validation reports to the extent that the recommendations stated in the above report has been adhered to.

*Clause 17 – Development in Industrial Zones*

The provisions of Clause 17(1) have been considered in the assessment of the development application as follows:

(a) Off Street Parking

The proposed development provides 104 off-street car parking spaces. The Applicant has detailed that staff numbers shall be reduced to 149 and that these employees shall rotate on a shift roster system with a maximum of 96 staff on site at any given time. The proposed car parking provisions are considered adequate to cater for the proposed development. The application was referred to Council's Development Engineer who raised no objection to the proposed development subject to the imposition of appropriate conditions.

(b) Manoeuvring, loading, unloading

The design of the car park is such that appropriate Australian Standards are met and all vehicles can enter and exit the site in a forward direction. Vehicle access to the site is proposed from the new internal road connecting with Bunnerong Road which has a left-in and left-out manner.

A Traffic and Transport Report prepared by Colston Budd Hunt & Kafes dated December 2011 has concluded that the provision for servicing, including loading/unloading is satisfactory for the nature of the development.

The internal road is at this stage not intended to be a public road.

(c) Surrounding road network

The Traffic and Transport Report prepared by Colston Budd Hunt & Kafes has been submitted to accompany the development application and concludes that

the traffic generation resultant from the development will reduce the traffic impact on the performance of nearby intersections as the industrial manufacturing operations are being downscaled. A Site Management and Travel Plan dated 17 April 2012 and prepared by Colston Budd Hunt & Kafes outlines designated routes for staff and visitors and also service vehicles. The application was referred to RMS who raised no objection subject to the imposition of appropriate conditions.

(d) Screening of goods, plant, equipment

There currently exists landscaping and significant trees to all frontages of the subject site to screen the existing industrial buildings. Additional landscaping works are proposed to the new lot boundaries between Lots 1 and 2 to ensure that any plants and equipment are appropriately screened.

(e) Sufficient storage and parking of vehicles associated with the operations of the development

As mentioned above, the Traffic and Transport Report prepared by Colston Budd Hunt & Kafes concludes that there is sufficient area for car parking and the access, servicing arrangements and internal layout will be provided in accordance with AS 2890.1:2004 and AS2890.2-2002.

(f) Landscaping

As mentioned above, additional landscaping works are proposed to the new lot boundaries between Lots 1 and 2 including irrigation works and bio swales. Landscaping and tree planting are also proposed to occur within the new car parking area. Much of the existing landscaping on the site is to remain with some tree removal proposed to accommodate the proposed works. The proposal has been referred to Council's Landscape Architect who raised no objection subject to the imposition of appropriate conditions.

(g) Height, scale and design

The proposed development does not seek to increase the height of the existing industrial building and involves the alterations to the reduced industrial manufacturing facility. The scale and design of the proposed development are considered to be appropriate in this instance.

(h) Building design and finishes

A detailed finishes schedule has been provided to accompany the development application and this is considered to offer an acceptable result with respect of the amenity of the locality and is in keeping with the existing industrial facilities on the subject site.

(i) Visual and aural amenity of adjoining non-industrial land uses

As mentioned above, the subject site is heavily landscaped to all street frontages with additional screening being proposed to the new lot boundaries. The submitted Environmental Noise Assessment Report concludes that the continued use of the reduced manufacturing facility will comply with the relevant assessment criteria.

(j) Environmental amenity and compatibility with adjoining land uses

As mentioned above, the proposed development will continue the industrial use of the site albeit reduced in scale.

(k) Noise

An Environmental Noise Assessment Report prepared by Aurecon Australia has been submitted with the application. The application was referred to Council's Health and Environmental Services Department who raised no objection to the proposal subject to the imposition of appropriate conditions. The proposed development involves the continued industrial use of the land at the north east corner of the site albeit, downscaled in nature. A condition shall be imposed validating that the recommendations stated in the above report have been adhered to. Therefore, the proposal is considered acceptable in this instance.

(l) Risk to human health, property or the natural environment

The existing industrial manufacturing facilities are being reduced in scale and a Dust and Odour Assessment, Contamination Report, Hazardous Substances Dangerous Goods Report, Environmental Noise and Assessment and Traffic and Transport Report have been submitted detailing the impact of the proposed development and concluding that the proposed development is suitable for the subject site.

(m) SEPP No. 55

As discussed earlier in this report, the applicant has submitted a Phase 1 Contamination Assessment Report prepared by Douglas Partners dated August 2011. The report confirms that the continued use of Lot 1 for the reduced industrial manufacturing facilities is suitable. As such, the application is considered to be satisfactory in terms of SEPP 55.

*Clause 22 – Greenhouse Effect, Global Warming, Air and Water Pollution and Energy Efficiency*

The requirements of Clause 22 and the Energy Efficiency Development Control Plan have been considered in the assessment of the development application. An Energy Efficiency and Verification Modelling Report prepared by Aurecon Australia has been submitted with the Development Application demonstrating compliance with Clause 22 and the BCA Section J Energy Efficiency provisions. As such, the proposal is considered to adequately address the requirements of this clause.

*Clause 30A – Development of land identified on Acid Sulphate Soil (ASS) Planning Map*

A Geotechnical Data Report prepared by Aurecon Australia has been submitted with the development application which states that the Acid Sulphate Soils (Edition 2) map produced by the Department of Infrastructure, Planning and Natural Resources indicates that the site has no known occurrence of acid sulphate soil materials.

The proposed development was referred to Council's Internal and External Environmental Scientists for assessment and no objections were raised to the proposed development subject to the imposition of the recommended conditions which have been imposed on the consent.

*Clause 38 – Water, wastewater and stormwater systems*

The provisions of this Clause have been considered in the assessment of the development application. Council must not grant consent to the carrying out of development on land or subdivision of land for any purpose unless it is satisfied that adequate provision has been made for the disposal of stormwater from the land it is proposed to develop. A Flood Study Report and Stormwater Management Report prepared by Aurecon Australia has been submitted with the development application. Council's Development Assessment Engineer has assessed the Stormwater Management Report for the development and has provided appropriate conditions to address the relevant issues raised. With regards to water and wastewater provision, a condition is proposed requiring the applicant to obtain a Section 73 Certificate prior to issue of the Subdivision Certificate.

**Draft Botany Bay Local Environmental Plan 2012**

The Draft Botany Bay Local Environmental Plan (LEP) 2012 is currently on public exhibition, following certification by the Director General of the Department of Planning and Infrastructure. It is therefore a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

Draft Botany Bay LEP 2012 is the comprehensive planning instrument for the whole of the City of Botany Bay. It has been prepared in response to the planning reforms initiated by the State Government, which required all Councils in NSW to standardise their LEPs.

The provisions of the draft BBLEP 2012 have been considered in the assessment of this Development Application and the following information is provided:

Principal Provisions of draft BBLEP 2012	Compliance Yes/No	Comment
Landuse Zone  (Part 2 of draft LEP)	Yes	The subject site is proposed to be zoned as follows: <u>Lot 1:</u> <ul style="list-style-type: none"> <li>• IN1 – General Industrial;</li> </ul> <u>Lot 2:</u> <ul style="list-style-type: none"> <li>• R3 – Medium Density Residential, and</li> <li>• B4 - Mixed Use</li> </ul> under the draft BBLEP 2012. The subject development falls within the IN1 Zone.
Are the proposed works permitted with development consent?  (Part 2 of draft LEP)	Yes	The proposed works are permissible with Council's consent under the draft BBLEP 2012.



Principal Provisions of draft BBLEP 2012	Compliance Yes/No	Comment
<p>Does the proposed use/works meet the objectives of the zone?</p> <p>(Part 2 of draft LEP)</p>	Yes	<p>As the proposed development involves the subdivision of the subject site into two lots and the continued industrial use of Lot 1 which is zoned IN1 – General Industrial, the following objectives pertinent to this development application are as follows:</p> <ul style="list-style-type: none"> <li>▪ To provide a wide range of industrial and warehouse land uses.</li> <li>▪ To encourage employment opportunities.</li> <li>▪ To minimise any adverse effect of industry on other land uses.</li> <li>▪ To support and protect industrial land for industrial uses.</li> </ul> <p>The proposed development is consistent with the IN1 – General Industrial objectives in the draft BBLEP 2012:</p>
<p>Does Schedule 1 – Additional Permitted Uses apply to the site?</p> <p>If so what additional uses are permitted on the site?</p> <p>(Part 2 of draft LEP)</p>	N/A	The subject site is not identified in Schedule 1.
<p>What is the height of the building?</p> <p>Does the height of the building exceed the maximum building height?</p> <p>(Part 4 of draft LEP)</p>	Yes	The maximum height for Lot 1 is 22 metres. The proposed development does not seek to alter the height of the industrial buildings to remain.
<p>What is the proposed FSR?</p> <p>Does the FSR of the building exceed the maximum FSR?</p> <p>(Part 4 of draft LEP)</p>	Yes	The maximum floor space ratio permitted for Lot 1 is 1:1. The proposed development results in a maximum FSR of 0.42:1.
<p>Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m2</p>	N/A	The proposed development does not involve the construction of any buildings of a residential

Principal Provisions of draft BBLEP 2012	Compliance Yes/No	Comment
min and maximum height of 22 metres and maximum FSR of 1.5:1?  (Part 4 of draft LEP)		kind.
Is the site within land marked “Area 1” on the FSR Map?  If so, does it comply with the sliding scale for FSR in Clause 4.4A?  (Part 4 of draft LEP)	N/A	The subject site is not located within “Area 1” on the FSR Map.
Is the land affected by road widening? (Clause 5.1 – Relevant Acquisition)  (Part 5 of draft LEP)	N/A	The subject site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?  (Part 5 of draft LEP)	N/A	The site is not listed in Schedule 5 as a heritage item or within a Heritage Conservation Area.
The following provisions in Part 6 of the draft LEP apply to the development – <ul style="list-style-type: none"> <li>• Biodiversity;</li> <li>• Stormwater;</li> <li>• Design Excellence.</li> </ul>	Yes	The requirements of these relevant clauses have been considered and addressed in the assessment of Council’s current LEP 1995 and DCP’s.

The objectives and provisions of the draft BB LEP 2012 have been considered in relation to the subject development application. The proposal is considered satisfactory in terms of the Draft LEP 2012.

### Subdivision Development Control Plan No. 7

The development application has been assessed against the numerical controls contained in the *Subdivision DCP 7*. The following table compares the proposed development with the relevant provisions of these policies.

Standard	Requirement	Proposed	Complies
Site Area	165,555.65m <sup>2</sup>	N/A	N/A
Minimum	1500m <sup>2</sup>	Lot 1 – 61,067m <sup>2</sup>	Yes

Standard	Requirement	Proposed	Complies
Allotment size		Lot 2 – 104,488.65m <sup>2</sup>	
Frontage to public road	25m (min)	<p><u>Lot 1</u> Bunnerong Road – 248.93m including splay at Heffron Road intersection</p> <p>Heffron Road – 386.82m</p> <p><u>Lot 2</u> Bunnerong Road – 212.715m including splay at Westfield Drive intersection</p> <p>Banks Avenue – 458.72m including splay at Heffron Road and Westfield Drive intersection</p> <p>Westfield Drive – 342.35m</p>	Yes
Width of Public Roads	Any subdivision created has a frontage to a public road that has a road reserve not less than 15m in width	A 25m reserve and slip lane have been proposed at Bunnerong Road at the connection of the new internal road.	Yes
Provision of services	Provision can be made for adequate services for gas, water, electricity, drainage, sewerage, telephone, stormwater removal and easement for such services	The site has existing access to services.	Yes
Affectations	All lots are free from any affectation which cannot be satisfactorily ameliorated and which could affect the quality of life of future inhabitants such as aircraft noise, technological hazard, land contamination, flooding and the like	<p>A Phase 1 Contamination Assessment prepared by Douglas Partners and a Geotechnical Data Report prepared by Aurecon Australia have been submitted with the application. The proposal was referred to Council's internal and external Environmental Scientists who raised no objection to the proposed development subject to the imposition of appropriate conditions.</p> <p>There are no known technological hazard or flooding affectation that would affect the proposal</p>	Yes - Conditional

Standard	Requirement	Proposed	Complies
Compliance with Council's Controls	Remaining buildings shall comply with relevant Council DCP's	The remaining building complies with relevant Council DCP's as discussed further in this report.	Yes
Landscaping	Provision will be made for the retention and protection of any significant trees on site or upon the road verge	Significant trees have been retained where possible. Additional planting has been proposed to the proposed new lot boundaries.	Yes
Air quality, solar access and privacy	Air quality, solar access and privacy for all allotments is satisfactory	A Dust and Odour Assessment Report has been submitted with the Development Application. Council's Health Officer raised no objection to the proposal subject to the imposition of appropriate conditions.  The proposal includes additional planting to the new lot boundaries to ensure that the remaining industrial buildings to be occupied are screened where possible.	Yes
Likely impact of the proposed development.	Consideration must be given to the likely impact of any road and/or drainage works.	The application has been referred to RMS and Council's Development Engineer, both of whom did not raise any objections to the proposal subject to the imposition of appropriate conditions.	Yes

The objectives and provisions of DCP No. 7 have been considered in relation to the subject development application and is considered.

### **Waste Minimisation and Management Guidelines – Development Control Plan No. 29**

A Waste Minimisation Management Plan has been submitted with the application, which details the type and level of waste that will be generated as a result of the proposed development. The proposed development is considered to have satisfied the objectives of DCP No. 29.

### **Industrial Development Control Plan No.33**

The majority of controls contained in DCP 33 are not applicable as the proposal involves the contraction of the existing industrial manufacturing facilities. The relevant provisions of DCP No. 33 have been considered in the assessment of the development application as follows:

Standard & Clause	Requirement	Proposed	Complies
<b>Section A – Sustainable Development Design</b>			

Standard & Clause	Requirement	Proposed	Complies
<b>A1 - Energy Efficiency</b>	Report submitted for works in excess of \$250,000 Compliance with Energy Efficiency DCP	An Energy Efficiency and Verification Modelling Report prepared by Aurecon Australia has been submitted with the Development Application.	Yes
<b>A2 - Drainage</b>	Hydraulic plan submitted Compliance with Guidelines for Stormwater	A Stormwater Management Report prepared by Aurecon Australia has been submitted with the Development Application. The proposal was referred to Council's Development Engineer who raised no objection to the proposed development subject to the imposition of appropriate conditions.	Yes
<b>A3 – Site Contamination</b>	Preliminary assessment undertaken where required	A Phase 1 Contamination Assessment prepared by Douglas Partners and a Geotechnical Data Report prepared by Aurecon Australia have been submitted with the application. The proposal was referred to Council's internal and external Environmental Scientists who raised no objection to the proposed development subject to the imposition of appropriate conditions.	Yes
<b>A4 – Acid Sulfate Soils</b>	Management plan submitted where required	As above.	Yes
<b>Section B - Building Form and Character</b>			
<b>B2 – FSR</b> From BLEP	1:1 (max)	The proposed development results in a maximum floor space ratio of 0.42:1	Yes
<b>B3 – Site Area &amp; Frontage</b> From Subdivision DCP	<ul style="list-style-type: none"> <li>▪ 1500m<sup>2</sup> (min)</li> <li>▪ Allotment frontage - 25m (min)</li> <li>▪ Road frontage – 20m (min)</li> </ul>	The proposed development has been assessed against DCP 7 – Subdivision previously in this report and is found to be acceptable.	Yes
<b>B4 – Site Layout</b>	<ul style="list-style-type: none"> <li>▪ Site analysis plan submitted</li> <li>▪ Loading facilities and majority of parking located at rear or side of buildings</li> <li>▪ Offices provided at front of site for sites fronting</li> </ul>	<p>A Site Analysis Plan has been submitted with the development application.</p> <p>Loading facilities and car parking has been proposed to the southern portion of Lot 1.</p>	Yes

Standard & Clause	Requirement	Proposed	Complies
	residential areas, warehouse and loading facilities located away from residences	The subject site is suitably screened from adjoining development with high quality landscaping.	
<b>B6 – Building Design &amp; Appearance</b>	<ul style="list-style-type: none"> <li>Schedule of finishes and colour scheme provided</li> <li>Glazing reflectivity no more than 20%</li> <li>Finishes to be vandal resistant</li> </ul>	A Schedule of finishes and colours has been provided and is considered acceptable.	Yes - Conditional
<b>B7 – Setbacks</b> Refer to DCP			
<b>Front</b>			
<ul style="list-style-type: none"> <li>Landscaping</li> <li>Building</li> <li>Corner sites</li> </ul>	<ul style="list-style-type: none"> <li>3m</li> <li>9m</li> <li>Sufficient sight lines for traffic</li> </ul>	No change to the existing front setback.	N/A
<b>Side</b>			
<ul style="list-style-type: none"> <li>Landscaping</li> <li>Building</li> </ul>	<ul style="list-style-type: none"> <li>3m</li> <li>3m</li> </ul>	3m landscaped setback area 7m setback to the building	Yes
<b>Rear</b>			
<ul style="list-style-type: none"> <li>Landscaping</li> </ul>	<ul style="list-style-type: none"> <li>3 m</li> </ul>	The landscaped rear setback area ranges from 0m to 8m. The 0m landscaped setback is for a maximum length of 4m only for the provision of a vehicular turning circle and is therefore, considered acceptable.	Yes
<ul style="list-style-type: none"> <li>Building</li> </ul>	<ul style="list-style-type: none"> <li>3 m</li> </ul>	3m to the existing pump house	Yes
<b>B9 – Parking and Vehicular Access</b>	<ul style="list-style-type: none"> <li>Industrial Factory Area requires 1 space/ 80m<sup>2</sup> floor area: Factory floor area = 23,397.56m<sup>2</sup> Required = 293</li> <li>Office Component requires 1 space/40m<sup>2</sup> floor area Office floor area = 1,721.17 Required = 43 spaces</li> </ul> <p><b><u>Total Required = 336 car spaces</u></b></p> <ul style="list-style-type: none"> <li>Traffic details or report submitted including delivery routes</li> <li>Internal loading dock and</li> </ul>	<p><b><u>Total Provided = 104 car spaces</u></b></p> <p>A Traffic Report and movement details prepared by Colston Budd Hunt and Kafes Pty Ltd have been submitted with the Development Application.</p> <p>The proposed loading docks are internal and adjoin a goods</p>	No – Refer to Off Street Parking DCP Section.



Standard & Clause	Requirement	Proposed	Complies
	adjoining goods handling area	handling area.	
<b>B10 – Signs</b>	Full compliance with DCP for Advertising Signage and SEPP64	No advertising signage proposed. A condition is proposed requiring that any signage that is not exempt development requires a DA.	Conditional
<b>B11 – Site Facilities</b>	<ul style="list-style-type: none"> <li>Site facilities and open storage areas appropriately designed/sited</li> </ul>	Site facilities and open storage areas have been appropriately designed/sited.	Yes
	<ul style="list-style-type: none"> <li>S73 certificate</li> </ul>	A S73 Certificate will be required as a condition of consent.	Conditional
<b>Section C – Environmental Amenity</b>			
<b>C1 – Landscape</b>	<ul style="list-style-type: none"> <li>&gt;2000m<sup>2</sup> site area – 10% cannot include front setback</li> <li>OSD not to be located under landscaping</li> <li>Buffer – 2m between driveway and side boundary or 3m (min) along side and rear where adjoins residential land uses</li> <li>Automatic irrigation systems required</li> </ul>	<p>17.4% of the site shall be landscaped.</p> <p>A minimum 3m landscaped setback along the rear boundary adjoining the proposed new lane and an average 8m setback along the side boundary adjoining Lot 2.</p> <p>The proposed development has been referred to Council's Landscape Architect who raised no objection to the proposal subject to the imposition of appropriate conditions.</p>	Yes
<b>C2 - Landscaping in Car Parks</b>	<ul style="list-style-type: none"> <li>1 tree / 5 car spaces</li> <li>50% canopy coverage over car park</li> <li>Planter beds min. width 1.5m and 150mm kerb</li> </ul>	The proposed development has been referred to Council's Landscape Architect who raised no objection to the proposal subject to the imposition of appropriate conditions.	Condition
<b>C3 - Fences</b>	<ul style="list-style-type: none"> <li>Located behind 3m landscape setback or incorporated into landscaping</li> <li>Max height 1.8m</li> <li>Access gates to swing inwards</li> </ul>	A 2.1m high fence comprising a solid masonry wall up to 600mm above ground with permeable wire mesh security fencing above is proposed to the new internal road in accordance with Council's Landscape Architect comments.	Yes
<b>C4 – Residential/ Non-residential Interface</b>	<ul style="list-style-type: none"> <li>Appropriate site lighting</li> </ul>	Conditions of consent shall be imposed to ensure that any site lighting shall comply with the relevant Australian Standards.	Condition

Standard & Clause	Requirement	Proposed	Complies
	<ul style="list-style-type: none"> <li>Walls adjacent to residential must use non-reflective materials/colours</li> </ul>	The proposed materials outlined in the submitted schedule of materials and finishes are considered appropriate.	Yes
<b>C5 – Noise and Hours of Operation</b>	Noise generating activities require acoustic report to be submitted	<p>An Environmental Noise Assessment Report prepared by Aurecon Australia has been submitted with the application.</p> <p>The application was referred to Council's Health and Environmental Services Department who raised no objection to the proposal subject to the imposition of appropriate conditions. The proposed development involves the continued industrial use of the land at the north east corner of the site albeit, downscaled in nature. The hours of operation will remain as existing. A condition shall be imposed validating that the recommendations stated in the above report have been adhered to. Therefore, the proposal is considered acceptable in this instance.</p>	Yes
<b>C6 - Waste</b>	<ul style="list-style-type: none"> <li>Adequate waste storage facilities provided as per DCP 29</li> </ul> <p>Waste management plan required</p>	A Waste Minimisation Management Plan has been submitted with the application, which details the type and level of waste that will be generated as a result of the proposed development. The proposal makes provisions for adequate waste storage facilities.	Yes
<b>C7 – Environmental protection</b>	<ul style="list-style-type: none"> <li>Details of emissions to be supplied, POEO</li> <li>Trade Waste Agreement where required</li> <li>Soil &amp; water management plan</li> <li>Liquid materials appropriately stored</li> </ul>	The existing industrial manufacturing facilities are being reduced in scale and a Dust and Odour Assessment, Contamination Report, Hazardous Substances Dangerous Goods Report and Environmental Noise and Assessment Report have been submitted detailing the impact of the proposed development and concluding that the proposed development is	Yes

Standard & Clause	Requirement	Proposed	Complies
		suitable for the subject site. A condition shall be imposed validating that the recommendations stated in the above report have been adhered to.	
<b>C8 – Risk/ SEPP No. 33</b>	Risk assessment required for Botany/Randwick Industrial Land Use Safety Study, any use involving storage/transport of hazardous substances or adjacent to sites containing hazardous substances	A Hazardous Substance/Dangerous Goods Report prepared by Aurecon Australia dated 14 December 2011 was submitted with the development application and detailed the dangerous goods currently stored on site. The Report concluded that the classifications of the dangerous goods on site are outside the provisions of SEPP 33 assessment and the quantity to be stored is less than the applicable screening level threshold. As such, the application is considered to be satisfactory in terms of SEPP 33.	Yes
<b>Section 5 – Controls for Specific Development Types</b>			
<b>5.10 – B-Double Vehicles</b>	<ul style="list-style-type: none"> <li>▪ B-Double route application required</li> </ul>	The subject site will continue to use B-Double service vehicles that will now enter and exit the site via the proposed internal road from Bunnerong Road in a left in, left out manner.	Condition

### **Contaminated Land Development Control Plan No. 34**

The issue of contamination has been discussed previously in response to SEPP 55. The proposal is considered to be consistent with the objectives of DCP 34.

### **Off Street Parking DCP**

In accordance with Council's Off Street Parking DCP, the proposed development requires 336 off street car parking spaces. The proposed development provides 104 off-street car parking spaces. The Applicant has detailed the staff numbers being reduced to 149 and that these employees shall rotate on a shift roster system with a maximum of 96 staff on site at any given time. The proposed car parking provisions are considered adequate to cater for the proposed development. The application was referred to Council's Development Engineer who raised no objection to the proposed development subject to the imposition of appropriate conditions.

- (b) **The likely impacts of the development including environmental impacts on both the natural and built environments, social and economic impacts in the locality.**

These matters have been considered in the assessment of the development application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

**(c) The suitability of the site for the development.**

These matters have been considered in the assessment of the development application. The applicant has submitted a Phase 1 Contamination Assessment Report prepared by Douglas Partners dated August 2011. The report confirms that the continued use of Lot 1 for the reduced industrial manufacturing facilities is suitable. Furthermore, a Geotechnical Data Report prepared by Aurecon Australia has been submitted with the development application which states that the Acid Sulphate Soils (Edition 2) map produced by the Department of Infrastructure, Planning and Natural Resources indicates that the site has no known occurrence of acid sulphate soil materials.

Accordingly, it is considered that the site is suitable to accommodate the development. The proposed development, being alterations to the existing industrial development to a site located within the Industrial General 4(a) zone, is considered to be a suitable development in the context of the site and the locality.

**(d) Any submission made in accordance with the Act or Regulations.**

These matters have been considered in the assessment of the development application.

The application was notified for a 30 day period from 17 January 2012 to 17 February 2012 in accordance with Council's Notification Development Control Plan No.24 together with the Integrated Development Provisions under the *Environmental Planning and Assessment Act 1979*. Six (6) submissions including one (1) petition containing six (6) signatures were received in response to the notification of the development application, which raised the following concerns:

*Consideration has not been given to DCP 30 – Botany/Randwick Industrial Area Land Use Safety Study*

- *The access point into Bunnerong Road will increase the number of people exposed to risk as a result of the operations of the Botany/Randwick industrial area in any future development*
- *The 2001 future case Consolidation Region should be updated prior to the assessment of this development application to include the risk impacts of dangerous goods traffic in the vicinity of the Botany/Randwick industrial complex. Development involving residential, active recreation, large commercial or sporting facilities is restricted in this region*
- *The use of Denison St, Wentworth Avenue and Bunnerong Road are part of the local and regional road network that carry traffic containing dangerous goods and these activities should be taken into account.*

**Officer comment:**

The subject site is not identified as being within the boundaries of DCP 30 - Botany/Randwick Industrial Area Land Use Safety Study. However, this is not to say the provisions of DCP 30 should not be taken into account. The aims and objectives of DCP 30 are as follows:

- 1. To ensure that hazard risks identified within the Botany / Randwick Industrial Area Land Use Safety Study are addressed within the development assessment process.*
- 2. To ensure the community is informed about cumulative risk associated with industrial activity and dangerous goods along routes identified by Planning NSW.*
- 3. To require special assessment of certain development in areas defined as 'No Residential Intensification', 'Consultation Region' or land adjacent to / or within the vicinity of 'Dangerous Goods Routes' within the Botany / Randwick Industrial Area Land Use Safety Study.*
- 4. To provide a planning approach that can respond to different circumstances arising from changed operations within the Botany / Randwick industrial area.*

The application now before the Panel is essentially the contraction of a single large industrial premises now on the one allotment to that of a premises which will be substantially lesser in scale followed by a land subdivision to accommodate the reduced industrial premises on one lot (Lot 1) and the remaining land, free of structures on another lot being the residual lot (Lot 2).

The residual lot is now the subject of dual applications for its rezoning to a mixed business/residential zone. These applications comprised both as a planning proposal before the Department of Planning and within the Draft BBLEP 2012, each of which remain undetermined.

Accordingly, if the development in its present form is subject to risk in respect of the Randwick Botany Risk Zone whether perceived or otherwise, than that risk is substantially reduced once the built development is carried out. However, future development on Lot 2 and its implications on the Randwick Botany Risk Zone is a separate but distinct issue and one that must be dealt with in the rezoning process, and as such it is pointed out to the Panel that the creation of Lot 2 does not imply or infer its development potential as is proposed under the rezoning process.

The storage locations and volumes of the dangerous goods are not proposed to be altered however, as the existing industrial manufacturing facilities are being reduced, the frequency of deliveries to the subject site have also reduced. The hazardous goods are neither manufactured at the subject site nor transported from the subject site to another destination.

Additional information was received by Council on 8 June 2012 in relation to legal advice prepared by Corrs Chambers Westgrath regarding the assessment of the proposal against DCP 30. The advice states that whilst DCP 30 is not applicable to the subject site, the objectives of DCP 30 have been complied with as the development assessment process has considered the hazard risks associated with the frequency of deliveries to the facility. The legal advice in part states as follows:

*Nature of development at the BATA Facility*

*In any event, the operative provisions of DCP 30 only apply to development applications for:*

- *'residential intensification' or 'sensitive use intensification' for sites within the Consultation Region; and*
- *'residential intensification', 'sensitive use intensification' and 'development that will result in increased traffic volumes or access points onto the designated Dangerous Goods Routes' for sites adjacent to or within the vicinity of routes defined as a 'Dangerous Goods Route'.*

*The DA does not fall into any of the above categories.*

Therefore, the proposal is considered acceptable in this instance.

*Proposed Road is not suitable for the subject site*

- *Traffic generation, noise and congestion along Bunnerong Road as a result of the new proposed road.*
- *Pedestrian safety along Bunnerong Road*
- *Poor visibility at intersection of Bunnerong Road and the new proposed road.*
- *Drivers shall be encouraged to drive unlawfully and make a right turn at the intersection of Bunnerong Road and Kingsford Street.*
- *The vehicular access and egress should be provided from Banks Road only.*

**Officer comment:**

A Traffic and Transport Report prepared by Colston Budd Hunt & Kafes has been submitted to accompany the development application and concludes that the traffic generation resultant from the development will reduce the traffic impact on the performance of nearby intersections as the industrial manufacturing operations are being downscaled. A Site Management and Travel Plan dated 17 April 2012 and prepared by Colston Budd Hunt & Kafes outlines designated routes for staff and visitors and also service vehicles.

The proposed roadworks are to be in accordance with RMS design standards to ensure pedestrian safety. A deceleration lane is proposed to service the new access to the site from Bunnerong Road and will ensure that there is sufficient visibility to allow the safe and efficient movement of vehicular traffic.

The application was referred to RMS whom have given concurrence, subject to the imposition of appropriate conditions. Therefore, the proposal is considered acceptable in this instance.

*Future development on the residual lot.*

- *Object to the construction of a residential building greater than 3 – 4 storeys high.*



**Officer comment:**

The proposal does not include the construction of any residential building. Any future works on the residual lot shall form part of a separate development application.

**Operational details of concern**

- *Landscaping shall be restored.*
- *Trucks will create a high level of noise.*
- *Environmental amenity for neighbouring residential properties*
- *Air pollution currently generated by British American Tobacco*
- *Confirm that ongoing monitoring of the emissions is taking place.*

**Officer comment:**

As mentioned above, additional landscaping works are proposed to the new lot boundaries between Lots 1 and 2 including irrigation works and bio swales. Landscaping and tree planting are also proposed to occur within the new car parking area. Much of the existing landscaping on the site is to remain with some tree removal proposed to accommodate the proposed works. The proposal has been referred to Council's Landscape Architect who raised no objection subject to the imposition of appropriate conditions.

An Environmental Noise Assessment Report prepared by Aurecon Australia has been submitted with the application. The proposed development involves the continued industrial use of the land at the north east corner of the site albeit, downscaled in nature. The Applicant has outlined that conditions shall be imposed for service vehicles accessing the site are to utilise newer delivery trucks to reduce noise levels.

A Dust and Odour Assessment, Contamination Report, Hazardous Substances Dangerous Goods Report, Environmental Noise and Assessment and Traffic and Transport Report have been submitted detailing the impact of the proposed development and concluding that the proposed development is suitable for the subject site.

The Applicant provided the following response:

1. *Existing air and dust emissions are below relevant Standards as demonstrated in the Statement of Environmental Effects and accompanying Specialist Dust and Odour Assessment report.*
2. *The manufacturing facility does not produce smoke as there are no combustion sources.*
3. *Amenity impacts have been considered and addressed in the Statement of Environmental Effects and the accompanying Specialist Assessments which find the proposal to be acceptable. Therefore any likelihood for potential amenity impacts (health, safety, traffic, environmental, etc.) will be reduced and not increased by the proposal.*
4. *The proposed development will result in a reduced factory size and manufacturing operations, occupying approximately 36.88% of the current site area. The existing industrial use would continue, with reduced operations, processes and volumes, on this portion of the*

*subject site. Emissions levels are within applicable standards and will be reduced by the proposed development, not increased.*

5. *Regular monitoring and recording of emissions data is provided to the EPA.*

The rationale of the applicant is generally agreed with. The application was referred to Council's Health and Environmental Services Department who raised no objection to the proposal subject to the imposition of appropriate conditions. Therefore, the proposal is considered acceptable in this instance. However, it is a condition of consent that validation of the above occur prior to the issue of an occupation certificate.

**(e) The public interest.**

These matters have been considered in the assessment of the development application. It is considered that granting approval to the proposed development will have no significant adverse impact on the public interest.

## **Other Matters**

### External Referrals

#### *Roads and Maritime Services (Formerly Roads and Traffic Authority)*

Correspondence by the Sydney Regional Development Advisory Committee (SRDAC) dated 27 February 2012 requested additional information in relation to the proposed road works for the new road connecting to Bunnerong Road, operational details and the land dedication of the portion of the subject site at the intersection of Bunnerong Road and Heffron Road for future road upgrade works. The Applicant provided additional information to RMS in response to the above correspondence from the SRDAC.

A letter of concurrence dated 28 May 2012 was received by Council on 1 June 2012 which raised no objection to the proposed development subject to the imposition of appropriate conditions. The initial concurrence was later amended and received by Council on 6 June 2012. The conditions outlined in the amended concurrence are as follows:

1. *A minimum of 3.5 metre footway shall be provided along the frontage of the subject site incorporating a minimum of 1.5 metre width concrete footpath.*
2. *The triangular median island for the staged access road appears to be flush with the edge line marking for the through lane. A minimum 0.5 metre offset should be provided from the through travel lane.*

3. *The proposed deceleration lane on Bunnerong Road shall be designed in accordance with RMS' Road Design Guide and other Australian Codes of Practice and endorsed by a suitably qualified practitioner.*

*The certified copies of the civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and the commencement of road works. The existing lane widths along Bunnerong Road should not be compromised. RMS' fees for administration, plan checking and project management shall be paid by the developer prior to the commencement of works.*

*The developer will be required to enter into a 'Works Authorisation Deed' (WAD) with RMS for the proposed deceleration lane and driveway off Bunnerong Road and associated road works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS' assessment of the detailed civil plans. The Construction Certificate shall not be released by the Principal Certifying Authority until such time the WAD is executed.*

*The proposed deceleration lane off Bunnerong Road shall be fully constructed and operational prior to the release of the Occupation Certificate for road works by the Principal Certifying Authority.*

4. *Consideration should be given for the provision of a minimum of 25 metre wide road reservation corridor to Council for future establishment of the East West Boulevard.*
5. *Land dedication is required at the corner of Heffron Road and Bunnerong Road as part of British Tobacco Site rezoning. The exact area of land to be dedicated and identified should be registered by the developer at his own cost, as a separate lot and DP prior to the Occupation Certification.*

*The Plan of Dedication shall be lodged with Council prior to the issue of the Subdivision Certificate and registered with the Department of Lands prior to the issue of the Occupation Certificate for road works. A copy of the registered document shall be submitted to Council for record purposes.*

*The plan of dedication should at least show the following upgrading works to the intersection and be approved by RMS:*

- *Additional right turn lane from Bunnerong Road into Maroubra Road*
- *A left turn slip lane from Bunnerong Road into Heffron Road*
- *Additional right turn lane from Bunnerong Road into Heffron Road*
- *Minimum 100 metre for two exit lanes on Heffron Road*

*However, it is noted that the plan is subject to change following the agreed formulation of a package of road upgrade works, as part of the negotiations for the British American Tobacco Site rezoning proposal.*

6. *Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.*
  7. *A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.*
  8. *A Road Occupancy Licence should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Bunnerong Road during construction certificate.*
  9. *The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*
  10. *All vehicles are to enter and leave the site in a forward direction.*
  11. *All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.*
- In addition, RMS provides the following advisory comments to Council for its consideration of the development application:*
12. *The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.*
  13. *Car parking provision shall be to Council's satisfaction*
  14. *All vehicles should be wholly contained on site before being required to stop.*
  15. *All loading and unloading shall occur on site.*

#### *Mascot Police Local Area Command*

Correspondence received from Mascot Police Local Area Command dated 22 May 2012 raised no objection to the proposed development, subject to recommendations, which will be required as conditions of consent.

#### *Sydney Water*

Correspondence received from Mascot Police Local Area Command dated 16 May 2012 raised no objection to the proposed development, subject to recommendations, which will be required as conditions of consent.

*NSW Fire and Rescue*

Correspondence received from NSW Fire & Rescue dated 26 March 2012 raised no objection to the proposed development, subject to recommendations, which will be required as conditions of consent.

*Randwick Council*

Correspondence received from Randwick City Council dated 16 February 2012 raised points of consideration in relation to the future use of the residual lot and the maximum building height controls for the subject site under the Draft Botany Local Environmental Plan 2012. As the proposed development is for the subdivision of the subject site and the contraction of the existing factory buildings to the north eastern corner, these matters have not been considered in the above assessment.

*Botany Historical Trust*

Correspondence received from the Botany Historical Trust dated 6 February 2012 recommended that the buildings that comprised the original General Motors site be retained and heritage listed. The abovementioned buildings are now referred to as the 'Technical Centre' which is being retained. The subject site is not listed as a heritage item nor within a heritage conservation area. Conditions shall be imposed requiring the archival recording of the site prior to any works being undertaken.

*Ausgrid (Formerly Energy Australia)*

In a letter dated 31 January 2012, Ausgrid requested confirmation relating to whether the existing substation on site would be retained or replaced. Ausgrid were advised that the development intends to retain the existing substation. Further correspondence was not received from Ausgrid.

Internal Referrals

The development application was referred to relevant internal departments within Council, including the Traffic Engineer, Development Engineer, Landscape Officer, Environmental Officer, and Health Officer for comment and relevant conditions, following assessment by the nominated officer of this Council, have been inserted into the recommendation of the operational consent.

Independent Reviews*Environmental Scientist*

The proposed development was referred to Council's Environmental Scientist and Council's external consultant, Envirorisk for comment. Comments were received on 22 November 2011 which did not raise any objections to the proposed development and considered that the site can be made suitable for the proposal subject to conditions. These conditions have been imposed as part of the conditions of consent.

### Section 94 Contributions Plans

The proposed development involves the subdivision of the subject site into two (2) allotments however, the existing industrial operations are being downscaled whilst the residual lot will remain vacant. Therefore, the proposed development is not subject to Council's Section 94 Contributions Plan 2005-2010.

### **Conclusion**

Development Application No. 11/272 for Development Application for alterations and additions to the existing industrial development including:

- Partial demolition of the existing factory buildings and structures to facilitate the reduction of the existing tobacco manufacturing operations to the north-east portion of the site;
- External alterations and additions and the internal fitout of the remaining factory buildings;
- Subdivision of the subject site into two (2) lots, and
- Construction of an internal road to connect to Bunnerong Road, at 128 Bunnerong Road, Pagewood has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions of consent.

### **RECOMMENDATION**

In view of the preceding comments, it is RECOMMENDED that the Panel, as the Consent Authority, resolve to:-

Approve Development Application No. 11/272 for Development Application for alterations and additions to the existing industrial development including:

- Partial demolition of the existing factory buildings and structures to facilitate the reduction of the existing tobacco manufacturing operations to the north-east portion of the site;
- External alterations and additions and the internal fitout of the remaining factory buildings;
- Subdivision of the subject site into two (2) lots, and
- Construction of an internal road to connect to Bunnerong Road, at 128 Bunnerong Road, Pagewood, subject to the Conditions imposed in the attached schedule.

**Premises: 128 Bunnerong Road, Pagewood**

**DA No: 11/272**

### **SCHEDULE OF CONSENT CONDITIONS**

### **GENERAL CONDITIONS**

- 1 The development is to be carried in accordance with the following plans and reference documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

<b>Drawing No.</b>	<b>Author</b>	<b>Dated Received</b>
Coversheet – DA AR-0001 Rev A March 2011	Aurecon Pty Ltd Australia	21 December 2011
Site Plan – Existing AR-1001 Rev C March 2011	Aurecon Pty Ltd Australia	21 December 2011
Site Plan – Analysis AR-1002 Rev B March 2011	Aurecon Pty Ltd Australia	21 December 2011
Proposed Plan and Demolition AR1003 Rev L 22 February 2012	Aurecon Pty Ltd Australia	13 March 2012
Option D8 AR1004 Rev H January 2011	Aurecon Pty Ltd Australia	10 January 2012
Proposed Roof Plan AR-1005 Rev D January 2011	Aurecon Pty Ltd Australia	21 December 2011
Proposed Area Schedule AR-1006 Rev D March 2011	Aurecon Pty Ltd Australia	21 December 2011
Proposed Finishes Schedule AR-1007 Rev B March 2011	Aurecon Pty Ltd Australia	21 December 2011
Tree Analysis and Protection Plan AR-1010 Rev B July 2011	Aurecon Pty Ltd Australia	21 December 2011
Materials Plan AR-1011 Rev B	Aurecon Pty Ltd Australia	21 December 2011

<b>Drawing No.</b>	<b>Author</b>	<b>Dated Received</b>
October 2011		
Planting Area AR-1012 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Irrigation Plan AR-1013 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Section Plan AR-1014 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Section Elevations AR-1015 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Section Elevations AR-1016 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Section Elevations AR-1017 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Section Elevations AR-1018 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Landscape Details AR-1019 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Section Pit Details AR-1020 Rev B October 2011	Aurecon Pty Ltd Australia	21 December 2011
Proposed Plan AR-2403 Rev G July 2011	Aurecon Pty Ltd Australia	21 December 2011
Elevation – Existing AR-4100 Rev B	Aurecon Pty Ltd Australia	21 December 2011



<b>Drawing No.</b>	<b>Author</b>	<b>Dated Received</b>
March 2011		
Elevation – Proposed AR-4101 Rev D March 2011	Aurecon Australia Pty Ltd	21 December 2011
Sections – Existing AR-4200 Rev B March 2011	Aurecon Australia Pty Ltd	21 December 2011
Sections – Proposed AR-4201 Rev B March 2011	Aurecon Australia Pty Ltd	21 December 2011
Detail Sections AR-5000 Rev B March 2011	Aurecon Australia Pty Ltd	21 December 2011
Detail Sections AR-5001 Rev B March 2011	Aurecon Australia Pty Ltd	21 December 2011
Detail Sections AR-5002 Rev B March 2011	Aurecon Australia Pty Ltd	21 December 2011
Draft Plan of Proposed Subdivision	Denny Linker & Co	21 December 2011
Road Clearance Drawing DQ-GE-211 Rev 01	Aurecon Australia Pty Ltd	12 June 2012
Site Demolition Plan DW-GE-201 Rev 01	Aurecon Australia Pty Ltd	12 June 2012

<b>Documents</b>	<b>Author</b>	<b>Date Received</b>
Statement of Environmental Effects	Aurecon Australia Pty Ltd	21 December 2011
BCA Assessment Report	Blackett Maguire + Goldsmith	21 December 2011
Concept Phase Report 90% Stage	Aurecon Australia Pty Ltd	21 December 2011
Construction and Demolition Management Plan	British American Tobacco Australia	21 December 2011

Contamination Report	Douglas Partners Ptd Ltd	21 December 2011
Dust and Odour Assessment	Aurecon Australia Pty Ltd	21 December 2011
Energy Efficiency and JV3 Modelling Report	Aurecon Australia Pty Ltd	21 December 2011
Flood Study Report and Stormwater Management Report	Aurecon Australia Pty Ltd	21 December 2011
Geotechnical Data Report	Aurecon Australia Pty Ltd	21 December 2011
Hazardous Substances Dangerous Goods Report	Aurecon Australia Pty Ltd	21 December 2011
Environmental Noise Assessment	Aurecon Australia Pty Ltd	21 December 2011
Traffic and Transport Report	Colston Budd Hunt & Kafes Pty Ltd	21 December 2011
Waste Minimisation and Management Plan	Aurecon Australia Pty Ltd	21 December 2011
Quantity Surveyor's Report	AQuenta Consulting Pty Ltd.	21 December 2011
Email Correspondence 18 May 2012, 1 June 2012	Aurecon Australia Pty Ltd	18 May 2012, 1 June 2012
Site Management and Travel Plan 17 April 2012	Colston Budd Hunt & Kafes Pty Ltd	17 April 2012
Letter to Council 12 June 2012	British American Tobacco Australia	12 June 2012
Letter to Council 8 June 2012	Corrs Chambers Westgarth	8 June 2012

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

- 2 The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
  - (a) Builders Security Deposit \$25,000.00
  - (b) Development Control \$2,310.00
- 3 This Consent relates to land in Lot 1 in DP 776089, and, as such, building works must not encroach on to adjoining lands or the adjoining public place;

- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 5 The consent given does not imply that works can commence until such time that:
- (i) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (ii) The consent authority; or,
  - (iii) An accredited certifier; and,
- The person having the benefit of the development consent:
- (iv) Has appointed a principal certifying authority; and
  - (v) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
  - (vi) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 6 The lodgement of a Subdivision Certificate Application. The Subdivision Certificate is to be accompanied by linen plans and six (6) copies of such and the required fees.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

- 7 Prior to the issue of the Subdivision Certificate, a Section 73 Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website as [www.sydneywater.com.au](http://www.sydneywater.com.au) then “e-develop” icon or telephone 132092.
- (a) Following application a “Notice of requirements” will detail 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.
  - (b) The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the linen plan or occupation of the development.
- 8 Drainage easements shall be created over proposed Lot 2, benefiting proposed Lot 1 in order to allow stormwater runoff from proposed Lot 1 to discharge

into Sydney Water's stormwater drainage system within proposed Lot 2. The plan showing the location of the drainage easement shall be lodged and approved by Council prior to the issue of Subdivision Certificate. The width of the easement shall not be less than 3m.

- 9 Right of Carriageway shall be created over the entire proposed Lot 2, benefiting Lot 1 in order to allow vehicles from proposed Lot 1 to access public road. The plan showing the extent of the Right of Carriageway shall be lodged and approved by Council prior to the issue of Subdivision Certificate. The width of the Right of Carriageway shall be sufficient to accommodate two-way movements of largest vehicle that accessing proposed Lot 1.
- 10 Restriction on the Use of Land shall be created on the proposed Lot 2 under Section 88B of the Conveyancing Act 1919 in favour of Council as the benefiting authority to ensure provision has been made for the construction of on-site stormwater system on proposed Lot 2. The wordings of the restriction on Use shall be as follow: -

“The registered proprietor shall not erect or suffer the erection of any dwelling house, roads or other structure on the lot(s) hereby burdened unless the registered proprietor has first constructed or has made provision for the construction of an on-site stormwater detention system on the said lot(s), in accordance with the design, construction and /or provision requirements of, and to the satisfaction of City of Botany bay Council

The expression “on-site stormwater detention system” shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage.”

Documentary evidence of registration of the instruments shall be submitted to Council.

### **CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

- 11 The proposed development is to comply with the recommendations provided by the Roads and Maritime Services, dated 6 June 2012, at the applicants cost. The conditions are outlined as follows:
- (a) A minimum of 3.5 metre footway shall be provided along the frontage of the subject site incorporating a minimum of 1.5 metre width concrete footpath.
  - (b) The triangular median island for the staged access road appears to be flush with the edge line marking for the through lane. A minimum 0.5 metre offset should be provided from the through travel lane.
  - (c) The proposed deceleration lane on Bunnerong Road shall be designed in accordance with RMS' Road Design Guide and other Australian Codes of Practice ad endorsed by a suitably qualified practitioner.

The certified copies of the civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and the commencement of road works. The existing lane widths along Bunnerong Road should not be compromised. RMS' fees for administration, plan checking and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a 'Works Authorisation Deed' (WAD) with RMS for the proposed deceleration lane and driveway off Bunnerong Road and associated road works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS' assessment of the detailed civil plans. The Construction Certificate shall not be released by the Principal Certifying Authority until such time the WAD is executed.

The proposed deceleration lane off Bunnerong Road shall be fully constructed and operational prior to the release of the Occupation Certificate for road works by the Principal Certifying Authority.

- (d) Consideration should be given for the provision of a minimum of 25 metre wide road reservation corridor to Council for future establishment of the East West Boulevard.
- (e) Land dedication is required at the corner of Heffron Road and Bunnerong Road as part of British Tobacco Site rezoning. The exact area of land to be dedicated and identified should be registered by the developer at his own cost, as a separate lot and DP prior to the Occupation Certification.

The Plan of Dedication shall be lodged with Council prior to the issue of the Subdivision Certificate and registered with the Department of Lands prior to the issue of the Occupation Certificate for road works. A copy of the registered document shall be submitted to Council for record purposes.

The plan of dedication should at least show the following upgrading works to the intersection and be approved by RMS:

- (i) Additional right turn lane from Bunnerong Road into Maroubra Road
- (ii) A left turn slip lane from Bunnerong Road into Heffron Road
- (iii) Additional right turn lane from Bunnerong Road into Heffron Road
- (iv) Minimum 100 metre for two exit lanes on Heffron Road

However, it is noted that the plan is subject to change following the agreed formulation of a package of road upgrade works, as part of the negotiations for the British American Tobacco Site rezoning proposal.

- (f) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management

Roads and Maritime Services (RMS)

PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS' approval is issued. With regard to the Civil Works requirement please contact RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8848 2766.

- (g) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- (h) A Road Occupancy Licence should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Bunnerong Road during construction certificate.
- (i) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- (j) All vehicles are to enter and leave the site in a forward direction.
- (k) All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

In addition, RMS provides the following advisory comments to Council for its consideration of the development application:

- (l) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- (m) Car parking provision shall be to Council's satisfaction
- (n) All vehicles should be wholly contained on site before being required to stop.
- (o) All loading and unloading shall occur on site.

- 12 The proposed development is to comply with the recommendations provided by NSW Police Botany Bay Local Area Command, dated 29 May 2012. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:

Surveillance

- (a) As the proposed development may be exposed to Stealing, Steal from persons, Malicious Damage, Steal from Motor Vehicle offences, antisocial behaviour, assault and robbery a closed circuit television system (CCTV) which complies with the Australian Standard – Closed

Circuit Television System (CCTV) AS:4806:2006 needs to be implemented to receive, hold or process data for the identification of people involved in anti social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation. Facial recognition ability is crucial in identifying potential offenders.

- (b) This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise.
- (c) Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas.
- (d) One or more cameras should be positioned at the entry and exit points to monitor these areas
- (e) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
- (f) A monitored intruder alarm system which complies with the Australian Standard – Systems Installed within Clients Premises, AS:2201 <http://www.standards.org.au> should be installed within the premises to enhance the physical security and assist in the detection of unauthorised entry to the premises. This standard specifies the minimum requirements for intruder alarm equipment and installed systems. It shall apply to intruder alarm systems in private premises, commercial premises and special installations. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively. Staff should be trained in the correct use of the system.
- (g) Detection devices should be strategically located throughout the premises to detect any unauthorised access. The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.
- (h) As a number of business premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.
- (i) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- (j) Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.

- (k) Any proposed bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime.
- (l) 24 hour security on site in a security room/gatehouse with access to CCTV monitors and duress alarm.

#### Lighting

- (m) Lighting (lux) levels for this development must be commensurate with a MEDIUM crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- (n) It is extremely important to have sufficient lighting in the car park of the development. It provides safety to staff and visitors and acts as a deterrent to thieves.
- (o) The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.

#### Territorial Reinforcement

- (p) The street number must be prominently displayed at the front of your property to comply with the Local Government Act, 1993 Section 124 (6). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for a corporation. The number should be in contrasting colours to building materials and be a minimum height of 120 mm.
- (q) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Warning, trespassers will be prosecuted  
Warning, these premises are under electronic surveillance
- (r) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- (s) A Fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations. The annual fire safety statement is a statement issued by the owner of a building.
- (t) Signage needs to be provided at fire exits to assist occupants to identify exits in emergency situations.
- (u) Signage needs to be provided to assist staff and customers to identify fire suppression equipment, eg extinguishers, fire hoses etc.
- (v) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the



most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.

- (w) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

#### Space/Activity Management

- (x) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745 <http://www.standards.org.au> should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtain from Emergency NSW <http://www.ememencv.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au> .
- (y) Maintenance policies need to be developed and implemented for the proposed development to deal with rubbish collection and disposal, damage and repairs to property, eg. Lighting and structures as quickly as possible.

#### Access Control

- (z) Doors should be fitted with locks that comply with the Australian Standard – Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg. Locking bars, electronic locking devices and detection devices)
- (aa) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.
- (bb) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks with comply with the Australian Standard – Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access. This standard specifies the general design criteria,

performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).

- (cc) The windows to the business need to be secured to restrict access and increase surveillance opportunities to and from the business. Shops and businesses should avoid obstructed windows and doors as these environments are considered attractive by many armed robbers and thieves. Glass within windows can be reinforced by either having a shatter resistant film adhered internally to the existing glass, or by replacing the existing glass with laminated glass.
  - (dd) Any finished manufactured products need to be stored in a secure area, away from the view of the public.
  - (ee) Fencing and gates should be of solid construction to withstand being rammed by a motor vehicle or consider the use of bollards and other physical objects to prevent access around the site.
  - (ff) Consider tyre spikes in areas that only should allow access one way (ie to stop the entrance being used as an exit)
  - (gg) Staff to be issued with personal security lockers.
- 13 The proposed development is to comply with the recommendations provided by Sydney Water, dated 16 May 2012. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Subdivision Certificate:
- (a) Sydney Water will assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.
- 14 The proposed development is to comply with the recommendations provided by Fire & Rescue NSW, dated 26 March 2012. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:
- (a) It is FRNSW preference that the Fire Hydrant Booster Assembly, connected to a reticulated water supply, be located adjacent to the proposed vehicular entrance from the road proposed to connect Banks Avenue and Bunnerong Road. This would result in the Fire Hydrant

Booster Assembly being positioned in a location that is compliant with the requirements of Australian Standard (AS) 2419.1 – 2005.

- (b) It is FRNSW preference that the Fire Hydrant Booster Assembly be connected in parallel with the Fire Hydrant Pumpset rather than in-series, as proposed.
- (c) It was also advised, that FRNSW has no objection to the Sprinkler Booster Connections being located adjacent to the existing Sprinkler Tanks, provided:
  - (i) Suitable Suction Connections are provided to the Sprinkler Tanks.
  - (ii) The Suction Points and Sprinkler Booster Connections are located such that a Fire Brigade Pumping Appliance, positioned on a hardstand area, is capable of connecting to the Suction Points and the Sprinkler Booster Connections.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**

- 15 Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.

- 16 The development shall be constructed in compliance with the Energy Efficiency and Verification Modelling Report prepared by Aurecon Australia dated 15 November 2011. Details are to be indicated on the Construction Certificate drawings and all works shall be completed prior to the issue of the Occupation Certificate; and

An Energy Efficiency Compliance Report shall be submitted to Council within 15 months of the issuing of the occupation certificate. The Report shall certify that the stated energy efficiency measures have been installed and verify that the building's energy performance compared to the nominated target outlined in the above Energy Performance Report have been achieved.

17

- (a) Prior to the issue of the Construction Certificate, the measures required in the Environmental Noise Assessment Report prepared by Aurecon Australia dated 14 December 2011 shall be incorporated into the construction of the building.
- (b) A compliance report from a suitably qualified acoustic consultant shall be submitted to Council indicating that the above measures detailed in (a) above have been incorporated into the Construction Certificate.

18

- (a) A Waste Management Plan prepared in accordance with Council's Waste Management and Minimisation Guidelines Development Control Plan shall be submitted to the Council for approval prior to the release of the Construction Certificate. The Waste Management Plan shall include the size and storage of bins, the collection point for the waste contractor & recycling contractor, and maintenance of the bins;
- (b) The Waste Management Plan shall include provision for the recycling of materials both during construction and during operation of the proposed development.

19 Prior to issue of any Construction Certificate, a dilapidation report on public infrastructure (including Council and public utility infrastructure) adjoining the development site shall be prepared by a suitably qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development: -

- (a) Bunnerong Road
- (b) Westfield Drive
- (c) Banks Avenue
- (d) Heffron Road
- (e) Sydney Water stormwater channel

The applicant shall bear the cost of all restoration works to buildings/structures and public infrastructure that been damaged during the course the construction. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

20 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

21 Prior to the issue of Construction Certificate for the internal access road, the applicant shall submit documentary evidence to the Principal Certifying Authority that the Section 138 Consent under the Roads Act, 1993 has been issued by the Roads and Maritime Services.

22 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -

- (a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
- (b) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
  - (i) The additional load on the system; and
  - (ii) The relocation and/or adjustment of the services affected by the construction.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

- 23 Prior to the issue of any Construction Certificate, turning path diagrams of the largest vehicle accessing the site from Bunnerong Road shall be prepared by a suitably qualified engineer and submitted to Principal Certifying Authority for approval. The turning path diagram shall demonstrate all vehicles can enter and exit the site in a forward direction.
- 24 Prior to the issue of any Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the dimension of internal roadways, turning path diagrams and the design of car parking and loading area shown on the construction plans have complied with AS 2890.1, AS 2890.2 and AS 2890.6. All vehicles shall enter and exit the site in a forward direction.
- 25 Prior to the issue of any Construction Certificate, detailed construction plans in relation to the stormwater management and disposal system for the development shall be submitted to Principal Certifying Authority for approval. The detailed Stormwater Management Plan shall be designed incorporate the following: -
  - (a) All underground drainage system in the proposed Lot 1 shall be designed to collect and carry the 1 in 20 year ARI peak flows.
  - (b) An inter-allotment drainage system shall be designed to accommodate and convey the 1 in 20 year ARI peak flows from the proposed Lot 1 to the existing Sydney Water stormwater culvert in proposed Lot 2. It should be noted that any new connection to existing Sydney Water stormwater culvert would require approval from Sydney Water.
  - (c) Any overland flow paths for all 1 in 100 year ARI storm events in proposed Lot 1 shall remain as per the existing.
  - (d) The quality of the stormwater runoff discharged to public stormwater drainage system from the proposed lot 1 shall comply with the stormwater reduction targets stated in Botany Bay and Catchment Water Quality Improvement Plan. Details of the stormwater quality

improvement (SQID) device shall be shown on stormwater management plan.

Detailed drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', Australian Rainfall and Runoff (AR&R), AS 3500.3 and BCA. All drawings shall correspond with the approved architectural plans.

- 26 Prior to the issue of Construction Certificate of the internal access road and civil works on road reserve, detailed construction plans in relation to the access road and all associated works (e.g. stormwater drainage) shall be prepared by suitably qualified and experienced civil engineer and submitted to Roads and Maritimes Services and Council for approval and plans checking fee will apply. The construction plans shall include the following details: -
- (a) Plan view showing the extent of the works, including 1.5m wide footpath along the full length of Bunnerong Road frontage of the site
  - (b) Longitudinal section profiles of the centreline and kerb and gutter of the access road
  - (c) Road cross-section details (including design and existing levels) at minimum 5m interval. The cross-section drawings shall include levels extending 5m outside the proposed 25m wide road reserve area to ensure all the access points to the site/building are acceptable. These surface levels shall correspond with the architectural plans.
  - (d) The design and construction details of the access road and civil works on road reserve.
  - (e) Street stormwater drainage details along the access road between Bunnerong Road to the end of the works. The plans shall include the following details: -
    - (i) Construction details of the kerb inlet pits in accordance with Council's drawings, numbered E-09, Rev 2, dated Nov 2008. The length of the lintel shall be minimum 3.6m.
    - (ii) Catchment area for each kerb inlet pit
    - (iii) Location of all drainage structures, including pits, pipes and discharge points
    - (iv) Longitudinal sections of the drainage pipeline showing: -
      - (v) pipe chainages
      - (vi) pipe flows and capacities
      - (vii) pipe size, type and class
      - (viii) pipe grade (%), minimum 1% grade
      - (ix) pit numbers
      - (x) pit and lintel size
      - (xi) design surface levels

- (xii) design invert levels
- (xiii) road chainages
- (xiv) hydraulic grade line for the pipeline

In addition, the following shall be complied with: -

- (xv) All drainage pipelines shall be designed to convey stormwater runoff generated from the site in 1 in 20 year ARI 6 minutes duration storm event.
- (xvi) The minimum size of the pipe shall be 375mm diameter RRJ RCP/FRC.
- (xvii) The design of the stormwater drainage system shall be in accordance with “Australian Rainfall and Runoff (ARR)”
- (f) Construction details of the proposed kerb and gutter, laybacks and vehicular crossings in accordance with the Council’s drawings, numbered E-02, Rev 4, dated Nov 2008 and numbered E-06, Rev 2, dated Nov 2008. The width of the vehicular crossing to the proposed factory shall be in accordance with AS2890.1 and 2890.2 and subject to the turning path of the largest vehicle accessing the site.
- (g) Construction details of the footpath in accordance with Council’s drawing, numbered E-04, Rev 4, dated Nov 2008
- (h) Construction details of road pavement
- (i) Line-marking and traffic regulatory signage plan of the access road and civil works on road reserve - the plan shall be prepared in consultation with council’s traffic engineer.
- (j) Details of landscaping on proposed footpath area - the plan shall be prepared in consultation with Council’s landscape architect
- (k) The proposed street lighting to Bunnerong Road shall be designed in accordance with the relevant authorities requirements, and the design shall be approved by Council prior to issue of the Construction Certificate.
- (l) The new street lighting shall be aligned with the new road / site boundary and all cabling shall be underground.

- 27 Prior to the issue of Construction Certificate for the internal access road, the pavement design and associated geotechnical report for the proposed roadway shall be submitted to Council for approval. The geotechnical report shall provide details of the strength of the existing sub-grade, structural design of the road pavement and pavement construction requirements.

The road pavement shall be designed based upon soil tests performed by a registered N.A.T.A Soils Laboratory and to the traffic loading 1 x 107 ESA in accordance with AUS-SPEC standards and specifications.

The pavement construction shall be flexible pavement with minimum 50mm asphaltic concrete wearing course. The minimum pavement thickness, excluding the thickness of surfacing shall be 300mm.

- 28 After the approval has been obtained from the responsible utility for street lighting, detailed street lighting design and construction plans, prepared by a suitably qualified person, shall be submitted to Council for approval prior to issue of a construction certificate for the internal access roadwork and work upon Bunnerong Road. The design shall be in accordance with AS 1158 and to Energy Australia's requirements. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting shall be borne by the applicant. The proposal shall include details of all fixtures being proposed and underground power reticulation shall be allowed for in the design. The lighting design categories of the access road shall be in P2 design category.
- 29 A Soil and Water Management Plan shall be prepared according to 'Do It Right On-Site' Soil and Water Management for the Construction Industry (available from Council) and NSW EPA's Managing Urban Stormwater: Construction Activities and submitted to the Principal Certifying Authority prior to issue of any Construction Certificate. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the Erosion and Sediment Control Plan shall be kept on-site at all times and made available to Council Officers on request.
- 30 Prior to the issue of any Construction Certificate, detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to Principal Certifying Authority and Council for approval. The plan shall: -
- (a) be prepared by an RMS accredited qualified person.
  - (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
  - (c) indicate the construction vehicle access points of the site.
  - (d) indicate the frequency of truck movements.
  - (e) ensure all vehicles enter and exit the site in a forward direction
  - (f) ensure any vehicles accessing the site or associated with construction activities be restricted to 19 metres long (defined as Articulated Vehicle (AV) in AS2890.2). Trucks with trailers are not allowed to access the site
- 31 Mitigation measures for the purpose of minimising odour emissions from the new factory fit out, as outlined in the Dust and Odour Assessment (Appendix H of the Statement of Environmental Effects) must be implemented and incorporated into the Construction Certificate.



- 32 Prior to the issue of any Construction Certificate, detailed Construction Management Plan (CMP) shall be submitted to Council and the Principal Certifying Authority for approval. The CMP shall address:

If the existing building is still operation during construction, minimum 80% of the existing off-street car parking bays on-site shall remain available for the tenants/ occupiers to use.

- (a) Construction vehicles access to and egress from the site
- (b) Storage location of the excavated materials and construction building materials (to be wholly within the site)
- (c) Parking for construction vehicles. Parking of construction-related vehicles shall be within the site
- (d) Locations of site office, accommodation and the storage of major materials related to the project
- (e) Protection of adjoining properties, pedestrians, vehicles and public assets
- (f) Location and extent of proposed builder's hoarding, Work Zones and on-site crane, if there is any. Please note that a crane may require prior approval from Sydney Airports Corporation.
- (g) Tree protection management measures for all protected and retained trees.
- (h) The proposed phases of construction works on the site and the expected duration of each construction phase
- (i) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- (j) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- (k) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent

- 33 Prior to the release of a Construction Certificate for the demolition of buildings a Hazardous Materials Audit (HMA) shall be carried out to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to Council and the Principal Certifying Authority.

Should any hazardous materials be identified a Work Management Plan shall be submitted to Council in accordance with AS2601-1991 – Demolition of Buildings. The report shall contain details regarding the type and location of hazardous material and the proposed methods of containment and disposal.

- 34 Archival recording must be carried out prior to the removal of any significant building fabric or furnishings from the site and after work has been completed on site.

The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- 35 A further public domain landscape plan shall be submitted to the City of Botany Bay for approval by Council's Landscape Architect to address the following :

- (a) Compensatory canopy tree planting and landscaping within the following:
  - (i) The Bunnerong Road site setbacks, both sides of the new internal road for the entire Bunnerong Road frontage of the site, to include understorey shrub planting
  - (ii) the Bunnerong Road Council nature strip/road verge for the entire Bunnerong Road frontage of the site; and
  - (iii) the Bunnerong Road in-road median strip. This will require negotiation and consensus with Randwick City Council and NSW RMS being a local government boundary and arterial road.
- (b) The landscape plan is to detail :
  - (i) exact numbers and locations of trees to be removed
  - (ii) exact numbers and location of replacement canopy trees and landscaping in the 3 locations detailed above; and
  - (iii) tree retention and preservation options for trees that fall outside but in close proximity to the civil works. This is to be assessed by a qualified Arborist.
- (c) As the works will occur in the public domain the plan is to be submitted to Council for Council's assessment prior to the issue of a Construction Certificate.
- (d) Landscaping details for the portion of the new internal road to be constructed, this includes landscaping (canopy trees and lower level shrub planting) of the median strip area, road verges and entries into the site from Bunnerong Road.
- (e) Landscaping shall be installed only accordance with the approved Council landscape plan, prior to the issue of an Occupation Certificate. The landscaped areas shall be maintained in accordance with the

approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.

- 36 Any electrical kiosk or fire booster assembly required must be located in an unobtrusive location away from vehicle and pedestrian and vehicle entrances to the property and not within the main street setbacks, and shall be softened by a built screen and/or landscaping so as not to reduce the visual amenity of the development or the streetscape. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior installation. Fire booster assemblies shall be screened from view from the public domain area.
- 37 The masonry wall adjoining the southern boundary of the site (at its boundary with the internal road) and extending from Bunnerong Road to approx. 110 metres into the property, shall be constructed of solid masonry to a height of 600mm maximum with a powdercoated visually permeable metal palisade fence above to a total height of 2.1 metres. Wire mesh is not a suitable finish.
- 38 Street trees are to be removed at the Applicant's expense.
- (a) A qualified Arborist with their own public liability insurance must be engaged.
  - (b) All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit.
  - (c) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.

Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION OR DEVELOPMENT AT WORK**

- 39 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Roads Act 1993 and Local Government Act 1993: -
- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
  - (b) Permit to construction works, place and/or storage building materials on footpaths, nature strips

- (c) Permit for roads and footways occupancy (long term/ short term)
- (d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
- (e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services.
- (f) Permit to place skip/waste bin on footpath and/or nature strip
- (g) Permit to use any part of Council's road reserve or other Council lands
- (h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area
- (i) (It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)
- (j) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area. (Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Engineers for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s))

Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

- 40 All management measures recommended and contained within the Soil and Water Management Plan (SWMP) submitted as part of the construction certificate shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.
- 41 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the development, where necessary.

- 42 The applicant shall arrange with RMS's Transport Management Centre (TMC) for any required Road Occupancy Licence prior to commencement of any works on Bunnerong Road.
- 43 The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be **LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED**. The amount of Common Law liability shall be unlimited.
- 44 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 45 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- 46 All measures outlined within the Construction & Demolition Management Plan (Appendix F of the Statement of Environmental Effects) must be implemented.
- 47 In order to ensure that trees to be retained as detailed in the Tree Analysis Plan are protected during construction, and their health and structural stability ensured, the following is required :
- (a) Trees to be retained are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report/Landscape Plan.
  - (b) Engage the Consultant Arborist for all tree root and canopy work to trees.
  - (c) Prior to commencing any construction or demolition the trees are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainlink or steel pickets and nylon para-webbing/hessian to form the Tree Protection Zone (TPZ). The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction. The fence shall remain in place until construction is complete. If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian/carpet underlay to a height of 2.5

metres or to the tree's first lateral branch, whichever is greater, and affix hardwood palings around the hessian tree, fixing with strapping or wire (not nails).

- (d) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
- (e) All TPZ's are a "No-Go" zone. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer (or Consultant Arborist).
- (f) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- (g) (Excavation within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using hand tools to minimise root damage or disturbance.
- (h) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer (or consulting Arborist) after a site inspection.
- (i) Ensure there is no damage to the canopy of any tree. There shall be no canopy pruning or further tree removals unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
- (j) Any sub-surface OSD tank shall be located a minimum of 3 metres beyond the canopy dripline of any existing tree and not located where it will limit the planting of trees on the property. If tree roots cannot be cut without compromising the tree then the OSD shall be reconfigured or relocated.
- (k) Masonry boundary fencing shall be of pier and beam construction in the vicinity of existing trees to avoid damaging tree roots; trench footings are not permitted in these areas. If a tree root greater than 40mm diameter is in the location of a pier and the root cannot be cut without compromising the tree the pier will need to be relocated.
- (l) There shall be no walls retaining or otherwise, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree.
- (m) All waste concrete and debris shall be removed from areas to be landscaped on the site, not buried, to minimise soil contamination.
- (n) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council (or the Consultant Arborist) at the completion of construction.

- (o) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.

### **DURING WORKS**

48 Demolition work shall be carried out in accordance with Australian Standards AS 2601-2001 Demolition of Structures and the requirements of the NSW WorkCover Authority.

49 To prevent contaminated soil being used, any imported fill required as part of the works shall be certified VENM material and shall be validated in accordance with the Department of Environment, Climate Change and Water (DECCW) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

50 Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- (d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) Disconnection of Gas and Electrical Supply;
- (f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;

- (g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
  - (h) Waterproofing of any exposed surfaces of adjoining buildings;
  - (i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
  - (j) Working hours, in accordance with this Development Consent;
  - (k) Confinement of demolished materials in transit;
  - (l) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- 51 The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-
- (a) Written notice, indicating the date when demolition of the building is to commence.
  - (b) This persons full name and address.
  - (c) Details of Public Liability Insurance.
- 52 Any material containing asbestos found on site, during the demolition process or during the construction of the new roadway shall be removed and disposed of in accordance with:
- (a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m<sup>2</sup> of bonded asbestos and/or any friable asbestos.
  - (b) Protection of the Environment Operations Act 1997;
  - (c) Protection of the Environment Operation (Waste) Regulation; and
  - (d) DECC Waste Classification Guidelines 2008.
- 53 Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- 54 The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).
- 55 Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:



- (a) New South Wales Occupational Health and Safety Act, 2000;
  - (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
  - (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
  - (d) Protection Of the Environment Operations Act 1997 (NSW); and  
Office of Environment and Climate Change Waste Classification Guidelines (2008).
- 56 Any soil disposed of offsite shall be classified in accordance with the procedures in the *NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999)*.
- 57 The demolition and disposal of materials incorporating lead such as lead paint and dust paint shall be conducted in accordance with AS2601-2001 Demolition of structure. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the Lead Safe A renovator's guide to the dangers of lead, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries.
- 58 The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principle contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- (a) Covering excavated areas and stockpiles,
  - (b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
  - (c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,
  - (d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
  - (e) All loads entering or leaving the site are to be covered,
  - (f) The use of water sprays to maintain dust suppression,
  - (g) Keeping excavated surfaces moist.

- 59 Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
- (a) Level Restrictions
- Construction period of 4 weeks and under:
- (i) the L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).
- Construction period greater than 4 weeks and not exceeding 26 weeks:
- (ii) the L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
- (b) Time Restrictions
- (i) Construction/demolition work shall be limited to the following hours:
- |     |                  |                      |
|-----|------------------|----------------------|
| (1) | Monday to Friday | 07:00 am to 05:00 pm |
| (2) | Saturday         | 08:00 am to 04:00 pm |
- (ii) No Construction to take place on Sundays or Public Holidays.
- (c) Silencing
- (i) All possible steps should be taken to silence construction site equipment.
- 60 The approved Waste Minimisation Plan for the site prepared by Aurecon (Dated, 31st October 2011) shall be complied with at all times during demolition works and construction works.
- 61 The following shall be complied with:
- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) Stating the unauthorized entry to the work site is prohibited;
- (ii) Showing that unauthorized entry to the work site is prohibited;
- (iii) The Development Approval number; and
- (iv) The name of the Principal Certifying Authority including an after hours contact telephone number;
- (b) Any such sign is to be removed when the work has been completed.

- 62 The approved Waste Management Plan shall be complied with at all times during demolition works and construction works, and during the ongoing use of the premises.
- 63 During Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 64 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves: -
- (a) Demolition or erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
  - (b) Each toilet provided:
    - (i) Must be standard flushing toilet; and,
    - (ii) Must be connected: -
      - (1) To a public sewer; or
      - (2) If connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
    - (iii) If connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
  - (c) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 65
- (a) The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
  - (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
  - (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on

Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.

- (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer
- 66 Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- 67 During Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 68 During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- 69 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Soil and Water Management Plan, Construction Traffic Management Plan and Construction Management Plan at all times.
- 70 All works carried out on the internal access road and on road reserve shall be inspected and approved by RMS and Council's engineer. Documentary evidence of compliance with RMS and Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages: -
- (a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works
  - (b) Prior to back fill of street drainage pipes

- (c) Prior to placement of concrete (kerb and gutter and footpath) and road pavement
- (d) Final inspection

Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for any additional inspections undertaken by Council.

### **CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A OCCUPATION CERTIFICATE**

- 71 Prior to issue of an Occupation Certificate a final fire safety certificate must be prepared and issued to Council. This certificate must state that each essential fire safety measures specified in the current fire safety schedule for the building to which the certificate relates:-

- (a) has been assessed by a properly qualified person;
- (b) was found when assessed to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued; and,
- (c) the date of assessment which must be within the period of 3 months prior to the date on which the final fire safety certificate is issued.

Note:

- (i) The choice of person to carry out the assessment is up to the owner of the building;
- (ii) The person who carries out the assessment:-
  - (1) must inspect and verify the performance of each fire safety measure being assessed; and,
  - (2) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building;
- (iii) As soon as is practicable after a final fire safety certificate is issued the owner of the building to which it relates:-
  - (1) must cause a copy of the certificate (together with a copy of the current fire safety schedule to be given to the Commissioner of the New South Wales Fire & Rescue; and,
  - (2) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- 72 An Energy Efficiency Compliance Report shall be submitted to Council within 15 months of the issuing of the occupation certificate. The Report shall certify that the stated energy efficiency measures as required by Condition 16 have been installed and verify that the building's energy performance compared to

the nominated target outlined in the Energy Efficiency and Verification Modelling Report prepared by Aurecon Australia dated 15 November 2011 have been achieved.

- 73 The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture"

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

- 74 Any damage not shown in the dilapidation report submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of Final Occupation Certificate.

- 75 Where required, a Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'. A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water and a copy provided to Council prior to the issuing of the construction certificate. Please contact Sydney Water for further advice in relation to this matter.
- 76 Prior to the issue of any Occupation Certificate, the construction of the stormwater drainage system of the proposed development shall be completed generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', Australian Rainfall & Runoff (AR&R), AS 3500 and BCA.
- Documentation from a practicing qualified civil engineer experienced in stormwater drainage design shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
- 77 Prior to the issue of Final Occupation Certificate, maintenance schedule of the on-site drainage system shall be prepared by a qualified engineer and submitted to Principal Certifying Authority and a copy to Council for record purpose.
- 78 Prior to the issue of any Occupation Certificate, the internal road network, vehicle turning area, car parking and loading area have been constructed generally in accordance with the approved construction plan(s) and clearly designated, sign posted and line marked. Signage and line marking shall comply with the current version of AS1742. Documentation from a practising civil engineer certifying the completion of the above works shall be submitted to the Principal Certifying Authority.
- 79
- (a) Prior to the issue of Final Occupation Certificate, the applicant shall reconstruct the concrete footpath (1.5m wide) across the full length of Bunnerong Road frontage of the site in accordance with Council's standard drawing. The footpath shall align with the existing footpath.
- All works shall be carried out in accordance with Council's standard specifications and drawings and to the satisfaction of Council. The applicant shall make a separate application to Council's Customer Service Counter for the reconstruction or construction of footpath (either by Council or own forces).

- (b) Land of the Development site required to satisfy (a) above and in particular at the access road connection with Bunnerong Road must be dedicated to Council.
- 80 Prior to the issue of Final Occupation Certificate, inspection reports (formwork and final) for the works of access road and road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.
- 81 Prior to issue of Final Occupation Certificate, all civil works of the internal access road and any road reserve (including vehicular crossings, footpath paving, kerb and guttering, street lighting, landscaping, line marking and signage) shall be completed to Roads and Maritime Services (RMS) and Council's satisfaction. Written confirmation / completion certificate shall be obtained from RMS and Council and submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.
- 82 Prior to the issue of Final Occupation Certificate, two (2) copies of Works as Executed Plans together with an electronic copy (DWG format) shall be submitted to Council for the constructed roads, drainage system, kerb and gutter and footpath, including cross-sections and long-sections of kerb and gutter profile.
- 83 Prior to the issue of Final Occupation Certificate, data on the following public asset grouping shall be submitted to council, on completion of the works, as follows: -

Roadworks

Data shall be submitted to Council in electronic EXCEL format with the issue of WAE drawings. EXCEL spreadsheets shall contain the following table: -

	Type	Length (m)	Area (m <sup>2</sup> )	Number	Construction Completion date (month & year)	Total Value (\$)(*nearest \$1000)
Road (inc. Boxing)	n/a			(street name)		*
Kerb and Gutter (by type)			n/a	n/a		*
Pathpaving (by type)				n/a		*
Street signs	n/a	n/a	n/a			
Traffic signs (by type)			n/a			

Stormwater Drainage



Pit and pipe data shall be submitted to Council. Data shall be submitted to Council in electronic EXCEL format with the issue of WAE drawings. EXCEL spreadsheets shall contain the following tables on each pit and each conduit between pits (all cells shall be completed): -

#### Pits

Pit Code as per WAE	Pit type & lintel size	Total Value (\$) (*nearest \$1000)	Construction Completion date (month & year)	Built By (contractors)	Grate Level (mAHD)	Invert Level (mAHD)	Street name or no.

#### Pipes or conduits

Line/Pit Code as per WAE	Conduit description	Size (mm)	Length (m)	Total Value (\$) (*nearest \$1000)	Construction Completion date (month & year)	Built By (contractors)	Street name or no.

84 Prior to issue of Final Occupation Certificate, the internal access road shall be sealed with AC10 hotmix. In addition, prior to the application of the final road seal, the road pavements shall be deflection tested by a N.A.T.A. registered testing company using a Falling Weight Deflectometer, as follows:

- (a) To each lane at 50m centres (maximum spacing), with a minimum of four tests/road/lane. No road shall be treated as less than two lanes.
- (b) The testing shall be carried out at 1.5m from the face of the kerb for kerbside lanes, and 1.5m from the road centreline for centre lanes.
- (c) The testing in each lane shall be staggered by a distance equal to the lane test spacing divided by the number of lanes.
- (d) A full report shall be completed by the testing company, indicating where each road section meets the design loading, as per the design loadings nominated in the development consent, and if not what areas require repair/reconstruction and how. This report shall also be provided to Council.
- (e) The pavement evaluation shall be based on AUSTROADS Pavement Design – A Guide to the Structural Design of Road Pavements Section 10.4 (95th percentile deflection and mean curvature) and no test results shall be disregarded.
- (f) The applicant shall arrange repair of any below standard pavement areas which are detailed in the above testing report, and to the method also detailed in the report, prior to the release of the linen plan and application of the final seal. The required sections shall be tested and reported on as above, with a copy of the report provided to Council. Any below standard areas shall be repaired as above, and the test/report/repair cycle repeated until all roads meet the deflection standard for the design loading.

- 85 The applicant is responsible for the installation of all line marking and regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 86 Any damaged Council's nature strip area shall be suitably replaced in accordance with Council's specification at the completion of construction works. The ongoing maintenance of the nature strip shall then be undertaken by the occupier/owner. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times.
- 87 The Applicant shall reinstate the existing State/Permanent Survey Mark (SSM) on Bunnerong Road to the specification of the Land and Property Management Authority (if affected). A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the Land and Property Management Authority.
- 88 Prior to the issue of Final Occupation Certificate, Workplace Travel Plan in accordance with NSW Premier's Council for Active Living's "Workplace Travel Plan Guidelines - Final Report (April 2010)" shall be developed to encourage staff to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand by staff. The plan shall be submitted to Principal Certifying Authority and Council for approval. The plan shall generally incorporate the following: -
- (a) Encourage staff to cycle and/or walk to the workplace
  - (b) Encourage staff to use public transport to travel to workplace by providing financial incentive
  - (c) Adopt car sharing and /or car pool scheme
  - (d) Establish measurable targets on the number of staff travel to work by public transport, cycling and walking
- 89
- (a) Landscaping around the existing factory building and car park areas shall be installed in accordance with the Landscape Plan submitted with the application. The landscaped areas on the property shall be installed and maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.
  - (b) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The

contractor shall be engaged weekly for a minimum period of 13 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

- 90 To ensure satisfactory growth and maintenance of landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- 91 A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.
- 92 Concrete wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZS 2890.1:2004 prior to the issue of an Occupation Certificate to prevent overhang and damage to garden beds.
- 93 Rigid polyethylene sheet type tree root barriers shall be installed alongside the pavement edges for all new large canopy trees located near carparks and so on. The barrier shall be installed at a depth of 900mm and for at least 3 metres each side of the tree centre and shall be located 150mm inward of the footpath and kerb edge, or any other built element. Root deflectors/directors surrounding the rootball are not suitable.
- 94 The Council nature strips shall be suitably replaced in accordance with Council Specification at the completion of construction work and at the Applicant's expense.
- 95 Additional landscaping shall be installed in the Heffron Road setback of the property to provide additional screening of factory buildings and manoeuvring areas from the Heffron Road streetscape. This shall comprise suitable understorey shrub planting to screen internal driveways and buildings to a height of approx. 1 metre. Additional canopy trees for upper level screening shall be planted where gaps in the contiguous tree canopy require infilling.

- (a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
- (b) Condition Numbers 9, 71 to 95 of this consent are pre-conditions to the issue of the Occupation Certificate.

**CONDITIONS WHICH MUST BE SATISFIED DURING ONGOING USE OF THE DEVELOPMENT**

- 97 The operation of the site and movements of vehicles shall comply with the following requirements: -
- (a) The Workplace Travel Plan and Site Management and Travel Plan shall be implemented at all times
  - (b) The maximum size of vehicle accessing the site shall be limited to Articulated Vehicle (AV) (19m in length, as denoted by AS 2890.2) unless approvals have been obtained from Roads and Maritime Services (RMS) and Council to use “restricted access” vehicles accessing the site.
  - (c) The movement of all commercial vehicles from and to the site shall be restricted to the following: -
    - (i) Entering the site via the following designated traffic route: -
      - (1) Wentworth Avenue – Bunnerong Road
    - (ii) Exiting the site via the following designated traffic route: -
      - (1) Bunnerong Road – Gardeners Road
    - (iii) All the commercial vehicles accessing the site shall be limited to left in/left out arrangements at the Bunnerong Road. No right turn will be permitted for commercial vehicles.
    - (iv) No commercial vehicles shall be allowed to access Heffron Road at any time.
  - (d) The frequency of commercial vehicle movements accessing the site shall be restricted to:
    - (i) Ten (10) movements per hour (in and out) in both morning and afternoon peak periods and,
    - (ii) Between the hours of 10:00pm on one day and 7:00am the day following, no movements at all.
  - (e) No commercial vehicles shall be allowed to queue, wait and stop within 50m of the vehicle access points of the site.
  - (f) All vehicles shall enter and exit the site in a forward direction
  - (g) All manoeuvring movements of vehicles shall be carried out wholly within the site

- (h) Vehicle manoeuvring area shall be kept clear at all times.
  - (i) All vehicles shall be parked in the marked parking bays.
  - (j) Any gate at the vehicular entrance of the site shall be left open during the operation hours.
  - (k) All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.
  - (l) All loading and unloading of vehicles in relation to the use of the premises shall only be carried out in the dedicated loading area.
  - (m) No deliveries to the premises/site shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark etc)
  - (n) Under no circumstance shall vehicles to queue on public places, public streets or any road related area (eg. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site.
- 98 A maximum of a hundred and forty nine (149) people may be employed at the premises in associated with the use. If additional persons are proposed to be employed at the premises, this shall form the subject of a further development application to Council.
- 99 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sluge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 100 The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- (a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997
  - (b) transmission of vibration to any place of different occupancy above the requirements of AS2670 and the criteria outlined in the NSW EPA Environmental Noise Control Manual.
  - (c) a sound pressure LAeq,period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.

- (d) a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.
- (e) the following additional criteria:
  - (i) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
  - (ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
  - (iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

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

- 101 The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- 102 Any intruder alarms shall be fitted with a timing device in accordance with the requirements of Clause 22 of Schedule 1 of the Amendment of Noise Control (Miscellaneous Articles) Regulation, 1995, and AS2201, Parts 1 and 2 - 1978 Intruder Alarm Systems.
- 103 All goods associated with the use shall be stored wholly within the building and not in adjacent forecourts, yards, access ways or car parking areas. No items in association with the use or advertising material are to be stored, displayed or placed on the footpath or any public access way at any time.
- 104 The owner/occupier of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.

105

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting.
- (b) Illumination of the signage shall not cause any light overspill.
- (c) At no time is the intensity, period of intermittency and hours of illumination of the sign/s to cause injury to the amenity of the locality. If in the opinion of Council or the RTA injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the satisfaction of Council.

106 New street trees shall be maintained by the Applicant for 12 months after planting. Maintenance includes twice weekly watering for the first 4 months until establishment then weekly thereafter, annual feeding, replenishment of the mulch ring and weed removal but does not include trimming or pruning the trees under any circumstances.

107 Ongoing maintenance of the nature strip shall be undertaken by the occupier or owner. Maintenance includes mowing, watering, removal of weeds and rubbish and maintaining an even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the road verge/ nature strip under any circumstances at any time.

108 The hours of operation for the industrial use shall be restricted to 24 hours Monday to Sunday and public holidays.

109 Prior to commencement of trading the operator of the Industrial Premises will submit to the Council for review and approval a method statement for the monitoring of odour and dust emissions from the premises and a subsequent impact assessment.

110 Within six months of occupation of the industrial tenancy, the operator shall appoint a suitably qualified and experienced consultant to undertake an odour and dust impact assessment report to demonstrate that the odour and dust impacts are being controlled to an acceptable level at the surrounding residences, as defined by Office of Environment and Heritage (OEH) in Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales (DEC, 2005)

111

- (a) No odour shall be detectable beyond the boundaries of the premises to which this Consent relates to.
  - (b) All Odour Control Units and extraction systems and any dust suppression measures installed at the premises shall be operated and maintained in accordance with the manufacturers specifications, plant maintenance schedules, and as required to maintain the emission control efficiency of the system. Maintenance records will be held by the operator for inspection by the Council upon request.
- 112 Operations and Noise Controls – Acoustic compliance testing to assess that noise emission from the premises are in accordance with all relevant conditions of this consent shall be carried out (both operational noise and mechanical plant noise) within 6 months of occupation of the industrial premises and again as required (including on completion of any residential development on the remnant land) in accordance with the following provisions of this condition.
- (a) The acoustic compliance testing is to incorporate an evaluation of noise emission on a week day (Tues – Thurs) prior to 10:00pm and up until 7:00am the following day, and on a Saturday night from 11:00pm to 8:00am the following morning;
  - (b) The compliance testing is to be carried out at the applicant's expense and is to be undertaken by a suitably qualified acoustic or consulting engineer (approved by Council acting reasonably) who is independent of any acoustic engineers or firms involved in the development application or supervision of the construction of the subject refreshment room.
  - (c) The compliance testing shall be undertaken without notice to the industrial tenant but with prior written notice to the Council of the time and date upon which the acoustic compliance testing is to take place. The Council or its consultant may attend and monitor the acoustic compliance testing. The applicant's consultant may attend the monitoring provided that it is a term of engagement that such consultant does not advise the industrial tenant as to when the testing is to be undertaken.
  - (d) A compliance report is to be provided to the Council within 7 days of the testing. The report shall provide details of when the testing was undertaken and by whom, details of what mechanical plant was in operation, and a log of vehicles accessing and leaving the site (every 15 minutes during the testing). The report must specify whether there is compliance or non compliance and any recommendations to be implemented to achieve compliance.
  - (e) If there are any matters of non-compliance with any conditions of this consent relating to noise / acoustic requirements, the operator of the industrial tenancy is required to implement any recommendations of the compliance report within 7 days of receipt of that report. A further compliance test shall be undertaken (in accordance with (e) above) to



assess the effectiveness of the additional noise control measures and that report is to be provided to Council within 7 days of the further test.

- (f) If there is non-compliance with noise conditions of consent then the noise source causing the non-compliance must cease at 10:00pm and may only commence again at 7:00am the following morning until such time as the consultant who prepared the compliance report certifies that the recommendations in the compliance report have been implemented.
- (g) Conditions (f) and (g) continue to apply until such time as the acoustic compliance testing and the resulting compliance report certify that there is no non-compliance with conditions of consent.

- 113 The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 11/272 dated as 21 December 2011 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

Certified Mr Rodger Dowsett.....  
Director - Planning and Development