

## **CONDITIONS OF CONSENT**

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-150/2014, submitted by Goodman Property Services (Aust.) Pty Ltd, accompanied by Drawing No. A-001 (Rev. G), A-002 (Rev. G), A-003 (Rev. E), A-100 (Rev. E), A-121 (Rev. I), A-122 (Rev. I), A-123 (Rev. I), A-124 (Rev. D), A-125 (Rev. E), A-130 (Rev. D), A-201 (Rev. E), A-301 (Rev. E), A-801 (Rev. F) and A-900 (Rev. C) all Project No. 1102 as prepared by Lacoste and Stevenson and all dated 28 October 2013 (except A-301, A-801 and A-900 which are dated 23 October 2013), Plan Drawing No. 'Sheet 1 of 1', entitled 'Plan of Subdivision of Lot 2 in DP 1009196 as prepared by Matthew William Cleary (Surveyor) with the date of survey 26 August 2013, Drawing No. A-601 (Rev. C) Project No. 1102 as prepared by Lacoste and Stevenson dated 18 June 2014, Drawing No. SKC02 Project No. 14-200 Issue P1 as prepared by AT&L Civil Engineers and Project Managers, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) No approval is granted or implied for the fitout of the building. Separate Development Consent for the fitout of the bulky goods floor space is required prior to occupation.
- 4) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.
- 5) If unexpected soil contaminants are unearthed during excavation and/or construction works, which has the potential to alter previous conclusions made regarding potential site contamination; all work is to cease and Council notified immediately. The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant which is agreed to by Council, prior to the re-commencement of works.

Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information. The applicant must also adhere to any additional requirements or conditions, which may be imposed by the accredited site auditor, if required.

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

- 6) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.

- 7) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 8) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 9) All of the relevant and appropriate water conservation and energy efficient requirements of Bankstown DCP 2005 – Part D7 shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate
- 10) A soil erosion and sediment control plan must be prepared by a suitably qualified professional in accordance with Council's Development Engineering Standards and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 11) The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agent details - see Building and Developing then Quick Check; and
- Guidelines for building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

- 12) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 13) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.

- 14) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$499,772.70 shall be paid to Council.

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

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

- 15) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 16) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
- a) Construction of a new Round About at the northern intersection of the development lot with Muir Road, opposite the News Limited Site. The developer must provide plans, for the construction of the Round About, to the Council, and also must apply to the Bankstown Traffic Committee for Approval in Principle of the Round About prior to the issue of the Work Permit to construct the Round About.
  - b) Drainage connection to Council's system.
  - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - d) Repair of any damage to the public road including the footway occurring during development works.
  - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

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

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

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

- 18) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 19) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 20) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

#### A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.

- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

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

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

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

**A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS**

**WORKS REQUIRING A 'WORKS PERMIT'**

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

- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) Demolition is proposed.

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

The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

- 22) The pump out drainage system for the access ramp and basement car parking area shall be provided (if required) in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 23) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an **on-site stormwater detention system**, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan **Project No. 14-200, Issue A dated 23 July 2014**, prepared by **at&I Civil Engineers and Project Managers**, and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.
- 24) A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
- 25) The basement of the development is located adjacent to a Council / RMS Public Road Reserve. The developer shall apply to the relevant Road Authority to obtain separate approval and/or Work Permit if any temporary or permanent soil anchoring works is required within the Public Road Reserve.

- 26) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 27) The applicant shall address the recommendations provided in "Contamination Status Report, Chullora Technology Park" by GHD, dated 10 October 2013, (as referenced below);

The following requirements must be carried out by an appropriately qualified and experienced environmental consultant, in accordance with relevant guidelines and standards, prior to the commencement of construction and prior to the issue of a construction certificate;

- (a) Identify the presence and condition of any aboveground storage tanks and underground storage tanks at the site through visual inspection, use of ground penetrating radar and WorkCover Dangerous Goods search.
  - (b) Further delineation of soil and groundwater hydrocarbon contamination identified in the south-east corner of "Warehouse 3".
  - (c) Further waste classification sampling to be undertaken if offsite disposal of soil is required following the further delineation work.
- 28) On completion of the works to address the recommendations in condition no. 27, a supplementary site investigation report outlining the further investigation and delineation work undertaken shall be prepared by an appropriately qualified and experienced environmental consultant in accordance with relevant guidelines and standards, including the relevant NSW EPA guidelines. This report must be submitted to the satisfaction of Bankstown City Council prior to the issue of a construction certificate.
- 29) If remediation works are undertaken at the site, such as the removal of contaminated soils, then a Validation Report is to be prepared by an appropriately qualified and experienced environmental consultant in accordance with relevant guidelines and standards, including the relevant NSW EPA guidelines. This Validation Report (if required), must be submitted to the satisfaction of Bankstown City Council prior to the issue of a construction certificate.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION**

- 30) The building works in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building work has been issued by the council or an accredited certifier, and
  - b. the person having benefit of the development consent has:
    - i. appointed a principal certifying authority for the building work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - c. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    - ii. notified the principal certifying authority of any such appointment, and
    - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.
- 31) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

### **1. Tree Removal**

Approval is granted for the removal of the following trees:

- i. All trees growing within the building footprint of the approved structures;
- ii. All trees shown for removal on Site Plan, Dwg No A-002 Rev G, dated 28/10/2013, by Lacoste + Stevenson;
- iii. Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;



iv. Any of the following trees:

<u>Tree Species</u>	<u>Location</u>
1 x <i>Ficus benjamina</i> (Weeping Fig)	Adjacent to north west corner of existing building

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW).

All other vegetation not specifically identified above, and protected by Councils Tree Preservation Order, is to be retained and protected from construction damage and pruning. The Tree Preservation Order protects trees over 5m in height.

## **2. Trees to be Retained**

The applicant shall engage a qualified arborist (minimum qualifications Australian Qualification Framework Level 5 in Arboriculture or equivalent) to prepare a Tree Management Plan for the development site. All trees to be retained and protected, and trees located on adjoining properties within 5m of the subject property boundary, are to be covered by this Tree Management Plan. The Plan shall generally comply with section 2.3.5 of Australian Standard AS 4970-2009 Protection of trees on development sites and Bankstown City Council tree report guidelines / arboricultural method statement.

The Tree Management Plan shall be site specific and shall address, but is not limited to, the following issues:

- i. Tree Management Procedures that include;
  - a. Record keeping and documentation
  - b. Monitoring and control
  - c. Conflict resolution
  - d. Project Implementation
- ii. General tree protection procedures
- iii. General tree care procedures
- iv. Specific tree care and protection procedures (for each tree if necessary)
- v. Ongoing maintenance procedures
- vi. Tree pruning and removal procedures.

The Tree Management Plan shall be completed prior to the issue of the Construction Certificate.

### 3. Landscape Plan: Replacement Tree Planting

The Landscape Plan shall be amended to incorporate the following requirements:

- i. Plant at least 25 x trees known to attain a minimum height of 15 metres at maturity;
  - ii. Tree planting shall provide a minimum of 50% shade cover over the car park area at maturity;
  - iii. Tree species used are not to include conifers, *Casuarinaceae*, palms or any of the exempted species listed under clause 2.7 of Bankstown Development Control Plan 2005 Part E2 – Tree Preservation Order.
  - iv. 70% of the trees shall be species representative of the Cooks River/Castlereagh Ironbark Forest Endangered Ecological Community;
  - v. The trees shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
  - vi. The trees shall be planted prior to the issue of an occupation certificate.
  - vii. The trees shall be maintained for the life of the development.
  - viii. Tree planting in the car park area shall incorporate the use of structural soil cells – or similar – and porous paving installed to the manufacturer's specification;
  - ix. Include specifications to improve the soil conditions in the embankment area along the south east frontage of the site so as to support successful tree establishment and to provide for long term tree health and viability. This shall include detailed soil analysis and recommended structural and chemical amelioration measures as necessary.
- 32) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 33) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 34) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 35) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 36) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 37) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 38) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.

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

- 39) Permission is granted for the demolition of existing structures occupying proposed Lot 21 currently existing on the property, subject to strict compliance with the following: -
- a) Written notice is to be given to Bankstown City Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Bankstown City Council:
    - (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.

- (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

**NOTE:** Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412** or **9707 9635**.

- b) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- c) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- d) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- e) 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 NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- f) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 40) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 41) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 42) Prior to the ground floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished ground floor level and siting to the property boundary conforms with the approved plans.
- 43) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.

- 44) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 45) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 46) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a. protect and support the adjoining premises from possible damage from the excavation, and
  - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 47) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 48) The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia.
- 49) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 50) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

## **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 51) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 52) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

- 53) Seven-hundred-sixty-six (766) off street car parking spaces shall be provided/maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.
- 54) An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:
  - a) List of chemicals and maximum quantities to be stored at the site;
  - b) Identification of potentially hazardous situations;
  - c) Procedure for incident reporting;
  - d) Details of spill stations and signage;
  - e) Containment and clean-up facilities and procedures; and
  - f) The roles of all staff in the plan and details of staff training.
- 55) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 56) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 57) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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

- 58) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.
- 59) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 60) The 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development/release of the plan of subdivision.

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

- 61) An application and appropriate fees for the issue of a Subdivision Certificate shall be submitted to Council.
- 62) The following information shall be submitted to Council with an application for a Subdivision Certificate:
  - a) Original plan of subdivision prepared and signed by a qualified surveyor, plus five (5) copies;
  - b) Copy of the relevant development consent, including all Section 96 Modifications if applicable,
  - c) Works as executed engineering plans.
  - d) Evidence that all conditions of consent have been complied with,
  - e) A certificate of compliance (Section 73 Certificate) from Sydney Water if required,
  - f) Certification by a registered surveyor that all services such as stormwater, drainage, water, gas, electricity and telephone are contained separately within each lot or within easements created to accommodate such services.
  - g) Copy of the Work Permit Compliance Certificate, where required.

- 63) The developer shall create the following easements, where necessary over the relevant lots, on the plan of subdivision under provisions of the Conveyancing Act. A statement shall be placed on the Section 88B Instrument that nominates Bankstown City Council as the authority empowered to release, vary or modify the easements created.
- a) Easements to drain water (for inter-allotment drainage).
  - b) Easement for services (for utilities).
  - c) Right of carriageway (for internal driveway, vehicle manoeuvring).

## **USE OF THE SITE**

- 64) Car parking spaces for seven-hundred-sixty-six (766) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 65) The hours of operation of the use shall be limited to between 7am and 10pm seven days a week.
- 66) All loading and unloading of goods shall take place within the site in a manner that does not interfere with parking areas, driveways or landscaping.
- 67) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 68) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 69) All chemicals shall be stored, handled and disposed of in accordance with:
- a) AS 1940 – 2004 The Storage & Handling of Flammable and Combustible Liquids.
  - b) NSW EPA 'Storing and Handling Liquids, Environmental Protection, Participants Manual 2007'.
  - c) NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- 70) No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footway, utility service land, customer and/or employee parking area or the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
- 71) Identification number/s are to be conspicuously displayed at the front of the premises.



- 72) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 73) Signs shall display advertising relating only to the usage of the site and shall be maintained in good order at all times.
- 74) Signs shall not flash or contain flashing lights or devices that enable the signs to change colour or create movement
- 75) The signs shall only be illuminated during the trading hours associated with the use of the premises. The intensity of the lights illuminating the sign shall be limited to 120 watts per square metre of glass.
- 76) 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 public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282-1997 The Control of the Obtrusive Effects of Outdoor Lighting.

## **TRAFFIC CONDITIONS**

- 77) The developer shall engage a suitably qualified engineer to prepare a detailed design for a roundabout with a 40m diameter from kerb to kerb including median islands, kerb, gutter and footpath adjustments in Muir Road in accordance with concept plans by at&I Civil Engineers and Project Managers Plan Drawing SKC02 (Option 1).
- 78) Installation of the roundabout will require adjustments to driveways within the property boundary of No. 54 Hume Highway, currently operated by News Limited. The applicant must consult with News Limited. Changes to design resulting from consultation with News Limited must be submitted to Council's Traffic Engineer for additional comment.
- 79) The proposed southern leg of the roundabout which forms the access driveway to the proposed development and existing developments needs further design consideration to mitigate the potential conflict between large B-Double trucks entering/exiting the driveway to the proposed development and light passenger vehicles entering/exiting the Masters carpark. This solution will include a splitter island to separate entry and exit lanes off the roundabout and additional linemarking to delineate separate movements.
- 80) As the roundabout will protrude into private property owned by the applicant, the applicant shall dedicate the required road reserve area to Council prior to construction of the roundabout.
- 81) The central island of the roundabout shall be constructed using high compressive strength concrete designed to be semi-mountable by the maximum size vehicle (B-Double) and shall have an increased diameter for further deflection of light vehicles travelling straight through the roundabout.