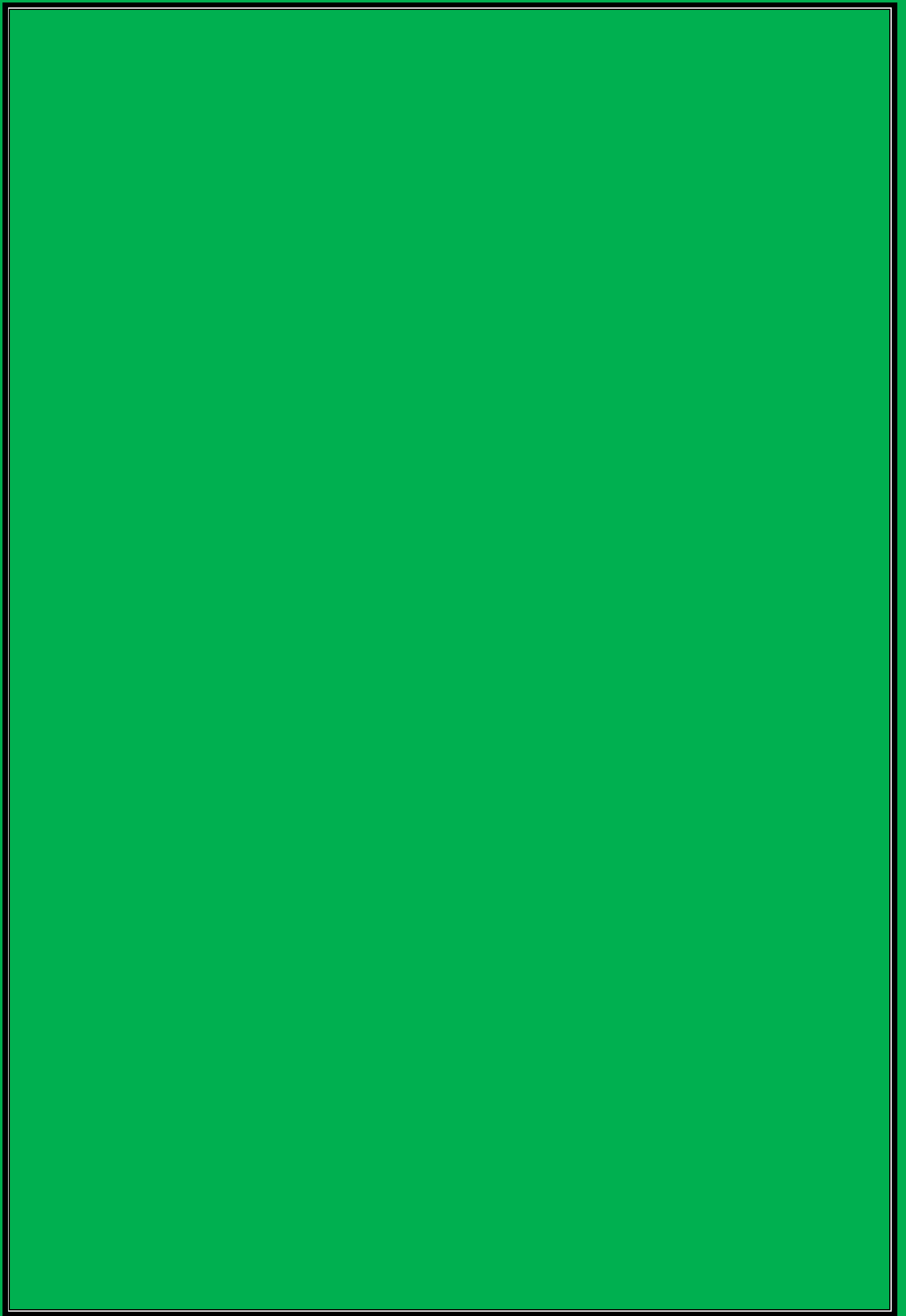


Council Assessment Report

2015SYW139

Motor Vehicle Showroom
135-151 Hume Highway, Chullora



ITEM	135-151 Hume Highway and Cahill Lane, GREENACRE NSW 2190
	Excavation works and demolition of existing site structures, and construction of two (2) motor vehicle showrooms, a service centre, car parking and associated landscaping works
FILE	DA-1369/2014 - East Ward
ZONING	3(c) – Business – Enterprise
DATE OF LODGEMENT	22 December 2014
APPLICANT	Mosca Pserras Architects
OWNERS	Kasecorp Pty Ltd
ESTIMATED VALUE	\$14,500,000.00
AUTHOR	Development Services (Samantha Mitchell)

SUMMARY REPORT

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated Capital Investment Value (CIV) of \$14,500,000.00 and exceeds the capital investment threshold for 'Council related development'. Council is the current owner of a portion of land on which the development is to be carried out (Cahill Lane).

Development Application No. DA-1369/2014 proposes excavation works and the demolition of existing site structures, and the construction of two (2) motor vehicle showrooms, a service centre, car parking and associated landscaping works.

DA-1369/2014 has been assessed against *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *Bankstown Local Environmental Plan 2001*, (draft) *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2005* and is recommended for approval on a deferred commencement basis.

The application was advertised and notified for a period of twenty-one (21) days from 21 January 2015 to 10 February 2015. No submissions were received.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

That Development Application No. DA-1369/2014 be approved on a “deferred commencement” basis, with the operational consent to be issued upon registration of the lot created by the subdivision of Cahill Lane.

ATTACHMENTS

- A - Section 79C Assessment Report
- B - Conditions of Consent
- C - Notification Map
- D - Site/Ground Floor Plan
- E - Elevations

DA-1369/2014 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

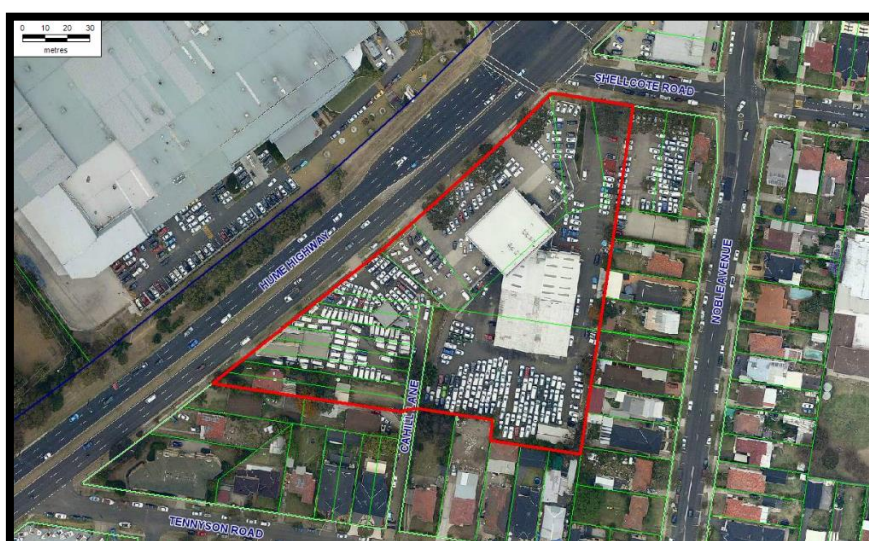
The subject site is known as 135-151 Hume Highway and Cahill Lane, Greenacre. The site comprises fourteen (14) existing allotments and one (1) proposed allotment, as the consolidated site results in approximately 50m of the northern end of Cahill Lane intersecting the southern portion of the site. This matter is discussed in further detail below under 'Proposed Development'.

The existing allotments at Nos. 135-151 Hume Highway are zoned 3(c) - Business - Enterprise under the Bankstown Local Environmental Plan (BLEP) 2001. The proposed allotment at the northern end of Cahill Lane is unzoned under the BLEP 2001. The consolidated site has an area of 16,920sqm, with a frontage of approximately 180m to Hume Highway and 37m to Shellcote Road.

The site currently contains an existing motor showroom at No. 135 Hume Highway with associated car display areas and car parking. There is also a smaller existing motor showroom at No. 139 Hume Highway and an associated vacant commercial building at Nos. 145-149 Hume Highway. No. 151 Hume Highway contains a vacant dwelling house. The subject site contains several mature trees, a number of which are located within the vegetated buffer fronting Hume Highway.

Development surrounding the site consists of various building types and uses. There is an existing motor showroom located to the north of the site at No. 121 Hume Highway. General industrial development is located to the west of the site on the western side of Hume Highway. Low density residential development is located to the immediate south and east of the site, which predominantly consists of single and two storey detached dwelling houses and attached dual occupancies fronting Noble Avenue and Tennyson Road.

The site locality is illustrated in the aerial photo below.



PROPOSED DEVELOPMENT

The Development Application proposes the following works:

- Excavation works and demolition of existing site structures.
- Removal of sixteen (16) on-site trees and one (1) street tree at the southern end of the Hume Highway frontage.
- Construction of two (2) motor showrooms, a service centre, car parking and associated landscaping works. The built form consists of two separate motor showrooms on the ground floor level adjoined by one (1) level of shared basement car parking and one (1) mezzanine level containing both shared and separate office spaces and staff facilities. New and used car display areas are located along the Hume Highway and Shellcote Road frontages, and within the showrooms. The service centre is located along the eastern side of the basement with access from Shellcote Road.
- Provision of 271 car parking spaces, of which 87 spaces are allocated to customers, 36 spaces are allocated to employees, and 187 spaces are to be used for car storage (including cars parked before and after servicing).
- Removal of four (4) existing vehicular footway crossings (VFCs) on the Hume Highway frontage, construction of two (2) new VFCs towards the southern end of the Hume Highway frontage, and relocation of the existing VFC on Shellcote Road.
- Relocation of three (3) power poles and one (1) street sign.
- Consolidation of the fifteen (15) allotments, including the proposed allotment at Cahill Lane, will be required prior to the issue of an Occupation Certificate.
- No signage is proposed as part of this development application.
- The proposed hours of operation are:
 - 7.00am – 5.30pm Mondays to Fridays (inclusive);
 - 8.00am – 6.00pm Saturdays (sales only);
 - 8.00am – 1.00pm (service only); and
 - 9.00am – 6.00pm on Sundays and Public Holidays (sales only).

History of the Cahill Lane road closure application is provided in further detail below:

- The proposed development site incorporates the northern end of Cahill Lane. The applicant lodged a road closure application on 2 August 2014 to seek Council approval for the partial closure of Cahill Lane, and to subsequently purchase the land from Council.
- Council's Property and Investment Unit is currently processing the road closure application and has advised that it is a lengthy process that may take 1-2 years to finalise.
- At the Ordinary Meeting on 26 May 2015, Council resolved to sell the northern end of Cahill Lane to the developer and also resolved for the General Manager to grant owners consent for the subject development application.

- Council's Property and Investment Unit has since lodged a development application (DA-696/2015) seeking to create a new allotment at the northern end of Cahill Lane to be consolidated with the adjoining allotments. The creation of this allotment is required to allow the developer to legally purchase the land. This application is still under assessment as Council is waiting on additional information relating to a technical matter. This matter will not affect the merit of the application, and DA-969/2015 should be determined upon receipt of this information.
- Approval of the subject development application is reliant on the approval of DA-696/2015. A deferred commencement consent will be issued for DA-1369/2014, subject to the registration of the proposed allotment at the northern end of Cahill Lane.

SECTION 79C ASSESSMENT

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

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011

Part 4 (Regional Development) of the State Environmental Planning Policy (State and Regional Development) 2011 applies to this application as it is for the purposes of 'Council related development' with a capital investment value of more than \$5 million, as specified in Schedule 4A of the EP&A Act, 1979. The development application is therefore to be determined by the Sydney West Joint Regional Planning Panel.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the Infrastructure SEPP lists types of developments that are to be referred to Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network (including classified roads). The proposed development exceeds the thresholds listed in Schedule 3 of the SEPP and has direct access to Hume Highway which is a classified road. The proposal was accordingly referred to RMS for comment.

The RMS has reviewed the proposed development and raised no objection, subject to the imposition of conditions of consent addressing matters including but not limited to driveway width, service vehicle egress, traffic flows and impacts during construction activities, stormwater discharge and car parking layout. These requirements will be included as conditions of consent.

State Environmental Planning Policy No. 55 - Remediation of Land

Under the provisions of clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development on land unless:

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

The development site has long been used for motor showroom purposes and various other business uses. The subject application proposes to continue the use of the site as a motor showroom. There is no evidence to suggest that the site is contaminated, nor is it necessary for any further consideration or investigation to be undertaken with regard to potential site. The subject site is considered suitable for the proposed business use and therefore satisfies the provisions of SEPP 55.

Bankstown Local Environmental Plan 2001

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

- Clause 2 – Objectives of this plan
- Clause 11 – Development that is allowed or prohibited within a zone
- Clause 13 – Other development which requires consent
- Clause 17 – General environmental considerations
- Clause 19 – Ecologically sustainable development
- Clause 20 – Trees
- Clause 23 – Development adjacent to residential zones
- Clause 26 – Flood liable land
- Clause 30 – Floor space ratios
- Clause 32 – Access for people with disabilities
- Clause 36C – Development along arterial roads
- Clause 50A – Development in the Zone 3(c)

An assessment of the proposal revealed that the development complies with the matters raised in each of the above clauses of the BLEP 2001.

Clause 13, Subclause 4 '*Development on unzoned land*' applies to the proposed allotment at the northern end of Cahill Lane. This clause reads as follows:

Development on land not included in a zone on the map may be carried out only with consent. Consent may be granted for the carrying out of

development that may be carried out in a zone adjoining the land concerned.

As such, the motor showroom is a permissible form of development on the proposed allotment at the northern end of Cahill Lane as it is permissible in the 3(c) - Business - Enterprise zone which adjoins the unzoned land.

With respect to Clause 36C which relates to development along arterial roads, Council is satisfied that access to the site via Hume Highway is acceptable. The nature and use of the proposed development is consistent with the existing motor showroom development to the northern end of the subject site at No. 135 Hume Highway. Accordingly, access to the site via Hume Highway is considered to be safe and efficient with respect to the nature of the use and the anticipated volume and frequency of vehicles associated with the use. It is also noted that the application proposes to reduce the number of VFCs along the Hume Highway frontage. The application was referred to the Roads and Maritime Services (RMS) and Council's Traffic Engineer, and the proposed development is considered to be acceptable, subject to the imposition of conditions of consent.

With respect to Clause 50A which relates to development in the 3(c) - Business - Enterprise zone, Council is satisfied that the development achieves a high quality architectural and landscaping outcome, and that the development will contribute to the desired future character of the locality.

As such, the proposed development is considered to be acceptable with regard to the relevant objectives and controls contained in the BLEP 2001.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

At the time of lodgment of this development application, the Bankstown Local Environmental Plan 2001 (BLEP 2001) was in force while a draft Local Environmental Plan had been publically exhibited. Pursuant to the matters for consideration contained in Section 79C(1) of the EP&A Act, 1979, the provisions contained within each of these EPIs are to be considered in the assessment of the subject development application.

On 5 March 2015, the Bankstown Local Environmental Plan 2015 (BLEP 2015) was published on the NSW Legislation website, and therefore came into effect on this date. The savings and transitional provisions contained within Clause 1.8A of the BLEP 2015 has the effect of limiting consideration of the provisions contained within the BLEP 2015 to only those applications lodged on or after this date. As the subject development application was lodged with Council prior to this date, the application is required to be considered against the provisions contained within the BLEP 2001 and the exhibited draft.

It is noted that the application was lodged prior to the applicant obtaining satisfactory owner's consent from Council, being the owner of the proposed allotment at the northern end of Cahill Lane. Council resolved to grant owner's consent at the Ordinary Meeting on 26 May 2015, however the BLEP 2015 was

in force at this point in time. Council obtained legal advice with respect to the question of whether the application was 'made' prior to owner's consent being granted. This legal advice confirmed that it is acceptable to assess the application against the controls applicable at the time of lodgment, being the BLEP 2001.

The BLEP 2015 essentially represents the published version of the draft LEP, hence, consideration has been given to the provisions contained within this instrument. Whilst the BLEP 2015 proposes the introduction of some additional provisions, in the most part, the new instrument provides for an administrative conversion of the BLEP 2001 to the standard instrument LEP.

With respect to the proposed development, namely, excavation works and demolition of existing site structures and construction of two (2) motor vehicle showrooms, a service centre, car parking and associated landscaping works, it is considered that the proposal remains generally consistent with the aims and objectives of the instrument. It is noted, however, that zoning has been allocated to roads under the BLEP 2015, and the R2 Low Density Residential zone that applies to the residential properties to the south of the subject site also applies to the full length of Cahill Lane. Motor showroom developments are prohibited in the R2 Low Density Residential zone, however the application of this particular zoning to Cahill Lane is being reviewed by Council's Strategic Planning team under the North-East Local Area Plan. Given the subject application was submitted to Council prior to the gazettal of the BLEP 2015, the proposed development is considered to be acceptable with respect to this zoning discrepancy. Approval of the proposal would not be inconsistent with the general intent and purpose of the instrument.

Development control plans [section 79C(1)(a)(iii)]

The following table provides an assessment of the proposed motor showroom development against the primary applicable controls contained in Part B2 - Commercial Centres and Part B5 - Parking of the BDCP 2005.

DCP CONTROL	PROPOSED	COMPLIES?
Storey limit (not including basements) The storey limit for development is 2 storeys.	The basement level exceeds 1m above the natural ground level towards the eastern side due to the natural contours of the site and is therefore defined as a 'storey'. The development will present as a two storey building to Hume Highway and a three storey building to Shellcote Road and the residential properties fronting Noble Avenue.	No. Refer to Note 1 below.
Setback The minimum setback to the side and rear boundaries of an allotment is 6 metres.	The proposed development is setback approximately 5.5m from the eastern boundary and	No. Refer to Note 2 below.

	4.5m from the southern boundary at the closest point.	
<p>Façade design (motor showrooms)</p> <p>Motor showrooms must provide a minimum 3 metre wide landscape buffer zone to the front boundary of an allotment.</p> <p>Motor showrooms must locate an active frontage use (such as a showroom, office, or customer service area) along the Hume Highway boundary of an allotment.</p> <p>Motor showrooms must locate a vehicle repair station and associated car park at the basement level or at the rear of an allotment.</p>	<p>The application proposes a landscape buffer that ranges from nil to 5m in width along the Hume Highway and Shellcote Road frontages.</p> <p>The application proposes an active street frontage with new and used car display areas adjacent to the primary and secondary frontages. The motor showroom offices and customer service areas are directly accessible and visible from the street front.</p> <p>The vehicle repair station and basement car park are positioned towards the eastern side of the site to the rear of the development with access from Shellcote Road.</p>	<p>No. Refer to Note 3 below.</p> <p>Yes. The proposed development achieves an active street frontage.</p> <p>Yes. The proposed vehicle repair station is appropriately located.</p>
<p>Development adjacent to residential zones</p> <p>Council must consider the following matters:</p> <p>(a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone;</p> <p>(b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;</p> <p>(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the mid–winter solstice;</p> <p>(d) whether noise generation from fixed sources or motor</p>	<p>(a) The height, scale and siting of the proposed development is consistent with the existing motor showroom development on the subject site and the character of the locality.</p> <p>(b) The application does not propose to locate any plant or equipment along the boundaries of the site that are immediately adjacent to residential development.</p> <p>(c) The proposed development will maintain a minimum of 3 hours of solar access to the living areas and private open space of the adjoining residential properties.</p> <p>(d) The majority of the service centre work bays are located within the basement of the development which will provide sufficient noise insulation. The external work bays are to be used for vacuum/drying, washing and polishing purposes only and are positioned</p>	<p>Yes.</p>

<p>vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</p> <p>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and</p> <p>(f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.</p>	<p>more than 30m from the closest residential dwelling.</p> <p>(e) The proposed hours of operation are within a reasonable range for a business premises, which should minimise nuisance with respect to traffic movements, lighting and noise.</p> <p>(f) The rear-facing windows to the mezzanine level of the development are positioned a minimum of 20m from the boundaries adjoining the R2 low density residential zone and are not likely to result in any adverse visual privacy impacts.</p>	
<p>Off-street parking requirements</p> <p>The BDCP 2005 contains the following car parking rate for motor showrooms:</p> <p>1.5 car spaces per 200sqm of site area; and</p> <p>6 car spaces per work bay if servicing facilities are provided.</p>	<p>The subject site is 16,920sqm in area, which generates the demand for 127 car spaces.</p> <p>The application proposes 24 work bays, which generates the demand for 144 car spaces.</p> <p>Total requirement = 271 car spaces.</p> <p>The plans were amended throughout the assessment process to accommodate a total of 271 car spaces. This comprises of 87 spaces allocated to customers, 36 spaces allocated to staff and 148 spaces for storage (including cars parked before or after being serviced).</p>	<p>Yes.</p>

Note 1 – Storey limit

The mezzanine level which will present as a third storey to Shellcote Road and the residential properties fronting Noble Avenue is setback a minimum of 16.5m from the eastern (side) boundary at the closest point, with an average setback of approximately 50m. As such, the third storey component of the building is not likely to result in any adverse impacts on the adjoining properties with respect to overshadowing or visual bulk and scale. This issue is considered to be a technical non-compliance and is primarily the result of the natural contours

of the site. The proposal achieves the objectives of the storey limit control and the non-compliance is therefore considered to be acceptable.

Note 2 – Side/rear setback

The portion of the development that is setback 5.5m from the eastern boundary is single storey in height with an open rooftop car parking area above, while the portion of the development that is setback 4.5m from the southern boundary only relates to part of the basement level that extends above the natural ground level. As such, the built form at these points is low scale and is not likely to adversely impact the adjoining properties. The majority of the development achieves a substantial setback from the eastern and southern boundaries, which ranges from 10-50m. As such, the setback variation is considered to be negligible.

It is also noted that the single storey rooftop car parking area adjacent to the eastern boundary is not considered to result in any safety or headlight/glare impacts on the residential properties fronting Noble Avenue as a condition of consent will be imposed for appropriate balustrading and wheel stops, and the hours of operation will be limited to between 7.00am and 6.00pm. As such, the interface between the proposed development and the adjoining development is considered to be satisfactory.

Note 3 – Landscape buffer

The proposed development maintains the existing landscape buffer along both the primary and secondary frontages of No. 135 Hume Highway and the application proposes to retain all existing trees within this landscape buffer. It is considered that widening the buffer to provide additional landscaping is not likely to improve the existing situation, which currently achieves the objectives of the control. The proposed landscape buffer along the frontage of Nos. 139-151 Hume Highway is an average of 3m in width and provides a sufficient setback for buffer planting. The variation is therefore considered to be acceptable.

As demonstrated in the above assessment, the application is considered to be satisfactory with regard to the relevant controls contained in the BDCP 2005.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

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

As discussed in this report, the proposed development is acceptable with regard to its likely environmental, social and economic impacts on the locality.

Suitability of the site [section 79C(1)(c)]

The proposed development is permitted with consent on the subject site, and represents a built form that is compatible with the existing and desired future character of the locality.

Submissions [section 79C(d)]

The application was advertised and notified for a period of twenty-one (21) days from 21 January 2015 to 10 February 2015. No submissions were received. The amended plans submitted throughout the assessment of the application did not require re-notification as there were no significant modifications or increase in impact on the adjoining properties.

The public interest [section 79C(1)(e)]

The proposed development would not contravene the public interest. The proposed development responds appropriately to the relevant provisions and controls contained in the *Bankstown Local Environmental Plan 2001* and the *Bankstown Development Control Plan 2005*. No public submissions were received, and it is considered that there will be no unreasonable impacts on the locality.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979* which requires an assessment against the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 - Remediation of Land*, *Bankstown Local Environmental Plan 2001*, (draft) *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2005*.

The proposed development represents an appropriate built form for the site and the relevant planning controls have been appropriately responded to. No public submissions were received, and the proposal is not considered to have any unacceptable or unreasonable impacts on the surrounding locality.

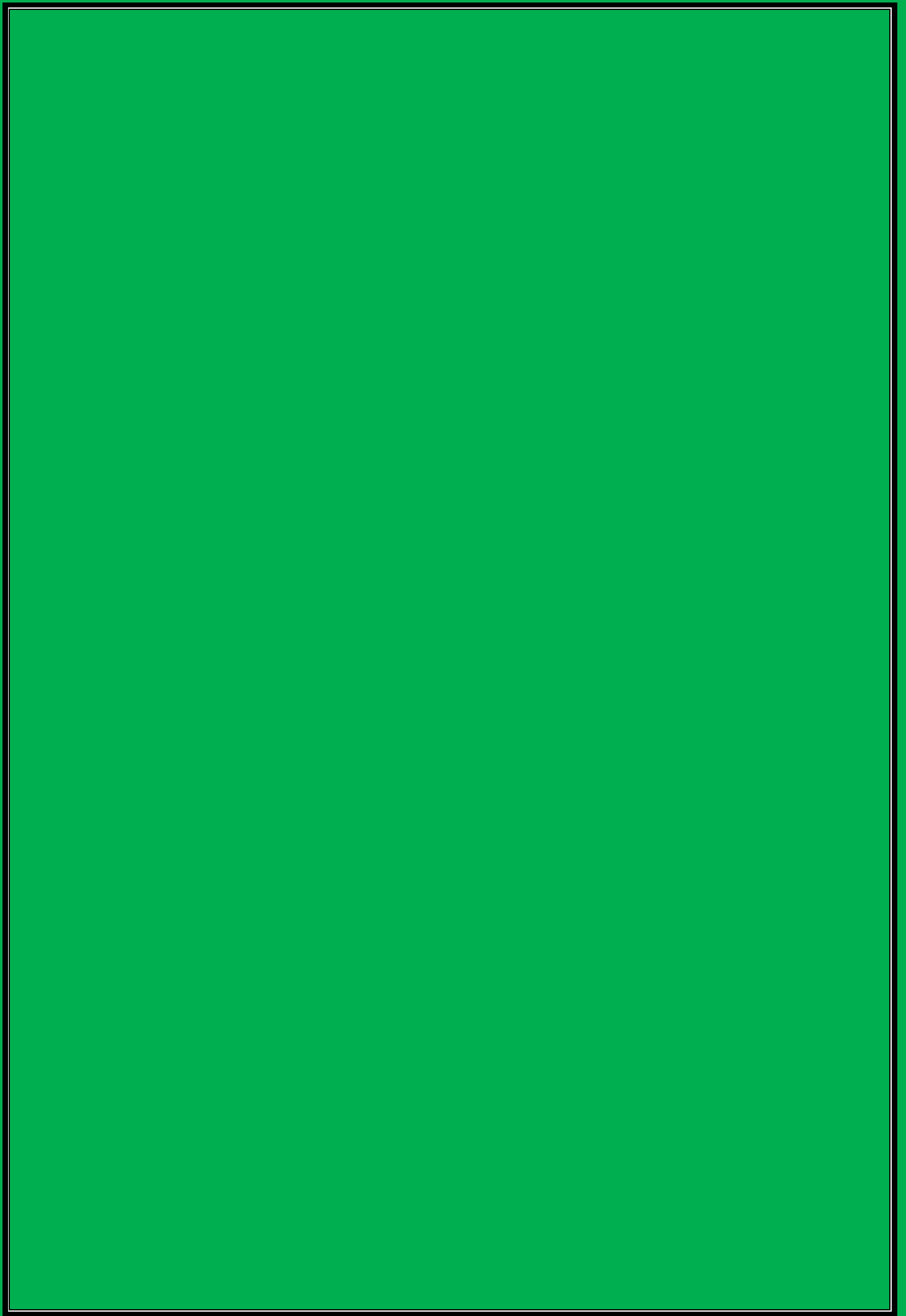
RECOMMENDATION

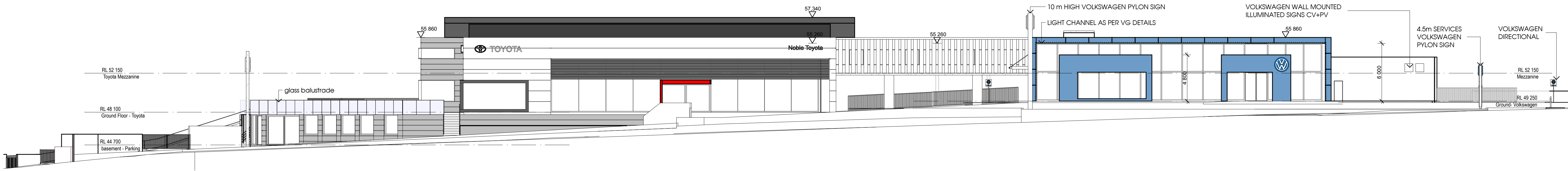
That Development Application No. DA-1369/2014 be approved on a “deferred commencement” basis, with the operational consent to be issued upon registration of the lot created by the subdivision of Cahill Lane.

Elevations

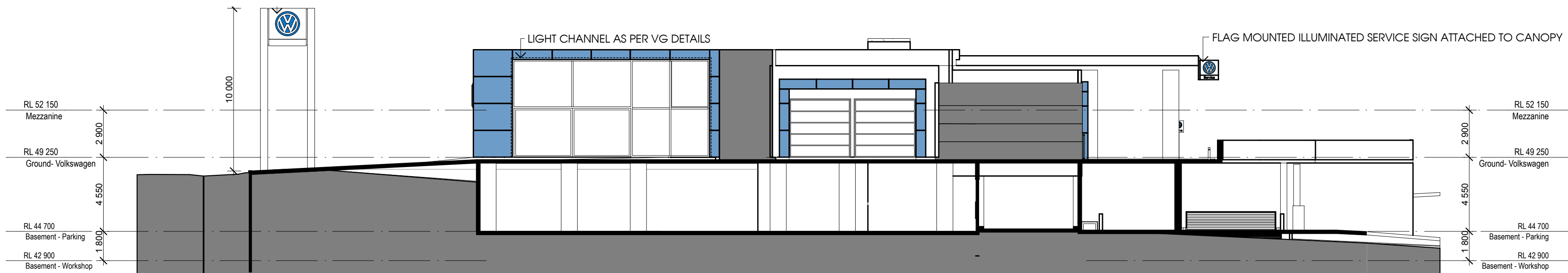
2015SYW139

Motor Vehicle Showroom
135-151 Hume Highway, Chullora

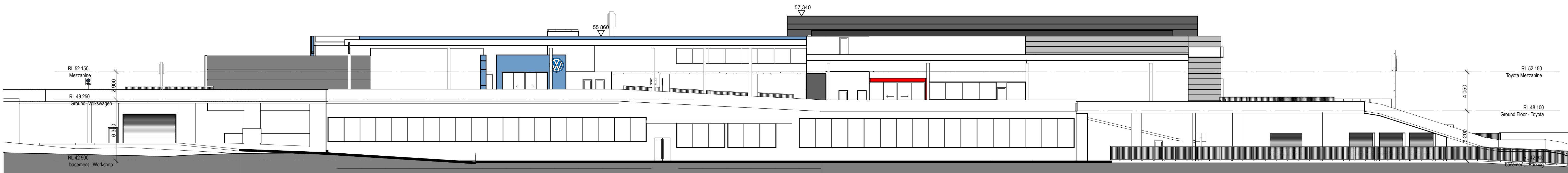




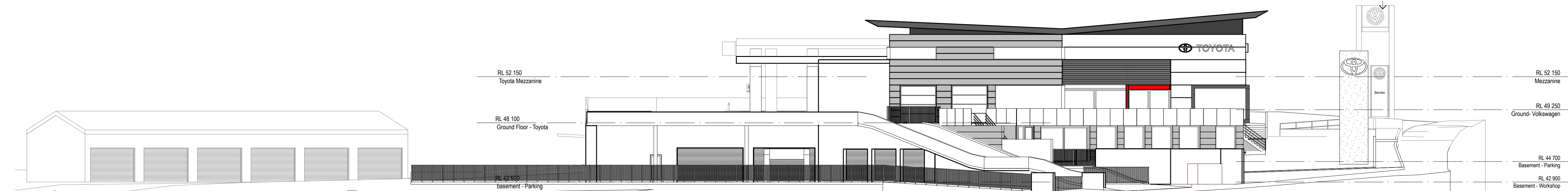
North-Western Elevation
1:200



South-Western Elevation
1:200



South-Eastern Elevation
1:200



North-East Elevation
1:200

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- larger scale drawings and written dimensions take preference.
- do not scale from drawing
- all dimensions to be checked on site before commencement of work.
- all discrepancies to be brought to the attention of the author.

Notes

B	amend car parking, add driveway dims, amend VW showroom, add temporary service building	bL	04.06.15
A	For Development Application	bL	16.12.14
issue	details	by	date
amendments			

project
PROPOSED MIXED USE DEVELOPMENT

location
135 HUME HIGHWAY

CHULLORA

client
NOBLE TOYOTA

drawing title
Elevations

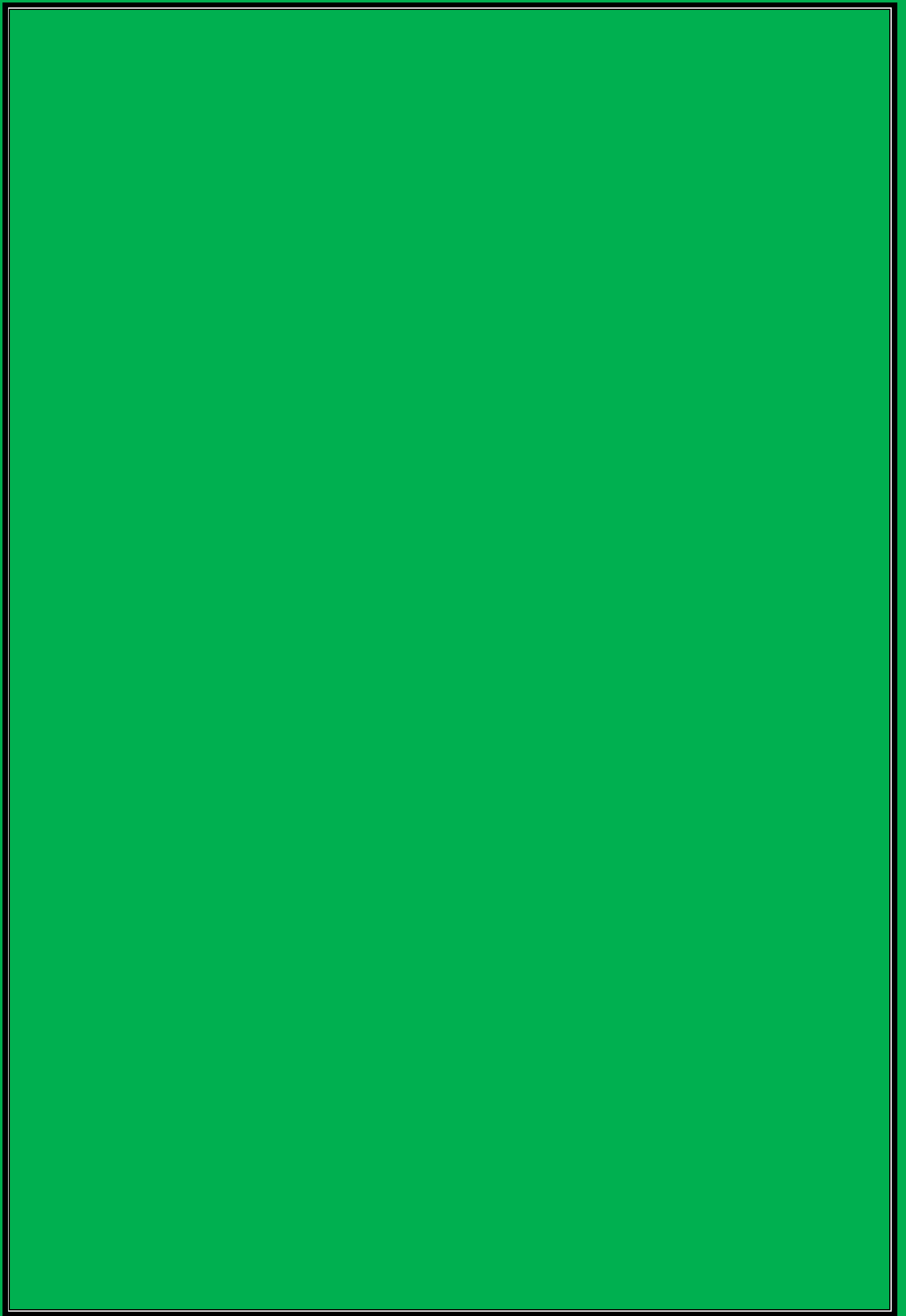
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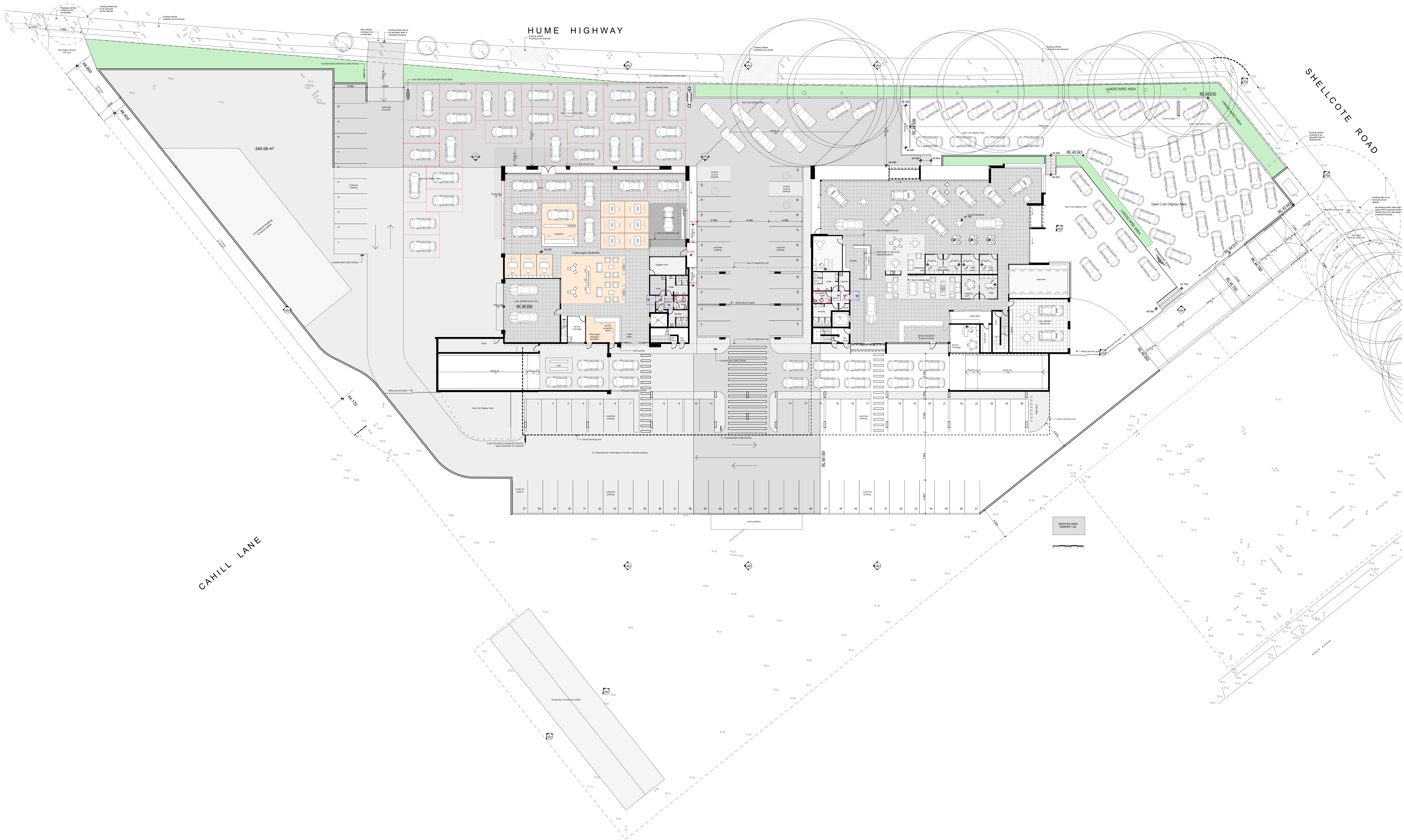
m p a
mosca pserras architects
suite 501, 7 Secant st liverpool, nsw 2170
p 02 9601 3244 f 02 9601 6336
a p.o.box 3353 liverpool westfield, nsw 2170

Site & Ground Floor Plans

2015SYW139

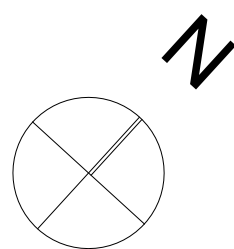
Motor Vehicle Showroom
135-151 Hume Highway, Chullora





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A	For Development Application	bL	16.12.14
issue	details	by	date
amendments			

project PROPOSED MIXED USE DEVELOPMENT

location
135 HUME HIGHWAY

CHULLORA

client
NOBLE TOYOTA

drawing title
Ground Floor Plan

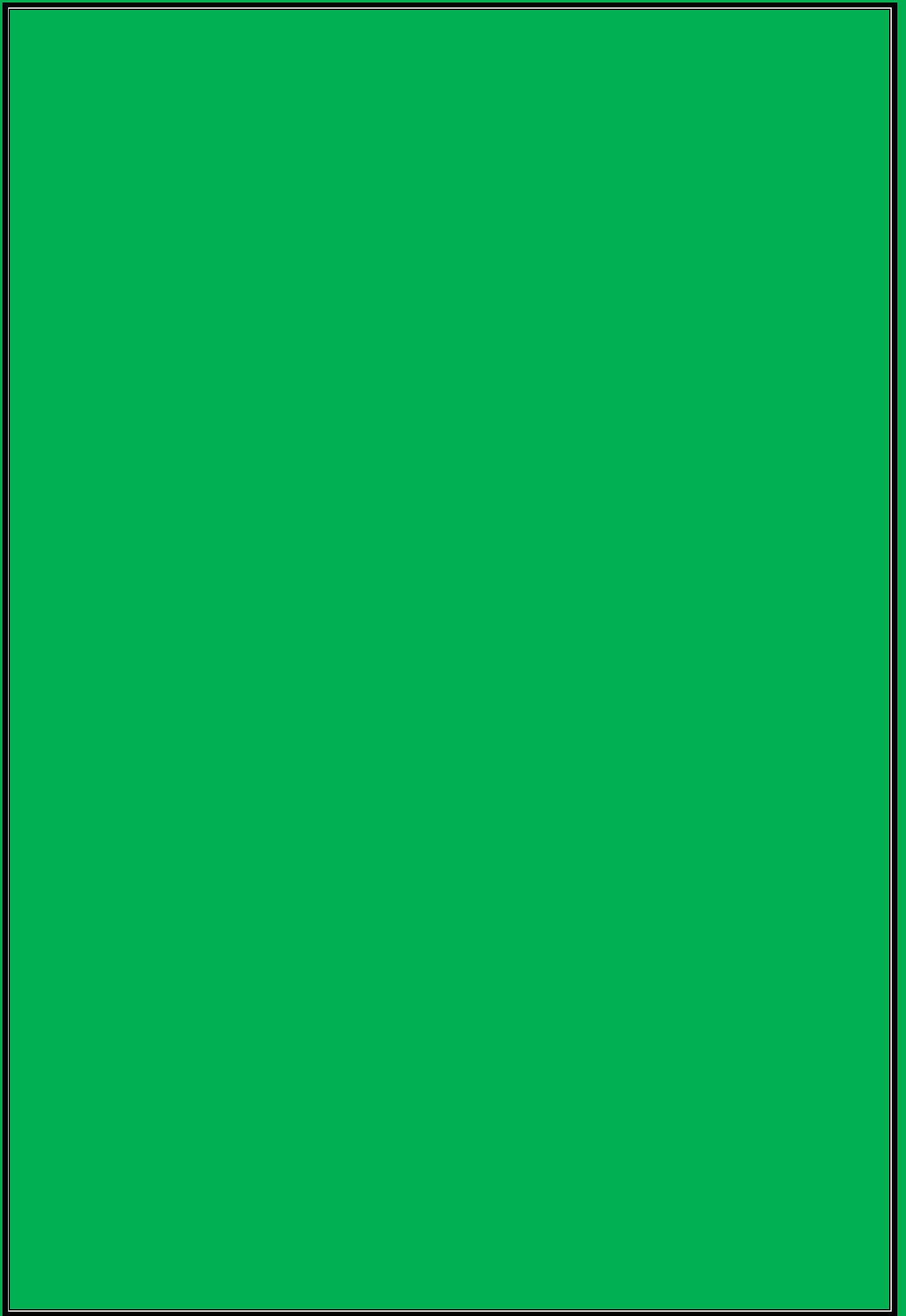
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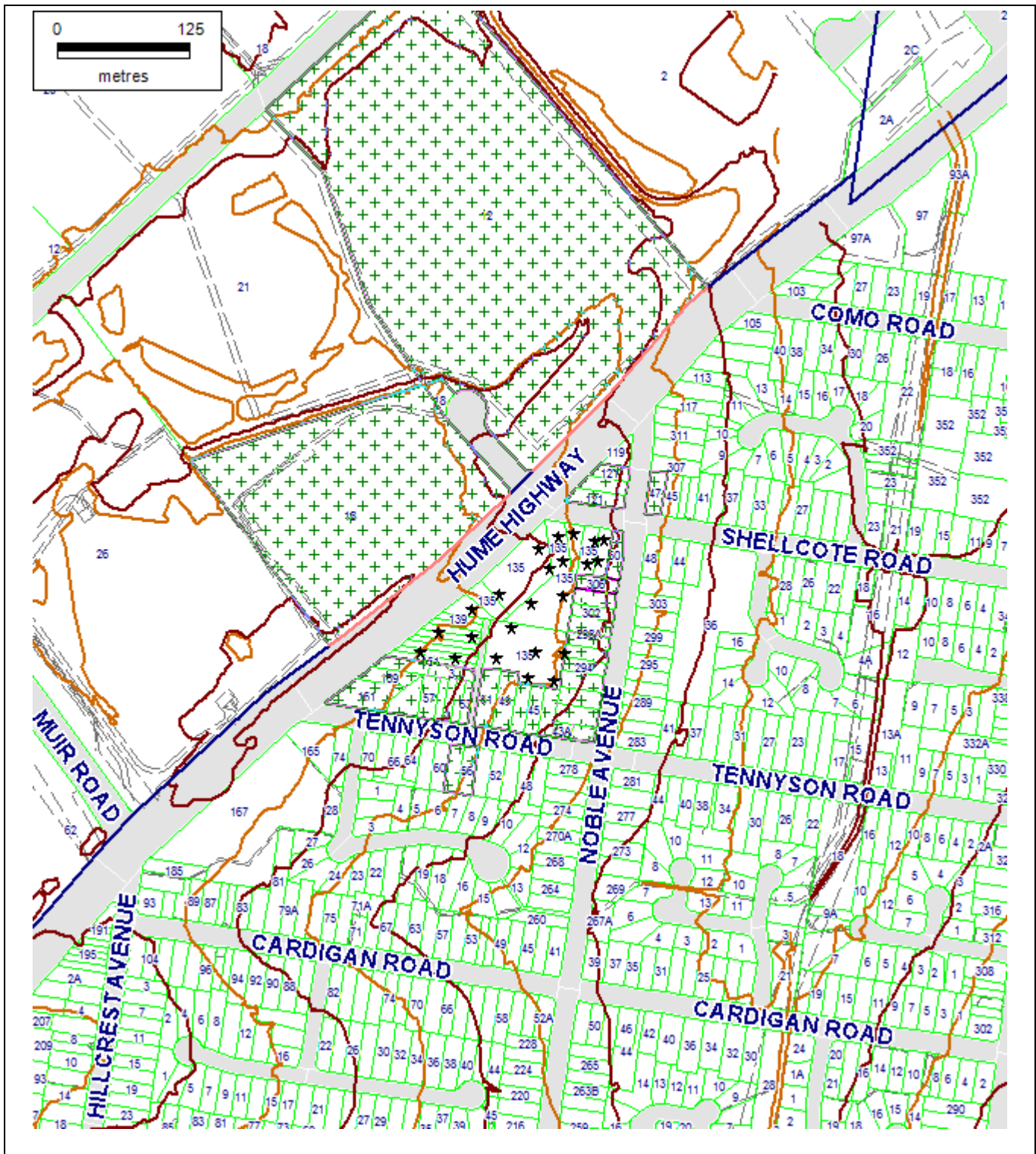
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Notification Map

2015SYW139

Motor Vehicle Showroom
135-151 Hume Highway, Chullora





135-151 Hume Highway, Greenacre



TARGET PROPERTY



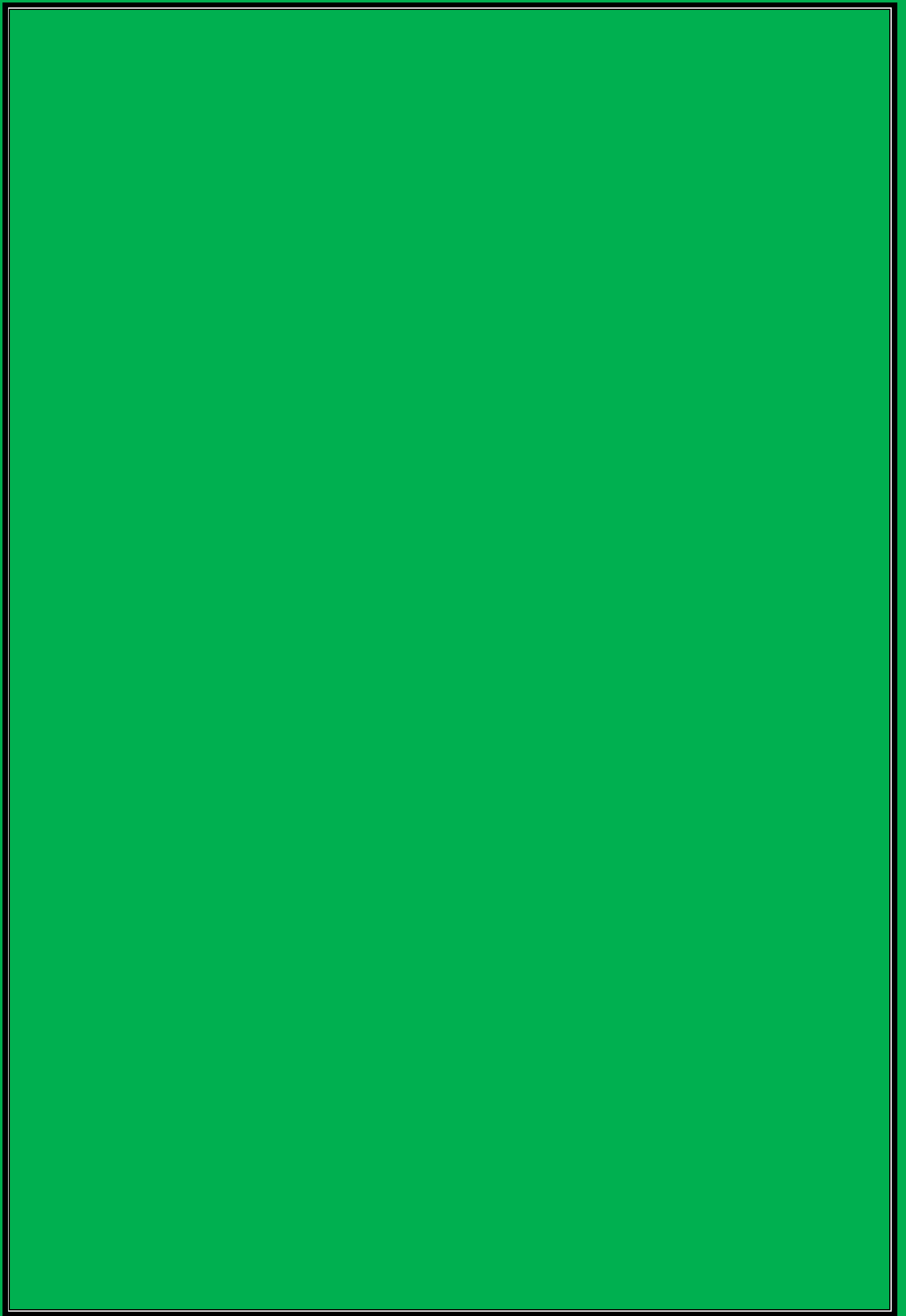
NOTIFIED PROPERTIES



1:5,388
1 October 2015



Conditions of Consent



DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

The following deferred commencement condition must be complied with to the satisfaction of Council within twelve (12) months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

- 1) The allotment created by the subdivision of Cahill Lane (in accordance with Development Application No. DA-696/2015) shall be registered with NSW Land and Property Information. Evidence of this registration shall be submitted to Council.

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 79(C) of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 (does not apply to Integrated Development proposals) or appeal to the Land and Environment Court pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Section 82A must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Section 125 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.

6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

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-1369/2014, submitted by Frank Mosca, accompanied by Drawing No. 13037 AP03 and AP09, Issue A, dated 16 December 2014, and Drawing No. 13037 AP01, AP02, AP04 and AP05, Issue B, dated 4 June 2015, prepared by Mosca Pserras Architects, 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.

The development plans shall be amended as follows:

- a) No approval is granted for the 'temporary car service facility' shown on the approved plans in the southern corner of the site. This component of the proposed development shall be deleted from the plans, and all Construction Certificate plans shall reflect this amendment.
 - b) The car parking area above the basement service centre adjacent to the eastern boundary of the site shall be designed to incorporate appropriate wheel stops and balustrading to address safety and headlight/glare impacts on the residential properties fronting Noble Avenue. All Construction Certificate plans shall reflect this requirement.
- 3) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.

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

- 4) 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.
- 5) 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.

The Landscape Plan shall be amended as follows:

- Incorporate the retention of all existing trees located on the Hume Highway nature strip forward of the development site, with the exception of the *Eucalyptus baueriana* (Blue Box) located forward of 151 Hume Highway;
- Delete all reference to planting *Corymbia ficifolia* “Summer Beauty” on the Hume Highway nature strip;
- Include 3 x *Eucalyptus baueriana* (Blue Box) to be planted on the Hume Highway nature strip. The trees shall be a minimum of 100Litre size shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201. Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:
 1. Carry out engineering works to protect those services from damage; or
 2. Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
 3. Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The trees shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

- Include 8 x *Corymbia maculata* (Spotted Gum) in the deep soil buffer area along the Hume Highway setback of the site. The trees shall be a minimum of 800Litre size and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use. The trees shall be planted by a qualified landscape contractor and to the satisfaction of the project arborist.
- Include 1 x *Corymbia maculata* (Spotted Gum) in the deep soil buffer area along the Shellcote Road setback of the site. The tree shall be a minimum of 800Litre size and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use.

The tree shall be planted by a qualified landscape contractor and to the satisfaction of the project arborist.

- 6) The applicant shall engage a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience, together with experience on construction sites – as a project arborist to oversee all tree works and to prepare a Tree Management Program for the site. All trees to be retained and protected, and trees located on adjoining properties and the adjoining nature strip 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.

The details of this Tree Management Plan are to be site specific and should include, but are not limited to, the following procedures:

- A site plan showing the locations of all trees to be retained, including the associated SRZ and TPZ;
- Specific tree care and protection procedures for the *Corymbia citriodora* (Lemon-scented Gums) located along the Hume Highway and Shellcote Road setbacks.
- Project implementation;
- Record keeping and documentation;
- Monitoring and control (hold points);
- Conflict resolution;
- Tree pruning and removal procedures;
- Ongoing monitoring and maintenance procedures.

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

- 7) 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.
- 8) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 9) 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 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.

- 10) 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.
- 11) 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.
- 12) 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 \$145,000.00 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.

- 13) 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.
- 14) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) Three (3) heavy duty VFC at the property boundary, two (2) on the Hume Highway in accordance with the Roads & Maritime Services (RMS) requirements stated in their letter dated 24th February 2015 to Bankstown City Council and one (1) on Shellcote Road.
 - b) Drainage connection to Council's street stormwater inlet pit in Noble Avenue.
 - c) 1.2 metre wide concrete footway paving along the sites entire frontage to Shellcote Road and along the Hume Highway frontage as per the RMS requirement.

- d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- e) Repair of any damage to the public road including the footway occurring during development works.
- f) 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 and road signage posts shall be carried out to the requirements of the public utility authority.

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

- 15) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. H – 01 to H – 08, rev B, dated November 2014 prepared by ABEL & BROWN PTY. LTD. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 16) 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.

- 17) 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.

- 18) 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.
- 19) 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 construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and 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.

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

A PRIVATE CERTIFIER 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) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The

applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

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

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

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

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

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

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

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

- 21) The pump out drainage system for the access ramp and basement car parking area shall be provided 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.
- 22) 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) 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.
- 24) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 25) 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.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 26) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision 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 / subdivision 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 building 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 building / subdivision work.
- 27) 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.
- 28) Approval is granted for the removal of the following trees:
- Any tree/s growing within the building footprint of the approved structures;
 - Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling on the same property;
 - 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;
 - Any tree species listed under clause 2.7 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order;
 - Any of the following trees:
 - Tree 1 to Tree 16 inclusive as per Table 1.0 in the Arboricultural Impact Assessment, Ref 1412v2, dated 18/6/2015, by Redgum Horticultural.

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.

- 29) The following tree/s shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location
8 x <i>Corymbia citriodora</i> (Lemon-scented Gum)	Front set back - Hume Highway frontage of the property
7 x <i>Corymbia citriodora</i> (Lemon-scented Gum)	Side set back – Shellcote Road frontage of the property

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the Tree Management Plan prepared by the appointed project arborist.

- 30) The following street trees shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location
7 x <i>Eucalyptus baueriana</i> (Blue Box)	Nature strip, Hume Highway frontage of the property.
1 x <i>Tristaniopsis laurina</i> (Watergum)	
1 x <i>Corymbia ficifolia</i> (Dwarf Flowering Eucalypt)	

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) shall be marked on all demolition and construction drawings.
- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- The area of Council's nature strip – excluding the concrete footpath – shall be fenced off at the defined Tree Protection Zone (TPZ) determined as per cl. 3.2 of the Australian Standard AS4970-2009 Protection of trees on development sites prior to the commencement of demolition. The tree protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works.
- The applicant will display in a prominent location on the fencing of each tree protection zone a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - The Development Consent number;

- The name and contact phone number of the nominated project arborist;
- The purpose of the protection zone;
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced off Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced off Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced off Tree Protection Zone.
- Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.

31) Approval is granted for the removal of the following trees:

Tree Species	Location
1 x <i>Eucalyptus baueriana</i> (Blue Box)	Nature strip forward of 151 Hume Highway to allow vehicle footpath construction

The tree removal works are subject to the following conditions:

- All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- Appropriate hazard signage to be in place at all times during the tree works.

All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.

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 > 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 the structures currently existing on the property, subject to strict compliance with the following:

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) 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.

- c) 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.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's

requirements, the demolition plans will be stamped indicating that no further requirements are necessary.

- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) 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.
- i) 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'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.

- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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 by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to 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) 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.
- 49) 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

- 50) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 51) 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.
- 52) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an Occupation Certificate.
- 53) 271 off street car spaces being provided in accordance with the submitted plans. This shall comprise:
 - 87 customer spaces
 - 36 employee spaces
 - 187 car storage spaces

Three (3) of the above customer car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 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) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development.
- 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.

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

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

- 59) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 60) 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.

NSW ROADS AND MARITIME SERVICES CONDITIONS TO BE SATISFIED

- 61) The customer parking access driveway width is to be minimum 5.5 metres for at least 6 metres from the property line as per AS2890.1:2004. The service vehicle driveway width should comply with AS2890.2-2002.

The design and construction of the vehicular crossing on Hume Highway shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime's Statewide Delivery Section (8849 2138).

Detailed design plans of the proposed vehicular crossing are to be submitted to Roads and Maritime for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- 62) The service vehicle egress onto Hume Highway should be designed so that vehicles are restricted from entering the development via this driveway.
- 63) A road occupancy license should be obtained from RMS Transport Management Centre for any works that may impact on traffic flows on Hume Highway during construction activities.
- 64) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for determination prior to the issue of a construction certificate.
- 65) The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Roads and Maritime and Council for approval, which shows that the proposed development complies with this requirement.

- 66) Council should ensure that the post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge.
- 67) Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the Roads and Maritime for approval, prior to the commencement of works.

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

- 68) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The development is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone 8848 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 69) 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 AS2890.1-2004.
- 70) All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime.
- 71) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

- 72) All redundant driveways shall be removed and replaced with kerb and gutter to Roads and Maritime requirements.
- 73) All vehicles are to enter and leave the site in a forward direction.
- 74) All works associated with the proposal shall be at no cost to Roads and Maritime.

USE OF THE SITE

- 75) Car parking spaces for 87 customer vehicles and 36 employee vehicles shall be provided in marked spaces in the manner generally shown on the approved plans. The car parking spaces, driveways and manoeuvring areas are to be used for employee and customer vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 76) The hours of operation of the use shall be limited to between:
 - 7.00am – 5.30pm Mondays to Fridays;
 - 8.00am – 6.00pm on Saturdays (sales only);
 - 8.00am – 1.00pm on Saturdays (service only); and
 - 9.00am – 6.00pm on Sundays and Public Holidays (sales only).
- 77) 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.
- 78) 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.
- 79) 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.
- 80) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 81) 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.

- 82) 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.
- 83) The proposed use is to comply with the following requirements:
- a) All motor vehicle repairs are to be carried out wholly within the factory unit / building. Servicing, detailing and repairs of vehicles or the storage of vehicle parts are to be conducted in a bunded area. No repairs of any sort are to be carried out in the car park, common areas or on the public road.
 - b) Covered, bunded work areas including workshops and lube bays are to be graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal and/or reuse. If liquid wastes are to be disposed of to the sewer, a trade Waste Agreement from Sydney Water is to be obtained.
 - c) Damaged or leaking vehicles are to be stored within the unit / building to ensure no contaminants are washed into stormwater drains.
 - d) All new and used oils/lubricants are to be stored in sealed containers under cover, in a designated, bunded area while awaiting removal from the premises.
 - e) The business is to be operated in a manner so that no contaminants from the workshop are permitted to enter the stormwater drainage system by the washing down of work areas or the disposal of waste and spills.
 - f) All painting and chemical treatment of vehicles is to be conducted wholly within an approved spray booth.
- 84) No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 85) Any lighting on the site shall be designed so as not to cause nuisance to 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.
- 86) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.

- 87) Washing of vehicles is to be conducted in a car washbay, which is roofed and bunded to exclude rainwater. All waste water from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.
- 88) The stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.