



ENVIRONMENTAL INVESTIGATION SERVICES

14/02/2017
Ref: E28497Klet

Bunnings Group Ltd
11 Shirley Street
Rose Hill

Attention: Mr Phillip Drew

PROPOSED COMMERCIAL DEVELOPMENT BY BUNNINGS
1-15 STURT STREET, SMITHFIELD

EIS undertook an environmental assessment of the above property in 2015 and subsequently prepared a report (Ref: 28497K dated 13 July 2015). The report included a detailed site history and soil sampling from 20 boreholes from across the site. The investigation did not identify any contaminant concentrations above the health based investigation criteria. Some fragments of asbestos cement were identified in the some of the fill samples, this is not unusual for former industrial sites. Based on our understanding of this site the remediation process is likely to be straightforward and similar to many Bunnings projects that we have been involved in.

The report recommendations included undertaking some further investigation to better inform the preparation of the Remedial Action Plan. These additional works could be completed post demolition and specified as part of your DA consent conditions (as with the Bunnings sites at Bonnyrigg and Gladesville). Undertaking the additional works post demolition would also be advantageous in that access to the entire site would be available.

With regard to State Environmental Planning Policy No55 EIS are of the opinion that, based on our data, the site does not pose a significant environmental risk. As noted above the remediation of the site to a level suitable for ongoing commercial/industrial use should be relatively routine. The most pragmatic approach for moving forward would be demolish the buildings to enable an effective remediation strategy to be designed and implemented.

If you have any questions concerning the contents of this letter please do not hesitate to contact us.

Kind Regards

A handwritten signature in black ink, appearing to read 'Adrian Kingswell', with a horizontal line underneath.

Adrian Kingswell BSc, MSc
Principal



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EIS is a division of Jeffery and Katauskas Pty Ltd • ABN 17 003 550 801

City of Ryde
Civic Centre, Devlin Street, Ryde
Locked Bag 2069, North Ryde NSW 1670
Facsimile 9952 8070
Telephone 9952 8222



Development Consent

Applicant: Bunnings Properties Pty Ltd
C/- Philip Drew
11 Shirley Street
ROSEHILL NSW 2142

Consent No: LDA2015/0214

Consent Date: 28 October 2015

Valid until: 28 October 2020

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

Property: 459 & 461-495 Victoria Rd Lot 2 DP1008105 &
Gladesville Lot 300 DP 1194688

Development: Demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse; construction of a bulky goods Homemaker Centre (no fitout proposed); construction of a child care centre for up to 50 children (no fitout or operational details proposed); two levels of car parking containing 900 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road, trial closure of College Street, removal of trees, landscaping works, stratum subdivision and signage.

Subject to the conditions 1 to 142 specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 97 of the Environmental Planning & Assessment Act and your right to request a

review of the determination to Council under Section 82A of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

A handwritten signature in black ink, appearing to read 'Andy Nixey', with a stylized flourish at the end.

Andy Nixey
Senior Town Planner

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

GENERAL REQUIREMENTS

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans and Documents:** Except where otherwise provided in this consent, the development is to be carried out generally in accordance with the following plans (stamped approved by Council) and support documents:

Architectural Plans – Prepared by John R Brogan & Associates			
Document Description	Project No.	Date	Plan No/Reference
Cover Sheet	1277	7.05.15	Drawing No. 001 Amendment A
Demolition Plan	1277	7.05.15	Drawing No. 005 Amendment A
Demolition Plan – Trees to be removed	1277	7.05.15	Drawing No. 006 Amendment A
Site Outline	1277	7.05.15	Drawing No. 010 Amendment A
Stage 1 Floor Plan Carpark Level 2	1277	17.08.15	Drawing No. 030 Amendment C
Stage 1 Floor Plan Carpark Level 1	1277	17.08.15	Drawing No. 0031 Amendment B
Stage 1 Floor Plan Warehouse Level 2	1277	17.08.15	Drawing No. 032 Amendment B
Stage 1 Floor Plan Warehouse Level 1	1277	17.08.15	Drawing No. 033 Amendment B
Site Plan/Roof Plan Stage 1	1277	17.08.15	Drawing No. 034 Amendment B
Stage 1 Elevations	1277	17.08.15	Drawing No. 035 Amendment B
Areas Diagram Stage 1	1277	17.08.15	Drawing No. 036 Amendment B
Areas Diagram Stage 1	1277	17.08.15	Drawing No. 037 Amendment B
Stage 2 Floor Plan Carpark Level 2	1277	17.08.15	Drawing No. 040 Amendment C
Stage 2 Floor Plan Carpark Level 1	1277	17.08.15	Drawing No. 041 Amendment B
Stage 2 Floor Plan Warehouse Level 1	1277	17.08.15	Drawing No. 042 Amendment B
Stage 2 Floor Plan Warehouse Level 2	1277	17.08.15	Drawing No. 043 Amendment B
Site Plan/Roof Plan Stage 2	1277	17.08.15	Drawing No. 044 Amendment B
Stage 2 Elevations	1277	17.08.15	Drawing No. 045 Amendment B
Areas Diagram Stage 2	1277	17.08.15	Drawing No. 046 Amendment B
Areas Diagram Stage 2	1277	17.08.15	Drawing No. 047 Amendment B
Site Plan Stage 3 Parking Level 2	1277	17.08.15	Drawing No. 050 Amendment C
Site Plan/Floor Plan	1277	17.08.15	Drawing No. 051 Amendment B

Architectural Plans – Prepared by John R Brogan & Associates			
Document Description	Project No.	Date	Plan No/Reference
Stage 3 Floor Plan Carpark Level 1			
Site Plan/Floor Plan Stage 3 Floor Plan Warehouse Level 1	1277	17.08.15	Drawing No. 052 Amendment B
Site Plan/Floor Plan Stage 3 Floor Plan Warehouse Level 2	1277	17.08.15	Drawing No. 053 Amendment B
Site Plan/Roof Plan Stage 2	1277	17.08.15	Drawing No. 054 Amendment B
Areas Diagram Stage 3	1277	17.08.15	Drawing No. 055 Amendment C
Areas Diagram Stage 2	1277	17.08.15	Drawing No. 056 Amendment B
Floor Plan Carpark Level 2	1277	17.08.15	Drawing No. 100 Amendment B
Floor Plan Carpark Level 1	1277	17.08.15	Drawing No. 101 Amendment B
Floor Plan Warehouse Level 1	1277	17.08.15	Drawing No. 102 Amendment B
Floor Plan Warehouse Level 2	1277	17.08.15	Drawing No. 103 Amendment B
Floor Plan Foundation Space Level	1277	17.08.15	Drawing No. 104 Amendment B
Floor Plan Homemaker Parking	1277	17.08.15	Drawing No. 105 Amendment B
Floor Plan Homemaker Level 1	1277	07.05.15	Drawing No. 106 Amendment A
Floor Plan Homemaker Level 2	1277	17.08.15	Drawing No. 107 Amendment B
Floor Plan Bunnings Roof Plan	1277	17.08.15	Drawing No. 110 Amendment B
Floor Plan Homemaker Roof Plan	1277	17.08.15	Drawing No. 111 Amendment B
Bunnings Sections Stage 3	1277	07.05.15	Drawing No. 120 Amendment A
Homemaker Sections	1277	07.05.15	Drawing No. 121 Amendment A
Bunnings Sections Stage 3	1277	07.05.15	Drawing No. 122 Amendment A
Section Detail	1277	07.05.15	Drawing No. 123 Amendment A
Elevation Stage 1	1277	07.05.15	Drawing No. 130 Amendment A
Elevation Stage 3	1277	07.05.15	Drawing No. 131 Amendment A
Elevation Stage 1	1277	07.05.15	Drawing No. 132 Amendment A
Shadow Diagram	1277	07.05.15	Drawing No. 200 Amendment A
Floor Plan Detail	1277	07.05.15	Drawing No. 300 Amendment A

Architectural Plans – Prepared by John R Brogan & Associates			
Document Description	Project No.	Date	Plan No/Reference
Bunnings Waste Recycling			
Floor Plan Detail – Waste Recycling for Child Care Centre Tenancy Shell	1277		Drawing No. 301 Amendment A
Plan Detail Bulky Goods Waste Recycling	1277		Drawing No. 302 Amendment A

Engineering Plans – C & M Consulting Engineers		
Document Description	Drawing No.	Revision
General Arrangement Plan Parking Level 2 Stage 1	01155_211	Revision 3
General Arrangement Plan Parking Level 1 Stage 1	01155_212	Revision 3
General Arrangement Plan Warehouse Level 1 – Stage 1	01155_213	Revision 3
General Arrangement Plan Warehouse Level 2 – Stage 1	01155_214	Revision 3
General Arrangement Plan – Roof – Stage 1	01155_215	Revision 3
General Arrangement Plan Parking Level 2 - Stage 2	01155_221	Revision 3
General Arrangement Plan Parking Level 1 - Stage 1	01155_222	Revision 3
General Arrangement Plan Warehouse Level 1 – Stage 2	01155_223	Revision 3
General Arrangement Plan Warehouse Level 2 – Stage 2	01155_224	Revision 3
General Arrangement Plan – Roof – Stage 2	01155_225	Revision 3
General Arrangement Plan Parking Level 2 - Stage 3	01155_231	Revision 3
General Arrangement Plan Parking Level 1 - Stage 3	01155_232	Revision 3
General Arrangement Plan Warehouse Level 1 – Stage 3	01155_233	Revision 3
General Arrangement Plan Warehouse Level 2 – Stage 3	01155_234	Revision 3
General Arrangement Plan – Roof – Stage 3	01155_235	Revision 3
Ramp Longitudinal Section – Ramp No. 1, 2 and 3	01155_301	Revision 1
Ramp Longitudinal Section – Ramp No. 4 and 5	01155_302	Revision 1
Ramp Longitudinal Section – Ramp No. 6	01155_303	Revision 1
Typical Sections	01155_351	Revision 1
Typical Sections	01155_352	Revision 1

Engineering Plans – C & M Consulting Engineers		
Document Description	Drawing No.	Revision
Stormwater Drainage OSD Tank No. 1 & General Details	01155_651	Revision 1
Stormwater Drainage OSD Tank No. 2 and 3 Details	01155_652	Revision 1
Sediment & Erosion Control Plan	01155_701	Revision 1
Sediment & Erosion Control Plan	01155_751	Revision 1

Landscape Plan – John Lock & Associates			
Document Description	Drawing No.	Date	Revision
Landscape Plan – Stage 1	2203 LP-00	7.09.15	Revision G
Landscape Plan – Stage 1, 2, & 3	2203 LP-01	7.09.15	Revision G
Landscape Elevations – Stage 1	22-3 LP-02.1	5.05.15	Revision F
Landscape Elevations – Stage 1	22-3 LP-02	5.05.15	Revision F
Landscape Elevations – Stage 1	22-3 LP-03	5.05.15	Revision F

Road Widening Works - AT&L			
Document Description	Drawing No.	Project No.	Issue No.
General Arrangement Plan	DAC001	11-58	P5
Functional Layout Plan – Sheet 1	DAC002	11-58	P4
Functional Layout Plan – Sheet 2	DAC003	11-58	P3
Functional Layout Plan – Sheet 3	DAC004	11-58	P3
Vehicle Turn Path – Sheet 1	DAC006	11-58	P3
Vehicle Turn Path – Sheet 2	DAC007	11-58	P3

Subdivision Plans – Craig and Rhodes		
Document Description	Drawing No.	Date
Plan of Proposed Subdivision LOT 1 D.P. 739556	191-10G L02 [00] - 001	18.01.12
Plan of Proposed (Stratum) Subdivision LOT 3 D.P. 388518	191-10G L01 [00] - 01	20.09.12

List of Consultant Documentation		
Report	Prepared by	Date
Statement of Environmental Effects	DFP Planning Pty Ltd	May 2015
Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	May 2015

List of Consultant Documentation		
Report	Prepared by	Date
Stormwater Management Plan Report No. R01155-SWMP Revision C	C&M Consulting Engineers Pty Ltd	April 2015
Flood Risk Assessment	Cardno (NSW/ACT) Pty Ltd	08.05.15
Tree Assessment Report	Abel Ecology	23.03.15
Flora and Fauna Report	Abel Ecology	26.03.15

The following conditions refer to the stages of development as detailed in the above approved plans i.e. Stage 1: Construction of Bunnings Warehouse; Stage 2: Construction of Bulky Goods Tenancies (south); and Stage 3: Construction of Bulky Goods Tenancies (north).

For Stage 1, the conditions refer to the issuing of Construction Certificates in accordance with the following:

- #1: Excavation, in-ground services/footings and retaining walls;
- #2: car parking levels;
- #3: retail levels and roof; and
- #4: internal fitout.

2. **Amendment to Approved Plans.** Notwithstanding the approved plans referred to in condition 1, the following amendment is required:
 - a) The height of the freestanding pylon signs (located along Victoria Road) are not to exceed a maximum height of 6m above ground level and a maximum width of 2m.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

3. **Staged Construction & Occupation of the Development.** This development consent permits the staged construction and occupation of the development hereby approved as indicated on the approved plans that identify specifics relating to each construction stage.

The Bunnings Warehouse building approved as part of Stage 1 shall not be occupied until the Principal Certifying Authority is satisfied that Stage 1 in its entirety, as detailed on the approved plans, has been implemented including the construction of the road and intersection works, and the relevant public domain and landscaping works forming part of this consent.

An Occupation Certificate for the Homemaker Centre (southern portion) approved as part of Stage 2 of this consent shall not be issued until such time as all relevant conditions have been satisfied and all works associated with Stage 2 have been completed to the satisfaction of the Principal Certifying Authority or Council.

An Occupation Certificate for the Homemaker Centre (northern portion) approved as part of Stage 3 of this consent shall not be issued until such time as all relevant conditions have been satisfied and all works associated with Stage 3 have been completed to the satisfaction of the Principal Certifying Authority or Council.

4. **Traffic Management.** A Traffic Management Plan (TMP) regarding the full trial closure of College Street is to be submitted to and approved by Council and RMS prior to the commencement of demolition and will require tabling through the Ryde Traffic Committee for the Technical input prior to finalisation.

The TMP is to include the installation of measures to introduce a trial full closure of College St, that follows the RMS Proforma (http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tmpln_v2.pdf). In conjunction with the TMP, suitably prepared drawings detailing the proposed measures shall be submitted to and approved by Council prior to the commencement of demolition. The trial full closure shall be implemented at no cost to Council by Bunnings. These works are to be completed prior to any demolition works commencing on the site.

5. **Trial Full Closure of College Street.** Prior to the commencement of demolition, the works required for the completion of the trial full closure of College Street in accordance with condition 4 are to be completed to Council's satisfaction. The trial full closure can be in the form of temporary bollards or barriers until after the 12 month trial and review required by condition 6.
6. **Trial Full Closure – Review.** The trial full closure of College Street, in accordance with conditions 4 and 5, shall be reviewed after 12 months of operation of the Bunnings store and the results reported back to Council at that time. The applicant shall cover the full cost of the traffic review, surveys and any supporting technical studies.

The report detailing the outcome of the review shall be provided by the applicant and submitted to and approved by Council and RMS for the implementation of the preferred treatment of College Street. All alterations and/or formalisation of College Street shall be undertaken by the applicant at no cost to Council.

7. **Child Care Centre.** Although the building shell for a potential child care centre is approved as part of this application, nothing in this consent permits the use of this building for a child care centre. Such a use will require the submission of a separate development application to Council.
8. **National Construction Code.** All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code/ Building Code of Australia.

9. **Support for neighbouring buildings.** If the development involves excavation that extends below 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, in accordance with relevant Australian Standards.

10. **Victoria Road.** All buildings or structures together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth) along the Victoria Road boundary.

11. **Works on Victoria Road.** Any land necessary to construct the new lane arrangement on Victoria Road including the bus lane, any road widening, and extension of the right turn lane, is to be dedicated for Road Reserve where required.

Note: The proponent is advised that land dedication or easements may be required for the maintenance of the Traffic Control Lights at the Victoria Road/Frank Street and Victoria Road/Tennyson Road intersections, and further details will be included as part of the Works Authorisation Deed process.

12. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

13. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

14. **Public space/Illumination of public place.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

15. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

16. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council

etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

17. **Service Alterations.** The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the approved work and as required by the various public utility authorities. All mains, services, poles, etc., which require alteration shall be altered at the developer's expense.
18. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council for assessment of all engineering and public domain plans, road use permits, work zone permits, crane permits and/or concrete pump permits, and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.
19. **Noise and Vibration Management Plan.** A Noise and Vibration Management Plan is to be submitted to, and approved by, Council prior to the commencement of any works. The Noise and Vibration Management Plan must be prepared by a suitably qualified acoustical consultant and must demonstrate noise and vibration during demolition and construction work will comply with the Department of Environment and Conservation NSW – *Assessing Vibration: a technical guideline -2006* and the Australian Standard 2436-2010 "*Guide to Noise and Vibration Control on Construction, Demolition and Maintenance sites*".

A copy of the submitted Management Plan is to be provided by Council to the operator of the existing Child Care Centre located within Building F with seven (7) days allowed for comment. These comments are to be taken into account by Council in consideration of the Management Plan.

All measures and recommendations contained within the approved Management Plan must thereafter be implemented during all demolition, excavation and construction work (see also condition 98).

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

20. **Demolition & Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition & Construction Traffic Management Plan (DCTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to the commencement of any demolition work. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DCTMP is intended to minimise impact of demolition activities on the surrounding community, in terms of

vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The DCTMP must:-

- Make provision for all materials to be stored on site, at all times.
- Ensure that no construction traffic enters the site from the College Street access point on the residential side (south-eastern) of the road closure.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the combined construction activities of other development in the surrounding area known at the time of preparing the DCTMP. To this end, the consultant preparing the DCTMP must engage and consult with developers undertaking major development works (being *Regional Development* as defined in Schedule 4A of the *Environmental Planning and Assessment Act 1979*) within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) dump truck routes. These communications must be documented and supplied to Council.

The DCTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual – "Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities).

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Demolition & Construction Traffic Management Plan is submitted.

21. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- a. Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date

- b. A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
22. **Excavation.** All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
23. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
24. **Demolition Work Method Statement.** A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
25. **Imported fill – type.** All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.
26. **Identification and removal of hazardous materials.** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
27. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
28. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
29. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
30. **Disposal of demolition waste/surplus excavated material.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.

31. **Discovery of Additional Information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

32. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any Occupation Certificate for Stage 1:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$411,550.56
Open Space & Recreation Facilities	\$NIL
Civic & Urban Improvements	\$654,473.12
Roads & Traffic Management Facilities	\$151,078.40
Cycleways	\$55,745.36
Stormwater Management Facilities	\$208,762.88
Plan Administration	\$15,213.36
The total contribution is	\$1,496,823.68

The components of the Section 94 levy that fall both within the category of 'Civic – Urban Improvements' and form part of the works required by conditions 47 and 48, may be offset by works-in-kind in accordance with section 2.9 of the Section 94 Contribution Plan.

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development

Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

33. **Compliance with Australian Standards.** The development, including all engineering work, is required to be carried out in accordance with all relevant Australian Standards. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

34. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of any Construction Certificate.
35. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of any Construction Certificate for Stage 1, Stage 2 and Stage 3 (category: other buildings with delivery of bricks or concrete or machine excavation).
36. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of any Construction Certificate for Stage 1, Stage 2 and Stage 3:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
37. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments

Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of any Construction Certificate for Stage 1, Stage 2 and Stage 3.

38. **Remediation Action Plan.** Prior to the issue of Construction Certificate #2 in any Stage, a Remediation Action Plan is to be prepared taking into account the staged construction of the development hereby approved. The Remediation Action Plan is to incorporate the recommendations contained on Pages 4 and 5 of the Environmental Site Assessment prepared by Environmental Investigation Services (Ref: E24260KHlet rev1) prepared on 21 April 2015 and the recommendations of the Hazardous Materials Risk Assessment prepared by John R Brogan and Associates Pty Ltd.

The Remediation Action Plan is to require a Site Validation Report to be prepared in relation to each construction stage.

39. **Remediation of land.** The land must be remediated to the extent necessary for the proposed use and a copy of the Site Validation Report must be submitted to Council for consideration. The Site Validation Report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

Construction Certificate #2 shall not be issued until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

40. **Notice of remediation work.** Before commencing remediation work, written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.
41. **Remediation work.** All remediation work must be carried out in accordance with the requirements of:
- a. State Environmental Planning Policy No. 55 - Remediation of Land;
 - b. any relevant guidelines published by the NSW Environment Protection Authority; and
 - c. any council policy or development control plan relating to the remediation of land.
42. **Council may require site audit of validation report.** If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
43. **Works on Victoria Road/Tennyson Road Intersection.** The proposed fourth leg of the Traffic Control Lights at the intersection of Victoria Road/Tennyson Road shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal

(ICS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of Construction Certificate #2 for Stage 1 and commencement of road works.

Works associated with the provision of access to the site via Tennyson Road, including Works to Traffic Control Lights and utilities, are to be carried out at no cost to Roads and Maritime.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works prior to the release of Construction Certificate #2 for Stage 1. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

44. **Works on Victoria Road/Frank Street Intersection.** The Frank Street approach to Victoria Road is to be widened to three lanes as shown indicatively on the development plans. These works including any alterations to Traffic Control Lights and utilities are to be carried out at no cost to Roads and Maritime.

Alterations to the existing Traffic Control Lights at the intersection of Victoria Road/Frank Street shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a Construction Certificate #2 for Stage 1 and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works prior to the release of Construction Certificate #2 for

Stage 1. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

45. **Safety Audit.** A Pedestrian and Road Safety Audit and Management Plan is to be prepared, by a qualified person, that considers the high probability that parents will park at Bunnings to pick up school children or for access to sporting fields (at no cost to council by Bunnings) and also to consider the impact of the two proposed child care centers in that location. The Pedestrian and Road Safety Audit and Management Plan is to be submitted to and approved by Council prior to the issue of Construction Certificate #3 for Stage 1.

46. Deleted.

47. **Public Domain – Improvement Works:** Public domain improvement works are to be undertaken along the Victoria Road, Frank Street and College Street frontages of the development site in accordance with the City of Ryde Development Control Plan 2014 Part 6.5 461-495 Victoria Road, Gladesville, and City of Ryde Public Domain Technical Manual, Section 2 – Gladesville. This work is to include but not be limited to paving, street lighting, street furniture and plantings. A public domain plan is to be submitted to Council for approval, prior to the issue of Construction Certificate #2 for Stage 1. The public domain improvement works are to comprise the following:

- (a) All telecommunication and utility services are to be placed underground along the Victoria Road, Frank Street and College Street frontages. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.
- (b) New street lighting serviced by metered underground power and on multifunction poles (MFP's - 9.6m tall with banner fittings) shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting vehicular luminance category V3 and pedestrian luminance category P2 along Victoria Road. The lighting consultant will be required to confirm the lighting layout has achieved compliance with the illumination levels required by this condition of consent. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

Note: The consultant shall liaise with Council's Public Works Group in obtaining Council's requirements and specifications for the MFP's and components, including the appropriate LED luminaire and location of the meter box.

- (c) New street lighting shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting pedestrian luminance category P3 along Frank Street and College Street. These lights will remain part of Ausgrid street lighting network. The lighting consultant will be required to confirm the lighting layout has

achieved compliance with the illumination levels required by this condition of consent. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

- (d) Landscaping and street tree planting – the Public Domain Technical Manual specifies *Pyrus calleryana* “Capital” (Ornamental Pear) 200L, pit size 3m x 1.5m or *Platanus acerifolia* (London Plane Tree) as the designated street tree for the Victoria Road frontage of the development site.
 - (e) Street furniture – new seats and bins are to be provided along the Victoria Road frontage of the development site. Advice to be sought from Council’s Public Works Group for any specific requirements.
 - (f) The temporary relocation of the existing bus stops along the Victoria Road frontage of the site during the footpath works and the installation of new bus stops that comply with the requirements of the Disability Standards for Accessible Public Transport (2002).
48. **Public Domain - Improvement Works Design Approval:** Engineering drawings prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia) are to be submitted to Council for approval prior to the issue of Construction Certificate #2 for Stage 1. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished alignments and levels, and other relevant details for the following works:

- (a) The removal of all redundant vehicular crossings and the construction of new vehicular crossings in Frank Street.
- (b) The removal of all redundant vehicular crossings along College Street and replacement with new kerb and gutter and 1.5m wide concrete footpath with granite banding at 6.00m to maximum 7.5m intervals, in accordance with City of Ryde Standard Detail Drawing No. PV1.2a.
- (c) The removal of all damaged kerb and gutter and the construction of new kerb and gutter along both the Frank Street and College Street frontages of the site, and the smooth connections to existing kerb and gutter. A longitudinal section showing the existing and the proposed levels of the kerb profile for the whole length of the works shall be included in the engineering drawings submitted to Council. The replacement of the existing kerb and gutter will involve reconstruction of a strip of road pavement for a minimum 500mm wide along both frontages.

- (d) All necessary details of the footpath upgrade in Victoria Road and Frank Street. The footpath shall be full width from boundary to kerb at the Victoria Road and Frank Street corner, at bus stops and at pedestrian entries to the building. The typical detail of the full width concrete footpath with granite banding is shown on Fig. 3.3.3 in the site specific DCP 2014 Part 6.5. The plans shall show the granite banding, the exact position of proposed street trees and the existing trees to be retained, the proposed street lighting, street furniture – bins, benches, traffic signs, etc.
- (e) Longitudinal section showing the proposed gutter levels along the Victoria Road frontage of the development.
- (f) Detailed cross sections of the proposed footpath upgrades along the Frank Street, College Street and Victoria Road frontages of the development site, at 10m intervals and critical locations.
- (g) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

Note: Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement".

49. **Vehicle Footpath Crossing.** The footpath crossing shall be constructed where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The crossing is to be constructed to match the paving style along the frontage of the development site and conform to the boundary alignment levels issued by Council's Public Works Division. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards, prior to the issue of the relevant Construction Certificate.

50. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to commencement of any work in the road reserve, permits for the following activities, as required and as specified in the form "Road Activity Permits Checklist" (available from Council's website) are to be obtained and copies submitted to Council with the Notice of Intention to Commence Work.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

51. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) The proposed alignment of the northern vehicle exit to Frank Street is at an acute angle to the roadway and therefore is unsafe for pedestrians and decreases the ability for exiting drivers to detect northbound traffic from College Street. Accordingly the plans are to be revised to ensure that the driveway and exit ramp alignment are perpendicular to the property boundary alignment.
- b) The parking allocated for the childcare centre is short by 1 carspace. To address this, a disabled space is to be provided in the space adjoining the western side of the lift and widened to comply with AS 2890.6. The 2 proposed disabled spaces and shared space is to be allocated to conventional car spaces.
- c) The proposed exit from the Bulky Goods tenancy - Stage 3 located at the south side of the development lot depicts a column in the access aisle, which will impose on the swept turning path of an exiting vehicle. The column is to be relocated clear of the vehicle swept path.
- d) The intersection of the access ramp to the parking area on Level 1 at the southwestern corner must incorporate unbroken centreline marking ("BB" linemarking) to demarcate the paths of travel and maintain clearance between traffic flows approach/ departing the ramp from the parking area.
- e) The centre median located on the access aisle from Victoria Road on Level 2 must be segmented every 20 metres to enable vehicles to cross into the opposing lane if required. This is to ensure the access aisle does not become blocked in the event of a vehicle breakdown/ obstruction or a vehicle having to stop / stand a length of time for an emergency.
- f) The nominated "NO LEFT TURN TO COLLEGE STREET" depicted on the western most vehicle exit to College Street is not required due to the implementation of the College Street road closure.

These amendment(s) must be clearly marked on the plans submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

52. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public in-ground drainage network in College Street. generally in accordance with the plans by C&M Consulting Engineers (Refer to Project No. 01155 Sheets 100 to 751 issued 8 September 2015) and the Stormwater Management Report by same consultant.

Detailed plans, documentation and certification of the drainage system are to be prepared by a chartered civil engineer, must be submitted with the application for the relevant Construction Certificate for Stage 1 and must comply with the following:

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

53. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,

- details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the relevant Construction Certificate for Stage 1 Stage 2 and Stage 3.

54. **Site Dewatering Plan.** If the geotechnical advice required by condition 53(a) in relation to groundwater recommends that dewatering is necessary, then the following requirements of this condition apply.

To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for the relevant Construction Certificate for Stage 1.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- The consultant is to liaise with Council's Public Works - Stormwater Asset Management section concerning the determination of an appropriate rate of discharge to the public inground drainage system. Consideration will be given to the capacity of the downstream system and the ability of the site to detain stormwater during the construction period. Should there be no public inground drainage infrastructure in which to drain to, the maximum rate of discharge is to be limited to 30L/s to the kerb.
- Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

- Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
 - Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
 - Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.
55. **Frank Street Widening – Detailed Drawings.** Suitably prepared plans for the widening of the Frank Street carriageway are to be submitted to Council for approval prior to the issue of Construction Certificate #2 for Stage 1.
56. **Cressy Road Widening – Detailed Drawings.** Suitably prepared plans for the widening of the Cressy Road carriageway as well as the full width concrete footpath and safety fence from the corner of Victoria Road and Cressy Road to the entrance of the Holy Cross College to Cressy Road are to be submitted to Council for approval prior to the issue of Construction Certificate #2 for Stage 1.
57. **Driveway and Boundary Alignment Levels.** The proponent is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the relevant Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
58. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The performance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$60,000 shall be lodged with the City of Ryde prior to the issue of Construction Certificate #3 for Stage 1 to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
59. **Mechanical ventilation details:** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the relevant Construction Certificate. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
 - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.

60. **Fresh air intake vents.** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.
61. **Exhaust air discharge vents.** All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.
62. **Carpark exhaust vent.** The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

63. **Construction of garbage rooms.** All garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and

(j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

64. **Evidence of connection to sewer system.** Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system must be submitted with the application for the relevant Construction Certificate.
65. **Construction and fit-out of food premises.** All proposed food premises must be constructed and fitted-out in accordance with the requirements of:
- (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
 - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

66. **Provision for installation of kitchen exhaust systems.** Adequate provision must be made for the installation of kitchen exhaust systems (if required) to the proposed food premises.

The kitchen exhaust vent must be located above roof level:

- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
- (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
- (c) at least 8 metres from any cooling tower.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

67. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the non-residential portion of the development, shall comply with the requirements of Part 7.1 of Council's DCP 2014. Details are to be noted on the plans submitted with the relevant Construction Certificate.
68. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of any Construction Certificate for Stage 1, Stage 2 and Stage 3, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, 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 agents details - see Building, Developing and Plumbing then Quick Check; and
 - Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

69. Site Sign.

- a. A sign must be erected in a prominent position on site, prior to the commencement of demolition/excavation/construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- b. Any such sign must 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.

70. Excavation adjacent to adjoining land.

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

71. Property above/below Footpath Level. Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.

72. **Ground Anchors.** The installation of permanent ground anchors into the public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.
73. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable:
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.

The report is to be submitted to Council's Traffic Development Engineer, prior to works commencing with another similar report submitted at completion and prior to issue of any Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

74. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
75. **RMS Approval of Site and Support Structures.** 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 developer 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.

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.

76. **RMS Stormwater Drainage System.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

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

77. **Road Occupancy Licence.** A Road Occupancy Licence should be obtained from Roads and Maritime Services for any works that may impact on traffic flows on Victoria Road during construction activities.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

78. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
79. **Tree Removal Work.** All tree removal work is to be carried out in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

80. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
81. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
82. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
83. **Storage of garbage and recyclable materials.** A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
84. **Inspections – Drainage and Stormwater.** Construction inspections shall be required by Council's Senior Engineer, Stormwater Asset at the following hold points: -
- Prior to the set-out on site of the position of the drainage connection works to the existing Council's pit at College Street.
 - Upon installation of any pipe connection to the existing Council's pit and other associated drainage structures.
 - Before and after completion of the drainage works an internal inspection of the Council's pit and connecting stormwater conduits to determine their structural conditions must be carried out by Closed Circuit Television (CCTV). The inspection is to ensure that the stability of the Council's stormwater pit is not affected during the construction. The CCTV reports must be forwarded to Council for its review and concurrence.
85. **Public Domain Works - Hold Points during Construction.** Inspections shall be required to be undertaken by a Chartered Civil Engineer (with NPER registration with Engineers Australia), at the following hold points:
- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
 - b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
 - c) Upon compaction of the applicable sub-base course.

- d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course)
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Applicant shall submit certification from the Engineer, at each stage of the inspection listed above, confirming that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

A final inspection for the purpose of the handover to Council, of the public infrastructure assets, shall be conducted in conjunction with Council' Engineer following the completion of the external works. Additional inspections, if required, shall be subject of additional fees payable in accordance with Council's Schedule of Fees & Charges at the time.

- 86. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
- 87. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
- 88. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by C&M Consulting Engineers at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
- 89. **Geotechnical Monitoring Program – Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

90. **Site Dewatering Plan – Implementation.** If dewatering is required, then the Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
91. **Construction Traffic Management Plan - Implementation.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
92. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the approved Stormwater Management Plan submitted in compliance to the condition labelled “Stormwater Management” and the requirements of Council in connection to the trunk drainage system.
93. **Dust Control Management Plan.** A Dust Control Management Plan is to be submitted to, and approved by, Council prior to the commencement of any works. The Management Plan must be prepared by an appropriately qualified consultant.

A copy of the submitted Management Plan is to be provided by Council to the operator of the existing Child Care Centre located within Building F with seven (7) days allowed for comment. These comments are to be taken into account by Council in consideration of the Management Plan.

All measures contained within the approved Management Plan must thereafter be implemented during all demolition, excavation and construction work.

94. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
95. **Storage and removal of wastes.** All demolition, excavation and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

96. **Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
97. **Removal of underground storage tanks.** The removal of the underground storage tanks must be carried out in accordance with:
- (a) Australian Standard AS 4976-2008: *The removal and disposal of underground petroleum storage tanks*; and
 - (b) the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.
98. **Noise & Vibration Management Plan - Implementation.** All noise and vibration control measures nominated in the Noise & Vibration Management Plan approved under condition 19 must be implemented during demolition and construction work.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

99. **Flood Risk Assessment.** The proposed development shall be carried out in accordance with the recommendations in the Flood Risk Assessment Report by Cardno, dated 8 May 2015 and the Stormwater Management Plan by C&M Consulting Engineers, dated April 2015. The peak flow rate in the downstream reach of the site must not exceed the maximum discharge rate for the relevant stage of development, as determined in the Stormwater Management Report by C&M Consulting Engineers.

To ensure this, a suitably qualified and practicing drainage engineer shall provide certification to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate for each stage (1, 2 and 3), confirming that the drainage system has been designed and constructed to comply with this requirement at the relevant stage of development.

100. **Electricity accounts for new street lighting.** Council's Asset Networks Section shall be consulted and approval obtained in regard to the setting up of the electricity account/s in order to energise the newly constructed street lighting prior to the issue of the Occupation Certificate for Stage 1.
101. **Compliance Certificate – External Works.** Prior to the issue of any Occupation Certificate for each Stage, a compliance certificate shall be obtained from Council confirming that all applicable external works have been completed to Council's satisfaction. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
102. **Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed Plans certified by a Registered Surveyor, shall be submitted to Council for review with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate for Stage 1.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

All public domain works are to be completed to Council's satisfaction prior to the issue of the relevant Occupation Certificates.

103. **Road Widening – Implementation.** The widening of the Frank Street carriageway and the Cressy Road carriageway as well as the full width concrete footpath and safety fence from the corner of Victoria Road and Cressy Road to the entrance of the Holy Cross College shall be completed prior to the issue of any Occupation Certificate for Stage 1.
104. **Intersection works.** Tennyson Road and Frank Street site access and traffic signal adjustments are to be operational (at no cost to Council) prior to the occupation of the Bunnings Warehouse building approved as part of the Stage 1 construction works.
105. **Closure of South-Eastern College Street Access.** Prior to the issue of any Occupation Certificate for Stage 3, the south-eastern College Street access (located to the south-east of the trial road closure point), is to be closed and removed.
106. **Safety Audit.** All applicable recommendations within the Pedestrian and Safety Audit and Management Plan approved under condition 45 are to be implemented prior to the issue of any Occupation Certificate for Stage 1 at no cost to Council.
107. **Parking Optimisation Plan.** A Parking Optimisation Plan for Frank Street and College Street between Frank Street and Orient Street is to be prepared to counteract any loss of parking due to the Bunnings development and implemented (at no cost to council by

Bunnings). Suitably prepared plans shall be provided by the applicant and submitted to and approved by Council prior to the issue of any Occupation Certificate for Stage 1.

All approved recommendations from the Parking Optimisation Plan shall be implemented by the applicant at no cost to Council prior to the issue of any Occupation Certificate.

108. **Review of Trial Full Closure – Bond.** Prior to the issue of any Occupation Certificate for Stage 1, the applicant is provide to Council a bond of \$20,000.00. The bond will be refunded following the review and implementation of the preferred treatment of College Street to Council's satisfaction (see condition 6).
109. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate for Stage 1.

NOTE: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

110. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. The applicable works for each Stage are to be undertaken prior to the issue of the relevant Occupation Certificate.
111. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for any Occupation Certificate for Stage 1. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
112. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, pump/ sump and onsite disposal/ absorption components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.

113. **Stormwater Management – Maintenance program.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, without imposition on the public domain, the applicant is to prepare a drainage system maintenance plan (DSMP) which is to contain;
- (a) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
 - (b) The master plan is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
 - (c) Signage is to be placed in vicinity of each component, identifying the component relative to the master plan (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
 - (d) Designate areas inside the property in which the maintenance operation is to be undertaken. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
 - (e) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate for the relevant stage of works.

114. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

115. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

116. **Landscaping.** All landscaping works approved by condition 1 are to be completed as applicable for each Stage prior to the issue of the relevant Occupation Certificate.

117. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time

consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

118. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:

- All entry and exit points to the buildings;
- Lifts; and
- Car parks.

Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. As a minimum, the cameras at the entry and exit points must record footage of a nature and quality in which it can be used to **identify** a person recorded by the camera. All other cameras must record footage of a nature and quality in which it can be used to **recognise** a person recorded by the camera. It must be maintained in working order at all times and installed by a qualified and reputable company.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate for each Stage.

119. **Lighting.** Lighting is to be provided around the site and all lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- The areas around the entrances should be well lit and that all lighting should be designed to Australian and New Zealand Lighting standards.
- Sensor lighting should be installed into areas that may be areas of concealment especially at the rear of the building and around loading areas.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any relevant Occupation Certificate.

120. **Stratum Subdivision.** The approved stratum subdivision shall be lodged with LPI prior to the issue of any Occupation Certificate for Stage 1. Evidence of lodgement shall be provided to the Principal Certifying Authority.

121. **Security.** To enhance the physical security of doors, all glass within doors are to be laminated and the fire exit doors are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. All areas should be fitted with doors that comply with Australian Design Standards.

After hours, all doors should be kept locked unless a delivery is taking place. All basement car park areas should have a barrier so that they are able to be locked after hours. Signs should be erected in the car park areas to remind customers to take valuables with them and to lock their vehicles. Basement car parks should be painted a light colour to ensure that the lighting within the car park is consistent without creating dark areas of the car park.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any relevant Occupation Certificate.

122. **Certification of fit-out work.** Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate for Stage 1.
123. **Certification of mechanical ventilation work.** Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate for each Stage.
124. **Works As Executed – Drainage and Stormwater.** Works-As-Executed Drawings of the Council stormwater pit and drainage connections works at College Street shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for each Stage. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer, certifying the drawings are a true and accurate representation of the constructed works.
125. **Disabled access.** Access for disabled persons shall be provided in the building or portion of the building in accordance with the applicable legislation and the requirements set out in AS 1428.1. Documentary evidence and certification is to be obtained from a suitably qualified person confirming that the development meets the accessibility requirements and is to be provided to the PCA prior to the issue of an Occupation Certificate for each Stage.
126. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This

certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate for each Stage.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

127. **Dedication of Land.** Dedication of land required for the widening of Frank Street at the intersection with Victoria Road to Council for public road along the Frank Street frontage of the site will be required. The dedication shall occur prior to the issue of any Occupation Certificate for Stage 1 and the associated administrative and registration costs where applicable, shall be borne by the Applicant.

127A. **Fencing.** A chain wire fence at least 1.8m in height is to be erected and maintained along the line of bollards between Buildings F & G and any other potential direct pedestrian travel path between the car park for Buildings F & G and Bunnings. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for Stage 1. The fence is to remain in place until the commencement of Stage 3.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

128. **Bunnings Warehouse Operating Hours:** The operation of the Bunnings Warehouse is limited to the following hours:

- Monday to Friday – 6.00am till 10.00pm; and
- Saturdays, Sundays and Public Holidays – 6.00am till 7.00pm.

129. **Home Maker Centre Stages 2 and 3:** The retail space associated with Stages 2 and 3 are to be used for the purpose of Bulky Goods Premises which is defined as follows:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

The bulky good premises hours of operation are limited to the following:

- Monday to Friday – 8.00am till 9.00pm; and
- Saturdays, Sundays and Public Holidays – 8.00am till 7.00pm.

130. **Traffic Management Report.** The proponent shall provide a quarterly traffic management report to the Local Road Authority for the first 12 months of operation of the Bunnings store to document any traffic and parking issues arising that have affected the external road system and how they have been or are proposed to be mitigated.
131. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).
132. **Illuminated Signage.** Illuminated signage that is approved as part of this application shall be programmed to be turned off outside of the hours of operation associated with the Bunnings Warehouse use (see condition 128).
133. **Signage – illumination intensity.** The level of illumination and/or lighting intensity used to illuminate the signage must be capable of adjustment and is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises. The level of illumination is to be low lux LED lighting and must not result in any unacceptable glare. All proposed lighting to comply with AS4282-1997: Control of Obtrusive Effects of Outdoor Lighting.
134. **Advertising display.** General or third party advertising is prohibited. All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters. Any translated message must be accurate and complete. No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.
135. **Prohibited signs.** The approved signage must not have or use:
 - (a) Flashing lights;
 - (b) Electronically changeable messages;
 - (c) Animated display, moving parts or simulated movement;
 - (d) Complex displays that holds a drivers attention beyond 'glance appreciation'
 - (e) Displays resembling traffic signs or signals; and
 - (f) A method or level of illumination that distracts or dazzles.
136. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. An adequate

number of suitable waste containers must be kept on the premises for the storage of garbage.

137. **Air pollution.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
138. **Clean water only to stormwater system.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
139. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
140. **Graffiti.** All external surfaces of the building shall be maintained in a clean and tidy manner.
141. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
142. **Noise and vibration from plant or equipment.** Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
 - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.

ADVISORY NOTES

1. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
2. **Registration of premises.** The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.

3. **Inspections and fees.** Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*. The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.

End of consent

18 December 2015 **RECEIVED 30 DEC 2015** ENQUIRIES: Mr L Hawke on 9725 0274

RECEIVED 30 DEC 2015

Bunnings Group Ltd
Attn: Philip Drew
11 Shirley Street
ROSEHILL NSW 2142

Dear Sir,

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO. 71.1/2015

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

You are advised that the subject application has been **APPROVED** pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 and is subject to the following conditions.

Property Description: Lots 1 & 2 DP 1071647, No. 1-9 Bonnyrigg Avenue, Bonnyrigg
Description of Development: Proposed Staged Redevelopment of the Site for the Purpose of a Bunnings Warehouse.
Date of Determination: 2 December 2015
Date of Operation of Consent: 18 December 2015
Date Consent Will Lapse: 18 December 2020

APPROVED PLANS

1. Compliance with Plans and Documentation

The development shall take place in accordance with the following approved development plans and documentation, except as modified in red by Council and/or any conditions of this consent:

Prepared by	Title	Date	Dwg No.	Rev
John R Brogan & Associates	Demolition Plan	06.02.15	005	A
John R Brogan & Associates	Outline Plan	06.02.15	010	A
John R Brogan & Associates	Site Plan / Roof Plan	04.11.15	030	C
John R Brogan & Associates	Area Diagram	04.11.15	040	C
John R Brogan & Associates	Floor Plan Undercroft Parking Level	03.11.15	100	C
John R Brogan & Associates	Floor Plan Warehouse / Mezzanine	04.11.15	101	C
John R Brogan & Associates	Sections	04.11.15	120	C
John R Brogan & Associates	Elevations	04.11.15	130	C
C & M Consulting Engineers	Cover Sheet, Drawing Index, General notes & Locality Sketch	06.02.15	01291_100	01
C & M Consulting Engineers	General Arrangement Plan Undercroft Level Sheet 1	09.11.15	01291_201	05

C & M Consulting Engineers	General Arrangement Plan Undercroft Level Sheet 2	09.11.15	01291_202	05
C & M Consulting Engineers	General Arrangement Plan Warehouse Level Sheet 1	09.11.15	01291_203	03
C & M Consulting Engineers	General Arrangement Plan Warehouse Level Sheet 2	09.11.15	01291_204	03
C & M Consulting Engineers	Bulk – Earthworks Plan	08.07.15	01291_231	02
C & M Consulting Engineers	Ramp Longitudinal sections	08.07.15	01291_301	02
C & M Consulting Engineers	Typical sections	09.11.15	01291_351	02
C & M Consulting Engineers	OSD Catchment Plan	06.02.15	01291_601	01
C & M Consulting Engineers	Stormwater Drainage OSD Tank & General Details	08.07.15	01291_651	02
C & M Consulting Engineers	Sediment & Erosion Control Details	06.02.15	01291_701	01
John Lock & Associates	Landscape Plan	08.11.15	2201 LP - 01	F
John Lock & Associates	Landscape Elevations	08.11.15	2201 LP - 02	F
John Lock & Associates	Landscape Details	09.07.15	2201 LP - 03	D

- Preliminary Environmental Site Assessment, Ref. E27813KGrpt, prepared by Environmental Investigation Services, dated 30 October 2014.
- Noise Assessment, Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015.
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by ABEL Archaeology, Project Number AA1501 02 February 2015.
- Statement of Environmental Effects including Addendums prepared by DFP Planning Consultants Project Number 8899A Revision 2 dated 9 February 2015, Reference Number 8899A.2KM, dated 13 July 2015 and Reference Number 8899A.3KM, dated 11 November 2015.
- Flora and Fauna and Bushfire Assessment prepared by Abel Ecology, Document Number 1342-REP-149-ISS-1, Issue 1 dated 28 January 2015.

2. Amendments in Red

The following amendments made in red on the approved plans, shall be incorporated into the design and submitted to Fairfield City Council for approval.

- A solid 2.1m high masonry wall shall be provided along the service ramp and raised platform on the northern elevation of the building in order to provide acoustic attenuation from vehicles using the service lane.
- Details of the Two (2) pylon signs shall be provided in accordance with the dimensions of Condition 60 of this Consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

3. Detailed Site Investigation Report

Prior to the release of the Construction Certificate, a (Stage 2) Detailed Site Investigation Report is to be prepared by a suitably qualified person and submitted to Fairfield City Council for assessment and approval.

Should remediation works be recommended, a Remedial Action Plan (RAP) prepared by a suitably qualified person shall also be submitted to Fairfield City Council for approval. The RAP shall include an 'Unexpected Finds Protocol' for the assessment/management of any contamination discovered during the course of works.

Any reports prepared in relation to the subject site shall be prepared in accordance with the NSW Environment Protection Authority's Contaminated Land Series.

4. Asbestos Management Plan

Prior to the release of the Construction Certificate, the Applicant shall prepare and submit to Fairfield City Council, an Asbestos Management Plan (AMP) for its assessment and approval. The AMP shall identify the proposed works/activities that are likely to exacerbate the release/spread of Asbestos Containing Materials and asbestos fines. The AMP shall be prepared in line with *Managing Asbestos in or on soil* (NSW Work Cover, March 2014).

5. Final Stormwater Drainage Plan

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan. The final plan shall be in accordance with the abovementioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage policy, Urban Area On-Site Detention Handbook, AS 3500, conditions of this consent, and the following:

- a. The development shall drain through the on-site detention (OSD) tank by pipes and surface flowpath routes (up to the 100 year ARI storms) in accordance with the minor/major design principles in Australian Rainfall & Runoff (AR&R87) and include measures to direct overflows of the piped system into the OSD tank to be incorporated into the elevated access road drainage system. Openings shall be provided in the parapet walls to allow emergency overflows to be directed into the OSD tank. Redundancy shall also be incorporated in the design in the form of dual inlets and pipe systems to further convey overflows and increase the reliability of the system.
- b. An overland flow path shall be provided for overland flow entering the site from Bonnyrigg Avenue through the northern driveway to the drainage easement

6. Outstanding Fees and Charges

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Certifying Authority:

- | | |
|-----------------------------------|------------------|
| a. Kerb and Gutter Inspection Fee | \$103.50 |
| b. Kerb and Gutter Damage Deposit | \$2255.00 |

7. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

8. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;

- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than 100 years.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- ii. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

9. On-site Detention Design Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with:

- a. Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:
 - i. To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;
 - ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

Note: If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for on site detention, the following details will be required:

- a. Full details, as per Council's On Site Detention Handbook, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.
- b. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

10. Works on Adjacent Roads – Approvals and Levels

All approvals and levels for works on adjacent roads (i.e. footway area) must be obtained prior to the release of the Construction Certificate.

11. Construction Certificate (Engineering Approval)

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifying Authority for the construction of the pipe connection into the existing pit located within the stormwater drainage easement located in Lot 1 DP 1000137 and relocation of the kerb inlet pit in Bonnyrigg Avenue outside of the proposed vehicular crossing location in accordance with approved plans and specifications at no cost to Council.

For the issue of Construction Certificate (Engineering Approval), five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

12. Waste Management Plan

Prior to the issue of a Construction Certificate, a Waste Management Plan shall be submitted to and approved by the Principle Certifying Authority. The Waste Management Plan shall be prepared in accordance with the requirements of the Fairfield City Council Waste Not DCP. The Waste Management Plan shall address the type of materials expected from demolition/construction; estimated volumes or tonnes of materials; proposed reuse or recycling methods; the contractors to be used; and the recycling outlet and/or landfill site.

13. Vehicular Crossing Application

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council for each proposed vehicular crossing in Bonnyrigg Avenue. Access to the development shall be via heavy duty crossings with sufficient width in accordance with AS2890.2-2002 and be located a minimum of one (1) metre from any utility pillar/pole.

Approval for vehicular crossings in Elizabeth Drive shall be sought from Roads and Maritime Services (RMS)

14. Section 94A Levy Development Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$250,800.00**

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

15. Retaining Walls/Structural Wall Panels

Any development that requires the construction of a retaining wall or structural panels located within the immediate vicinity of an adjoining boundary shall be wholly within the property boundaries of the subject development site and shall not encroach upon the adjoining properties. Details of the retaining wall or structural panels and associated drainage shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

16. Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Principle Certifying Authority. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

17. Town Centre Signage

Prior to the issue of a Construction Certificate, detailed plans shall be submitted to and approved by Fairfield City Council for the 'Bonnyrigg Town Centre' signage located at the intersection of Elizabeth Drive and Bonnyrigg Avenue. The applicant shall liaise with Council Bonnyrigg/Smithfield Place Manager in regards to the finishes and materials of the signage to ensure that it is consistent with Council's signage.

18. Sydney Water Consent

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents 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

19. Construction Noise Assessment

Prior to the issue of a Construction Certificate, a Construction Noise Assessment shall be submitted to Council for assessment and subsequent approval. The Assessment shall be prepared in line with the Environment Protection Authority (formerly known as Department of Environment and Climate Change) 2009 Interim Construction Noise Guidelines.

20. Proposed Seagull Arrangement on Bonnyrigg Avenue

Prior to the issue of a Construction Certificate, a seagull-island treatment on Bonnyrigg Avenue at its intersection with the subject property's access driveway and shall be designed in accordance with the Austroads' Guide to Road Design and suitable for use by a B99 vehicle and trailer as depicted I sketch "SP 1" prepared by Transport and Traffic Planning Associates (TTPA) and be located approximately 110m north of Elizabeth Drive/Bonnyrigg Avenue signalized intersection.

Detailed civil design and line marking plans of Bonnyrigg Avenue between Tarlington Parade and Elizabeth Drive shall be submitted to and approved by Fairfield City Council. Approval from the Traffic Committee shall be received prior to undertaking any works on Bonnyrigg Avenue.

No right turns shall be made into or out of the northernmost driveway of the subject site.

21. Demolition & Construction Traffic Management Plan

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council Traffic Section for approval, prior to the issue of a Construction Certificate.

22. Proposed Cafe

Prior to the issue of a Construction Certificate, detailed plans shall be submitted to the Principal Certifying Authority for the design of the proposed café. Plans shall comply with Australian Standard AS 4674-2004 (Design, Construction and Fit Out of Food Premises).

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

23. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

24. Appointment of a Principal Certifying Authority

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

25. Notify Council of Intention to Commence Works

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

26. Kerb and Gutter Status Form

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any footpath paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

27. Landscape Protection Works

Prior to the commencement of any construction works on site, the following works shall be undertaken to protect existing trees and other landscaping to be retained as part of the development. These works shall be consistent with any other requirements of the approved landscape plan:

- a. Isolate the root zone to the drip line (canopy line) of individual or groups of trees through the erection of a clearly marked fence, prior to land clearing or construction work.
- b. No dumping of materials, parking of vehicles, excavation or filling is to be permitted within the fenced root zone.
- c. Minimise soil disturbance in the surrounding area (to twice the canopy width).
- d. Where trenches for services cannot be laid outside the fenced zone, roots greater than 75mm wide in diameter are to be clean cut and treated with an approved hormone compound and sealed with bitumen.
- e. Tree guards, barriers or other measures as necessary are to be provided.

28. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.11 of the Fairfield City Wide DCP 2013** shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

29. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site at a ratio of 1 toilet per 20 workers. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

30. Interim / Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

31. Registration of Plan of Consolidation

Prior to the issue of the Final Occupation Certificate, a copy of the plan of consolidation, registered by Land and Property Information shall be submitted to the Principal Certifying Authority, which consolidates the allotments which are the subject of the development into one allotment.

32. Works on Adjacent Roads

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

- a. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.
- b. The developer shall remove and replace all damaged or displaced path paving in Bonnyrigg Avenue and Elizabeth Drive directly in front of the subject site at no cost to Council.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

33. Footpath Paving

Prior to the issue of the Final Occupation Certificate, Council's standard concrete footpath paving shall be constructed by the developer at no cost to Council for the full road frontage of the property along Bonnyrigg Avenue. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

34. Works-As-Executed Plans for Stormwater Drainage

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

35. On Site Detention – Works-As-Executed

On completion of the drainage works and prior to Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- a. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- b. Location and surface levels of all drainage pits, weir levels and dimensions.
 - Invert levels of - the internal drainage lines.
 - orifice plates.
 - outlet control pit.
- c. Finished floor levels of structures such as units and garages.
- d. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- e. Verification that a trash screen is installed.
- f. Location and levels of any overland flow paths through the site.
- g. Details of any variations made from approved plans.

36. Registration of Restriction and Covenant over OSD System

Prior to the issue of the Final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's Urban Area On-Site Detention Handbook (February 1997)/Council's On-Site Detention Guidelines for Rural Areas shall be submitted to the Principal Certifying Authority.

37. On-Site Detention – Certification of Works

A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

38. Certification of Approved Finished Floor Level and Ridge Height

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the finished floor level and ridge height of the building has been constructed in accordance with the approved plans.

39. Surveyor's Certificate of Location of Building upon Completion

Prior to the issue of the Final Occupation Certificate, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the building has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment and the distances of the building from the boundaries.

40. Adjustments to Public Utilities

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

41. Compliance with Environmental Reports

All works / methods / procedures / control measures / recommendations contained within the following reports, shall be implemented:

- Noise Assessment, Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015.
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by ABEL Archaeology, Project Number AA1501 02 February 2015.
- Statement of Environmental Effects including Addendums prepared by DFP Planning Consultants Project Number 8899A Revision 2 dated 9 February 2015, Reference Number 8899A.2KM dated 13 July 2015 and Reference Number 8899A.3KM dated 11 November 2015.
- Flora and Fauna and Bushfire Assessment prepared by Abel Ecology, Document Number 1342-REP-149-ISS-1, Issue 1, dated 28 January 2015.

42. Building in Saline Environments

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

43. Certification of Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate(s) shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

44. OSD – Marker Plate

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required.
The wording is to consist of:-

**THIS IS AN ON-SITE DETENTION STRUCTURE
DO NOT TAMPER WITH,
CONTACT FAIRFIELD CITY COUNCIL PRIOR
TO ANY PROPOSED WORKS IN THIS AREA**

The marker plate is to be attached prior to occupation of the proposed development.

45. Restriction on Use and Positive Covenant – Overland Flow

Prior to the issue of a Final Occupation Certification a Restriction on Use and Positive Covenant shall be created in the location of the overland flow path in the following terms:

Restriction on Use

(1) The proprietor of the burdened lot shall not:-

- (a) Erect, construct or place any building or other structure,
- (b) Make alterations to the ground surface levels, kerbs, driveways or any other structure,

Within the land so burdened without the prior written consent of Fairfield City Council.

(2) No fencing, including boundary fencing shall be erected within the land hereby burdened unless such fencing is of an open style which will not obstruct the flow of water across the land.

Positive Covenant

- (1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the stormwater overland flow path within the land so burdened to the satisfaction of Fairfield City Council and in this regard must comply with any written request of the Council with such reasonable time period as nominated in the said written request.
- (2) Where the proprietor of the burdened lot fails to comply with any written request of Fairfield City Council referred to in (1) above, the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- (3) Full and free right for the Fairfield City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any pipeline, grate, pit, other structure or alter surface levels to ensure the maintenance of the overland flowpath within the land so burdened.

Authority with the right to release, vary or modify restrictive and positive covenants is Fairfield City Council.

46. Landscape Certificate

Prior to the issue of an Occupation Certificate, a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to Fairfield City Council.

47. Spill Management

Spill response materials shall be provided on site at all times to clean up any minor liquid spillages.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

48. Air Quality

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport.

49. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions;or
- c. a combination of (a) and (b).

50. Compliance with Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to throughout all stages of the demolition and/or construction process. Source separation of materials and maximum reuse and recycling of materials are requirements of Fairfield City Council's Waste Not DCP. The applicant is required to keep supporting documentation (receipts/dockets), of reuse/recycling/disposal methods carried out, which are to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

In addition, the applicant is to supply Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

51. Shoring and Adequacy of Adjoining Property Due to Excavation Works

If the development involves an excavation 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:

- Protect and support the adjoining premises from possible damage from the excavation, and
- Where necessary, underpin the adjoining premises to prevent any such damage.

52. Filling within a Building Envelope

Filling shall be sourced on-site and shall remain wholly within the confines of the external walls. Any fill imported into the site to fill within the building envelope must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999 and written verification provided to the satisfaction of the Principal Certifying Authority.

53. Administration Fee for the Lodgement of Certificates

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

54. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.

Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement

55. Surveyor's Certificate of Location of Building During Construction

Prior to the positioning of wall panels/bricks or block work, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the building has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment, distances of the building from the boundaries, and the dimensions of the building.

56. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the drainage easement.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

57. Maintenance of Construction Site

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

Note: On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

58. Encroachment of Easements

- a. This consent does not authorise the encroachment or overhang of any stormwater drainage easement. Any encroachment of other easements must be separately approved by the relevant service authority and evidence of any consent shall be submitted to the Principal Certifying Authority.
- b. The structures shall not exert any loads on the utilities within the easements. Maintenance works may be required on the utilities and therefore the structures shall be designed such that a trench can be excavated to enable replacement of the existing utilities without affecting the stability of the structure.
- c. The proposed structures shall not encroach (including overhangs and footings) onto the easement located within this property.

59. Tree Preservation Order

You are not permitted to ringbark, cut down, top, lop, remove, willfully injure or destroy a tree outside the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you contravene Council's Tree Preservation Order.

60. Signage Conditions

The proposed signage is subject to the following conditions:

- i. Wording: As per Stamped Plans.
- ii. Pylon Signage shall comply with the following dimensions:
 - Sign (along Bonnyrigg Avenue) – 7200mm high by 4800mm wide; and
 - Sign (along Elizabeth Drive)– 7200mm high by 4800mm widePainted Wall Sign shall comply with the following dimensions:
 - North – “Bunnings Warehouse” text with dimensions of 18.192m x 5.75m;
 - North – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 18.425m x 7.2m;

- East – “Bunnings Warehouse” text with dimensions of 7.9m x 2.5m
 - East – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 18.425m x 7.2m;
 - East – “Bunnings Warehouse” text with dimensions of 3.75m by 11.9m
 - South – “Bunnings Warehouse” text with dimensions of 7.9m x 2.5m;
 - South – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 9.3m x 3.25m;
 - South – “Bunnings Warehouse” text with dimensions of 3.75m by 11.9mm
 - West – “Bunnings Warehouse” text with dimensions of 18.192m x 5.75m; and
 - West – hammer logo with “Lowest Prices are just the beginning...” text with dimensions of 18.425m x 7.2m.
- iii. Sign to be non-flashing.
 - iv. Sign to be maintained in a manner satisfactory to Council at all times.
 - v. The sign is to be setback a minimum distance of 1metre from the property boundary. No portion of the sign is to infringe the setback.
 - vi. The sign shall be erected in accordance with manufacturer’s specifications.

61. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by John Lock & Associates, Drawing Numbers 2201 LP – 01 and 2201 LP – 02, Revision F dated 8 November 2014 and Drawing Number 2201 LP – 03 Revision D dated 9 July 2015 including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

62. Driveway Separation from Landscaping

All driveways shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

63. Driveway Gradient

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

64. Schedule of Finishes

The development is to be constructed and finished in the materials and colours approved by the development consent. All other building materials shall be compatible in type, colour and texture throughout the whole project.

65. Implementation of Approved Remediation

The recommendations of the Detailed Site Investigation Report and Remediation Action Plan (if any) approved pursuant to Condition No. 3 of this Consent, shall be implemented prior to Issue of an Occupation Certificate.

66. Waste Classification

Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and NSW Environment Protection Authority (formerly known as Department of Environment and Climate Change) "Waste Classification Guidelines Part 1: Classifying Waste". The classification of the material is essential to determine where the waste may be legally taken.

67. Importation of fill material

Any fill imported into the site must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999.

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site. A record of 'Chain of Custody' shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

68. Wheel Wash Facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

69. Land Contamination

Any new information which comes to light during remediation/construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately after discovery.

70. Vehicle Access to the Site

Vehicles entering and exiting the site shall comply with the following requirements at all times, which includes installing signposting and measures to ensure compliance:

- a. All staff and customers (excluding customers accessing the Timber Trade Sales area) shall enter and exit via the southern vehicle crossing on Bonnyrigg Avenue;
- b. Heavy vehicles servicing the site shall enter via the northern vehicle crossing on Bonnyrigg Avenue and exit via a left only crossing on Elizabeth Drive; and
- c. Customers picking up goods from the Timber Trade Sales area shall enter and exit left only via the northern vehicle crossing on Bonnyrigg Avenue.

71. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No B-Double shall be used for the servicing or operations of this development.
- d. All deliveries to the premises shall be made to the rear service lane/loading bay provided.

72. Potential Aboriginal Archaeology

During Construction all workers are to be diligent when undertaking the works to not harm Aboriginal artifacts, and of the requirement to cease work. In the event that an Aboriginal artifact is discovered the applicant shall inform the NSW Office of Environment and Heritage and works at the site shall cease. To remove or destroy artifacts without a permit is an offence under Section 90, of the NPWS Act, 1974.

73. Flood Affected Development

The site is affected by flooding as described in the flood information sheets issued by Council on 13 August 2014 and the flood study prepared by Cardno, Ref. No. NA49913151-016, dated 10 July 2015. The following shall be complied with:

- a. An evacuation and site emergency flood response plan shall be prepared and implemented for the site in accordance with Council's Flood Risk Management Policy in Chapter 11 of the Fairfield City Wide DCP 2013.

74. Hours of Operation

The approved hours of operation for the use of the premises are:

Store Trading Hours

Monday to Friday:	6:00am to 10:00pm
Saturday, Sunday & Public holidays:	6:00am to 7:00pm

Deliveries and Unloading Activities

Delivery vehicles accessing the premises and associated unloading activities at the premises are permitted only during the following hours:

Monday to Friday:	7:00am to 10:00pm
Saturday, Sunday & Public Holidays:	9:00am to 6:00pm

75. Car parking - General

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2014 – Car parking, Vehicle and Access Management – Chapter 12:

- a. Four Hundred and ten **(410)** off-street car parking spaces for staff and visitors; including
- b. **Ten (10)** off-street car parking spaces for people with a disability.

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

76. Advertising Signs

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

This requirement relates to all advertising matter, including any promotional material, displayed on the premises or in any public place.

77. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.
- c. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.
- d. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

78. Storage of Goods

All works, storage and display of goods shall be contained wholly within the building or the outdoor nursery.

79. Road Dilapidation Survey Required

Prior to any truck movements occurring, the applicant shall submit to Council a road dilapidation survey along Bonnyrigg Avenue. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good or paid for by the applicant. A damage deposit or bank guarantee of **\$10,000** shall be lodged with Council as a security against compliance with this condition. This amount shall not be interpreted as being an upper limit of liability.

80. Sausage Sizzles

Any proposed sausage sizzles shall comply with the NSW Food Authority's Food Handling Guidelines for Temporary Events 2006 and the Food Standards Code.

81. Roads and Maritime Conditions

The applicant shall comply with the following conditions at all times:

- Roads and Maritime Services has previously acquired a strip of land for road along the Elizabeth Drive/Parramatta-Liverpool Transitway frontage of the subject property. Roads and Maritime has also previously vested a strip of land as road along the Elizabeth Drive frontage of the subject property. Therefore, all buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Elizabeth Drive and Parramatta-Liverpool Transitway boundaries. However, Roads and Maritime raises no objections to the application which provides access across Lot 455, DP 817546. This parcel of land required for access will be dedicated as road in due course.
- The design and construction of the vehicular crossing on Elizabeth Drive shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed vehicular crossing are to be submitted to Roads and Maritime for approval, prior to the issue of a Construction Certificate and 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.

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

Details should be forwarded to:

- The Sydney Asset Management
- Roads and Maritime Services
- PO Box 973
- PARRAMATTA CBD 2124

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

- The layout of the proposed carparking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Elizabeth Drive during construction activities.
- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a Construction Certificate.
- The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- All demolition and construction vehicles are to be contained wholly within the site. A construction zone will not be permitted on Elizabeth Drive.
- All vehicles are to enter and exit the site in a forward direction.
- All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

82. Dust Suppression

Automatic sprinkler systems shall be set up on each site during demolition, remediation and construction phases of the development. Details of the sprinkler systems should be provided prior to the commencement of works.

83. **Unreasonable Noise and Vibration**

The construction and operation of the premises, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

84. **Acoustic Assessment**

Prior to the commencement and/or installation of any new noise sources (e.g. mechanical plant) outside the Noise Assessment (Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015), a further Acoustic Assessment shall be prepared for all new noise sources proposed at the subject premises. The Acoustic Assessment shall provide details of the proposed operations/mechanical plant including predicted/measured noise levels at the nearest receiver. The Assessment shall also demonstrate that the approved noise criteria as contained within the approved Noise Assessment (Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015) shall be achieved.

85. **Existing Street Trees**

Should the developer wish to remove a street tree, Council shall be compensated for the loss of any tree. A mature tree may have a value in excess of **\$2,000**. Prior to issue of the Construction Certificate, the applicant is to contact Council to organise a valuation and payment of the compensation. This money will be used for further street planting in the area.

86. **Bulky Goods Salesroom or Showroom & Plant Nursery**

The use of the premises shall comply at all times with the following definition of a Bulky Goods Salesroom or Showroom and Plant Nursery (Fairfield LEP, 2013):-

"Bulky goods salesroom or showroom" means a building or place used for the sale by retail or auction or the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- a. a large area for handling, storage or display; or

- b. direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing.

“Plant nursery” means a building or place used for growing and selling plants whether or not also for storing, handling and subsequent distribution of plants, landscape supplies (including earth products) or other horticultural products for wholesale or retail sale to the public.

87. OSD Construction

The on-site detention drainage system shall be constructed in accordance with the approved design and Council's On-Site Detention Handbook – February 1997.

88. NSW Office of Water Approval

The attached NSW Office of Water General Terms of Approval shall be complied with at all times.

NB: The NSW Office of Water General Terms of approval DO NOT constitute a Part 3A Permit under the Rivers and Foreshores Improvement Act (1984). To obtain a Part 3A Permit, the developer will need to lodge a separate application with the NSW Office of Water. A Part 3A Permit shall be obtained prior to the issue of a Construction Certificate.

89. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

90. Public Address System

No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

91. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with AS 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

92. Storage of Dangerous Goods

- a. Should any 'dangerous goods' proposed to be stored on the premises exceed the manifest quantity as prescribed by WorkCover, a Notification of Dangerous Goods on Premises (form FDG01 or FDG02) is required to be submitted to WorkCover for assessment.
- b. A separate development application shall be submitted for the proposed storage of dangerous goods above threshold quantities as specified within *State Environmental Planning Policy No. 33 Hazardous and Offensive Development*.

93. NSW Police Conditions

The applicant shall comply with the following conditions at all times:

- High resolution CCTV cameras shall be installed within the Bunning's store and carpark areas. The CCTV system shall operate 24 hours per day. This may assist in patron safety, deterring criminal activity and may assist police in identifying perpetrators should an incident occur.
- Appropriate lighting should be placed inside and around the vicinity and generally around the carpark especially the entry and exit points.
- Appropriate fencing around the perimeter of the premises should be considered to avoid loitering and other criminal activity during non-operating hours.
- Installation of a back to base alarm system, including duress buttons to be strategically positioned around the premises especially the front register area and administrative areas.
- After hours security patrols and monitoring of the premises.
- Warning signs should be placed around the premises informing patrons that the store is under 24 hour surveillance.

94. Drain Stenciling

All stormwater drains/pits on the site shall be provided and maintained with the message; "This pit drains to the Georges River". Lettering shall be 100mm high block bold yellow painted lettering. Paints used shall be of road line marking standard.

95. Waste Receipts

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers, upon request.

96. Notice of Completion of Remediation Work

Within thirty (30) days of completion of remediation works notice of the works completed shall be given to Council in accordance with Clause 17(2) of State Environmental Planning Policy No. 55 – Remediation of Land. The notice shall be in writing and prepared and signed by the person who carried out the work. The Notice shall also:

- a. Provide the person's name, address and business telephone number;
- b. Provide details of the person's qualifications to carry out the work;
- c. Specify, by reference to its property description and street address, the land on which the work was carried out;
- d. Provide a map of the location of the land;
- e. State when the work was completed;
- f. Specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- g. Specify the uses of the land immediately before the work started;
- h. Briefly describe the method of remediation used in the work;
- i. Specify the guidelines that were complied within the work;
- j. Specify the standard of remediation achieved (in the light of the use proposed for the land);
- k. Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and
- l. State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained.

Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.

97. Validation Report

Within thirty (30) days of completion of the remedial works, a Validation Report summarising the results of the remediation and final validation sampling for the site, shall be carried out in accordance with the NSW Environment Protection Authority Contaminated Sites Guidelines and submitted to Fairfield City Council for consideration.

The Validation Report shall include a statement that demonstrates what uses the site is suitable for.

Should the validation report deem that further remediation is required; a Remedial Action Plan (RAP) shall be developed by a suitably qualified contaminated land consultant and be submitted to Fairfield City Council for approval.

Subsequent to the completion of approved remediation works, a further site validation report is to be submitted to Fairfield City Council. The report shall confirm whether the goals set in the RAP have been achieved.

98. NSW Protection of the Environment Operations Act 1997

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

99. Compliance with Documentation

The premises shall comply with the following documentation at all times:

- Noise Assessment, Report No. 14238, prepared by Wilkinson Murray Pty Ltd, dated 6 February 2015.
- Aboriginal Cultural Heritage Due Diligence Assessment prepared by ABEL Archaeology, Project Number AA1501 02 February 2015.
- Statement of Environmental Effects including Addendums prepared by DFP Planning Consultants Project Number 8899A Revision 2 dated 9 February 2015, Reference Number 8899A.2KM dated 13 July 2015 and Reference Number 8899A.3KM dated 11 November 2015.
- Flora and Fauna and Bushfire Assessment prepared by Abel Ecology, Document Number 1342-REP-149-ISS-1, Issue 1, dated 28 January 2015.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with other relevant Council policy(s) and any other relevant requirements. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

• Covenants which may Affect this Proposal

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

HOW LONG DOES THIS APPROVAL LAST?

Pursuant to Section 95 of the Environmental Planning and Assessment Act, 1979 physical commencement of construction works/use of the land, building or work is required within a five (5) year period from the issue of the date of consent after which time the approval will lapse.

WHAT RIGHTS OF REVIEW EXIST?

Pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 an applicant who is dissatisfied with the determination with respect to the matters relating to the EP & A Act, may within 6 months from the date of determination, request Council, in writing, to review the determination.

WHAT APPEAL RIGHTS EXIST?

Pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979 an applicant may seek a Right of Appeal to the Land and Environment Court within 6 months from the date of consent if they are dissatisfied with the determination by the consent authority.



 **GEORGE VLAMIS**
MANAGER DEVELOPMENT PLANNING