

Our Reference:
Contact:
Phone:

2018/347
Miss D Hang
02 8757 9493

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

17 October 2019

Goodman Property Services Australia
Level 17 / 60 Castlereagh Street
SYDNEY NSW 2000

Dear Sir/Madam,

Pursuant to Section 4.16 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: **Lot 1, DP730434**

STREET ADDRESS: **149 McCredie Road, Guildford West**

DEVELOPMENT CONSENT NO: **2018/347/1**

DECISION: **Sydney Central City Planning Panel**

DATE OF EXPIRY OF CONSENT: **17 October 2024**

PROPOSED DEVELOPMENT: **Demolition of existing structures, construction of two buildings containing 8 tenancies for use as a warehouse and distribution centre to operate 24 hours seven days a week, tree removal, site works and installation of signage.**

The 24 hours operation is permitted for a 12 months trial period from the date of issue of the first occupation certificate.

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the attached endorsed plans:

Architectural Plans prepared by Nettleton Tribe Partnership Pty Ltd			
Dwg No.	Issue	Title	Date
10803_DA011	8	Site Plan	19/06/2019
10803_DA012	11	Ground Floor Plan	19/06/2019
10803_DA014	9	Roof Plan	19/06/2019
10803_DA015	9	Warehouse 1 Plan	19/06/2019
10803_DA016	9	Warehouse 2 Plan	19/06/2019
10803_DA021	8	Warehouse 1 Elevations	14/05/2019
10803_DA022	8	Warehouse 2 Elevations	14/05/2019
10803_DA030	6	Sections	14/05/2019
10803_DA111	11	Office 1A Plans	21/06/2019
10803_DA112	10	Office 1B Plans	21/06/2019
10803_DA113	13	Office 1C Plans	21/06/2019
10803_DA114	10	Office 1D Plans	21/06/2019
10803_DA115	12	Office 2A Plans	21/06/2019
10803_DA116	10	Office 2B Plans	21/06/2019
10803_DA117	11	Office 2C Plans	21/06/2019
10803_DA118	10	Office 2D Plans	21/06/2019
10803_DA221	7	Office 1A Elevations	14/05/2019
10803_DA222	8	Office 1B Elevations	14/05/2019
10803_DA223	10	Office 1C Elevations	14/05/2019
10803_DA224	8	Office 1D Elevations	14/05/2019
10803_DA225	10	Office 2A Elevations	14/05/2019
10803_DA226	8	Office 2B Elevations	14/05/2019
10803_DA227	7	Office 2C Elevations	14/05/2019
10803_DA228	7	Office 2D Elevations	14/05/2019
10803_DA080	5	Signage Schedule	14/05/2019

Stormwater Plans prepared by Costin Roe Consulting Pty Ltd (OSD Plan No. 2019-206, as amended to satisfy Condition 14)

Dwg No.	Issue	Title	Date
CO10635.04-DA20	C	Erosion & Sediment Control Plan	24/04/2019
CO10635.04-DA41	E	Stormwater Drainage Plan – Sheet 1	24/04/2019
CO10635.04-DA42	E	Stormwater Drainage Plan – Sheet 2	24/04/2019
CO10635.04-DA43	F	Stormwater Drainage Plan – Sheet 3	24/04/2019
CO10635.04-DA44	E	Stormwater Drainage Plan – Sheet 4	24/04/2019
CO10635.04-DA46	C	Stormwater Drainage Details – Sheet 2	24/04/2019
CO10635.04-DA47	D	OSD Tank Details – Sheet 1	24/04/2019
CO10635.04-DA48	D	OSD Tank Details – Sheet 2	24/04/2019
CO10635.04-DA49	D	OSD Tank Details – Sheet 3	24/04/2019
CO10635.04-DA51	C	Finished Levels Plan – Sheet 1	24/04/2019
CO10635.04-DA52	C	Finished Levels Plan – Sheet 2	24/04/2019

Stormwater Plans prepared by Costin Roe Consulting Pty Ltd (OSD Plan No. 2019-206, as amended to satisfy Condition 14)			
CO10635.04-DA53	C	Finished Levels Plan – Sheet 3	24/04/2019
CO10635.04-DA54	C	Finished Levels Plan – Sheet 4	24/04/2019
CO10635.04-DA91	B	Water Quality Catchment Plan	24/04/2019
CO10635.04-DA92	B	OSD Catchment Plan	24/04/2019
CO10635.04-DA93	B	OSD Calculations Summary	24/04/2019

- Landscape Plans, Drawing Nos. 001, 101-106 (inclusive), and 501, Issue E, prepared by Site Image Pty Ltd, dated 19 April 2019; and **as amended to satisfy Condition 14**;
- Civil Engineering Report, prepared by Costin Roe Consulting Pty Ltd, Rev B, dated 24 April 2019;
- Remedial Action Plan, prepared by AECOM Australia Pty Ltd, Ref. No. 60582510, dated 8 November 2018;
- Arborist Impact Assessment, prepared by McArdle Arborist Consultancy, dated 22 August 2018;
- Noise Impact Assessment, Ref. No. 610.18295-R01-v2.1, prepared by SLR Consulting Australia Pty Ltd, dated 14 June 2019;
- Correspondence from Roads & Maritime Services, dated 13 November 2018 (copy attached), and all conditions contained therein;
- Correspondence from Endeavour Energy, dated 8 November 2018 (copy attached), and all conditions contained therein; and
- Site Waste Minimisation and Management Plan, Ref. No. 610.18196-R01-v3.0, prepared by SLR Consulting Australia Pty Ltd, dated 9 May 2019.

As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 6.6 of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) A local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

6. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.

The footing system is to be designed by a practising professional structural engineer.

7. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Demolition

8. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

9. Permission is granted for the partial demolition of structures in accordance with endorsed plans, subject to strict compliance with the following:-

- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every

premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

- b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
- d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840 9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.

- m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under Holroyd DCP 2013 Part A, Section 11. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials;** and

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

- 10. Payment of **\$482.00** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

Substation / fire hydrant boosters

- 11. No approval is granted or implied for any encasing structures (i.e. blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

Cranes on Building Sites

- 12. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any crane that swings over Council land.

Trial Period

- 13. The 24 hour, 7 days a week operating hours of the warehouse and distribution centre is to operate for a trial period of twelve (12) months (from the issue of the first Occupation

Certificate), to assess the operation of the premises having regard to any complaints received in regards to noise and compliance with conditions of consent. Prior to the conclusion of this twelve (12) month trial period the applicant may apply to Council for a modification under Section 4.55 of the Environmental Planning and Assessment Act 1979 to seek continuation of 24 hours operation. At the time of lodging the Section 4.55 application, it shall be adequately demonstrated that at least 4 of the approved tenancies have been in operation for at least a continuous period of ten (10) months from the date of the issue of the first Occupation Certificate.

Council may seek additional information including an acoustic report to determine if continuation of 24 hours operation is appropriate. In the event 24 hours operation is not supported beyond the trial period, the premises will need to operate in accordance with the hours of operation for industrial premises in Part D of the Holroyd DCP (7.00am to 7.00pm Monday to Friday, 7.00am to 12 Noon Saturday, and no work on Sunday).

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

Amended Plans

14. The landscape plan and engineering plans shall be revised to correspond with the endorsed architectural plans with respect to driveway locations, hardstand and landscaped areas. The amended landscape plan shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Payment of Bonds, Fees and Long Service Levy

15. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Damage Deposit

16. A cash bond/bank guarantee of **\$6,005.00** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property (such as road pavement, kerb and guttering, footway, stormwater drainage etc), unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

17. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Landscape Inspection Fee

18. Payment of a **\$686.00** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

19. Payment of a **\$2,628.00** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System/Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
20. The applicant shall lodge with Council a **\$24,000.00** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
21. The applicant shall lodge with Council a **\$55,930.00** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
22. The applicant shall lodge with Council a **\$6,290.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System/Pollution Control Device/s. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.
23. The applicant shall lodge with Council a **\$36,000.00** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works along all areas of the site fronting McCredie Road, Sturt Street and Pavesi Street. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

Road Works

24. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$201.00** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

On-site Stormwater Detention

25. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2019-206 and Council's on-site stormwater detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:

- i. Galvanised step irons staggered at 300mm centres shall also be proposed at each access point to the underground storage tank/s.
- ii. A confined space danger sign shall be provided at all access points to the underground OSD storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook.

Water Sensitive Urban Design (WSUD)

26. The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. In this regard, design and construction details of the WSUD system demonstrating compliance with Council's DCP 2013 Part A section 7.5 and in accordance with the approved OSD stormwater plan shall be submitted to the certifying authority prior to the issue of a Construction Certificate.

Flooding

27. The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -

- i. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, debris and buoyancy up to and including the FPL (1% AEP flood plus 500mm freeboard).
- ii. All new works shall be constructed in flood compatible materials to a minimum level of 1%AEP + freeboard (ie flood planning level), including the requirements for electrical equipment, power supply, wiring, GPO's etc. All works shall generally be in accordance with Council's DCP 2013 Section 8 table 9 and 10.

Public Stormwater Drainage Design

28. Prior to issue of any Construction Certificate, a separate application and approval for any stormwater connection into Council trunk drainage system within Council's road reserve is required. A detail design for the proposed connection shall be submitted and approved by the Cumberland Council's Manager Engineering and Traffic. In this regard:

- i. Longitudinal section of the proposed stormwater outlet within the Council controlled land, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- ii. Depth of the Council pit and pipe shall be verified and annotated on the plan.

Note: The applicant is to submit an application for a road opening permit and pay all relevant fees.

Splay corners

29. The development shall make provisions for a 6 metre by 6 metre splay corner (curved or straight) within the site at the corner of Sturt Street with Pavesi Street and McCredie Road.

The 2 pylon signs shall be constructed be contained wholly within the confines of the property boundaries, having regard to the 6m x 6m splay corners required at the corner of Sturt Street with Pavesi Street and McCredie Road.

Traffic – Access & Parking

30. Boundary alignment levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department to obtain the boundary line levels prior to issue of construction certificate.
31. The proposed vehicular crossing shall be shown perpendicular to the line of the kerb and gutter and the maximum width of vehicular crossing at the boundary line for heavy rigid vehicles access is 10m.
32. The location of the proposed driveways (i.e. truck and car accesses) on Sturt Street is located within existing 'Bus Zone' area. Any proposals that affect traffic signs, linemarking or traffic devices on any public road are subject to the approval through the Council Traffic Committee.

The proposed 'Bus Zone' area on Sturt Street shall be reported to the Traffic Committee and Council for consideration and approval prior to the issue of a Construction Certificate.

33. The proposed disabled parking spaces shall be provided with shared area and bollard in accordance with Australian Standard 2890.6-2009.
34. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost associated with the proposed works shall be borne from the applicant and at no cost to Council.
35. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
36. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009, AS 2890.2-2002 and the endorsed plans.

Sight Distance

37. To maintain sight distance to pedestrians, all fencing and landscaping within 2m of a driveway shall have a maximum height of 1m and be 50% transparent above a height of 0.5 m. All solid posts higher than 0.5 m (but lower than 1m) shall have a maximum width 0.35 m and a minimum spacing of 1.2m. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Required Submissions to Certifying Authority

38. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
39. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
40. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
41. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

Construction Management Plan

42. A Construction Management Plan (CMP) prepared by a suitably qualified consultant shall be prepared to address issues such as traffic control, noise, dust, etc., during construction. All measures works/methods/procedures/control measures/recommendations made within the Construction Management Plan shall be implemented accordingly.

Remediation

43. The site must be remediated in accordance with the Remedial Action Plan, prepared by AECOM Australia Pty Ltd, Ref. No. 60582510, dated 8 November 2018. Once the site has been remediated, a validation report shall be submitted to Council for review prior to the issue of a Construction Certificate.

Acoustic

44. All recommendations contained in Section 5 of the Noise Impact Assessment prepared by SLR Consulting Australia Pty Ltd, Reference No. 610.18295-R01-v2.1, dated 14 June 2019 shall be adopted, implemented, and adhered to.

If operators of any of the units of the development are required to have any plant equipment not specified in the Noise Impact Assessment prepared by SLR Consulting Australia Pty Ltd dated 14 June 2019, or will be installing air conditioning units, than a

revised acoustic report shall be submitted to Council for review and approval prior to the issue of a Construction Certificate.

Fire Safety Upgrading & Essential Services

45. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

External Walls and Cladding Flammability

46. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Erosion and sedimentation controls

47. Erosion and sedimentation controls must be provided to ensure:

- a) Compliance with any approved Soil and Water Management Plan
- b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- c) All uncontaminated run-off is diverted around cleared or disturbed areas
- d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterway
- e) All erosion and sediment controls are fully maintained for the duration of demolition/development works
- f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters
- i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted with the Construction Certificate Application. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site.

Accessibility

48. Prior to the issue of a Construction Certificate, plans must be submitted to the Principal Certifying Authority, indicating that the new development has been designed to comply with the requirements of the Disability (Access to Premises – Building) Standards 2010.

Salinity

49. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- “Building in Saline Environment” prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”
- Wagga Wagga City Council’s “Urban Salinity Action” October 1999
- “Guide to Residential Slabs and Footings in Saline Environments” prepared by Cement Concrete and Aggregates Australia, May 2005

Waste Storage Area

50. The waste storage area shall be roofed, screened from public view and provided with:-

- Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council’s satisfaction;
- An adequate water supply provided by a hose cock and hose (hot water for commercial premises)
- The floor shall be made of an impervious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.

Plans and specifications for the storage room shall be submitted with the application for the Construction Certificate.

Sydney Water

51. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.

PRIOR TO WORKS COMMENCING

The following conditions are to be complied with prior to any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

52. The person having the benefit of the development consent, not the principal contractor (builder), must: -

- Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
- Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
- Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

53. The person having the benefit of the Development Consent must:-

- Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

- Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
- Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Photographic Record of Council Property – Damage Deposit

54. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Notification to Relevant Public Authority

55. The applicant shall ensure that relevant utility authorities are made aware of the salinity problems that have been identified, such that their services are designed to take into consideration the effects of saline soils may have on installation.

Fencing of Sites

56. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

57. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
- stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

58. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

59. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

60. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Tree Protection

61. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.

62. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the construction process in accordance with the Arborist Impact Assessment, prepared by McArdle Arborist Consultancy, dated 22 August 2018, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
63. Protective fencing is to be installed around the trees to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

Note: Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.

Support for Neighbouring Buildings

64. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
 - a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The 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 clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

Toilet Facilities

65. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
 - a) Must be a standard flushing toilet, and

- b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Footpaving, Kerbing and Guttering

- 66. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

Road Works

- 67. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.
- 68. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council the applicable fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
- 69. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works Within Council's Reserve

- 70. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
- 71. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
- 72. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

- 73. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development, it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as

soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to council@cumberland.nsw.gov.au or contact Council's Rates Section by phone on 8757 9000.

DURING CONSTRUCTION

The following conditions are applicable during construction:-

Endorsed Plans & Specifications

74. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

75. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

76. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
77. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
78. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Waste Management Plan

79. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
80. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

81. Section 6.5 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

Construction

82. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Landscaping/Tree Protection

83. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

84. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the Arborist Impact Assessment, prepared by McArdle Arborist Consultancy, dated 22 August 2018, and relevant conditions of this Consent.

85. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:

- Sets out maintenance work carried out on tree/s; and

- ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

The report should also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs and be provided at three monthly intervals during construction works that are within 5m of any tree.

86. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.
87. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

88. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

Inspection of On Site Detention Works

89. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.
 - (b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
 - (c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
 - (d) Final Inspection

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

Inspection of Pollution Control Device/s

90. The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control device/s.
 - (b) After completion of storage but prior to installation of fittings (eg. screens, etc.)
 - (c) Final Inspection.

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

Road Works and Footpaving

91. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
92. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Underground Cabling

93. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

Underground Power Connection

94. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Vehicle Cleansing

95. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

96. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Remediation Works

97. Remediation and validation works shall be carried out in accordance with Remedial Action Plan, prepared by AECOM Australia Pty Ltd, Ref. No. 60582510, dated 8 November 2018. The applicant shall inform Council in writing of any proposed variation to the remediation works which are to be approved by Council in writing.

Additional Information during Remediation/Demolition/Construction

98. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Removal of Underground Storage Tanks

99. Underground tanks shall be removed and all works comply with the requirements of:
 - NSW EPA – *Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.
 - NSW EPA NSW EPA - *UPSS Technical Note: Site validation reporting*.
 - NSW EPA - *UPSS Technical Note: Decommissioning, abandonment and removal of UPSS*.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of an occupation certificate:-

Compliance Certificates/Documentary Evidence

100. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
101. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
102. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Landscaping/Tree Protection

103. Certification is to be provided to the Principal Certifying Authority (PCA), from a suitably qualified person or the designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
104. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.
105. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
106. Boundary and courtyard fences must be erected and finished in a professional manner.

Tree Planting

107. As shown on the endorsed plan:

- Five (5) x *Tristaniopsis laurina 'Luscious'* are to be planted in the footpath areas of Pavesi Street. The trees are to come from a minimum 45 litre containers and be planted, so as not to affect existing services, in accordance with the attached guidelines.
- Five (5) x *Callistemon viminalis* are to be planted in the footpath areas of Sturt Street. The trees are to come from a minimum 45 litre containers and be planted, so as not to affect existing services, in accordance with the attached guidelines.

Traffic, Parking and Driveway

108. All parking spaces shall be signposted and linemarked in accordance with the endorsed signs and linemarking plans and Australian Standards (i.e. AS2890.1-2004, AS2890.6-2009 and AS2890.2-2002).

109. The entry / exit driveways shall be indicated with appropriate signage and linemarking to avoid traffic conflict at the driveway.

Fire Safety

110. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:–
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

External Walls and Cladding Flammability

111. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:

- (b) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (c) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

On-site Stormwater Detention, Certification and Covenant

- 112. A copy of the as approved stormwater drainage and On Site Detention/Pollution Control Device plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
- 113. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention/Pollution Control Device shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
- 114. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention/Pollution Control Device shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention/Pollution Control Device is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

- 115. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

Covenant and Maintenance Schedule

- 116. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.

117. OSD design summary calculation sheet/s using the WAE levels shall be submitted to Council.
118. The applicant shall provide a standard confined space danger sign at all access points to the underground OSD storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook.

Road Works

119. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
120. The construction or reconstruction of cracked and/or damaged concrete footpath, kerb, gutter and any associated works along all areas of the site frontage. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.
121. A full width Heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site from Pine Road, with the following requirement:
 - A maximum wide **10.0** metres of vehicular crossing at the boundary line with a maximum of **2.0** metres splays for heavy rigid vehicles enter and exiting the site.
 - A maximum wide **6.0** metre of vehicular crossing at the boundary line with a maximum of for general access.

These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.

122. The construction or reconstruction of concrete footpath paving and associated works along all areas of the site fronting McCredie Road, Sturt Street and Pavesi Street. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.
123. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting McCredie Road, Sturt Street and Pavesi Street. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8010.
124. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
125. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.
126. Dedication and construction of a 6 metres by 6 metres splay corner in favour of Council. Documents relative to the creation of the splay corner shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation

Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.

Noise Compliance Report

127. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed Noise Impact Assessment, Ref. No. 610.18295-R01-v2.1, prepared by SLR Consulting Australia Pty Ltd, dated 14 June 2019; have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Remediation of Land - Validation Report

128. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Occupation Certificate shall not be issued until Council approves this Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consultants Reporting on Contaminated Sites*, and shall:

- describe and document all works performed;
- include results of validation testing and monitoring;
- include validation results of any fill imported on to the site;
- show how all agreed clean-up criteria and relevant regulations have been complied with; and
- include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

Street Number

129. A street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers".

Air Conditioning

130. At the completion of the installation of the mechanical ventilation system, the Principal Certifying Authority is to be provided with a certificate from the installer that includes:

- (a) inspection, testing and commissioning details,
- (b) date of inspection testing and commissioning,
- (c) the name and address of the individual who carried out the test,
- (d) statement that the service has been designed, installed and is capable of operating to the above standard.

Lighting

131. Adequate lighting shall be provided within the development (i.e. pedestrian access ways, common areas, car parking areas and all entries) and shall comply with AS 1680.0:2009.

General

132. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
133. The proposed signage shall be securely fixed and stable. Detail shall be submitted to the Certifying Authority for approval, prior to the issue of an Occupation Certificate.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

Use of Premises

134. Approval is granted for the use of the premises as a warehouse or distribution centre. The use of all tenancies at all times must comply with the following definition of 'warehouse or distribution centre'

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

Safety & Amenity

135. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.

136. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation of the premises are to be restricted to between:-

• Monday to Friday	7.00am to 7.00pm
• Saturday	7.00am to 12 Noon
• Sunday and Public Holidays	No Work

For a trial period of 12 months, commencing from the date of the issue of the first Occupation Certificate as detailed by Condition 13; the hours of operation (including deliveries) are maintained to 24 hours / 7 days a week.

137. All industrial activities are to be confined within the building and no such activity shall occur externally to the building and this shall include loading and unloading, also storage of new and used materials.

138. Business is to be conducted and patrons are to be controlled at all times so that no interference occurs to the amenity of the adjoining occupations.

139. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

140. Where 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.

141. All industrial activity is to be conducted so that it causes no unreasonable interference to adjoining industrial occupations.

142. No retail sales or advertising of retail sales is to be undertaken from the subject site at any time.
143. Disposal of liquid waste via the sewer shall only be carried out after approval from Sydney Water via a Trade Waste Agreement. Alternatively, liquid waste shall be removed by a licensed liquid waste contractor.
144. Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up must be disposed of to an appropriately licensed waste facility.

Signage

145. The following shall be complied with:
 - a) The signage shall be for business identification purposes only and be associated with the approved uses carried out within the premises;
 - b) Internal illumination of the signage shall be adjustable and is permitted during the approved hours of operation;
 - c) The signage shall not be adapted or used for third party advertising purposes at any time;
 - d) The signage shall not:
 - i) Flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - ii) Include any apparatus to provide any sound;
 - iii) Carry a message which is offensive;
 - iv) Give instructions to traffic by the use of the words, 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - v) Contain interchangeable or moveable parts;
 - vi) Impair or distract the vision of a driver through the intensity of the illumination of the site; and
 - vii) Must not impede the ability of the occupants to exit the building under emergency conditions.

Emergency Procedures

146. Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council, prior to commencement of the use.

147. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Air Emissions

148. The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of such Act.
149. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
150. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
151. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

General Noise

152. The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
153. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
154. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Alarms

155. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Mechanical Ventilation System

156. Noise and vibration from the use of the air handling system (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy.

Clean Water Discharge

157. The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Signage on Stormwater Drains

158. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H2O only'.

Maintenance of Stormwater Treatment Devices

159. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters.

Maintenance of Bunded Area

160. Bunded areas shall be properly maintained and all spillages and/or wastes within the bunded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.

Traffic & Parking

161. At least 253 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
162. All vehicles (including heavy vehicles) shall enter and leave the site in a forward direction.
163. The largest heavy vehicle size that will enter and exit the site shall be restricted to B-double (26m long).
164. All off-street parking spaces shall be made available for parking purposes only and not for storage of good / materials etc.
165. All delivery vehicles shall be accommodated within the site and shall not be queued on the frontage street/s. In this regard, queuing area, shall be provided within the site and shall not obstruct traffic flow on the frontage streets and / or impact on the road safety.
166. Boom gate if any, to not causing queuing on the frontage streets.
167. Forklift or service vehicles shall not load / unload / operate on the frontage streets.

Maintenance of Waste Storage Area

168. All waste and recycling containers shall be stored in the designated waste storage area. The owner's corporation shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The owners corporation shall clean the waste storage area, dry arrestor pit and waste collection containers.
169. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.
170. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

Lighting

171. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting*.

Landscaping

172. Landscaping adjacent to the driveway shall not restrict pedestrian and vehicular visibility in accordance with Australian Standard 2890.1 – 2004. Regular maintenance shall be undertaken to ensure this requirement is satisfied.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
 - (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 8.2 of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

It should also be noted that an application under Section 8.2 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.
- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

G. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard no works are to occur within the driplines of trees to be retained.

H. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moody's Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to "Banks" and download to Australian Banks.

To get to Moody's www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

I. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council's adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

J. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

K. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

L. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the [Department of Lands](#) who can act as a mediator in disputes.

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT