

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-110
DA Number	DA-2020/417
LGA	Bayside Council
Proposed Development	Construction of an industrial warehouse estate with associated site offices, hardstand and parking areas; tree and vegetation removal; landscaping works; and signage, operating 24 hours / 7 days
Street Address	77 Stephen Road (aka 9 Coal Pier Road) Banksmeadow
Applicant/Owner	Goodman Property Services (Aust) Pty Limited/ The Trust Company Limited
Date of DA lodgement	14 December 2020
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> Two (2) Submissions
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Development with a CIV of \$47,300,708.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications State Environmental Planning Policy (Three Ports) 2013 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Vegetation in non-rural areas) 2017
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Architectural plans- Reid Campbell
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> Flooding Asset maintenance Tree removal Risk Traffic
Report prepared by	Angela Lazaridis – Senior Development Assessment Planner
Report date	8 July 2021

Summary of s4.15 matters	Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions	Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not applicable
Conditions	Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

SYDNEY EASTERN CITY PLANNING PANEL PANEL DETERMINATION MEETING

SECPP No	PPSSEC-110
DA Number	DA-2020/417
Local Government Area	Bayside Council
Proposed Development	Construction of an industrial warehouse estate with associated site offices, hardstand and parking areas; tree and vegetation removal; landscaping works; and signage, operating 24 hours / 7 days
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Regional Development Criteria (Schedule 7 of the SEPP)	Development with a CIV of \$47,300,708.00
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications • State Environmental Planning Policy (Three Ports) 2013 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy (Vegetation in non-rural areas) 2017
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Report by	Angela Lazaridis – Senior Development Assessment Planner

RECOMMENDATION

In view of the below comments, it is RECOMMENDED that the Sydney Eastern City Planning Panel (SECPP), as the Consent Authority, resolve to:

- a) Grant deferred commencement approval of Development Application No. 2020/417 for the construction of an industrial warehouse estate with associated site offices, hardstand and parking areas; tree and vegetation removal; landscaping works; and signage, operating 24 hours / 7 days at 77 Stephen Road (aka 9 Coal Pier Road) Banksmeadow, subject to the conditions of consent in the attached Schedule.
- b) Consider any submissions made concerning the proposed modification and take into account the reasons of the consent authority that granted the consent that is sought to be modified.

The reasons for the recommendation are as follows:

- a) The proposal provides a considered built form response that will deliver a positive urban design outcome within the industrial area;
- b) The proposal is consistent and conforms to the objectives of the IN1 General Industrial zone within the Three Ports SEPP;
- c) The proposal has been assessed against risk impacts from the Botany Industrial Park and is considered suitable development, subject to satisfaction of the points raised in the deferred commencement conditions.

EXECUTIVE SUMMARY

Council received Development Application No. 2020/417 on 14 December 2020 for the construction of an industrial warehouse estate with associated site offices, hardstand and parking areas; tree and vegetation removal; landscaping works; and signage, operating 24 hours / 7 days at 77 Stephen Road (aka 9 Coal Pier Road) Banksmeadow.

The Development Application is required to be referred to the Sydney Eastern City Planning Panel (SECPP) pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as the Capital Investment Value of the proposal is greater than \$30,000,000.00.

The Development Application was advertised in accordance with Part 2 – Notification and Advertising of the Botany Bay Development Controls Plan 2013 for a period of fourteen (14) days between 13 January to 27 January 2021. Two (2) submissions were received.

The key issues in the assessment of the development application include flooding, asset maintenance, tree removal, risk and traffic.

Regarding flooding and asset maintenance, the site contains two drainage assets which are the Springvale Drain which runs along the eastern side of the site and the Floodvale Drain which runs along the western side of the site. Earthworks are proposed including construction of flood storage basins to address flooding. The applicant has provided revised flood hazard mapping and flood assessment and probable maximum flood reports which have been reviewed by Councils Floodplain Engineer. Issues are raised relating to maintenance of these

assets in terms of how Council can enter and provide machinery down to the asset appropriately. Discussion on these issues is provided in the report below.

Regarding risk, the site is located within the Three Ports SEPP area and is directly adjacent to the Botany Industrial Park (BIP) which is to the east. Consideration of societal and individual fatality risk have been undertaken and the risk report provided with the development application was reviewed by the Department of Planning, Industry and Environments' Hazard Branch, who provided appropriate conditions of consent.

Regarding tree removal, there are two key areas on the site where there are existing trees. These are along the southern boundary and on the north-western corner of the site. The applicant seeks to remove a total of 88 trees with most trees to be removed on the north-western section of the site. This is due to conflict with the proposed flood storage basin, the existing drainage channel and future maintenance issues. The applicant has provided some new trees to be planted on the site within the front setback and within the car parking area. Councils Tree Management Officer and Landscape Architect have imposed a condition requiring additional trees to be planted in addition to what the applicant has proposed.

Regarding traffic, the proposal seeks two points of access on the site. One location is central to the site, north of the existing crossover and this will be dual access and the other location is on the southern end of the site which is only for egress. Concerns were raised by Councils Development Engineer and Bayside Traffic Advisory Committee regarding safety and sightlines at this southern exit and additional information is required by the applicant as a deferred commencement condition so that Council can be satisfied that this issue is resolved. This is discussed in greater detail below in the report.

In summary, the proposed development application has been assessed against the relevant controls, and on balance, Council is generally supportive of the proposal. It is recommended that the application be issued with a deferred commencement approval, subject to the conditions of consent in the attached Schedule.

SITE DESCRIPTION AND SURROUNDING LOCALITY

The site is legally identified as Lot 1 in DP 1092874 and is identified as 77 Stephen Road Banksmeadow. The site is identified on Council records as 9 Coal Pier Road. The site is located on the eastern side of Coal Pier Road between McPherson Street to the south and Stephen Road to the west. The site has an overall area of 57,532sqm and is irregular in shape with a southern boundary length of 304.25 metres, a northern boundary length of 222.43 metres, an eastern boundary length of 212.51 metres and a combined western boundary length of 175.13 metres. The site is generally levelled.



Figure 1. Locality Plan



Figure 2. Aerial Map of Subject Site

The site is currently vacant with most of the area being hardstand paving. The site was previously used as a fuel tank farm by Mobil for the storage and distribution of aviation fuels. This use was decommissioned in 2010. There are remnants of train tracks, retaining walls, low level vegetation and concrete leftover from the previous use which are all to be removed as part of this application. There are many trees located along the southern boundary and the north western corner of the site. The key access point is off Coal Pier Road which is currently hard paving. Along the south-western side of the site, there is a high barrier wall and a jersey kerb around the bend on Coal Pier Road.

The site is impacted by two drainage assets, the Springvale Drain which is an open vegetated drain running along the eastern boundary of the site and the Floodvale Drain which is located directly on the western boundary of the site and is a vegetated open channel. Through the central and southern portions of the property, the drain bisects the site within a 4.7m wide by 0.85m deep box culvert. An open culvert is also located just to the north and adjacent to the northern boundary of the site. This culvert, described as an interceptor drain, is approximately

4m wide by 1m deep and enables flood water to flow between the Floodvale and Springvale Drains as required during larger rainfall events.



Figure 3. Subject site viewed from Coal Pier Road



Figure 4. Subject Site (looking east)



Figure 5. Subject Site (looking north)



Figure 6. Subject Site (looking south)



Figure 7. Subject Site (looking west to proposed entry point into site)



Figure 8. Trees proposed to be removed and location of one of the culverts on site

The site is located within the IN1 General Industrial zone within the Three Ports SEPP area. To the east of the site, directly adjacent to the eastern boundary is the train track for the Botany Goods Railway Line. Further to the east, the Botany Industrial Park (BIP) is located, specifically the Qenos Tank Farm. The BIP consists of five main companies being Orica, Qenos, Ventia, Indorama Ventures and Ixom. To the south at 26 McPherson Street there is a large multi-unit warehouse development. To the north at 7 Coal Pier Road, the site is used for

truck marshalling, parking and ancillary storage of shipping containers. The site directly to the west at 79 Stephen Road is used as a materials recycling yard. Surrounding uses are all industrial in nature.



Figure 9. Botany Industrial Park viewed centrally from site (looking east)

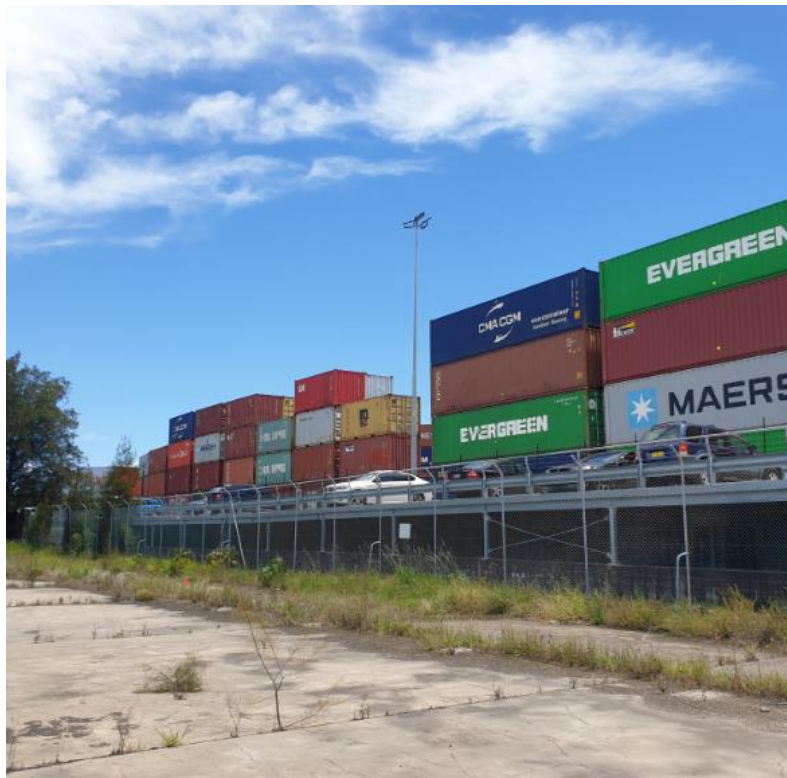


Figure 10. Northern neighbouring site (7 Coal Pier Road)

BACKGROUND/SITE HISTORY

Site History

- **DA-2014/10132-** Integrated Development for the demolition of industrial above ground structures at the Mobile Botany Terminal located on Coal Pier Road was approved on 11 December 2020.

Development Application History

- **14 December 2020-** The Development Application was lodged with Council.
- **13 January to 27 January 2021-** The Development Application was placed on public notification for a period of fourteen (14) days. Two (2) submissions were received.
- **13 January 2021-** Site inspection was carried out.
- **15 January 2021-** Additional information was requested by TfNSW relating to SIDRA modelling. This information was received on 19 January 2021.
- **25 January 2021-** Additional information was requested by TfNSW relating to SIDRA modelling and pedestrian movement.
- **1 February 2021-** Additional information letter from Council was sent to the applicant raising issues relating to TfNSW information, tree removal, landscaping, traffic and parking management, flooding, earthworks, contamination, waste management and planning. Further information relating to stormwater management was requested on 2 February 2021.
- **25 February 2021-** The additional information was submitted by the applicant.
- **17 March 2021-** The Application was presented to the Bayside Traffic Advisory Committee meeting and recommendations were provided.
- **18 March 2021-** The Application was presented at a briefing meeting with the Sydney Eastern City Planning Panel. Minutes from the meeting were provided later that day.
- **22 March 2021-** The applicant submitted additional information relating to planning and stormwater issues.
- **14 April 2021-** Council requested additional information relating to the recommendations presented in the Bayside Traffic Advisory Committee meeting and further issues raised by asset department regarding maintenance of drainage channels. Further stormwater issues raised from amended documentation were required to be addressed by Council in an email that was sent on 21 April 2021.
- **3 May 2021-** A response from the applicant regarding the flooding/stormwater issues was provided.
- **11 May 2021-** Additional information relating to traffic and asset maintenance was received by Council.

- **18 May 2021-** A online meeting was held between Council and the applicant to discuss the drainage channels, future maintenance, flooding issues and earthworks proposed.
- **26 May 2021-** A second site inspection was carried out with Councils Asset team and Strategic Floodplain Engineer to discuss drainage channels and flooding impacts.
- **3 June 2021-** Further clarification and additional information from the applicant relating to flooding was requested.
- **15 June 2021-** Additional information relating to the flooding was provided by the applicant.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development, as amended, is for the construction of an industrial warehouse estate with associated site offices, hardstand and parking areas; tree and vegetation removal; landscaping works; and signage, operating 24 hours / 7 days.

The proposal is further broken down as follows:

- Bulk Earthworks
- Construction of two (2) warehouse buildings including:
 - Provision for eight (8) individual tenancies, with four (4) tenancies in each building;
 - 28,210sqm of warehousing floorspace (which includes 444sqm of ground floor office space);
 - 2,600sqm of ancillary site office floorspace (on the first floor);
 - Associated hardstand areas for heavy vehicle manoeuvring and marshalling;
 - Outdoor staff area to the western side of Building B;
 - 149 car parking spaces and 20 bicycle parking spaces.
- Associated civil works and the connection of utilities, including construction of flood storage/basins;
- Associated site landscaping works including tree removal;
- Construction of a 5 metre high vapour barrier wall along eastern boundary;
- Associated tenancy identification signage; and
- Area for stacking containers at double height along the eastern side of the site adjoining Building A.

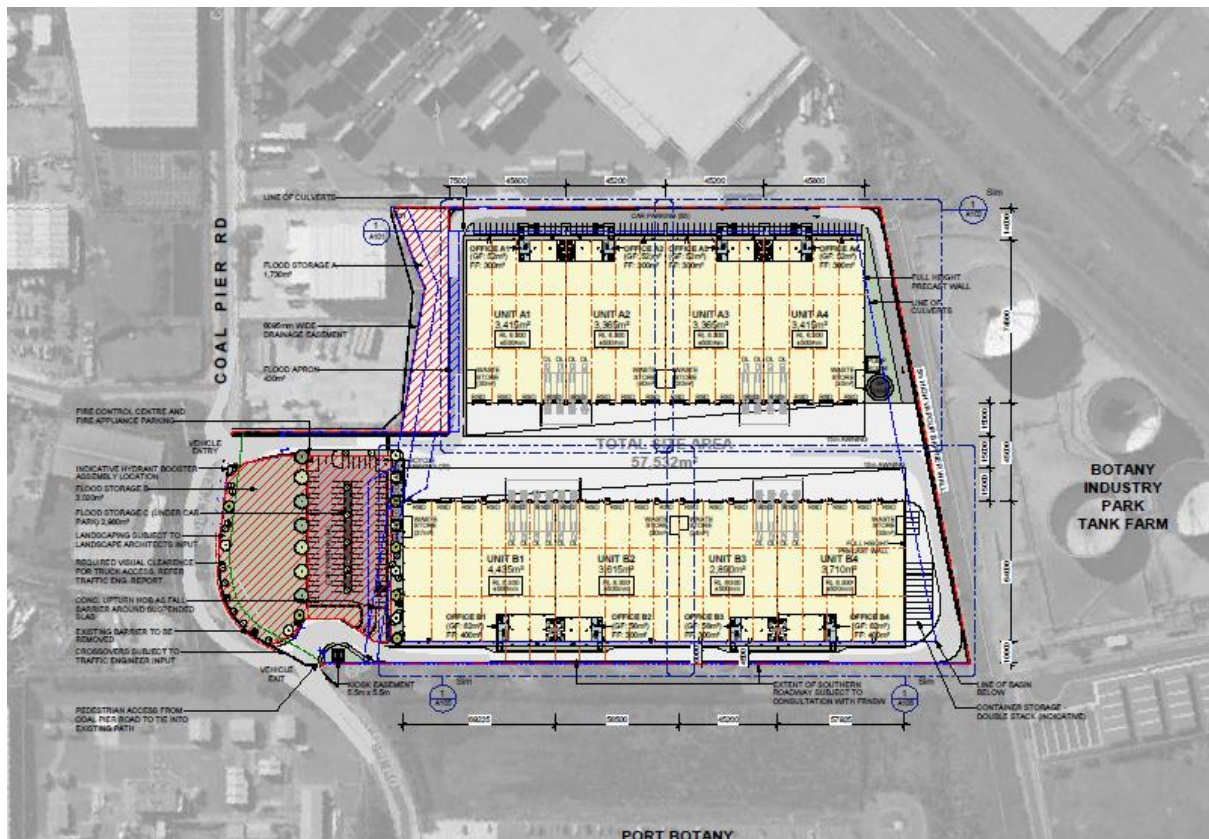


Figure 11. Proposed Site Plan

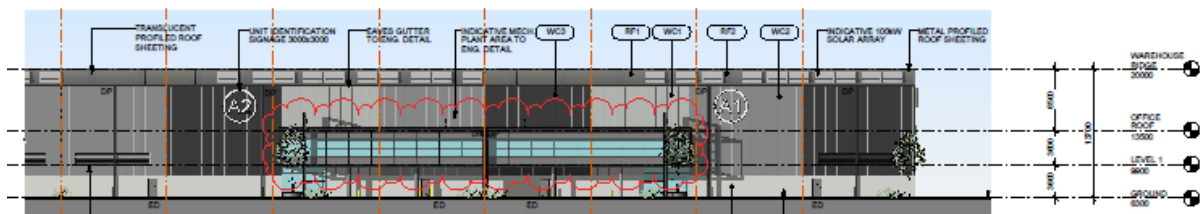


Figure 12. Building A- Northern Elevation (A1 and A2)

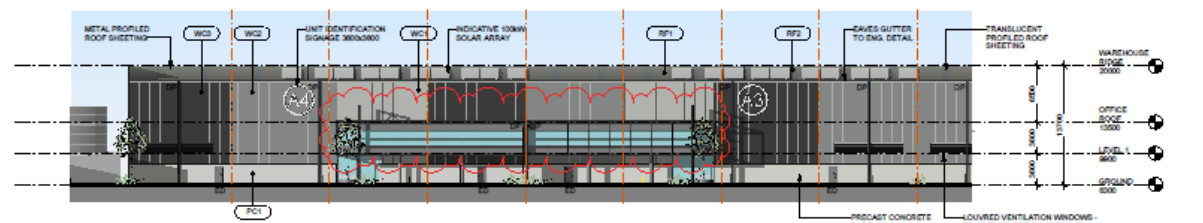


Figure 13. Building A- North Elevation (A3 and A4)

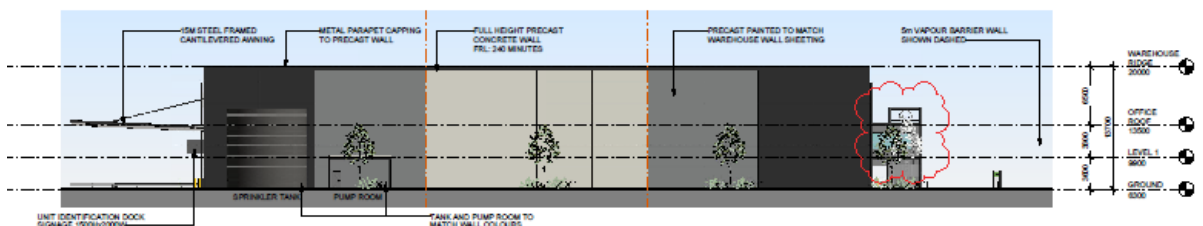


Figure 14. Building A- Eastern Elevation

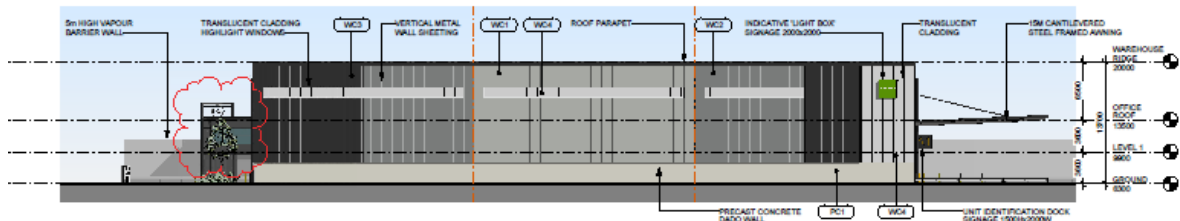


Figure 15. Building A- Western Elevation

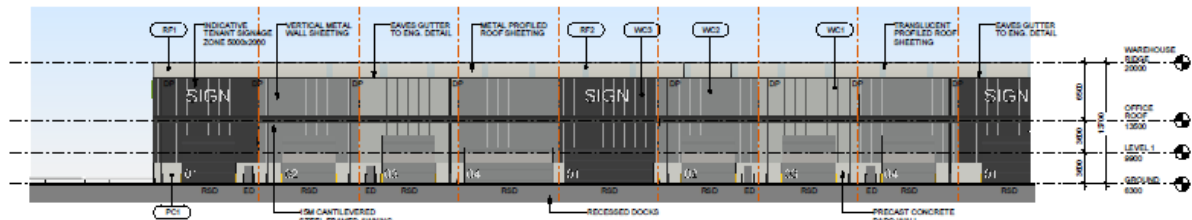


Figure 16. Building A- Southern Elevation (A1 and A2)

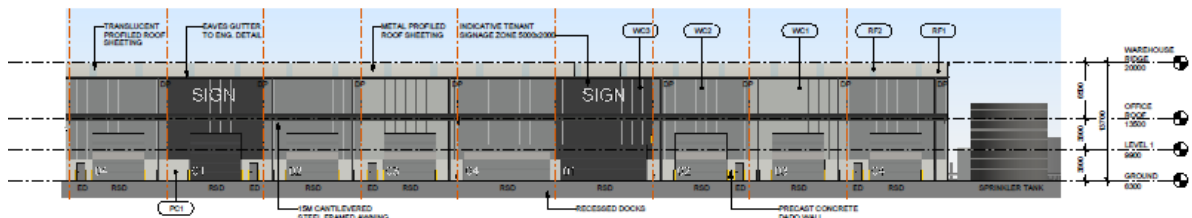


Figure 17. Building A- Southern Elevation (A3 and A4)

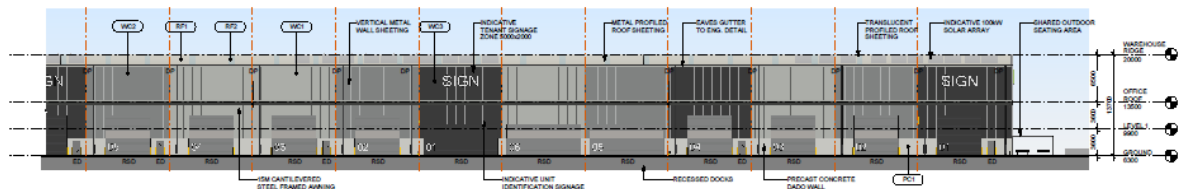


Figure 18. Building B- Northern Elevation (B1 and B2)

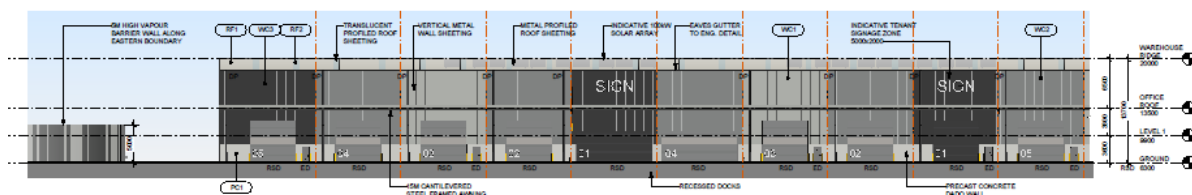


Figure 19. Building B- Northern Elevation (B3 and B4)

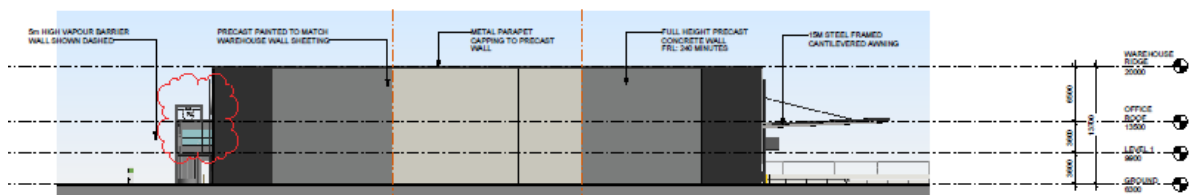


Figure 20. Building B- Eastern Elevation

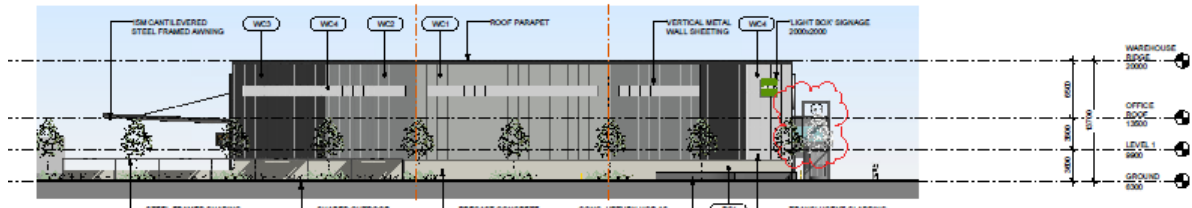


Figure 21. Building B- Western Elevation

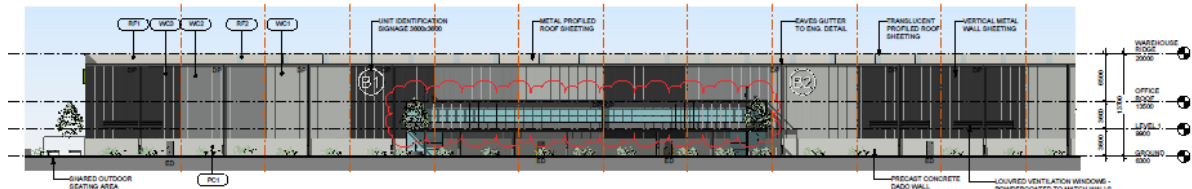


Figure 22. Building B- Southern Elevation (B1 and B2)

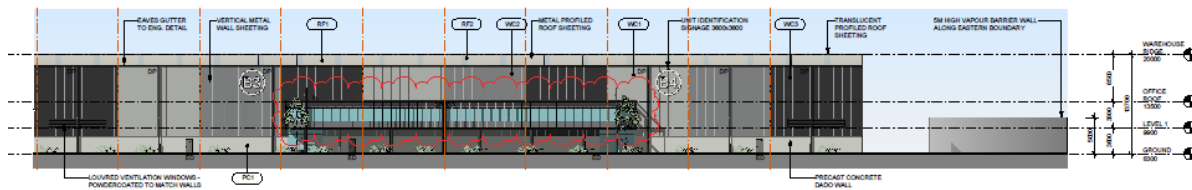


Figure 23. Building B- Southern Elevation (B3 and B4)



Figure 24. Photomontage of Estate Entry



Figure 25. Photomontage of Building A- Office Approach



Figure 26. Photomontage of Loading Dock/Central Aisle



Figure 27. Photomontage of Building B- West Elevation

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*

Section 4.15 Considerations- Matters for Consideration

In considering the Development Application, the matters listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this report and are as follows:

S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (State and Regional Development) 2011

Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 triggers the development to be assessed by the Sydney Eastern City Planning Panel as the capital investment value (CIV) of the proposal is greater than \$30,000,000.00. The overall CIV proposed is \$47,300,708.00.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Determination of development application likely to affect an electricity transmission or distribution network

Clause 45 which relates to development likely to affect an electricity transmission or distribution applies to the development application. The site currently does not contain any above ground services such as powerlines or a substation. Regardless, the application was referred to Ausgrid who provided appropriate conditions.

Clause 66C – Development Adjacent to Pipeline Corridors

The development is located approximately 400 metres south west of the Moomba to Sydney Ethane Pipeline at the closest point, and therefore is required to be referred to APA Group for comment. Comments were received by APA Group on 28 January 2021 which raised no concerns regarding any direct impact on the pipeline, as result of the development and construction activity, particularly as the proposal is not a sensitive land use. No conditions were imposed regarding the pipeline.

Clause 85(2) – Development adjacent to rail corridors

The site is directly to the west of the Botany Goods Railway Line which is a freight rail corridor. In accordance with Clause 85(2) of the Infrastructure SEPP, the proposal was required to be referred to Australian Rail Track Corporation (ARTC) as they are the relevant rail authority to assess this application. Their comments were received on 2 July 2021 which raised no concern regarding the development proposal subject to the inclusion of conditions which have been imposed in the consent.

Clause 104 – Traffic Generating Development

The proposal is identified as a traffic generating development under Schedule 3 - Traffic generating development as the site area and GFA is greater than 8,000sqm for a warehouse and distribution centre therefore a referral to Transport for NSW (TfNSW) was issued. Initially, TfNSW required additional information from the applicant relating to SIDRA analysis/modelling with conversations between them and the applicant occurring to provide the correct data and model for assessment. TfNSW have carried out an assessment of the revised documentation and have provided their response on 6 July 2021 which included the following conditions:

- a) *The proposed works, including the reconstruction of the road pavement, associated line marking (approximately 200 metres at Botany Road / Hill Street and associated civil works along Botany Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the construction certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.*

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

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

- b) *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.*
- c) *As part of the civil works on Botany Road, kerbside restrictions shall be reviewed and changes implemented as required along the Botany Road frontage per TfNSW requirements.*
- d) *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic*

control should be submitted to TfNSW for endorsement prior to the issue of a WAD. Please send to development.sydney@transport.nsw.gov.au.

- e) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.*
- f) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.*
- g) All vehicles shall enter and exit the site in a forward direction.*
- h) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.*

The above conditions will be imposed in the attached Schedule.

State Environmental Planning Policy No. 55- Remediation of Land

The provisions of SEPP No. 55 have been considered in the assessment of the development application. Clause 7 of State Environmental Planning Policy 55 requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application.

A Site Audit Statement (SAS) as well as an Environmental Management Plan (EMP) connected to the SAS have been provided as part of the development application to demonstrate the sites suitability for the proposal. The applicant has stated that the EMP was approved as part of the SAS to ensure the appropriate site management measures are applied during construction works, and the construction works for the proposed development will be carried out in accordance with the approved EMP.

The application was referred to Council's Environmental Scientist for comment. The following comments have been provided:

'The following reports have been reviewed:

- 1. 'Site Audit Statement GN523, Coal Pier Road, Banksmeadow', completed by Graeme Nyland dated 17 May 2018 (SAS).*
- 2. 'Environmental Management Plan, Former Botany Terminal (03XX), Coal Pier Road, Banksmeadow, NSW' by Aecom dated 23 February 2018.*

The SAS is a Section A2 Site Audit Statement which is dependent on an EMP. The SAS provided by the applicant was incomplete and did not have the EMP attached. However, Council has a copy of the complete SAS and have used this to complete the assessment.

The EMP shows that below ground infrastructure was removed and the site remediated and validated between 2015 and 2016. The SAS and EMP state that there is residual contamination:

1. *Hydrocarbon impacted soils covered by geofabric and least 0.3m VENM in the former tank farm, and low level hydrocarbon impacted soil below capping in the eastern tank farm.*
2. *A small hotspot of lead and chromium impacted soils present in the north western corner of the site.*
3. *All residual fill materials are considered to potentially contain friable asbestos, but in particular friable asbestos is known to exist in soil below capping in the tank farm and along the eastern site boundaries; and*
4. *Hydrocarbon contamination from site and regional contamination in groundwater, some at shallow depths of 1m begl.*

In relation to site development the EMP requires:

- No basement construction.*
- Material excavated from beneath existing capping to be managed appropriately with respect to stockpiles, reuse or disposal.*
- Backfilling of surface trenches with clean material.*
- Replacement of penetrations through the capping with geofabric layer and minimum 0.3m of clean material.*
- Groundwater management.*
- Preparation of a new EMP at the completion of site development.*

Section 3.6 of the EMP assumes that future development may comprise a slab (concrete) on ground construction, occupying the majority of the site area, including hardstand areas for parking, access drives with minimal landscaping. Additionally it is assumed that future development will not include basements and as such, environmental management procedures during construction of basements has been excluded from the EMP. It further clarifies that future redevelopment may penetrate the existing capping layer and/or existing concrete hardstand and underlying fill materials and states that the EMP is applicable should construction works require penetration of the existing capping layer and/or existing hardstand. It also requires at the completion of the redevelopment a new (updated) EMP with a copy provided to Council.

Council requested additional information in memo dated 29/1/2021. A response letter was provided by the applicant:

1. *Letter Report '9 Coal Pier Road, Banksmeadow, NSW' by Senversa dated 25 February 2021.*

Senversa reviewed the proposed development and the Site Audit Report (SAR), Site Audit Statement (SAS) and Environmental Management Plan (EMP) and concluded that they apply to the completion of construction of the new facility, including the stormwater management system proposed. Note that Council does not have a copy of the SAR.

Senversa considers that the proposed construction of stormwater retention basins is consistent with the work activities provided in the EMP and Section 6.4.3 of the EMP applies to the installation of in-ground services. They concluded that the existing EMP is appropriate for construction phase, however, to ensure that the development proceeds in a manner that minimises the potential risks to human health or the environment, a construction specific EMP is recommended. No additional contamination assessment is necessary given that a SAR and SAS have been issued certifying the site as suitable for commercial/industrial land use. The existing SAS and SAR certify site suitability. The construction specific EMP may require Auditor endorsement. Alternatively, Senversa

considers that endorsement by a certified environmental practitioner in site contamination (CEnvP SC) may be appropriate.

Appropriate conditions have been imposed in the consent regarding the above. Given that there is a site audit statement and EMP which demonstrates that the site is suitable for industrial development, the applicant has sufficiently addressed and satisfied the requirements under SEPP No. 55.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) aims to ensure advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish. Clause 8 and Clause 13 of SEPP 64 prevents development consent from being granted to signage unless the consent authority is satisfied that it is consistent with the objectives of the SEPP and has satisfied the assessment criteria specified in Schedule 1.

The proposed development seeks approval for the installation of sixteen (16) tenancy identification signs, comprising two signs for each individual tenancy at the front and rear of the relevant building. The proposed building identification signage will be installed to be flush to the building façade and are each 3600mm x 3600mm in size near the office entrance, and 5000mm x 2000mm near the loading docks. Roof-mounted tenancy identification sign will also be placed above the entrance for each office area in a 1500mm x 1500mm board as well as a 725mm x 2100mm pylon sign located adjacent to the entrance for each tenancy office area.

Both buildings will also contain an illuminated 'light-box' style estate sign on their western elevations, 2000mm x 2000mm in size, which will be visible from Coal Pier Road. The below figures are examples of the proposed signs to be installed on the site, including the pylon sign proposed to be located at the front gate of the estate on Coal Pier Road which will have dimensions of 2340mm wide and 6700mm tall.

While the signage plan is an indication of the size and dimensions of signage for each individual warehouse unit, further assessment on design will be carried out for each respective use application for individual warehouses.

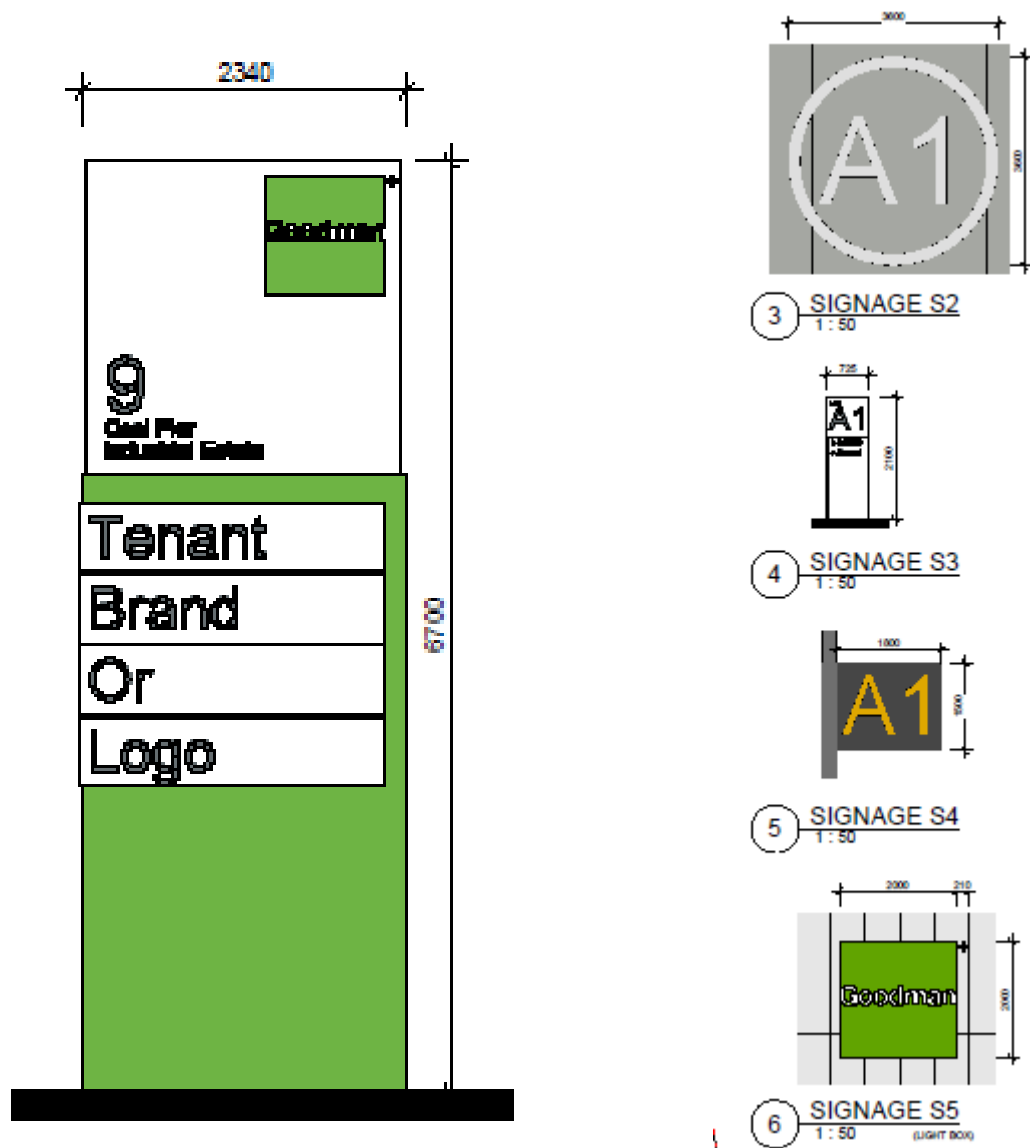


Figure 28. Proposed signage

An assessment of the proposed signage against the SEPP 64 assessment criteria has been undertaken and summarised in the table below. This assessment demonstrates that the proposed signage satisfies the relevant provisions of SEPP 64, including achieving the aims and objectives of the policy.

Assessment Criteria	Comment	Complies
Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed development is compatible with the existing and desired future character of the Banksmeadow Industrial Area and consistent with the other outdoor advertising in the locality in that it involves a mix of free-standing building identification signage and business identification signage above the entrance to each warehouse.	Yes
Special Areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas,	No special areas such as environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes are	Yes

heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	located in the vicinity of the site that would have their amenity or visual quality impacted by the proposed signage	
<u>Views and Vistas</u> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	No important views are available across the site of the proposed development, noting that the site is located in an existing industrial area within the Three Ports Area. The pylon sign at the street frontage off Coal Pier Road is not considered to obstruct views. All other signage associated with the proposed development are relatively small in size and, are internal to the site and are not visible from Coal Pier Road.	Yes
<u>Streetscape, setting and landscape</u> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The business identification signage zones are located on the wall of the building above the roller shutter door of each of the warehouses and as such will not be adversely impacted by any vegetation. Due to the heavily industrial nature of the area and the size of the site, the signage proposed are considered appropriate and are not excessive in number. The signs, other than the main pylon sign, are integrated on the facades or attached to the building, and will not protrude above buildings, structures or tree canopies.	Yes
<u>Site and building</u> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage has been integrated within the building and the overall design of the proposed development to ensure that important features of the site and the building are appropriately respected. This ensures the signage is viewed as subservient to the building, particularly noting that the business identification signage will not be visible from the public domain or surrounding development.	Yes
<u>Associated devices and logos with advertisements and advertising structures</u> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No associated devices or logos are proposed.	Yes
<u>Illumination</u> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signage will be internally lit and will comply with the relevant standards and conditions of consent with respect to illumination.	Yes

Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	Some of the signs will be of illuminated 'light box' style. The illumination is not considered to be intense and is appropriate for the site and its surroundings.	
<u>Safety</u> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is affixed to the building and are located on the walls of the proposed development above each warehouse's roller shutter door. The signs will not reduce the safety of vehicles, pedestrians or cyclists.	Yes

The proposal satisfies the assessment criteria under SEPP No. 64 therefore the signage proposed is acceptable.

State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) regulates the clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent and applies to the Sydney and Newcastle metropolitan areas. The aims of the policy are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The applicant has submitted an arborist report prepared by Sydney Arbor Trees Pty Ltd which outlines which trees are to be retained or removed. In the report, the applicant seeks to remove 88 trees from within the site. The two key locations of the existing trees are on the north-western side of the site and along the southern boundary. Most of the trees are *Casuarina glauca* (swamp she-oak) and *Melaleuca Quinquenervia* (broad-leaf paperbark). The applicant has provided the following justification for the trees being removed from the site:

"Tree retention

Goodman notes its previous comments on the need to remove trees within the stormwater basin, required to ensure adequate flood water storage and conveyance. We note that Council in their RFI response required for Basin A to be concrete lined for this purpose, necessitating the removal of existing trees within the basin. There therefore appears to be conflicting requirements between Council's flooding and environmental teams. Further to the above, the natural low point in Basin A is intended to continue to be in Council easement, including the Council requested low flow channel (also necessitating tree removal). Reworking the levels of this basin to create an alternative low point would require significant exposure to contaminated soil, and is therefore to be avoided.

Alternative trees are proposed to be planted to account for / offset the removed trees. It should also be noted that the existing trees are as a result of spontaneous seeding and lack of maintenance within the Council culvert and are not therefore considered of high value."

The applicant has proposed to plant 31 new trees around the flood storage area in the south-west part of the site, fronting Coal Pier Road as well as in the parking areas and outdoor employee amenity area.

Councils Tree Management Officer has reviewed the arborist report and has revised their conditions so that the following trees are to be removed and the following trees are to be retained:

- a) Consent is granted for the removal of T1 – T19, T20 - T45, T57 – T99.
- b) The following trees shall be protected with a Tree Protection Zone (TPZ). T20 – 23 and T46 – T56.

To compensate for the trees being removed, 21 new trees (in addition to the trees proposed by the applicant) are to be planted across the site.

Subject to compliance with the conditions of consent, the proposal is satisfactory in relation to SEPP (Vegetation in Non-Rural Areas) 2017.

State Environmental Planning Policy (Three Ports) 2013

Under the SEPP, Clause 6 relates to the relationship to other environmental planning instruments. Subject to Section 3.28 of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency. Therefore, the provisions of Botany Local Environmental Plan 2013 do not apply to the subject site. An assessment against the Three Ports SEPP has been provided below.

Clause 17 – Demolition requires development consent

The site currently contains a large amount of concrete hard paving including retaining walls which are proposed to be demolished within the proposal. This is supported.

Clause 22 – Earthworks

The proposal involves cut and fill on the site. The applicant has submitted civil plans as well as a geotechnical report prepared by PSM. The proposed fill will be similar in level to the neighbouring property to the north at 7 Coal Pier Road.

An assessment by Councils Development Engineer, Environmental Scientist and Strategic Floodplain Engineer has been carried out which involved reviewing all the documentation and they are satisfied that the proposed earthworks are not likely to disrupt or result in any detrimental effect on drainage patterns and soil stability in the locality of the development, effect the development on likely future use or redevelopment of the land or provide potential adverse impacts on any waterway, catchment or environmentally sensitive area. Appropriate conditions have been included within the consent.

Land Use Zoning

The site falls within IN1 – General Industrial zone within the SEPP. The proposal is for a ‘warehouse and distribution centre’ which is a permissible use in the zone. The proposed offices are ancillary in nature to the development and are supported.

The objectives of the zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port.
- To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries.
- To encourage ecologically sustainable development.

The proposed development is consistent with the objectives of the zone.

Clause 29 – Preservation of Trees

This clause within the SEPP requires a person to not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent or a permit granted by Council.

Tree removal is discussed in detail above under the Vegetation SEPP. As discussed, there is conflict with the location of the proposed flood storage basin, the existing stormwater drainage assets and the trees located along the north-western side of the site which currently create rubbish into the open channel and results in maintenance issues. Approval is provided by Council for several trees with conditions imposed for additional trees to be planted across the site to compensate for the loss.

S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no draft EPIs of relevance to this development application.

S4.15(1)(a)(iii) - Provisions of any Development Control Plan

Botany Bay Development Control Plan (BBDCP) 2013

Botany Bay Development Control Plan 2013 (BBDCP) does not apply to land subject to the Three Ports SEPP 2013.

A detailed assessment against Councils DCP would not ordinarily be required in this case as the DCP does not apply. However, Council has consistently used the DCP controls as a guide to development in this locality. The following matters have been considered in order to determine the merits of this application without strict application of the development controls.

Parking and Access

Should an assessment have been carried out under Part 3A of the BBDCP 2013, the proposed development would require compliance with a parking rate of 1 space per 300sqm warehouse and 1 space per 40sqm of ancillary office. This would generate a total of 93 spaces for the warehouse component (based on an overall GFA of 27,766sqm) and a total of 77 spaces for the office component (based on an overall GFA of 3,044sqm). This would require a total of 170 car spaces on the site. The plans demonstrate 149 car spaces across the site. The applicant has carried out an assessment against the RMS Guide to Traffic Generating

Developments which is a reduced rate for warehouse and distribution uses. The plans also demonstrate that there is a dedicated bicycle parking area at the front of the site and that each industrial unit has a loading dock for two HRV spaces. Therefore, there is a total of sixteen (16) HRV spaces within the industrial complex.

The plans, including both civil and architectural, demonstrate that there is one ingress point and two egress points within the site with access solely off Coal Pier Road. Currently the western boundary of the site along the street contains a jersey kerb as well as a high barrier wall which wraps around the bend.

A traffic report including addendum letters prepared by Ason Group accompany the development application.

The applicant has provided the following statement relating to parking and traffic within their SEE:

“The document provides an assessment of the proposed development against the relevant traffic, transport, and parking implications of the proposal. The assessment confirms that the largest vehicle to access the site is a 26m B-double combination truck, which are already approved to access Coal Pier Road.

The development is expected to generate between 63–94 vehicular trips per hour during network peak periods. This is deemed moderate, equating to approximately 1-2 vehicles per minute on the surrounding road network. The assessment concludes that the proposed development will have no material impact on the surrounding road network, or the performance of surrounding intersections.

The assessment finds that the provision of 149 parking spaces satisfies parking requirements under the RMS Guide to Traffic Generating Developments, which recommends a car parking provision of 108 spaces for a warehouse development of this size, noting the ancillary nature of the office areas within the development. Similarly, the provision of 20 bicycle spaces satisfies the requirements of the Botany Bay DCP. The 149 spaces will be more than adequate to support the proposed warehouse and distribution use.”

The application was referred to TfNSW as the proposal is traffic generating. Initially, additional information relating to SIDRA Analysis, surveys and model calibration of the surrounding network was required. Further information was requested which utilised Goodman’s existing models in relation to the Botany Road / Hills Street intersection to offset the impact of the development. On 6 July 2021, Council received TfNSW comments who raised no objections to the proposal subject to the imposition of conditions within the consent.

The application was also referred to the Bayside Traffic Advisory Committee who did not support the proposal and provided the following recommendations:

- *That the 2 different gates for entry and exit are not supported. The exit at the southern end near the bend must be eliminated due to the existing barrier wall severely restricting sight light lines at this location.*
- *The entry and exit for heavy vehicles must be combined and the carpark entry separated from general heavy vehicle movements.*
- *The requirement for the existing barrier wall be investigated for suitability of the proposed operations. The concrete jersey kerb is to remain to maintain the traffic safety around the curve in the road.*

- That comments be sought from Transport for New South Wales regarding the applicant's SIDRA data.

The applicant was provided these recommendations and provided a letter in response. The following applies to the points raised above:

Point One:

- The existing concrete barrier wall was historically used for blast protection and is therefore no longer needed and proposed for removal in the current DA.
- The demolition of the concrete wall will remove any sight line safety concerns with the proposed southern exit crossover. The crossover has been designed to provide compliant sight lines.
- Vehicular perimeter access pathway around Building B is necessary for best practice operational requirements and essential for FRNSW Brigade access in accordance with BCA Clause C2.4 and FRNSW Fire Guideline requirements around the building.
- Should the crossover be deleted, it would necessitate a U-turn arrangement on the shared hardstand, leading to congestions and potential safety concerns.
- It is therefore necessary to have the access route as proposed with exit location in the south western corner of the site as proposed.

Point Two:

- From a safety perspective it is preferable to separate ingress and egress via separate entries as shown compared to the option of a separate two way heavy vehicle and two way car entry/exit points. This removes safety concerns with traffic movements in opposite directions.
- Consolidated a car ingress / egress and heavy vehicle ingress / egress as proposed would require an unfeasibly wide and unsafe crossover and is therefore unworkable.
- While separated car and heavy vehicle access could theoretically be provided, it would still be necessary for cars to cross the heavy vehicle paths to access either the car parks for Warehouse A or B. This would remove any safety benefits from potential car / heavy vehicle separation (see Fig. 1 below).
- It is considered safer to have heavy vehicle and car movements sharing a common entry but move in a common direction rather than have a consolidated access way of separated vehicles in a 2 way conflicting flow.

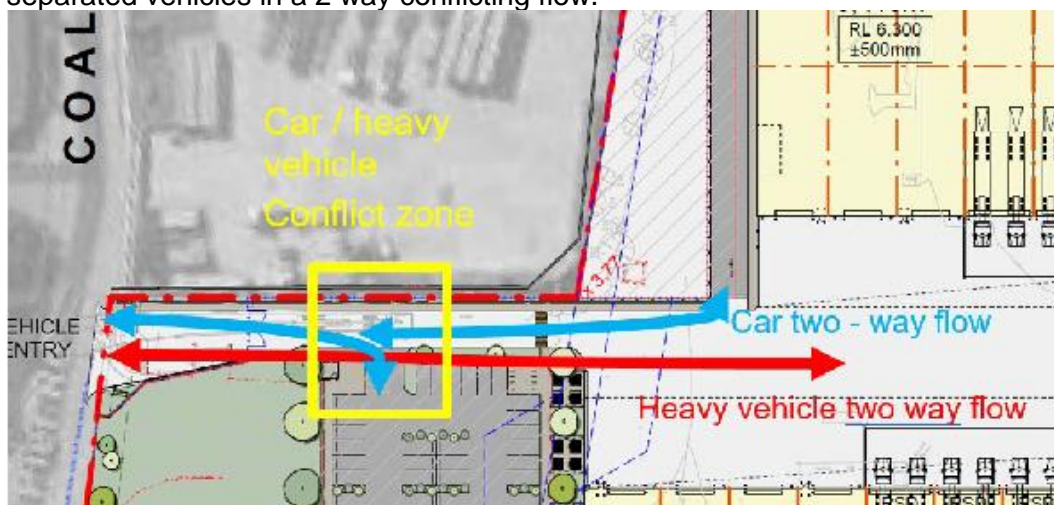


Figure. Two-way conflict

- It should be noted that the site constraints due to the flood retention basin limits access options and separation of car / heavy vehicles Warehouse A. Where cars for Warehouse

A are required to access hard stand area and share paths with heavy vehicles, appropriate linemarkings and traffic management measures will be implemented to reduce vehicle conflict and safety concerns.

- Induction training will be provided to all users of the site to convey safe and appropriate traffic movements through the site.

Point Three:

- As above the concrete wall is no longer needed and is proposed for removal.
- As the sole purpose of the concrete jersey kerb is to protect the concrete wall, it can be removed as necessary required to facilitate the southern exit crossover, and replaced by an alternative if needed.

Point Four:

- Noted.

The above points as well as the traffic report were reviewed by Councils Development Engineer who generally did not raise any objections to the above with the exception of egress from the southern exit. A deferred commencement condition has been included within the consent which requires the following to be provided for satisfaction by Council:

‘A Traffic assessment report for vehicle exit crossovers and required visual clearance for truck exit shall be undertaken by a suitably qualified Traffic Engineer must be submitted to and approved by Council’s Director City Futures. The report must assess whether the proposed works have the potential impact at the southern exit near the bend and the report should also recommend remedial works to eliminate restricted sight light lines at this location. The concrete jersey kerb is to remain to maintain the traffic safety around the curve in the road. ‘

Stormwater Management

The applicant has provided a revised civil engineering report and civil plans prepared by Costin Roe Consulting to address stormwater management on the site. An excerpt from the applicants’ documentation relating to stormwater management is provided below:

“Given the large volume of compensatory flood storage provided at the site, it is not proposed to also provide on-site detention for stormwater management. This approach has been adopted elsewhere in the precinct, including at the Toll Facility property (immediately south of the 9 Coal Pier Road site) by Goodman on the western side of the Floodvale Drain, as well as for the Southlands property and other properties developed on the eastern side of the Floodvale Drain.

The stormwater drainage system for the proposed development comprises both a minor and major system which safely and efficiently conveys collected stormwater run-off from the development. The minor system consists of a piped drainage system which has been designed to accommodate the 1 in 20-year ARI storm event (Q20). This results in the piped system being able to convey all stormwater runoff up to and including the Q20 event. The major system through new paved areas has been designed to cater for storms up to and including the 1 in 100-year ARI storm event (Q100). The major system employs the use of defined overland flow paths to safely convey excess run-off from the site.

A stormwater treatment has been designed to provide treatment to parking and hardstand areas via OceanProtect S200 Oceanguard pit inserts and treatment of all site water via OceanProtect StormFilters. The proposed treatment train has been assessed using MUSIC modelling, which demonstrates that the Council's pollutant retention requirements will be met in an effective and economical manner.

Rainwater will be harvested by way of an in-line tank for the collection and storage of rainwater to be used for non-potable applications such as toilet flushing and landscape irrigation. The aim is to reduce the water demand for the development in accordance with the requirements Part 10 of the Botany City Council Development Control Plan 2013. Rainwater tanks will be designed using a water balance assessment. The assessment will balance the supply and demand to inform the size of rainwater tanks and would be completed as part of detail design and Construction Certificate stage of the development. Rainwater from the storage tank will be pumped for distribution throughout the development in a dedicated non-potable water reticulation system.

The stormwater quality management strategy has been designed to reduce peak flows and pollutant load leaving the site to remain consistent with existing flows; and is designed in accordance with the relevant requirements of the Botany Bay DCP 2013."

The application was reviewed by Councils Development Engineer who had no concerns relating to stormwater subject to the imposition of conditions of consent.

Sustainability

The applicant has submitted a Sustainability Management Plan prepared by SLR Consulting which identifies and implements potential energy saving initiatives during the operational phase of the proposed development, including likely energy consumption levels and options for alternative energy sources. The SMP confirms that the proposed development will exhibit a high level of energy efficiency, including through that of (but not limited to) the following initiatives:

- 800 kW PV Solar System for the entire development. An annual energy output of around 1,084 MWh will be obtained from the proposed system;
- 160 kL Rainwater/Stormwater tank for rainwater harvesting and re-use for landscape irrigation and toilet flushing;
- Daylight controlled LED lighting for the warehouse instead of metal halide;
- Motion sensors to all LED lights within the warehouse, and offices;
- Roof and external wall insulation as per the 2019 NCC requirements;
- High performance glazing to all air-conditioned areas or minimum NCC requirements;
- Efficient air conditioning system with a minimum 4.0 stars;
- Solar hot water system;
- Power sub-metering to enable continued review of power consumption for the offices, and warehouse; and
- Selection of endemic and low maintenance landscaping species.

The sustainability measures proposed are acceptable and supported in this instance.

Landscaping and Tree Management

While the DCP does not technically apply, it is encouraged that the applicant provides at least 10% landscaping on the site. The applicant has demonstrated within their landscape plans

prepared by Site Image and in their response to the additional information letter, that the site provides a total of 9.2% across the site.

The applicant has provided revised landscape plans. The key area of landscaping is within the front setback of the site fronting Coal Pier Road. Unfortunately, while there is landscaping proposed, most of the landscaping will be over a concrete slab or over the proposed flood basin storage. This limits the amount and type of trees that could be planted in this area. The applicant has proposed trees across the site to accommodate for the loss of trees along the north-western corner and southern side of the site (discussed further in Vegetation SEPP section above). Councils Landscape Architect has reviewed the proposal and has provided conditions of consent relating to new tree planting, irrigation, maintenance and amended landscape plans.

S4.15(1)(a)(iv) Provisions of regulations

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

S.4.15(1)(b) - Likely Impacts of Development

As outlined in the assessment above, the proposed development will not have significant adverse environmental, social or economic impacts in the locality.

S.4.15(1)(c) - Suitability of the site

The following are the key issues on the site which are to be addressed to demonstrate that the site is suitable for the proposed warehouse/office use:

Drainage Asset Maintenance

The Springvale Drain, an open vegetated drain, flanks the eastern boundary of the site, and the Floodvale Drain is located on the western side. Through the northern portion of the site, the Floodvale Drain is located directly on the western boundary of the site as an irregularly formed vegetated open channel. Through the central and southern portions of the property, the drain bisects the site within a 4.7m wide by 0.85m deep box culvert. An open culvert is also located just to the north and adjacent to the northern boundary of the site. This culvert, described as an interceptor drain, is approximately 4m wide by 1m deep and enables flood water to flow between the Floodvale and Springvale Drains as required during larger rainfall events.

The application was referred to Councils Asset Department whose responsibility is to maintain these assets. The issue Council initially had from a maintenance perspective is that the high-pressure gas and oil pipes that run parallel with the southern boundary of that site prevent any type of machine access to both Springvale drain and the culvert outlet crossing the site. The other area that cannot be accessed except through the site is the open channel in the north west corner. The only way that Council have been able to access these areas for maintenance is through that former Mobil site with permission from previous owners.

In relation to the drainage proposed on the eastern boundary of the site, the proposed concrete culverts and proposed 5-metre-high vapour barrier to the west of the Springvale Drain will prevent access to the Springvale Drain for maintenance. If this design were to be implemented, the Springvale Drain would be required to be channelised into a concrete box culvert. This box culvert would remain a council asset for ongoing maintenance. This channel

would require an invert to provide for low flow and ensure movement of sediment through the network, reducing ongoing maintenance requirements.

At a minimum, the open channel on the north west part of the site is required to be put into a culvert and the existing culvert at the downstream end needs to be extended beyond the high-pressure gas and oil lines so Council could enable ongoing maintenance of the outlets. Access to the south of the site to maintain the Floodvale Channel as it passes under the gas/oil pipeline must be provided through the site if maintenance is to remain a Council responsibility.

The applicant submitted revised civil plans and a response to the issues that were raised above by Council. Additional sections confirming the connection arrangement of the culverts and existing drain have been included within the plans. They have also demonstrated that maintenance of these drainage systems is not impacted by the proposed development and that conditions of maintenance will be similar to the existing conditions. They have also provided a statement that the open channel at the northern end of the site needs to remain open to achieve an acceptable flood storage and flood conveyance outcome which is consistent with the modelling and reporting completed by BMT. Additionally, there are no proposed works or extension of the culvert to the south within the adjacent southern property. It is noted that the permission to construct the culvert over the gas/oil pipeline would not be granted by the authority and it is not agreed that such a proposition would be actioned by the applicant.

The above response has been reviewed by Councils Asset department and a site inspection was carried out with the applicant to determine the existing condition of the drainage assets. Following this inspection and review of the applicants documentation, the following comments have been provided:

“Council would prefer the Floodvale Channel (western channel) is concrete lined with a low flow channel between developers site and the concrete channels under Coal Pier Road. The benefit will be reduced maintenance requirements, which reduces the frequency of access via. the development site, a benefit to both developer and Council. The vegetation growth in this section of the channel traps sediment which in turn slows the flow and increases the rate of sediment deposition, maintenance is difficult due to the proximity of the gas main.

Council currently has an easement over the drain but no easement for access to the drain from Coal Pier Road. A change in easement is required to enable access. The proposed development does not provide an access ramp to the basin and level of the open channel for maintenance. While on site the developer identified that providing a ramp to this lower level would reduce the storage capacity available. Council requires access with large machinery to this lower level for maintenance. Channel maintenance will not be with a hose or manual.

The developer must either provide a ramp with associated easements via. Coal Pier Road to the channel level or there must be a mechanism for them to provide this access at their cost within the covenants /easements associated with the site.

All sections of channel and pipe must have a low flow channel for base flows to ensure the movement of sediment through the system during low flows and reduce ongoing maintenance costs/ frequency of maintenance. Where there is a bank of parallel pipes only one of these needs to have the dedicated low flow channel, the others can have a higher invert level.”

Appropriate conditions relating to easements and general maintenance of the assets have been included in the consent. A deferred commencement condition has been included relating to access into the basin of the Floodvale Drain for maintenance, specifically any revised design

must make provision for a backhoe loader access ramp and any right of way access easement required.

Risk

The site is located within the Three Ports SEPP area and is near Botany Industrial Park (BIP). Whilst the proposed development will not involve hazardous materials/chemicals, it will involve increased population within areas potentially affected by hazards from the nearby Botany Industrial Park and associated infrastructure. The site is subject to risks from the adjacent Nant St tank farm, which is located approximately 100 m to the south, and a hydrogen pipeline that runs underground in an easement to the south of the site from the nearby Solvay site east towards the BIP and onwards to the north to Air Liquide Australia (ALA).

Due to its location, the site falls within the Study Area outlined within the Quantitative Risk Assessment (QRA) 2018 prepared by Sherpa Consulting. Therefore a referral to the Department of Planning, Industry and Environments' Hazard Branch has been sent to determine the societal and individual fatality risk from the BIP, the potential risk effect of the hydrogen pipeline on the proposal and the risk acceptability of the development proposal.

The applicant has stated that the proposal will incorporate the following mitigation measures against the neighbouring hazardous sites:

“Proposed mitigation measures for the development that have been factored into societal risk the assessment include a full height precast wall on the eastern elevation of the warehouse buildings to provide protection for the population inside the warehouses from exposure to fire risks from the Botany Industrial Park and/or Nant Street tank farm.

A vapour barrier wall comprising a lightweight 5-metre high wall designed to meet vapour barrier requirements in Australian Standard AS1940 will also be provided on the eastern side boundary adjacent to the Nant Street tank farm, to avoid a hazardous area encroaching from the tanks into the proposed development. However, it is noted that a large vapour cloud (e.g. from a tank overfill scenario) may not be contained by this vapour wall, and so the mitigating effect of the vapour wall has not been quantified as part of the Sherpa study.

The assessment concludes that:

- For a population consistent with the known population densities for similar land uses in the area, i.e. 134 to 168 people which is consistent with the number of parking spaces (146 parking spaces), the incremental societal risk remains negligible.*
- The anticipated population for the development proposal presents a small increase to the cumulative societal risk, however the risk remains within the ‘As Low and Reasonably Possible’ (or ALARP) region.”*

The Departments' Hazard Branch has reviewed the proposal and has provided the following commentary:

Following the review of the submitted Statement of Environmental Effects (SEE) prepared by Ethnos Urban (date 20 November 2020), it is understood that the proposal is to build two warehouses with 8 tenancies at 9 Coal Pier Road, Banksmeadow. As the proposed location is adjacent to Botany Industrial Park (BIP) and considering the latest findings of BIP QRA 2108, a report of Review of Land Use Safety Impact prepared by Sherpa

Consulting (date 22 Oct 2020) is also submitted to support the application (Sherpa's report).

According to the SEE, the proposed development likely introduces a population density around 23.3 people/ha, which is similar to the population density assumed in the BIP QRA 2018. As the tenancy arrangements is not confirmed at this stage, two cases of risk analysis were performed in Sherpa's report. The Lower Case considered 134 people on site during day-time and 50% of the 134 people would occupy the site at night time. The Sensitive Case is assuming 15% increase of the proposed population resulting 169 people during day-time without the night-time occupancy.

As the proposal does not involve storage of dangerous goods, Sherpa's report mainly considered the potential risk impact from BIP to the proposed warehouse development, and whether the proposal would further intensify the cumulative societal risk as assessed in the approved case in BIP QRA 2018. It also assessed the incremental societal risk and the risk imposed from the existing Hydrogen underground pipeline along the southern side of the proposed lot boundary. The Department considers the scope of the Sherpa's study is appropriate.

For individual fatality risk, it is concluded that the proposed location satisfies the individual risk criteria of industrial land uses. The proposed lot is outside of the individual risk contour for industrial uses imposed by the tank farm on Nant Street. For the potential impact from the existing hydrogen pipeline, the potential jet fire and the associated heat radiation impact will unlikely affect the proposed lot boundary and therefore the individual fatality risk criterion from the pipeline to the proposed site is also satisfied.

For Societal Risk, both incremental societal risk and the cumulative societal risk were assessed. It is concluded that the incremental societal risk for both the Lower Case and the Sensitive Case remain within the negligible region. For cumulative societal risk, it is also concluded that the proposed population for both lower and sensitive case would result in negligible increase in cumulative societal risk compared with the approved case as shown in BIP QRA 2018. As such, the proposal would unlikely intensify the overall societal risk for the area.

Although the Sherpa's risk report has demonstrated compliance with relevant risk criteria as stated in HIPAP 10, given the proposal is located adjacent to Nant street tank farm. It is important to implement the proposed mitigation measures as stated in Section 2.3 of Sherpa's report to ensure the Nant Street tank farm can continue comply with AS 1940 and to reduce the potential fire impact to the population within the warehouses.

Based on the above, the proposal is not precluded on hazards and risk grounds. Should the Council decide to approve the proposal, it is recommended to include the following consent conditions:

- The Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. The plan shall include detailed procedures for the safety of all people outside and within the development who may be at risk. The plan should take into account the potential impacts from Botany Industrial Park (BIP) and should be developed in consultation with BIP. The plan shall be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1 'Emergency Planning' guideline.*
- The Applicant must install a full height precast wall at the eastern elevation of the warehouse buildings as describe in Section 2.3 of Review of Land Use Safety Planning*

Impact Report prepared by Sherpa Consulting (Rev 0, Doc No 21464-RP-002, 22 Oct 2020).

- *The Applicant must install a 5-metre high wall designed to meet vapour barrier requirement in AS 1940 on the eastern side boundary adjacent to the Nant Street tank farm as described in Section 2.3 of Review of Land Use Safety Planning Impact Report prepared by Sherpa Consulting (Rev 0, Doc No 21464-RP-002, 22 Oct 2020. This is to ensure the development would not cause the Nant Street Tank Farm non-compliance with AS 1940.”*

The above conditions provided by the Department have been included as part of the consent.

Flooding

The site is known to be affected by flooding and overland flow associated with both the Springvale and Floodvale Drains. The Flood Assessment confirms that existing flood levels at the site vary between 4.8m AHD at the north-east of the site to 4.2m AHD at the southern boundary for a 1 in 100-year storm event. Flood depths up to 0.7m occur across the site within the paved areas, and flood depths within the defined channel (north west boundary) reach 1.7m – 1.8m. Peak flood velocities reach up to 1.3m/s. The low-lying catchment topography results in floodwater ponding within the site. It has been estimated that up to 30,000m³ of flood storage is present on the site, mostly in the low lying areas in the south-west part of the site.

A Flood Assessment Report prepared by BMT Commercial Australia Pty Ltd accompanies the development application. The civil plans and flood assessment reports have provided flood management measures for the proposal as follows:

- *Three cell box culvert on the northern boundary (3x 3.3m x 1.5m) which distributes flood waters between the Springvale and Floodvale Drains, and flood storage compensation basins;*
- *Five cell box culvert on the eastern boundary (5x 2.4m x 1.0m) which assists with increased conveyance of the Springvale Drain;*
- *Suspended deck and conveyance channel on the southern boundary (10m wide) which distributes flood waters between the Springvale and Floodvale Drains, and existing flood basin south of this site;*
- *Three flood compensation basins on the west of the site, with Basin A being 1,730m³, Basin B 3,020m³ and Basin C 2,980 m³*
- *Four cell box culvert (4x 3.6m x 2.1m) which provides conveyance between Basin A and Basins B and C; and*
- *Discharge control structures to attenuate and distribute peak flows from the site and upstream catchments to the downstream drainage systems ensuring no affectation.*

The flood assessment report concludes that the proposed suspended warehouse can be constructed over the existing flood compensation basin with no significant impact to the existing flooding strategy for the site. The buildings have been sited at RL 6.3m AHD, to achieve a 0.5m freeboard above the 1 in 100-year flood event flood level, thereby meeting all relevant Botany Bay DCP 2013 requirements. The Flood Assessment and Civil Engineering Report confirm that the construction of the proposed works will not result in any significant

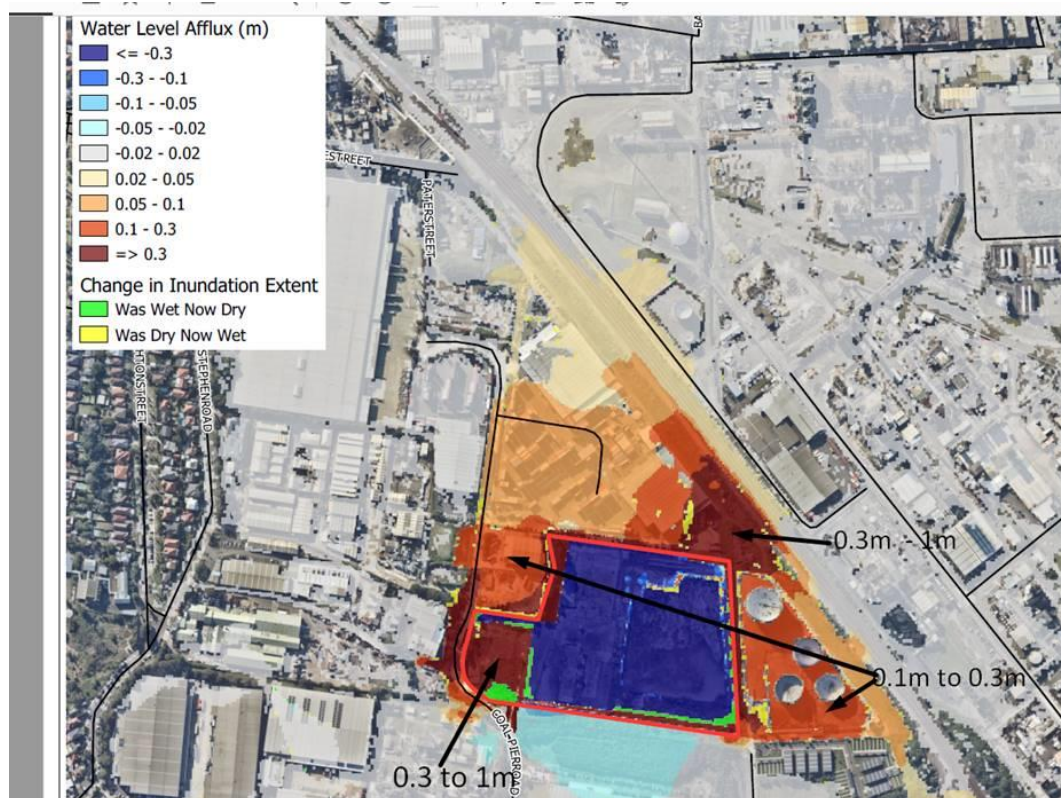
increase to flood levels (taken as $> 0.01\text{m}$) on surrounding properties or changes to peak flows or velocities from that as existing.

Councils Strategic Floodplain Engineer has reviewed the applicants Flood Assessment Report, Hazard Map and Probable Maximum Flood (PMF) Afflux Map for the proposed development. Initially, concerns were raised that the documentation did not adequately address the PMF across the site and the impacts of the additional fill relating to flooding onto the neighbouring properties. The applicant provided the abovementioned reports in addition to commentary relating to the proposal. While flooding and PMF is a relevant clause within the draft Bayside LEP 2021, the site is the Three Ports SEPP 2013 where there is no valid consideration of flooding within the SEPP. Regardless, the applicant has provided the information to demonstrate that there is no detrimental impact on environmental functions and processes on neighbouring properties.

The revised documentation shows localised flood level increase. PMF hazard map in developed case indicated that flood hazard in the adjoining sites (as shown in red marked figure below) will increase from H1 to H2. This is considered negligible as surrounding land uses are industrial in nature.



Highest impacted areas (increase in flood level over 0.3m) in the rarest flood event are within the open areas, existing drains road and car parks. Flood level increase of 0.1m to 0.3m in the adjoining sites is considered insignificant while the majority of the land is categorised as medium to high hazard without the current proposal.



Based on the above information, there are no further issues raised regarding flooding and the proposed earthworks. Appropriate conditions relating to flood report and management has been imposed in the consent.

Contamination

An assessment of the contamination issues has been carried out under SEPP No. 55. The applicant has submitted a Site Audit Statement which demonstrates that the site is suitable for industrial uses.

S.4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was placed on public exhibition for a fourteen (14) day period from 13 January to 27 January 2021. Two (2) submissions were received through Planning Alerts. The issues raised include the following:

- *Noise, traffic and air quality impacts*

Objectors Comment: Concern is raised that there will be additional noise pollution particularly at night as the proposal has a 24/7 operation. The air pollution and traffic congestion to an already busy thoroughfare would also be of concern and requires mitigation.

Council Comment: The site is located centrally within the industrial precinct covered within the Three Ports SEPP and is directly adjacent to the Botany Industrial Park. The proposal is not a noise generating development, does not contribute to any air quality impacts and is primarily related to warehousing and distribution. The use of the site is not considered a hazardous or intensive site. Traffic has been considered in the report above and considered by TfNSW who have provided appropriate conditions of consent.

S.4.15(1)(e) - Public interest

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls.

Section 7.12 Contributions

It is considered that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 7.12 Contribution Plan, the development generates a contribution rate of **\$405,666.45**, to be paid prior to the issue of any construction certificate. Should the overall figure change due to construction costs or costs that were not factored in during the DA stage, the figure that is required to be paid is 1% of the overall cost.

Referrals

The Development Application was referred to Council's internal and external departments for comment. Appropriate conditions have been recommended to address the relevant issues raised. The following table is a brief summary of the comments raised by each referral department.

Referral Agency	Response Date	Comments
External Referrals		
Department of Planning Hazard Branch	27/01/2021	Correspondence received that the development is acceptable with regard to risk and population on the site.
Sydney Water	25/01/2021	No objections. The conditions have been included in the Schedule of Consent Conditions.
SACL	21/12/2020	No objections. The conditions have been included in the Schedule of Consent Conditions.
Transport for NSW	06/07/2021	No objections. The conditions have been included in the Schedule of Consent Conditions.
Ausgrid	19/01/2021	No objections. The conditions have been included in the Schedule of Consent Conditions.
APA Group	28/01/2021	No objections.
ARTC	2/07/2021	No objections. The conditions have been included in the Schedule of Consent Conditions.
Internal Referrals		
Landscape Architect	7/07/2021	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Development Engineer	7/07/2021	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.

Referral Agency	Response Date	Comments
Environmental Scientist	28/05/2021	No objections to the proposal. Conditions have been incorporated into the Schedule of Consent Conditions.
Environmental Strategy Officer	12/01/2021	Comments received regarding tree removal. Covered by Landscape Architect and Tree Management Officer
Environmental Health Officer	15/03/2021	No objections to the proposal. Conditions have been incorporated into the Schedule of Consent Conditions.
Tree Management Officer	5/07/2021	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Waste Officer	17/12/2020	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Development Contributions Officer	17/12/2020	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Traffic Advisory Committee	17/03/2021	Recommendations have been provided from the Panel which were considered in the report above under Part 3A.

Conclusion

In accordance with Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, the Application is referred to the Sydney Eastern City Planning Panel (SECPP) for determination.

Issues raised relating to contamination, earthworks, risk, stormwater and tree management have been resolved and are addressed in the report above. It is considered that the site is suitable for industrial development and for the proposal. The issues raised relating to asset maintenance and traffic, specifically to egress from the southern exit have not been resolved and therefore two deferred commencement conditions have been imposed in the consent for satisfaction by the applicant/developer.

The proposal has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposal is permissible within the IN1 General Industrial zone within the Three Ports SEPP and is considered to result in a development which is suitable in the context. Therefore, the proposal is recommended for deferred commencement approval subject to the conditions of consent in the attached Schedule.

Attachment

Schedule 1 – Conditions of Consent

Premises: 77 Stephen Road (aka 9 Coal Pier Road) Banksmeadow

DA No.: DA-2020/417

SCHEDULE OF CONSENT CONDITIONS

DEFERRED COMMENCEMENT CONSENT

The Consent given does not operate until the following condition is satisfied:

DC1 Traffic Assessment

A Traffic assessment report for vehicle exit crossovers and required visual clearance for truck exit shall be undertaken by a suitably qualified Traffic Engineer must be submitted to and approved by Council's Director City Future. The report must assess whether the proposed works have the potential impact at the southern exit near the bend and the report should also recommend remedial works to eliminate restricted sight light lines at this location. The concrete jersey kerb is to remain to maintain the traffic safety around the curve in the road.

DC2 Maintenance access to Floodvale drain

A Civil engineering concept design for an access ramp to existing Floodvale drain shall be undertaken by a suitably qualified Civil Engineer must be submitted to and approved by Council's Director City Future. The design must make provision for a backhoe loader access ramp and any right of way access easement required.

Evidence of compliance with the above conditions, sufficient to satisfy the Council as to those matters, must be provided within twelve (12) months of this notice. If satisfactory evidence is produced in accordance with this requirement, the Council shall give notice to the applicant of the date from which this consent operates.

If Council has not notified the applicant within a period of 28 days after the applicant's evidence is produced to it, the Council is, for the purposes only of section 8.7 of the Environmental Planning and Assessment Act 1979, taken to have notified the applicant that Council is not satisfied as to those matters on the date on which that 28 day period expires.

GENERAL CONDITIONS

1. Limited Consent Period

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, the period during which development may be carried out in accordance with this consent is limited to a period of five (5) years from the date of the Notice of Determination.

2. Approved Plans and Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan Title	Ref No	Rev	Prepared by	Date
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Cover Sheet/Drawing List	A000	J	Reid Campbell	Dated 17 March 2021; Received 22 March 2021
Site Analysis	A001	C		Dated 12 February 2021; Received 22 March 2021
Site Plan	A100	K		Dated 23 February 2021; Received 22 March 2021
Unit A1 and A2- Floor Plan	A101	E		Dated 6 November 2020; Received 22 March 2021
Unit A3 and A4- Floor Plan	A102	E		Dated 6 November 2020; Received 22 March 2021
Unit A1 and A2- Roof Plan	A103	F		Dated 17 March 2021; Received 22 March 2021
Unit A3 and A4- Roof Plan	A104	F		Dated 17 March 2021; Received 22 March 2021
Unit B1 and B2- Floor Plan	A105	E		Dated 6 November 2020; Received 22 March 2021
Unit B3 and B4- Floor Plan	A106	E		Dated 6 November 2020; Received 22 March 2021
Unit B1 and B2- Roof Plan	A107	F		Dated 17 March 2021; Received 22 March 2021
Unit B3 and B4- Roof Plan	A108	F		Dated 17 March 2021; Received 22 March 2021
Office Type A- GF Floor Plan	A111	F		Dated 6 November 2020; Received 22 March 2021
Office Type A- FF Floor Plan	A112	H		Dated 17 March 2021; Received 22 March 2021
Office Type B- GF Floor Plan	A113	F		Dated 6 November 2020; Received 22 March 2021
Office Type B- FF Floor Plan	A114	H		Dated 17 March 2021; Received 22 March 2021
Building A1- North Elevation	A201	E		Dated 17 March 2021; Received 22 March 2021
Building A1- East and West Elevations	A202	G		Dated 17 March 2021; Received 22 March 2021
Building A1- South Elevation	A203	F		Dated 12 February 2021; Received 22 March 2021
Building B1- North Elevation	A204	F		Dated 12 February 2021; Received 22 March 2021
Building B1- East and West Elevations	A205	G		Dated 17 March 2021; Received 22 March 2021
Building B1- South Elevation	A206	E		Dated 17 March 2021; Received 22 March 2021
Street Frontage Elevation	A207	C		Dated 12 February 2021; Received 22 March 2021
Office Type A- Elevations	A211	E		Dated 17 March 2021; Received 22 March 2021
Office Type B- Elevations	A212	E		Dated 17 March 2021; Received 22 March 2021
Building A- Sections	A301	G		Dated 17 March 2021; Received 22 March 2021
Building B- Sections	A302	G		Dated 17 March 2021; Received 22 March 2021

Office Type A-Sections	A311	D		Dated 17 March 2021; Received 22 March 2021
Office Type B-Sections	A312	D		Dated 17 March 2021; Received 22 March 2021
Signage Plan	A401	C		Dated 9 November 2020; Received 22 March 2021
Landscape Coversheet	000	E	Site Image	Dated 24 February 2021; Received 25 February 2021
Landscape Plan	101	E		Dated 24 February 2021; Received 25 February 2021
Landscape Plan	102	E		Dated 24 February 2021; Received 25 February 2021
Landscape Plan	103	E		Dated 24 February 2021; Received 25 February 2021
Landscape Plan	104	E		Dated 24 February 2021; Received 25 February 2021
Landscape Details	501	C		Dated 24 February 2021; Received 25 February 2021

Document Title	Reference No	Prepared by	Date
Arboricultural Impact Assessment	Rev 3	Sydney Arbor Trees Pty Ltd	Dated 11 November 2020; Received 14 December 2020
BCA Assessment Report	200392 Rev 1	Blackett Maguire and Goldsmith	Dated 17 November 2020; Received 14 December 2020
Biodiversity Assessment	Rev 1	Ecologique	Dated 2 October 2020; Received 14 December 2020
Construction Environmental Management Plan	660.30058-R01- Rev 1	SLR Consulting Australia Pty Ltd	Dated 25 November 2020; Received 14 December 2020
Construction Traffic Management Plan	1435r02	Ason Group	Dated 26 November 2020; Received 14 December 2020
Fire Safety Strategy	202062_FSS_03	Affinity Fire Engineering	Dated 11 November 2020; Received 14 December 2020
Basin B and C Concept Drainage Structure	S20511_SK001- Rev A	BMT Commercial Australia Pty Ltd	Received 14 December 2020

Flood Impact Assessment	R.S20511.002.01.FIA	BMT Commercial Australia Pty Ltd	Dated 4 November 2020; Received 14 December 2020
Geotechnical Desktop Study	PSM3433-101L	PSM	Dated 12 August 2020; Received 14 December 2020
Response to RFI	-	Goodman	Received 25 February 2021
Response to RFI and traffic issues	-	Ason Group	Dated 12 February 2021; Received 25 February 2021
Civil Engineering Report for Development Application	Co13356.01 Rev B	Costin Roe Consulting Pty Ltd	Dated 11 November 2020; Received 25 February 2021
Response to RFI and contamination issues	-	Senversa Pty Ltd	Dated 25 February 2021; Received 25 February 2021
Waste Management Plan	610.30087.00100-R01- V3	SLR Consulting Australia Pty Ltd	Dated 10 February 2021; Received 25 February 2021
Site Audit Statement and Emergency Management Plan	GN523	EPA	Dated 12 October 2017; Received 14 December 2020
Noise Impact Assessment	610.30162-M01-v0.1	SLR Consulting Australia Pty Ltd	Dated 9 October 2020; Received 14 December 2020
Review of Land Use Safety Planning Impacts	21464-RP-002 Rev 0	Sherpa Consulting	Dated 22 October 2020; Received 14 December 2020
Statement of Environmental Effects	-	Ethos Urban	Dated 20 November 2020; Received 14 December 2020
Sustainability Management Plan	610.30087-R01- v2	SLR Consulting Australia Pty Ltd	Dated 12 November 2020; Received 14 December 2020
Transport Assessment	1435r01v1	Ason Group	Dated 17 November 2020; Received 14 December 2020
Cut Fill Plan	C013356.01- DA30 Rev A		Dated 30 April 2021; Received 3 May 2021
Bulk Earthworks Sections	C013356.01- DA35 Rev A		Dated 30 April 2021; Received 3 May 2021
Stormwater Drainage Overview Plan	C013356.01- DA40 Rev E		Dated 30 April 2021; Received 3 May 2021

Stormwater Drainage Plan	C013356.01- DA41 Rev G	Costin Roe Consulting Pty Ltd	Dated 30 April 2021; Received 3 May 2021
Stormwater Drainage Details Sheet 1	C013356.01- DA45 Rev E		Dated 30 April 2021; Received 3 May 2021
Stormwater Drainage Details Sheet 2	C013356.01- DA46 Rev D		Dated 30 April 2021; Received 3 May 2021
Stormwater Drainage Details Sheet 3	C013356.01- DA47 Rev B		Dated 30 April 2021; Received 3 May 2021
Stormwater Drainage Details Sheet 4	C013356.01- DA48 Rev A		Dated 30 April 2021; Received 3 May 2021
Response to RFI relating to TAC and assets	-	Goodman	Dated 19 April 2021
Addendum to Flood Impact Assessment- Flood Impacts of Probable Maximum Flood	S20511.003.FIA_Addendum_PMF	BMT Commercial Australia Pty Ltd	Dated 10 June 2021; Received 15 June 2021
Addendum to Flood Impact Assessment- Flood Hazard of Probable Maximum Flood	S20511.003.FIA_Addendum_PMF_Hazard	BMT Commercial Australia Pty Ltd	Dated 17 June 2021; Received 17 June 2021
Letter to TfNSW relating to SIDRA modelling	-	Ason Group	Dated 18 June 2021; Received 22 June 2021

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail.

3. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing.

4. Compliance with the Building Code of Australia (BCA)

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

5. Amendments Require Modification Application

Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, the fitting of any form of doors and/or walls, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the EP&A Act. This includes the fitting of any form of doors and/or walls.

6. Earthworks Not Shown on Plans

No further excavation, backfilling or retaining walls can be carried out or constructed other than those identified on the approved drawings which form part of this consent unless it is otherwise permitted as exempt or complying development

7. Approved Materials and Finishes

The finishes, materials and colour scheme and façade details approved under Condition No. 2 and any other relevant condition(s) of this consent must not be altered or amended at the construction certificate stage without a separate Section 4.55 approval.

8. Separate Application Required for Specific Use

A separate development application shall be submitted for the specific use/uses of the property. Additional conditions may be imposed on any such consent.

Note: Parking and loading provisions in a mixed use development may preclude certain uses.

9. Separate Approval for Signage

A separate consent must be obtained for any proposed signage, in addition to signage specifically approved under this consent / prior to the erection of any additional signage, (other than exempt and complying development).

Advisory Note: 'signage' is defined as follows:

'signage' means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) an advertising structure, and
- b) building identification sign, and
- c) business identification sign.

10. Carrying out of Works Wholly Within the Site

All approved works shall be carried out inside the confines of the building and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath.

11. Landscape Maintenance Schedule

All soft landscape areas are to be maintained for a minimum period of twelve (12) months in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. This schedule must include weeding, watering, fertilising, replacement of dead or stolen plants, mulch replacement, and so. Any requirements specific to the site must be included.

12. Rainwater retention

Capture of rainwater for irrigation purposes as a sustainability measure shall be provided.

13. Fit-out of warehouses/units

Every sub-leased unit is to obtain separate approval outlining but not limited to;

- a) the proposed works to be undertaken;
- b) construction and fit out requirements;
- c) waste management procedures;
- d) possible health and environmental impacts as well as mitigation and preventative processes; and
- e) compliance with relevant Australian Standards.

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

14. The following conditions are imposed by the Department of Planning, Industry and Environments' Hazard Branch:

- a) The Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. The plan shall include detailed procedures for the safety of all people outside and within the development who may be at risk. The plan should take into account the potential impacts from Botany Industrial Park (BIP) and should be developed in consultation with BIP. The plan shall be prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 'Emergency Planning'* guideline.
- b) The Applicant must install a full height precast wall at the eastern elevation of the warehouse buildings as describe in Section 2.3 of *Review of Land Use Safety Planning Impact Report* prepared by Sherpa Consulting (Rev 0, Doc No 21464-RP-002, 22 Oct 2020).
- c) The Applicant must install a 5-metre high wall designed to meet vapour barrier requirement in AS 1940 on the eastern side boundary adjacent to the Nant Street tank farm as described in Section 2.3 of *Review of Land Use Safety Planning Impact Report* prepared by Sherpa Consulting (Rev 0, Doc No 21464-RP-002, 22 Oct 2020. This is to ensure the development would not cause the Nant Street Tank Farm non-compliance with AS 1940.

15. The following conditions are imposed by Sydney Airport Corporation Limited (SACL):

- a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
- b) The application sought approval for the PROPERTY DEVELOPMENT to a height of 26 metres Australian Height Datum (AHD).
- c) In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 26 metres AHD.

- d) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- e) Should you wish to exceed this height a new application must be submitted.
- f) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- g) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
- h) Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
- i) Information required by Sydney Airport prior to any approval is set out in Attachment A.
- j) "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).
- k) The height of the prescribed airspace at this location is 51 metres above AHD.
- l) Planning for Aircraft Noise and Public Safety Zones:
- m) Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).
- n) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

16. The following conditions are imposed by Ausgrid:

a) Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

17. The following conditions are imposed by Sydney Water:

- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs. Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.
- b) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. *The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.* The Tap in™ service provides 24/7 access to a range of services, including:
 - i. building plan approvals
 - ii. connection and disconnection approvals
 - iii. diagrams
 - iv. trade waste approvals
 - v. pressure information
 - vi. water meter installations
 - vii. pressure boosting and pump approvals
 - viii. changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

18. The following conditions are imposed by Australian Rail Track Corporation (ARTC):

- a) Further consultation with ARTC must occur if construction will involve the use of cranes that could have the potential to affect the rail corridor, or involve any access onto ARTC's land or air space. For these works, a Third Party Access application needs to be submitted to ARTC. The Third Party access application can be found at: <https://www.artc.com.au/work/external-parties/> Mitigation measures should ensure that stormwater and dust during construction cannot affect the rail corridor.

19. The following conditions are imposed by Transport for NSW (TfNSW):

- a) The proposed works, including the reconstruction of the road pavement, associated line marking (approximately 200 metres at Botany Road / Hill Street and associated civil works along Botany Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the construction certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

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

- b) 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.
- c) As part of the civil works on Botany Road, kerbside restrictions shall be reviewed and changes implemented as required along the Botany Road frontage per TfNSW requirements.
- d) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for endorsement prior to the issue of a WAD. Please send to development.sydney@transport.nsw.gov.au.
- e) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- f) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- g) All vehicles shall enter and exit the site in a forward direction.
- h) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

20. Fees, Securities, Deposits and Bonds to be paid

The following fees and bonds shall be paid to Bayside Council prior to the issue of any Construction Certificate or the commencement of any works on site, whichever occurs first. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Bayside Council's adopted fees and charges.

- a) Environmental Enforcement Fee of 0.26% of the cost of the works (with estimated cost of works capped at \$10 million).
- b) Soil and Water Management Sign - \$21.00.
- c) Section 7.12 Contributions - \$405,666,45.
- d) Builders Damage Deposit Bond - \$76,000.00.

21. Long Service Levy Fee

For work costing \$25,000 or more, a Long Service Levy shall be paid to the Long Service Corporation or Council, with evidence of payment submitted to the Principal Certifier prior to the issue of any Construction Certificate.

22. Section 7.12 Contributions

Council is satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with the Bayside Council's relevant Section 7.12 (former Section 94A) Contributions Plan, a total contribution of **\$405,666.45** is payable prior to the issue of any construction certificate.

Note: The proposed cost of carrying out the development determined by the consent authority will be indexed between the date of the consent and the date of payment based on movements in the Consumer Price Index. The s.7.12 contributions payable will be adjusted accordingly.

23. Securities, Deposits and Bonds – Major

Prior to the issue of any Construction Certificate, the person acting on the consent must provide security to Bayside Council against any damage that may be caused to any council property assets and/or the environment during the course of the building works as a consequence of the implementation of the development consent. This security shall be in the form of the following Deposits and Bonds that must be paid to Bayside Council:

a) Builders Damage Deposit - \$76,000.00.

A Builder's Damage Deposit of \$76,000.00 (GST Exempt) shall be lodged by the applicant by way of cash deposit or unconditional bank guarantee (any proposed bank guarantee must not have an expiry date) in favour of Bayside Council as security for repairing any damage to the public domain and councils assets in the vicinity of the site, including defective public domain works. This includes construction, removal, or repair as required to all aspects of the public domain and council owned land such as: kerb and guttering, driveways, paved areas and footpaths, road pavement, stormwater infrastructure, signage, landscaping etc.

This security will be retained in full until the Final Occupation Certificate has been issued and all works relating to the development consent, such as Public Domain works and rectification of damage to the public domain, are completed to Bayside Council inspection and approval.

A request for refund of securities/deposits/bonds can be made once the above requirements are satisfied through Bayside Councils "Request for Refund" Application Form. A non-refundable inspection/administration fee is included in the bond value.

24. Materials and Finishes

The building shall be constructed adopting the approved materials and select coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

25. Sydney Water Tap-in

Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

26. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and/or public footway.

27. Energy Efficiency (commercial / industrial)

The development shall be constructed in accordance with the Sustainability Management Plan prepared by SLR Consulting Australia Pty Ltd dated 12 November 2020. Details are to be provided on the Construction Certificate plans.

28. Lighting

All existing and proposed lights shall comply with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting. In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

29. Hazardous Material Audit and Work Plan

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

Should any hazardous materials be identified a Work Management Plan shall be submitted to Council in accordance with *AS2601-2001 – Demolition of Buildings*. The report shall contain details regarding the type and location of hazardous material and the proposed methods of containment and disposal.

30. Submission of Waste Management Plan

A Waste Management Plan prepared in accordance with Botany Bay Development Control Plan 2013 shall be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate. The Waste Management Plan shall include but not be limited to, the size and storage of bins, the collection point for the waste contractor recycling contractor, maintenance of the bins and the provision of recycling and composting facilities.

31. Waste Storage Containers – Commercial / Industrial

Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

Industrial Waste

- (a) General Waste Facilities - 0.1-0.2 cubic metres per 100 square metres of floor area per day, and

- (b) Industrial Waste - that is solid waste derived from the manufacture or repair of equipment - specialised containers appropriate for the nature of waste derived from the manufacture or repair of equipment, and
- (c) Recycling Facilities - appropriate recycling facilities to be provided.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins for the number of units and intended uses of the building.

32. Landscape Frontage Works Application

Prior to the issue of the relevant Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

33. Landscape Plan

The Final Landscape Plan shall be prepared by a qualified landscape architect and shall generally in accordance with the approved Landscape Plan (Refer to Condition 1) and comprise detailed landscape construction documentation (plans and specifications) of all landscape areas as shown in landscape diagram calculation and shall be submitted to, and approved by, Bayside Council's Landscape Architect prior to the issue of the relevant Construction Certificate. The landscape documentation shall include, but not be limited to:

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas. All trees to be retained shall be included in landscape proposal.
- b) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Details of all fencing impacting or visible to public domain areas.
- c) Details of all earthworks, including backfilling, imported topsoil details, and any proposed change of level.
- d) Landscape plan shall indicate location, size and landscape treatment of Staff Area
- e) A six (6) meters Frontage setback to Coal Pier Road shall include a minimum of twenty-five (25) indigenous canopy trees capable to reach a minimum mature height of twelve (12) meters in local conditions. Trees in this location shall be

planted at minimum 100 litres and planted in a gravel bed suitable to the stormwater basin use. Stormwater engineer to indicate minimum diameter of pebbles to be included within the stormwater Basin B&C.

- f) Carpark planting. Carpark area shall include minimum one shade canopy tree in a planter bed of minimum 4 square meters for every five car spaces. The minimum pot size at installation for trees in carpark is 100 litres. Being this carpark above slab most of the trees within the carpark will be planted above slab. Provide details of planter boxes. Minimum soil depths for trees on slabs shall be 1200mm, with a minimum measurement of 2 meters.
- g) All planting above slabs shall include construction details and sections of built up planter boxes, and depict how these planter beds are constructed in relation to the surrounding proposed structures. Provide all measurements including slabs thickness and measurements of free spaces under slabs to ensure the available space under slabs is adequate for maintenance works and other stormwater requirements.
- h) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas above structures. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- i) A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).
- j) Details of interface of property boundary with public domain, fences, and gates.
- k) Bicycle Racks shall be included in the landscape plan to provide a safe/secure cycling environment.

34. Planter Boxes

Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:

- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.

- b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
- d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- f) All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting, as detail:
 - i) Trees over 8 meters: Minimum soil depth 1.2 metre
 - ii) Medium trees (under 8 meters): Minimum soil depth 1 metre
- g) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above

35. Retaining Walls Over 600mm

Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).

36. Detailed Design Stormwater Management Plan

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines.

The detailed plans shall incorporate the provisions made in the stormwater concept plans prepared by Costin Roe Consulting measures detailed below:

- a) Stormwater Management including stormwater quantity and quality; and
- b) Flooding consideration.

37. Building Within the Zone of Influence for a Council Pipe

Prior to the issue of any Construction Certificate, any footings or excavation to be located or undertaken adjacent to Bayside Council's stormwater pipeline must be designed to address the following requirements:

- a) All footings and excavation must be located outside of the easement boundaries, and
- b) Footings must extend to at least 300mm below the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock, and

If permanent excavation is proposed below the invert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided.

38. Structural Certification for Flood Prone Land

Prior to the issue of the Construction Certificate, an engineer registered with the National Engineering Register (NER) is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy up to 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.

39. Detailed Flood Risk Management Plan

Prior to the issue of the Construction Certificate, a Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer registered with the National Engineering Register (NER), must be provided for the development. The flood impacts on the site shall be assessed for the 1% AEP and PMF storm events. The management plan must make provision for, but not be limited to, the following:

- a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- b) Flood warning signs / depth indicators for areas that may be inundated, and
- c) A flood evacuation strategy, and
- d) A flood awareness strategy, and
- e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

40. Traffic and Parking Design

The relevant Construction Certificate plans shall demonstrate that the design of the off-street parking facility complies in full with the Australian Standard 2890 parking series and certified by a civil engineer registered with the National engineering Register (NER).

41. Geotechnical Certification

Prior to the issue of any Construction Certificate, a Geotechnical Engineer registered with the National Engineering Register (NER) must:

- a) Review and ensure the construction methodology, parameters, and recommendations prepared by PSM Consult Pty Ltd, Ref: PSM3433-101L, dated 12 August 2020, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation, and
- b) Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards. The type and extent of substrata formations on the site shall be determined via the provision of a minimum of two (2) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the existing ground level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum, and
- c) Provide detailed recommendations to allow the satisfactory implementation of the works:
 - i. The appropriate means of any excavation/shoring in light of proximity to adjacent property and structures is to be determined and detailed,
 - ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated,
 - iii. Review the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site),
 - iv. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages, and
 - v. Certify the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site), and
- d) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure, and
- e) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective, and
- f) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer and be outlined in an inspection schedule.

The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

42. Public Domain Frontage Design

Prior to the issue of the relevant Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

A Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the Roads Act 1993. Public domain frontage works shall include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian standards and standard design drawings.

Note: Preliminary consultation with Council's Public Domain and Development Referrals team is recommended.

43. Utility Services Adjustments

The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the applicants cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider prior to issue of the Construction Certificate.

44. Contamination – Construction Environment Management Plan (CEMP)

A Construction Specific Environmental Management Plan (CEMP) must be prepared to provide detailed procedures for management of residual site contamination and containment during development that is consistent with the Environmental Management Plan dated 23 February 2018 listed in the Site Audit Statement GN523 dated 17 May 2018.

This CEMP must be reviewed and written support for the CEMP be provided by a Site Auditor accredited under the Contaminated Land Management Act 1997. This must be provided to the certifier and Bayside Council prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF ANY WORK (INCLUDING DEMOLITION AND EXCAVATION)

45. Erosion and Sediment Control Plan

An Erosion and Sediment Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifier prior to commencement of works.

This plan shall be implemented prior to commencement of any site works or activities. These devices shall be maintained in a serviceable condition at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

46. Dilapidation Report – Public Domain - Major

A professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a Dilapidation Report detailing the current condition of Bayside Council's infrastructure adjoining and within 50m of the development site, including the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, and road pavement) and other adjacent Bayside Council properties prior to commencement of any work. The report must include, but not be limited to, the following:

- a) Photographs showing the condition of the road pavement fronting the site, and
- b) Photographs showing the condition of the kerb and gutter fronting the site, and
- c) Photographs showing the condition of the footway including footpath pavement fronting the site, and
- d) Photographs showing the condition of retaining walls within the footway or road, and
- e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- f) The full name, accreditation, professional registration, and signature of the professional engineer.
- g) Road carriageway assessment

The reports are to be supplied in electronic format in Word. Photographs are to be in colour, digital and date stamped.

The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of construction of this development.

47. Construction Environment Management Plan

Prior to commencement of any works, the applicant must prepare and submit a Construction Environment Management Plan (CEMP). The CEMP must include, but not be limited to, the following:

- a) A plan view of the entire development site and frontage roadways along with a construction management report addressing the following:

- i. The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited. All loading and unloading associated with construction activity must be accommodated on site. Site access and egress is to be generally obtained from Coal Pier Road, and
 - ii. Details of: hours of work; 24-hour contact details of site manager; management of dust and odour to protect the amenity of the neighbourhood; stormwater control and discharge; measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; groundwater management plan including measures to prevent groundwater contamination; external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; community consultation and complaints, and
 - iii. The proposed phases of construction work on the site and the expected duration of each construction phase, and
 - iv. The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, plant/machinery, formwork, and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site. The storage location on the property during construction shall also be shown, and
 - v. The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period, and
 - vi. The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site, and
 - vii. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent, and
 - viii. Proposed protection for Council and adjoining properties, and
 - ix. Proposed protection for the Bayside Council owned Stormwater Infrastructure traversing the site during demolition and construction. Including methodology to avoid activities that can damage the pipe.
 - x. The location and operation of any on site crane including a copy of Sydney Airport approval (if required), and
 - xi. The location of any Work Zone (if required) approved by Council's Traffic Engineering Section, including a copy of that approval.
- b) A Construction Traffic and Pedestrian Management Plan for pedestrian and traffic management of the site during construction prepared by a TfNSW accredited consultant in accordance with the '*Traffic Control at Worksites Manual*'. The plan shall include construction vehicle routes, anticipated number of trucks per day, hours of construction, access arrangements and proposed traffic measures to minimise impacts of construction vehicles. The plan shall detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians, bus services and detail heavy vehicle routes, access, and parking arrangements.
- c) A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004) to provide adequate erosion and sediment control measures during demolition, excavation, and construction on the site. A sufficient area shall be

provided onsite (Soil Stockpile Area) to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site.

- d) A Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction works. The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Assessing Vibration: A technical guideline (available www.environment.nsw.gov.au). The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.
- e) A Construction Worker Transportation Strategy for the construction stages to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers to minimise demand for parking in nearby public and residential streets or public parking facilities.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority. A copy of the approved documents is to be submitted to Bayside Council.

48. **Soil Stockpile Area**

A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to commencement of works.

This plan shall incorporate and reference the construction environmental management plan (CEMP) and address site limitations.

49. **Asbestos Removal Control Plan**

To ensure that all asbestos materials identified are managed appropriately an Asbestos Removal Control Plan (ARCP) shall be prepared and implemented during works onsite. The ARCP shall be prepared in accordance with:

- a) SafeWork NSW Codes of Practices; and
- b) SafeWork Australia *Model Code of Practice - How to Safely Remove Asbestos* 2011; and
- c) Work Health and Safety Act and Regulations 2011; and
- d) *Australia Standard (AS) 2601-2001 The Demolition of Structures*.

The report shall contain details regarding the proposed methods of containment and disposal of asbestos containing material and shall be submitted to the Principal Certifying Authority prior to the demolition of any building or structure.

50. **Tree removal and protection**

- a) Consent is granted for the removal of T1 – T19, T20 - T45, T57 – T99.
- b) The following trees shall be protected with a **Tree Protection Zone (TPZ)**. T46 – T56

- c) Development Impacts: **AS4970-2009 section 3** requires a **Tree Protection Zone (TPZ)** setback of 2.5 metres (m) from centre of trunk (COT) if the site area is available.
- d) All juvenile trees located amongst the vegetation (Tree numbers) above can be removed, it is imperative that the banks of the waterway be stabilised by the existing mature and semi mature trees.
- e) In accordance with **AS4970-2009** protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken.
- f) The protective fence shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
- g) If there is insufficient space to erect fencing, then the trees are to be physically protected by wrapping the trunk with hessian or carpet underlay to a height of 2.5 meters or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
- h) To offset the removal of T1 located in the Public Domain the applicant is plant four (4) *Stenocarpus sinuatus* (Queensland Fire Wheel Tree) of minimum 45L pot size along the frontage of the abovementioned site.

DURING ANY WORKS (INCLUDING EXCAVATION AND CONSTRUCTION)

51. Approved Plans Kept on Site

A copy of the Construction Certificate, the Development Consent and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.

52. Construction Hours and Noise

The following shall be complied with during construction and demolition:

a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

b) Level Restrictions

(i) Construction period of four (4) weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A), and

- (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

c) Time Restrictions

- (i) Monday to Friday 7:00am to 6:00pm

- (ii) Saturday 7:00am to 3:00pm

- (iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

All possible steps should be taken to silence construction site equipment

53. Support of Adjoining Structures

Where the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation, and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

54. Site Management - Principal Certifier Inspections

Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- a) Sediment control measures, and
- b) Provision of perimeter fences or hoardings for public safety and restricted access to building sites, and
- c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

55. Registered Surveyor Certificate

A Registered Surveyor's Check Survey Certificate or Compliance Certificate shall be forwarded to the Principal Certifier detailing compliance with Council's approval at the following stage/s of construction:

- a) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks, and
- b) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level, and
- c) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels, and
- d) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.

56. Implementation of Soil and Water Management Plan

All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council officers, on request.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

57. Toilet facilities

- a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - (i) be a standard flushing toilet connected to a public sewer, or
 - (ii) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
 - (iii) be a temporary chemical closet approved under the [Local Government Act 1993](#).

58. Construction Activities – Minimise Pollution

The following conditions are necessary to ensure minimal impacts during construction:

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - (i) spraying water in dry windy weather, and
 - (ii) cover stockpiles, and
 - (iii) fabric fences
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of

sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

59. Site Fencing

The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.

60. Site Fencing and Hoarding

A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place.

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4m, or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and
- b) have a clear height above the footpath of not less than 2.1m, and
- c) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The Principal Contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

61. Demolition Requirements During Works

Demolition is to be carried out in the accordance with the following:

- a) The approved Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with Australian Standard 2601:2001: Demolition of structures, Work Health & Safety Act 2011 (NSW), Work Health & Safety Regulation 2011 (NSW) and the requirements of the NSW WorkCover Authority, and
- c) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays, and
- d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
- i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's

expense. Dial Before You Dig website: www.1100.com.au should be contacted prior to works commencing, and

- k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation* and '*Waste Classification Guidelines 2014*' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

62. Demolition Requirements

All demolition work shall be carried out in accordance with AS2601 – 2001. The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.

63. Implementation of the Waste Management Plan

The approved Waste Management Plan for the site shall be complied with at all times during demolition works and construction works.

64. Disposal of Waste - Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management / Recycling Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifier.

65. Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional Engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the

maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land, the Engineer registered with the National Engineering Register (NER), Principal Contractor and any Sub-Contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the Engineer registered with the National Engineering Register (NER) to prevent any further damage and restore support to the supported land.

66. Vibration During Demolition Works

Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), *Structural vibration Part 3 – Effects of vibration on structures Table 12-7*.

The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.

Prior to commencement a specific vibration monitor must be set up to monitor and record the vibration levels affecting surrounding buildings.

67. Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath, or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump, or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval.

- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act.

A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.

68. Temporary Dewatering Permit - Water Quality Requirements

To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, a permit must be obtained from Council to permit discharge to the stormwater system. Temporary dewatering shall not commence until this permit is issued by Council. The permit must be current and valid at all times during dewatering operations.

The water quality must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report.

Reports shall be provided to Council prior to discharge of any groundwater to the stormwater system.

69. Construction Operations

- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
- b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

70. Protection of Council's Property

During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter, and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall always be made safe for pedestrian and vehicular traffic. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

71. Erosion Controls - Access to Site and Transportation of Materials

During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

72. Implementation of Traffic Management Plan and Construction Management Plan

During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

73. Bunding- Tank

The area used for the storage of waste shall be bunded. The bund (walls and floor) shall be constructed of impervious materials and shall be of sufficient volume to contain at least 110% of the volume of the tank. The bund shall be designed and installed in accordance with AS 1940-2004 The storage and handling of flammable and combustible liquids.

74. Bunding- Workshop

All service entries to workshop areas shall be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the storm water system.

75. Additional information – Contamination – Cease work addition

Any new information that comes to light during demolition or construction, which has the potential to alter previous conclusions about site contamination and remediation, must be notified to Council and the accredited certifier immediately. All work on site must cease until the council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.

76. Waste Classification – Excavated Materials

All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.

77. Importation of Fill (General)

To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the:

- a) Office of Environment and Heritage (OEH) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

78. Contaminated Land Management – Construction

To ensure the land remains suitable, from a contamination perspective, all work must be completed in accordance with the Environmental Management Plan dated 23 February 2018 listed in the Site Audit Statement GN523 dated 17 May 2018 and the Construction Environmental Management Plan (CEMP) provided prior to the issue of the Construction Certificate.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

79. Occupation Certificate

An Occupation Certificate must be obtained prior to any use or occupation of the building/development. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.

80. Anti-Graffiti Coating

Prior to issue of the Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.

81. Section 73 Certificate – Sydney Water

Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the Certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

82. Dilapidation Report of Public Land - Major

Prior to issue of the final Occupation Certificate, a post-construction Dilapidation Report must be prepared on Council infrastructure impacted on by the development. The Dilapidation Report must be prepared by a qualified Structural Engineer. The report must be provided to the Principal Certifier and a copy provided to the Council. The report must include the following:

- a) Photographs showing the condition of the road pavement fronting the site, and
- b) Photographs showing the condition of the kerb and gutter fronting the site, and
- c) Photographs showing the condition of the footway including footpath pavement fronting the site, and
- d) Photographs showing the condition of retaining walls within the footway or road, and
- e) Closed circuit television/video inspection of any public stormwater drainage systems fronting, adjoining or within the site, and
- f) The full name and signature of the professional engineer.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped. Bayside Council must advise, in writing, that the works have been completed to their satisfaction, prior to the issue of the final Occupation Certificate. Further, Bayside Council will use this report to determine whether or not to refund the damage deposit.

83. Landscape Completion/Certification

Prior to issue of any Occupation Certificate, the following must be complied with:

- a) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times.
- b) A Landscape Architect shall provide a report with pictures of final inspection to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements:
 - i) At least twenty-five (25) indigenous canopy trees capable to reach a minimum mature height of twelve (12) meters in local conditions shall be planted along

Coal Pier Road frontage setback. These trees will be planted at minimum 100 Litres pot size, at time of inspection shall have a minimum height of 2.4 meters, calliper at 300mm greater than 50mm, installed with stakes and ties within a pebble bed or as specified in approved final plans.

- ii) A fully automatic drip irrigation system is installed in all landscaped areas above slabs. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source.
- iii) An ongoing Landscape Maintenance Schedule of all landscaped areas and irrigation system, as well as Construction /manufactured details and manual of irrigation system has been submitted to landowner/occupier to ensure the ongoing maintenance of all landscaped areas at all times.

84. Certification of New Stormwater System

Prior to the issue of any Occupation Certificate, an Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines. The constructed stormwater drainage system shall be inspected, evaluated and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate dimensions and details of all site drainage including aspects such as the On Site Detention System, Infiltration System, Overland Flow Path, Flow through Fence, Rainwater Tank, Stormwater Quality Improvement Device etc. The certification and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority and Bayside Council.

85. Positive Covenant Application

Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be submitted to NSW Land Registry Services of the lots on which the following systems are present:

- a) Stormwater Basins.
- b) Water quality treatment devices.

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate. Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Bayside Council and the Principal Certifying Authority are to be provided with proof of registration of the covenants prior to occupation.

86. Geotechnical Certification

Prior to the issue of any Occupation Certificate, a Geotechnical Engineer registered with the National Engineering Register (NER) shall certify that the construction works have

been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

87. Parking Facility Certification

Prior to the issue of any Occupation Certificate, documentation from an Engineer registered with the National Engineering Register (NER) must be submitted to the Principal Accredited Certifier certifying that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2 and AS/NZS 2890.6, line marked, all signage relating to car parking erected and that the car parking area is clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with AS1742 - *Manual of Uniform Traffic Control Devices* and *NSW Road Transport (Safety and Traffic Management) Regulations*. Wheel stops shall be installed in all car parking spaces adjoining high obstructions and garden beds in accordance with AS/NZS 2890.1:2004. Bollards shall be erected for all accessible parking spaces in accordance with AS/NZS 2890.6.

88. Erection of Signage

Prior to the issue of any Occupation Certificate, the following Signage shall be erected:

a) Flooding:

A flooding benchmark-depth indicator and a flood sign plaque shall be fixed to a prominent place within the flood area, approved by the Principal Certifier, in such a way that it cannot be removed. The flood sign shall contain the wording "The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs".

b) Above Ground Stormwater System:

The above ground stormwater storage systems shall be marked by the permanent fixing of a marker plate of minimum size 200mm by 150mm to the nearest permanent surface. The plate shall be non-corrosive metal, or 4mm thick laminated plastic that contains the following wording "This is an onsite stormwater system that will pond water during heavy storms. The outlet must be cleared of debris regularly".

c) Parking Signage:

All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".

The owners shall preserve the plaque(s) in a good condition and keep it visible.

89. Surveyor's Certificate for Finished Floor Level (Flooding)

Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifying Authority, certifying that the habitable /

commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the non-habitable level is either constructed at or above 1% AEP Flood Level OR [in the case of the garage floor / basement parking level being below the 1% AEP Flood Level], the non-habitable floor is protected from inundation to a minimum of 500mm above the 1% AEP Flood Level.

90. Flood Risk Management Plan – Major

The approved flood risk management plan and all recommendations from the flood awareness & evacuation strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A paper or electronic copy of the flood risk management plan is to be kept in the lobby in each tenancy/dwelling in the kitchenette. Details & evidence are to be provided to the satisfaction of the principal certifier prior to the issue of any Occupation Certificate.

91. Right of way Easement Over access ramp

Prior to the issue of any Occupation Certificate, a right of way easement for access ramp to Floodvale Drain shall be created over the site to the benefit of Bayside Council. The terms of the easement shall be in accordance with the Conveyancing Act 1919. The easement shall be legally registered with the relevant authority. The location and width of the easement shall be to the satisfaction of Bayside Council. The easement to drain water is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. Bayside Council requires proof of lodgement of the easement prior to the issue of any Occupation Certificate. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

92. Green Travel Plan

Prior to the issue of the Occupation Certificate, a Green Travel Plan shall be developed by a suitably qualified traffic consultant in order to encourage people (including any and all residents, staff and visitors) to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand. The Green Travel Plan shall be in accordance with Bayside Council requirements and include, but not be limited to, the following:

- a) Encourage people to cycle and/or walk to the workplace;
- b) Encourage people to use public transport to travel by providing financial incentive or shuttle bus services;
- c) Adopt car sharing and /or car pool scheme;
- d) Provide priority parking for car pool;
- e) Provide bike storage area and end-of-trip facilities in the convenient locations;
- f) Include clear and time bound targets, actions, measurements and monitoring framework;
- g) Develop Transport Access Guides (TAGs) to RMS/TfNSW requirements for staff and visitors about information on how to reach the site via public transport, walking or cycling.

The Green Travel Plan and TAGs must be prominently displayed within the communal areas within the development.

93. Loading Dock Management Plan

Prior to the issue of the Occupation Certificate, the applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Accredited Certifier. The management plan is to be implemented for the lifetime of the use of the development and shall form part of any future subdivision of the site.

94. Roads Act / Public Domain Works – S138

Prior to the issue of any Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense:

- a) Construction of a new footpath and landscaping (grass verge/street tree planting as required) along all frontages of the development site;
- b) Construction of a new fully constructed concrete vehicular entrance/s;
- c) Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks and other damaged public domain improvements which will no longer be required;
- d) Reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter;
- e) Construction of new kerb and gutter along the frontage of the development site.
- f) Any brick/sandstone kerb and gutter shall be retained and protected as part of the development. Any damaged sections shall be repaired using brick/sandstone kerb and gutter of a similar type and equal dimensions.

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied prior to the issue of any Occupation Certificate.

95. Contamination – Long Term Site Environmental Management Plan amendment

The Environmental Management Plan (EMP) dated 23 February 2018 listed in the Site Audit Statement GN523 (SAS) dated 17 May 2018 must be revised and updated immediately following the completion of the development to incorporate all changes to site conditions due to development activities and must address all aspects of the development, including stormwater systems.

The revised EMP must include revised as-built drawings relevant to the management of residual contamination to identify any changes to the barriers or marker layers. The change must be incorporated into an appendix of the revised EMP.

This must be undertaken by an appropriately qualified and experienced environmental scientist, and the revised document must be reviewed by a site auditor accredited under the Contaminated Land Management Act 1997.

The amended EMP, with the written support of an appointed site auditor, must be submitted to the Principal Certifying Authority, and the Council if the Council is not the Principal Certifying Authority, prior to the issue of any occupation certificate.

OPERATIONAL CONDITIONS

96. Hours of Operation

The hours of operation of the approved use are limited to:

- (a) Monday to Sundays: 12am to 12am

The approved hours of operation include trading, preparation, waste collection and deliveries to and from the premises.

97. Factory/Warehouse Use

The offices shall only be used in conjunction with the respective warehouse part of the premises / site.

98. Graffiti Removal

Where the external walls of the building, landscaped structures and / or other facilities within the property / site are vandalised by graffiti, the graffiti shall be removed with the affected areas returned to its former state within seven (7) days of the occurrence.

99. Signage Display

The signs must not have / use:

- (a) flashing lights, and
- (b) electronically changeable messages, and
- (c) animated display, moving parts or simulated movement, and
- (d) a method and level of illumination that distract or dazzle, and
- (e) instructions that imitate traffic control signs by way of shape, layout or colour.

100. Surveillance Cameras

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to principal entrance/s and exits, all areas within the premise occupied by the public (excluding toilets), staircases in multilevel premises and the area within a 10m radius external to the public entrance(s) to the premises, and
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in Use on these Premises", and
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality, capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras, and

- (d) CCTV recording discs or hard drive recordings shall be retained for twenty-eight (28) days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. Copy discs must be handed to Council, Police Officer or Special Inspectors as required, and
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly, and
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least one hour, prior to opening and closing times of the premises, and
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system, and able to immediately review recordings and produce copies, and
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments

101. Maintenance of Stormwater Drainage System

The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

102. Waste Management – Comply with Approved WMP

- (a) The approved Waste Management Plan, as referred to in Condition 1, shall be complied with at all times during use and operation of the premises, and
- (b) A sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

103. Waste Collection

Liquid waste generated on the site that is not subject to a trade waste agreement shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations Act 1997. Records shall be kept of all waste disposal from the site.

104. Offensive Noise

The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.

105. Emission of Offensive Odours

The operation and maintenance of the industrial warehouse shall not give rise to the emission of offensive odours in contravention of the Protection of the Environment Operations Act 1997.

DEVELOPMENT CONSENT ADVICE

106. Lapsing of Consent

This consent will lapse five (5) years from the date of consent, unless the building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

107. Consult with Utility Provider

You are advised to consult with your utility providers (i.e. Ausgrid, Telstra, etc.) in order to fully understand their requirements before commencement of any work.

108. 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.

109. Dividing Fences Act 1991

This approval is not to be construed as a permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act 1991.

110. Asbestos

All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:

- a) Work Health and Safety Act 2011, and

- b) Work Health and Safety Regulation 2011, and
- c) Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)], and
- d) Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)], and
- e) Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in the Health and Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

111. Hazardous Waste

Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- a) Work Health and Safety Act 2011, and
- b) Work Health and Safety Regulation 2011
- c) Protection of the Environment Operations (Waste) Regulation 2005.

112. Annual Fire Safety Statement

In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000, the owner of the building premises must cause the Council to be given an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building.

The Annual Fire Safety Statement must be given:

- a) Within 12 months after the date on which the Fire Safety Certificate was received, and
- b) Subsequent Annual Fire Safety Statements are to be given within 12 months after the last such statement was given, and
- c) An Annual Fire Safety Statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation, 2000, and

A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

113. Signage May Require Separate Approval

Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.

114. **Noise Minimisation during Demolition and Construction**

Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

Noise reduction measures shall include, but are not limited to, the following strategies:

- a) choosing quiet equipment, and
- b) choosing alternatives to noisy activities, and
- c) relocating noise sources away from affected neighbours, and
- d) educating staff and contractors about quiet work practices, and
- e) informing neighbours of potentially noise activities in advance, and
- f) equipment such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8.00 pm and 7.00 am, or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences.

Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary, at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.