

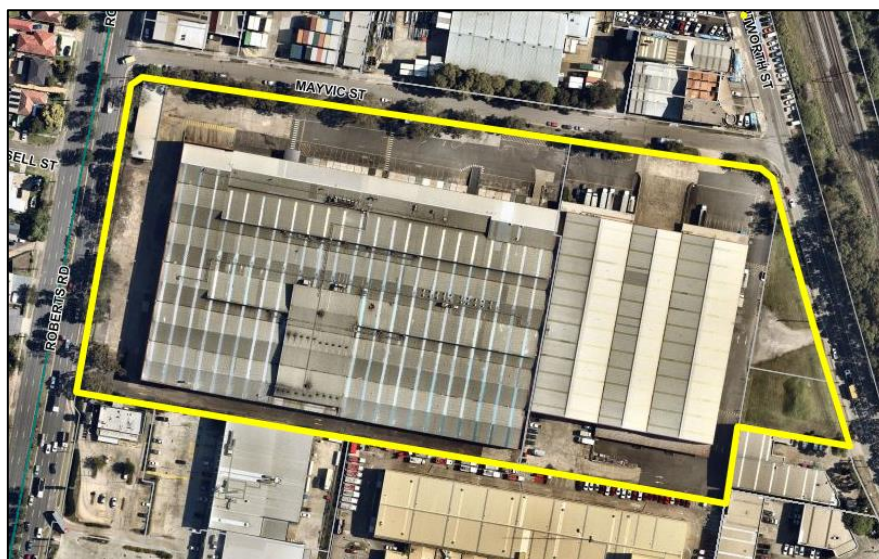
## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSEC-237</b>
<b>DA Number</b>	<b>DA2022/179</b>
<b>LGA</b>	<b>Strathfield Municipal Council</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and erection of a new warehouse or distribution centre and comprised of four buildings with 14 separate tenancies, installation of signage and consolidation of four lots into one.</b>
<b>Street Address</b>	<b>41 Roberts Road, Greenacre (Lot 1 DP 837211)</b>  <b>2 Mayvic Street, Greenacre (Lot 2 DP 837211)</b>  <b>27A Wentworth Street, Greenacre (Lot 3 DP 815309)</b>  <b>27B Wentworth Street, Greenacre (Lot 2 DP 815309)</b>
<b>Applicant/Owner</b>	Goodman Ltd c/- Rory Pryor // Goodman Property Services Pty Ltd
<b>Date of DA lodgement</b>	5 October 2022
<b>Total number of Submissions Number of Unique Objections</b>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 6 Regionally Significant Development – SEPP (Planning Systems) 2021</b>	<b>Section 2 General development over \$30 million</b>
<b>List of all relevant s4.15(1)(a) matters</b>	SEPP (Planning Systems) 2021 SEPP (Transport & Infrastructure) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 2021  Strathfield Local Environmental Plan 2012 Strathfield Consolidated Development Control Plan 2005  EP&A Regulation 2021 <ul style="list-style-type: none"> <li>Section 61(1)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>Combined Architectural Plans</li> <li>Clause 4.6 Statement – Height of Buildings</li> <li>Statement of Environmental Effects</li> <li>Landscape Plan &amp; Report</li> <li>Construction Environmental Management Plan</li> <li>Arboricultural Impact Assessment</li> <li>Building Code of Australia Report</li> <li>Geotechnical Investigations</li> <li>Preliminary Site Investigation</li> </ul>

	<ul style="list-style-type: none"> <li>• Air Quality Impact Assessment</li> <li>• Traffic Impact Statement</li> <li>• Shadow Diagrams</li> <li>• Noise Assessment Report</li> <li>• Photomontages</li> <li>• Fire Safety Strategy</li> <li>• Civil Drawings</li> <li>• Landowner Consent</li> <li>• Site Photos (taken by the council Planner)</li> <li>• Assessment against the DCP</li> </ul>
<b>Clause 4.6 requests</b>	Strathfield Local Environmental Plan 2012 <ul style="list-style-type: none"> <li>• Clause 4.3 Height of Buildings</li> </ul>
<b>Summary of key submissions</b>	N/A
<b>Report prepared by</b>	<b>Patrick Santos</b>
<b>Report date</b>	3 February 2023
<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> 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>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> 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?	<b>Yes</b>
<b>Special Infrastructure Contributions</b> 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>	<b>Not applicable</b>
<b>Conditions</b> 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>	<b>No</b>

## SYDNEY EASTERN CITY PLANNING PANEL REPORT

<b>Property:</b>	41 Roberts Road, Greenacre, 2 Mayvic Street, Greenacre, 27A & 27B Wentworth Street, Greenacre
<b>Proposal:</b>	Demolition of existing structures, construction of a new warehouse/distribution centre comprised of 4 buildings with 14 separate tenancies, installation of signage and consolidation of 4 lots into 1
<b>Applicant:</b>	Goodman Limited c/- Rory Pryor
<b>Owner:</b>	Goodman Property Services Pty Ltd
<b>Date of lodgement:</b>	5 October 2022
<b>Notification period:</b>	11 October 2022 to 1 November 2022
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$51,667,000.00
<b>Zoning:</b>	IN1-General Industrial - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	Yes – Clause 4.3 Height of Buildings (48% variation)
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL



**Figure 1.** Aerial imagery of the subject site (outlined in yellow) and the immediate locality

## EXECUTIVE SUMMARY

### Proposal

Development consent is being sought for the demolition of existing structures and erection of a new warehouse/distribution centre comprising of four buildings with 14 separate tenancies, installation of signage and consolidation of four lots into one.

### Site and Locality

The subject site is comprised of four lots is legally described as Lot 1 in DP 837211, Lot 2 in DP 837211, Lots 2 and 3 in DP 815309 and commonly known as 41 Roberts Road, 2 Mayvic Street, 27B and 27A Wentworth Street, Greenacre, respectively. The site is located on the eastern side of Roberts Road and has two other street frontages – Mayvic Street to the north and Wentworth Street to the east.

Enfield Intermodal is located across Wentworth Street to the east of the site.

The site is irregular in shape, having a frontage width of 142.50m to Roberts Road, 287m to Mayvic Street and 127.3m to Wentworth Street. The site has a combined area of 47,689m<sup>2</sup>.

### State Environmental Planning Policy (Planning Systems) 2021

The application will be determined by the Sydney Eastern City Planning Panel as it involves a warehouse/distribution centre with a capital investment value of \$51,667,000.00 for the construction of four buildings with 14 separate tenancies/operation. The capital investment value triggers the development being a regionally significant development in accordance with Section 2 of Schedule 6 of the SEPP (general development with a CIV over \$30 million).

While the capital investment value is more than \$50 million (\$51,667,000.00), the proposal does not trigger Clause 12 of Schedule 1 State Significant – General of the SEPP due to the 14 separate tenancies/operation.

### Relevant SEPPs

State Environmental Planning Policy (Biodiversity and Conservation) 2021 <ul style="list-style-type: none"> <li>Chapter 2 – Vegetation in non-rural areas</li> <li>Chapter 10 – Sydney Harbour Catchment</li> </ul>	Complies Complies
State Environmental Planning Policy (Resilience and Hazards) 2021 <ul style="list-style-type: none"> <li>Chapter 4 – Remediation of land</li> </ul>	Complies
State Environmental Planning Policy (Transport and Infrastructure) 2021 <ul style="list-style-type: none"> <li>Chapter 2 - Infrastructure</li> </ul>	Complies
State Environmental Planning Policy (Industry and Employment) 2021 <ul style="list-style-type: none"> <li>Chapter 3 – Advertising and Singage</li> </ul>	Complies

### Strathfield Local Environmental Plan

The site is zoned IN1-General Industrial under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal contravenes Clause 4.3 Height of Buildings development standard with the proposed 17.75m high development presenting a 48% variation to the 12m requirement.

## **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

## **Notification**

The application was notified in accordance with Council's Community Participation Plan from 11 October 2022 to 1 November 2022, where no submissions were received.

## **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, development application 2022/179 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application seeking demolition of existing structures and erection of a new warehouse/distribution centre comprising of four buildings with 14 separate tenancies, installation of signage and consolidation of four lots into one.

The proposed development is designed with initiatives to achieve a 5 Green Star rating and include consideration of water sensitive urban design principles and energy efficiency.

The four buildings each have a north to south orientation have a combined floor area of 26,073m<sup>2</sup> and each building will be having the following composition:

- Building A: three warehouse units –
  - Unit A-1
    - Warehouse area – 2,370m<sup>2</sup>
    - Office (including mezzanine) – 209.8m<sup>2</sup>
  - Unit A-2
    - Warehouse area – 2,356m<sup>2</sup>
    - Office (including mezzanine) – 165.2m<sup>2</sup>
  - Unit A-3
    - Warehouse area – 1,961m<sup>2</sup>
    - Office (including mezzanine) – 165.2m<sup>2</sup>
- Building B: four warehouse units –
  - Unit B-1
    - Warehouse area – 1,419m<sup>2</sup>
    - Office (including mezzanine) – 185.6m<sup>2</sup>
  - Unit B-2
    - Warehouse area – 1,465m<sup>2</sup>
    - Office (including mezzanine) – 165.2m<sup>2</sup>
  - Unit B-3
    - Warehouse area – 1,465m<sup>2</sup>
    - Office (including mezzanine) – 165.2m<sup>2</sup>
  - Unit B-4
    - Warehouse area – 1,438m<sup>2</sup>
    - Office (including mezzanine) – 193.7m<sup>2</sup>
- Building C: four warehouse units –
  - Unit C-1
    - Warehouse area – 1,381m<sup>2</sup>
    - Office (including mezzanine) – 248.4m<sup>2</sup>
  - Unit C-2
    - Warehouse area – 1,296m<sup>2</sup>
    - Office (including mezzanine) – 165.2m<sup>2</sup>
  - Unit C-3
    - Warehouse area – 1,296m<sup>2</sup>
    - Office (including mezzanine) – 165.2m<sup>2</sup>
  - Unit C-4
    - Warehouse area – 1,269m<sup>2</sup>
    - Office (including mezzanine) – 193.7m<sup>2</sup>
- Building D: three warehouse units –

- Unit D-1
  - Warehouse area – 1,879m<sup>2</sup>
  - Office (including mezzanine) – 161.5m<sup>2</sup>
- Unit D-2
  - Warehouse area – 1,807m<sup>2</sup>
  - Office (including mezzanine) – 165.2m<sup>2</sup>
- Unit D-3
  - Warehouse area – 2,004m<sup>2</sup>
  - Office (including mezzanine) – 165.2m<sup>2</sup>

Access for trucks and cars will be separated, where all vehicular access points will be off local roads – Mayvic Street and Wentworth Street. The access off Roberts Road, a classified road, shown in the plans is existing and will be maintained for the purposes of emergency vehicular access only.

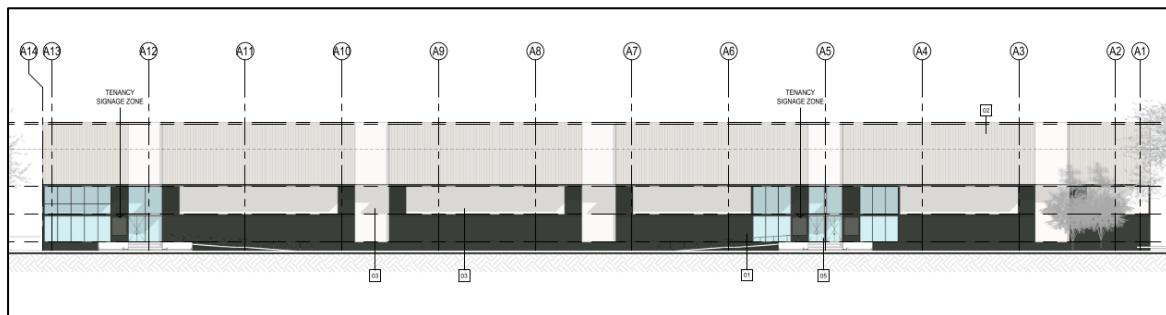
Part of the proposal includes the following:

- Operating hours of 24 hours per day, 7 days a week
- Ancillary landscaping with incorporated breakout areas
- 152 car parking areas including provisions for 7 electric vehicle charging and 8 accessible spaces
- 26 bicycle parking
- Installation of signage

The four proposed buildings are to have an identical built-form each with a skillion roof design.

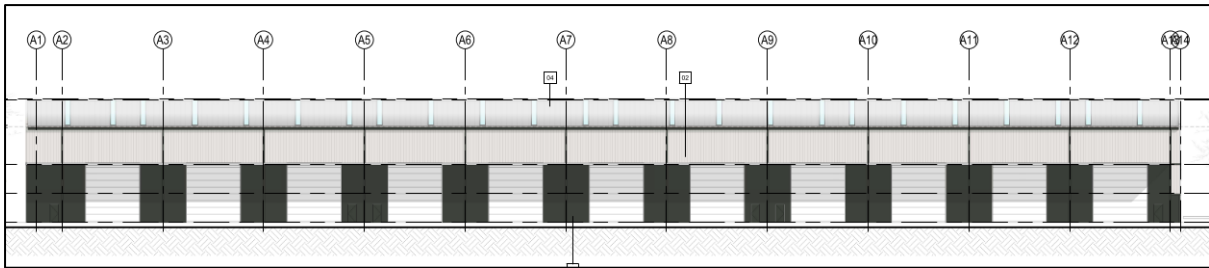


**Figure 2.** Extract of the landscape plan

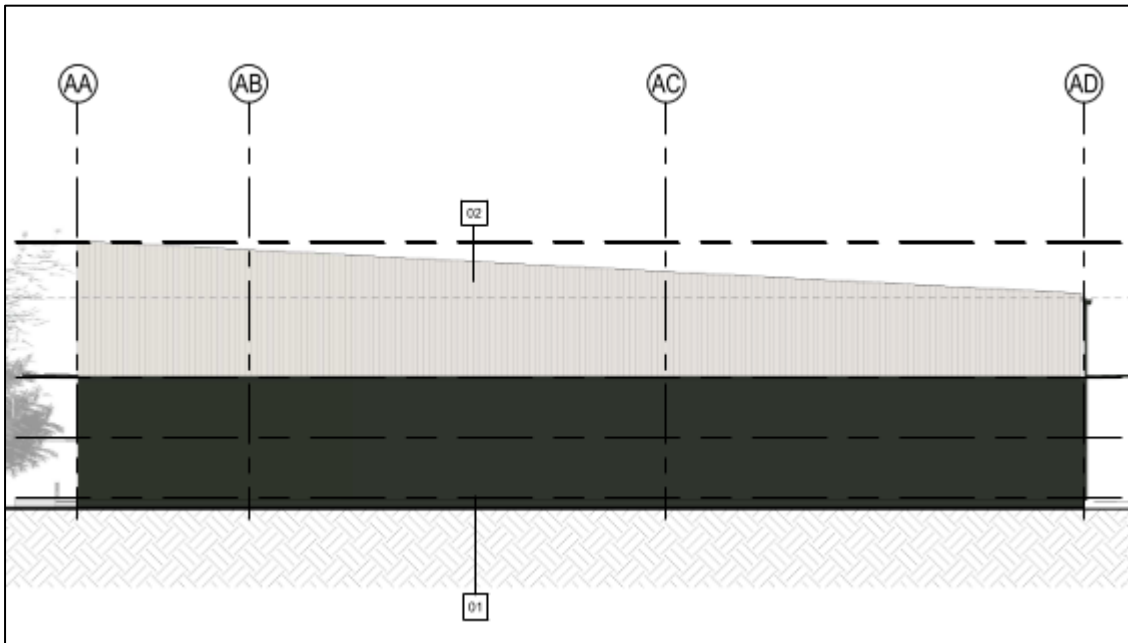


**Figure 3.** Extract of the western elevation of building A

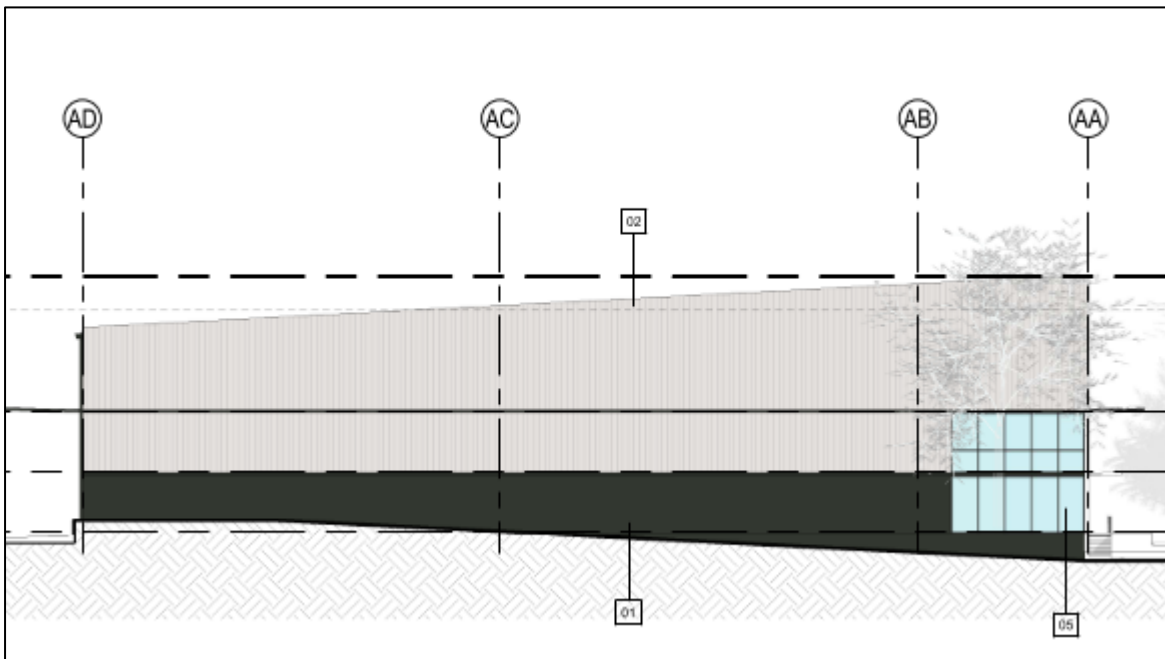




**Figure 4.** Extract of the eastern elevation of building A



**Figure 5.** Extract of the southern elevation



**Figure 6.** Extract of the north elevation





**Figure 7.** 3D concept imagery with an outlook of the north-western corner of the building A with an outlook from the corner of Roberts Road and Mayvic Street



**Figure 8.** 3D concept imagery of the eastern side of the site with an outlook from Wentworth Street





**Figure 9.** 3D concept imagery of the northern elevation of building C from Mayvic Street



**Figure 10.** 3D concept imagery of the entry of one of the units in building D

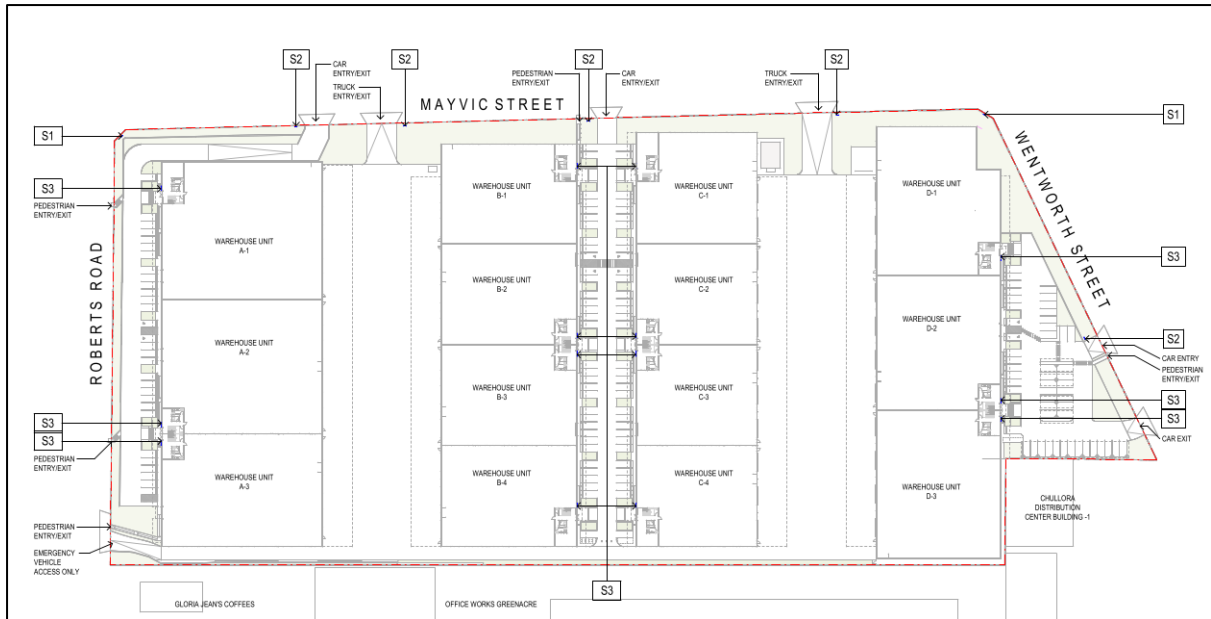




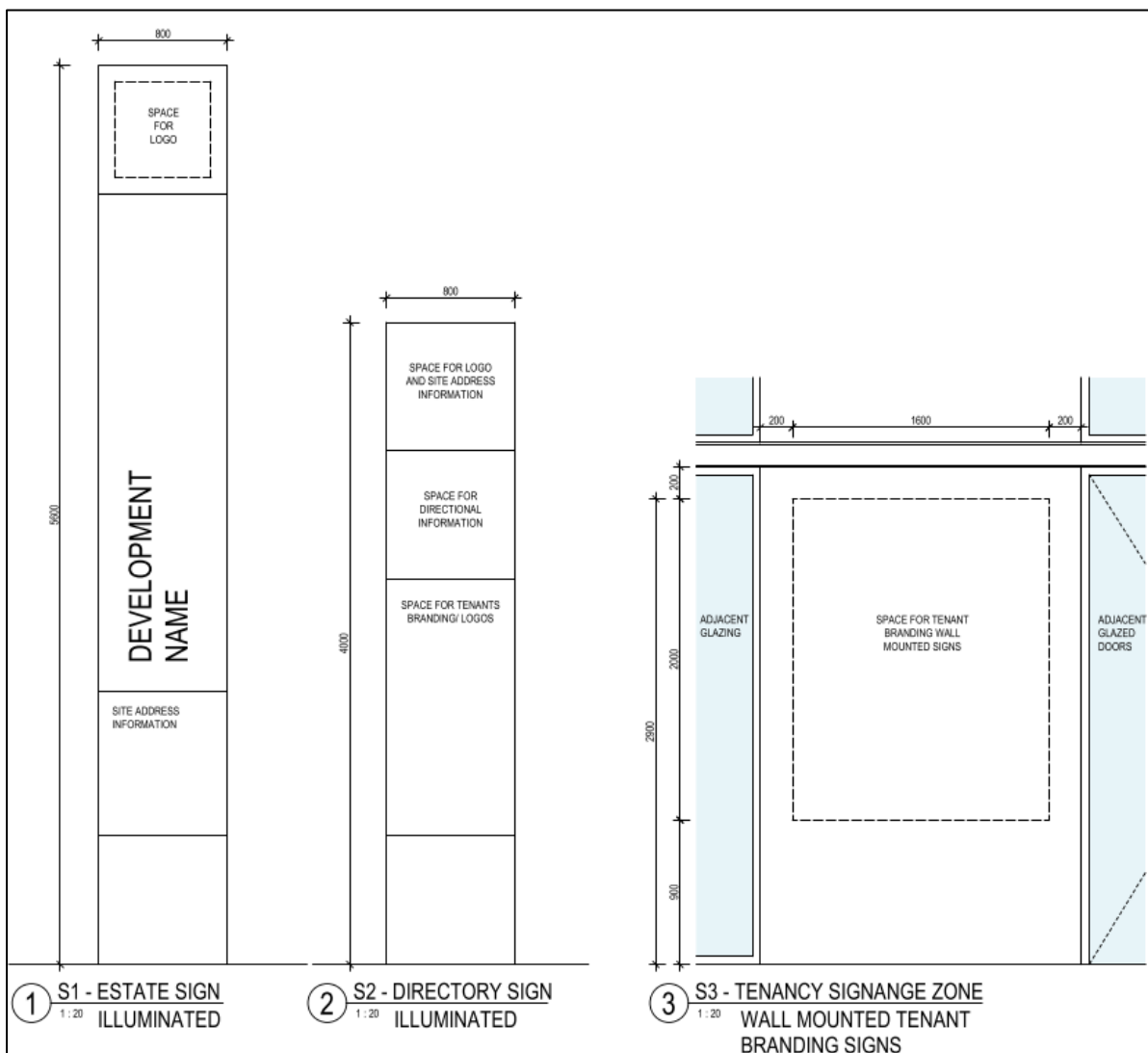
**Figure 11.** 3D concept imagery of the internal driveway and car parking spaces in front of buildings B (right) & C (left)



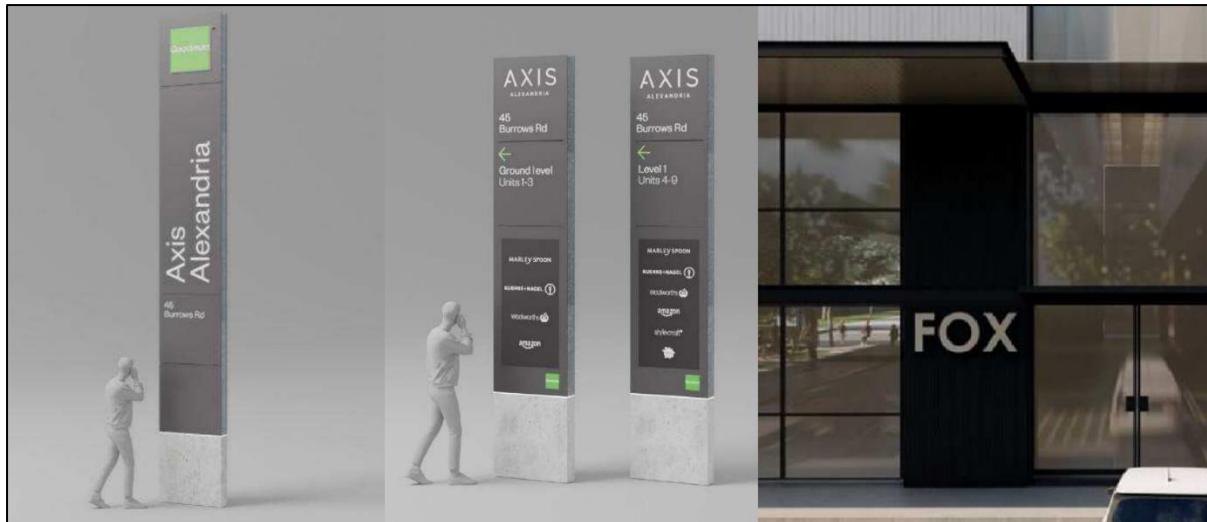
**Figure 12.** 3D concept imagery of the parking area off Wentworth Street fronting building D



**Figure 13.** Extract of the location map showing the proposed location of the different signage proposed



**Figure 14.** Extract of the proposed signage details



**Figure 15.** Concept images of the different proposed signage

## **Background**

<b>6 July 2022</b>	A development application (DA2022/118) was granted for the purpose of tree removal of one tree.
<b>28 July 2022</b>	A pre-DA meeting was held between the applicant and council to discuss the proposal for the demolition of existing structures and construction and operation of a multi-tenancy warehouse facility with total warehouse floor space of 24,197m <sup>2</sup> and total office floor space of 2,496m <sup>2</sup> with associated hardstand parking.
<b>5 October 2022</b>	The subject development application was lodged.
<b>11 October 2022</b>	<p>The application was placed on neighbour notification until 1 November 2022. Council received no submissions during this period.</p> <p>The application was referred to the Sydney Eastern City Planning Panel on the NSW Planning Portal (PPSEC-237).</p> <p>The application was also referred to the following agencies for concurrence:</p> <ul style="list-style-type: none"> <li>• Ausgrid</li> <li>• Transport for NSW</li> <li>• Sydney Trains (TfNSW)</li> </ul>
<b>18 November 2022</b>	A site visit was undertaken by council's Planner
<b>22 November 2022</b>	<p>Additional information request letter was issued to the applicant via the NSW Planning Portal, raising the following concerns:</p> <ul style="list-style-type: none"> <li>• Confirmation that the existing vehicular entry point off the classified road Roberts Road is only to be used for emergency vehicles – requested to be supplemented with amendment of plans</li> <li>• Waste storage areas to be provided and shown on plans</li> </ul>



- Correction of the height proposed in the Clause 4.6 variation statement
- Details of proposed signage
- Wall reflectivity

**7 December 2022** Additional information was provided by the applicant via the NSW Planning Portal.

**19 January 2023** The application was scheduled for a briefing meeting of the Sydney Eastern City Planning Panel on 21 February 2023.

### **The Site and Locality**

The subject site is comprised of four lots proposed to be consolidated and is legally described as Lot 1 in DP 837211, Lot 2 in DP 837211, Lots 2 and 3 in DP 815309 and commonly known as 41 Roberts Road, 2 Mayvic Street, 27B and 27A Wentworth Street, Greenacre. The site is located on the eastern side of Roberts Road and has two other street frontages – Mayvic Street to the north and Wentworth Street to the east.

Enfield Intermodal is located across Wentworth Street to the east of the site.

The site is irregular in shape, having a frontage width of 142.50m to Roberts Road, 287m to Mayvic Street and 127.3m to Wentworth Street. The site has a combined area of 47,689m<sup>2</sup>.

The site drops approximately 1.8m below the street along the Roberts Road frontage and has a 2m crossfall across the site to the rear (east).

The site is occupied by a single building warehouse/distribution centre currently operated by the same proponents of this development application. The current development has vehicular access off Mayvic Street with an additional access off Roberts Road for emergency vehicles.

The immediate area is predominantly characterised by industrial developments and other premises that are generally permitted within the industrial zone.



**Figure 16.** Aerial imagery of the subject site (outlined in yellow) and the immediate locality





**Figure 17.** Aerial imagery of the subject site (outlined in yellow) and the immediate locality with a north-east outlook (source: Goodman Pty Ltd)



**Figure 18.** Northern elevation of the existing building on the subject site





**Figure 19.** The north-eastern end of the northern elevation of the existing building on the subject site



**Figure 20.** Southern outlook of the subject site – looking at the 27A & 27B Wentworth Street



**Figure 21.** The eastern elevation of the existing building on-site facing Wentworth Street



**Figure 22.** The southern side of the property, the high wall on the left is the southern boundary adjoining another industrial property. The access on the left-hand side leads to the emergency access off Roberts Road





**Figure 23.** The southern elevation of the existing building on the site

## **Referrals**

### **INTERNAL**

#### **Tree Management**

The application was referred to council's Tree Management Officer who provided the following comments:

*The proposed development impacts a number of semi mature street trees in Mayvic Street for the new driveway crossovers. These trees are either to be transplanted, removed / replaced or offset in a different location. Further discussions with Council's Urban Forest Supervisor are required.*

*All other trees proposed for removal in the above Arboricultural Impact Assessment not impacted by the proposed development requires a Tree Management Application to be submitted to council.*

The removal of the semi-mature trees along Mayvic Street has not been objected to by council's Tree Management Officer. A further discussion on where the trees will be relocated to or planted in the event of replacement trees had been required. As such, a condition of consent will be imposed that prior to the receipt of the construction certificate, a discussion with council's Tree Management Officer or Urban Forest Supervisor is to be had by the proponent about the location of the replacement trees.

#### **Traffic Management**

The application was referred to council's Traffic Engineer who raised no objections to the proposed development subject to the relevant conditions of consent.

## **Stormwater Management**

The application was referred to council's Development Engineer who raised no objections to the proposed development including the relocation of council's stormwater assets.

Council's stormwater asset traverses the middle of the site from east to west and part of the proposal is to relocate this council asset around the perimeter of the buildings and in internal driveways with adequate drainage inlets.

Conditions of consent have been recommended by council's Development Engineer regarding the asset's relocation and the requirement to register a positive covenant to ensure the ongoing retention, maintenance and operation of the stormwater facility.

## **Building & Compliance**

The application was referred to council's Senior Building Surveyor for comments who provided the following comments:

*...there is no reference to the extent of the areas proposed for the 1<sup>st</sup> floor or the provision of accessibility to these areas in accordance with Vol One of the National Construction Code.*

*I recommend that prior to any approval that the proposed works are assessed for BCA compliance to negate changes that will be required to address fire safety and accessibility to and within each tenancy.*

To address the accessibility of the office spaces in each unit, a condition of consent is imposed to ensure that the office spaces are accessible for people with disabilities. A suitably qualified access consultant is to be engaged by the proponent prior to the receipt of the construction certificate, certifying that the offices and warehouse units, including going to and from, are accessible for persons with disabilities.

## **EXTERNAL**

### **Ausgrid**

The application was referred to Ausgrid under Section 2.48 of the SEPP (Transport & Infrastructure) 2021, where Ausgrid had given concurrence to the proposal subject to the imposition of recommended conditions of consent.

### **Transport for NSW**

The application was referred to Transport for NSW in accordance with Section 2.122 of the SEPP (Transport & Infrastructure) 2021. TfNSW provided the following comments:

*TfNSW has reviewed the submitted application and notes that the development proposes a driveway on Roberts Road which is a major arterial road.*

*The current practice of TfNSW is to minimise the number of driveways on arterial roads on traffic efficiency and road safety grounds.*

*As the subject site has alternative vehicular access on the local road network, TfNSW would not grant concurrence for the proposed driveway on Roberts Road under Section 138 of the Roads Act 1993.*

The applicant has provided amended plans showing that the entry/exit point off Roberts Road is solely for the use of emergency vehicles. The application was referred back to TfNSW for further comments. TfNSW raised no further objections to the proposal subject to the imposition of relevant conditions of consent including the entry/exit access point off Roberts Road to remain for emergency vehicles.

### **Sydney Trains (TfNSW)**

The application was referred to Sydney Trains in accordance with Section 2.98 of the SEPP (Transport & Infrastructure) 2021. Sydney Trains raised no objections to the proposed development subject to the imposition of recommended conditions of consent.

### **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

#### **(1) *Matters for consideration – general***

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

### **State Environmental Planning Policies**

Compliance with the relevant state environmental planning policies is detailed below:

<b>STATE ENVIRONMENTAL PLANNING POLICY</b>	<b>COMPLIES</b>
State Environmental Planning Policy (Planning Systems) 2021 <ul style="list-style-type: none"> <li>Chapter 2 – State and Regional Development</li> </ul>	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021 <ul style="list-style-type: none"> <li>Chapter 2 – Vegetation in non-rural areas</li> <li>Chapter 10 – Sydney Harbour Catchment</li> </ul>	Yes Yes
State Environmental Planning Policy (Resilience and Hazards) 2021 <ul style="list-style-type: none"> <li>Chapter 4 – Remediation of land</li> </ul>	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021 <ul style="list-style-type: none"> <li>Chapter 2 - Infrastructure</li> </ul>	Yes
State Environmental Planning Policy (Industry and Employment) 2021 <ul style="list-style-type: none"> <li>Chapter 3 – Advertising and Singage</li> </ul>	Yes

**Table 1.** Relevant SEPPs

### **STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021**

The proposal involves a warehouse/distribution centre with a capital investment value of \$51,667,000.00 for the construction of four buildings with 14 separate tenancies/operation. Due to the separation tenancies/operation proposed, the proposal does not satisfy the provisions rendering the development as State significant (CIV = or > \$50 million). Nonetheless, the capital investment value is more than \$30 million. As such, this triggers the

development being a regionally significant development in accordance with Section 2 of Schedule 6 of the SEPP.

Given the above, the application is to be determined by the Sydney Eastern City Planning Panel.

## **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

### **Chapter 2 – Vegetation in non-rural areas**

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting. Relevant consent conditions will be imposed.

The aims and objectives outlined within the SEPP are considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

### **Chapter 4 – Remediation of land**

Chapter 4 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within Chapter 4 of the SEPP are considered to be satisfied. Nonetheless, it is acknowledged that the applicant has provided a Preliminary Site Investigation ('PSI') report where it confirms that the site is likely to be suitable for the industrial land use proposed. However, the PSI recommended that a Detailed Site Investigation ('DSI') is to be prepared to ensure that the condition of the fill below the workshop and warehouses are suitable and that no potential impacts of groundwater to be caused.

In light of the commentary stated above in the PSI requiring a DSI to be undertaken, a condition is recommended to be imposed to require the proponent to satisfy the PSI and that a DSI must be undertaken to the satisfaction of the principal certifying authority before construction occurs on site.

## **STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

### **Chapter 2 - Infrastructure**

#### Solar Panels

Section 2.36(9) of this chapter of the SEPP permits the development of a solar energy system by any person on any land.

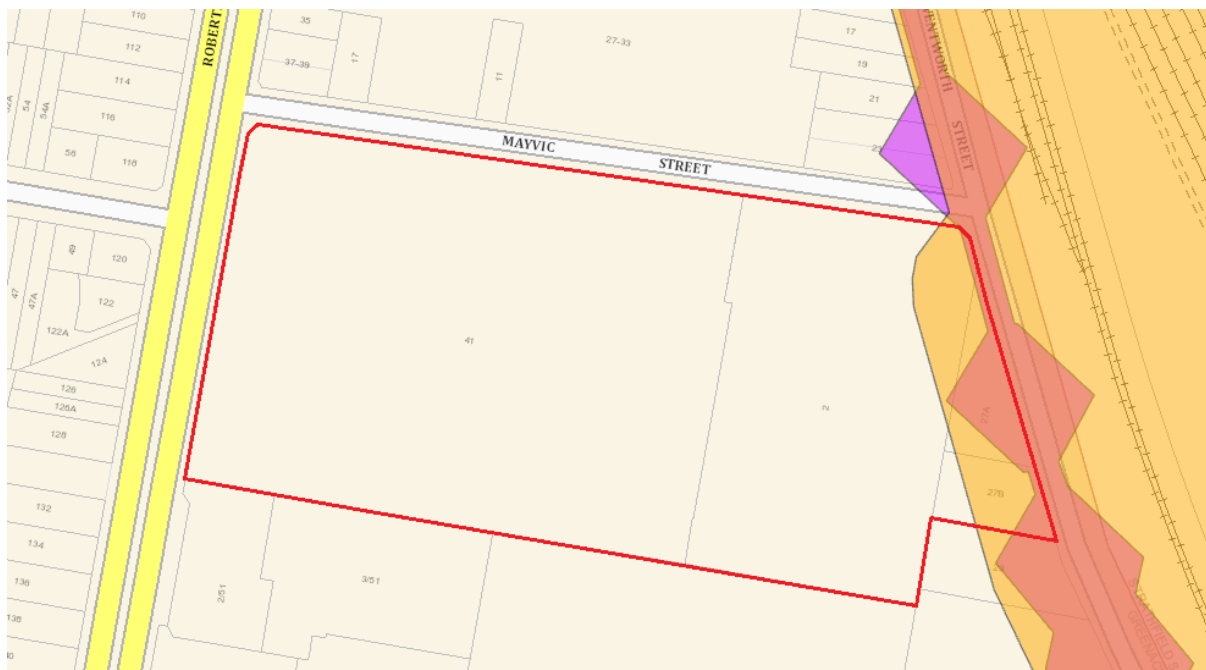
The proposed solar panels are considered exempt development under the provisions of the SEPP.

#### Electricity Transmission or Distribution Network

Section 2.48(1)(b)(iii) and (2)(a) of this chapter of the SEPP require council to refer the application to the electricity supply authority (Ausgrid) for consideration and comments on potential safety risks. As previously mentioned, Ausgrid raised no objections to the proposal subject to recommended conditions of consent.

#### Development Adjacent to Rail Corridors

Section 2.98(2)(a) of this chapter of the SEPP requires council to refer the application to the rail authority and must consider any comments. As shown in Figure 24 below, the Sydney Trains Corridor encompasses the subject site.



**Figure 24.** Locational map of the subject site (outlined in red) and the immediate vicinity showing the Sydney Trains Infrastructure Protection Zone (purple) and Corridor Protection Zone (yellow)

As previously discussed, Sydney Trains offered no objections subject to the imposition of recommended conditions of consent.

#### Traffic-Generating Development

Section 2.122 of this chapter of the SEPP applies to the proposed development and Subsection (4)(a) and (b) requires council to refer the application to TfNSW and consider its comments, if there are any. As discussed in the referrals section of this report, TfNSW raises no objection to the proposal subject to the imposition of recommended conditions of consent.

### **STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY & EMPLOYMENT) 2021**

Chapter 3 of the SEPP applies to the land and pursuant to Section 4.15 is a relevant consideration.



Council must not grant development consent to an application to display signage unless the consent authority is satisfied –

- (a) *That the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) *That the signage the subject of the application satisfies the assessment criteria in Schedule 5*

The proposed signage in Figures 14 and 15 is consistent with the relevant objectives of this chapter of the SEPP. The signage is compatible with the desired amenity and visual character of an area and is considered an effective form of communication as it would be on suitable locations on the site and that it would be of high quality materials and finish.

Further to the above, the proposed signage is also consistent with the assessment criteria enumerated in Schedule 5 of the SEPP.

<b>Development Standards</b>		<b>Complies</b>
<b>1</b>	<b>Character of the area</b>	
	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<b>Yes</b>
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<b>Yes</b>
<b>Special areas</b>		
<b>2</b>	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<b>N/A</b>
<b>Views and vistas</b>		
<b>3</b>	Does the proposal obscure or compromise important views?	<b>No</b>
	Does the proposal dominate the skyline and reduce the quality of vistas?	<b>No</b>
	Does the proposal respect the viewing rights of other advertisers?	<b>Yes</b>
<b>Streetscape, setting or landscape</b>		
<b>4</b>	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<b>Yes</b>

	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<b>Yes</b>
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	<b>N/A</b>
	Does the proposal screen unsightliness?	<b>No</b>
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<b>No</b>
	Does the proposal require ongoing vegetation management?	<b>No</b>
<b>5</b>	<b><i>Site and building</i></b>	
	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?	<b>Yes</b>
	Does the proposal respect important features of the site or building, or both?	<b>Yes</b>
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	<b>Yes</b>
<b>6</b>	<b><i>Associated devices and logos with advertisements and advertising structures</i></b>	
	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?	<b>Yes</b>
<b>7</b>	<b><i>Illumination</i></b>	
	Would illumination result in unacceptable glare?	<b>No</b>
	Would illumination affect safety for pedestrians, vehicles or aircraft?	<b>No</b>
	Would illumination detract from the amenity of any residence or other form of accommodation?	<b>No</b>
	Can the intensity of the illumination be adjusted, if necessary?	<b>No</b>
	Is the illumination subject to a curfew?	<b>No</b>
<b>8</b>	<b><i>Safety</i></b>	
	Would the proposal reduce the safety for any public road?	<b>No</b>
	Would the proposal reduce the safety for pedestrians or bicyclists?	<b>No</b>
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	<b>No</b>

The proposed signage as shown in Figure 14 with concept images in Figure 15 indicates that signage S2 will have a screen. It is noted that signage S2 will be located on areas fronting the local roads and to ensure motorists' safety, a condition of consent will be imposed to ensure that no advertisements or moving signage will be allowed. It is considered that the proposed business and building identification signage satisfies the assessment criteria in Schedule 5 of the SEPP.

### **Strathfield Local Environmental Plan**

The development site is subject to the Strathfield Local Environmental Plan 2012 and is consistent with the aims of this plan.

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

The subject site is zoned IN1-General Industrial and the proposal is a permissible form of development with Council's consent and is considered that the development meets the objectives of the zone.

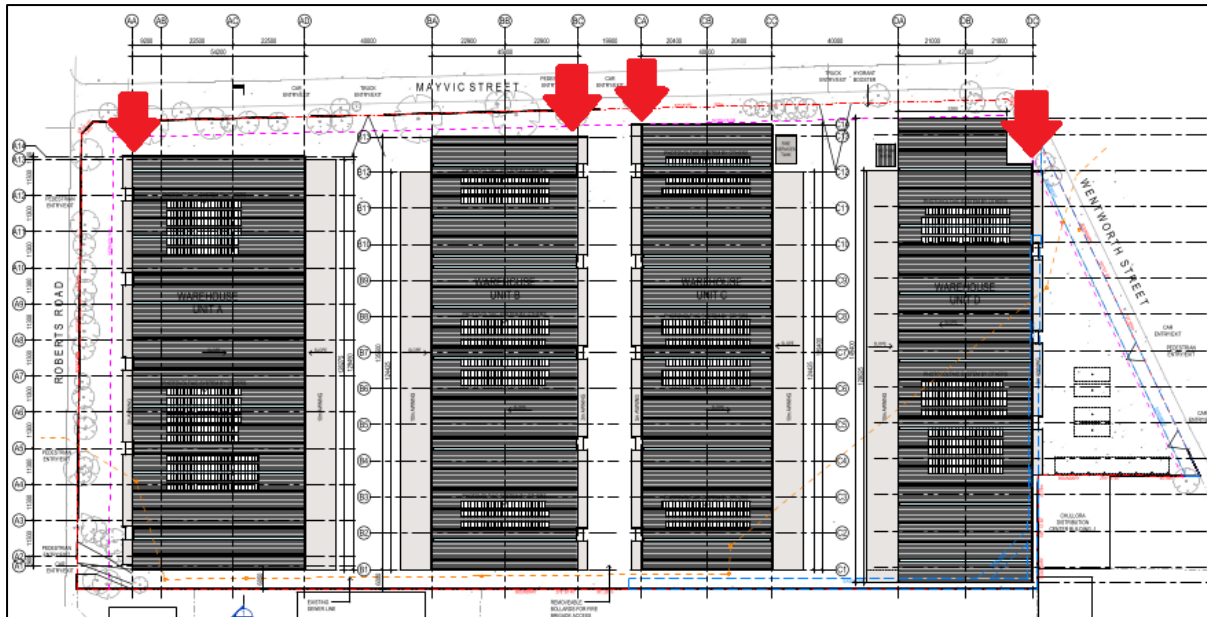
### **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	12m	17.75m	No (48% variation)  Clause 4.6 variation statement was provided
<b>4.4</b> Floor Space Ratio	1:1 (47,689m <sup>2</sup> )	0.547:1 (26,073m <sup>2</sup> )	Yes

### **Height of Buildings**

The proposal involves a non-compliant building height of 17.75m, proposing a 48% variation from the required 12m. A Clause 4.6 variation statement was provided to council as part of the development application package.

It is noted that the non-compliance in height varies from 15.5m to 17.75m due to the topography of the land. The side of each building marked with red arrows in Figure 25 below identify the highest part of the skillion roof proposed on each building. It is noted that the lower part of the roof for buildings A, B and C generally satisfy the 12m development standard and that only building D exceeds the building height requirement on both sides due to the topography of the land. It is noted that the RL of the highest point of the roof on each building is 39.90m AHD. In effect this will appear that the buildings will have a consistent height when viewed from the street.



**Figure 25.** Marked-up extract of the site plan

The proposed height is supportable. The assessment of the provided Clause 4.6 variation statement which includes an analysis whether the proposal satisfies the objectives of the development standard is below.

### Clause 4.6 Variations

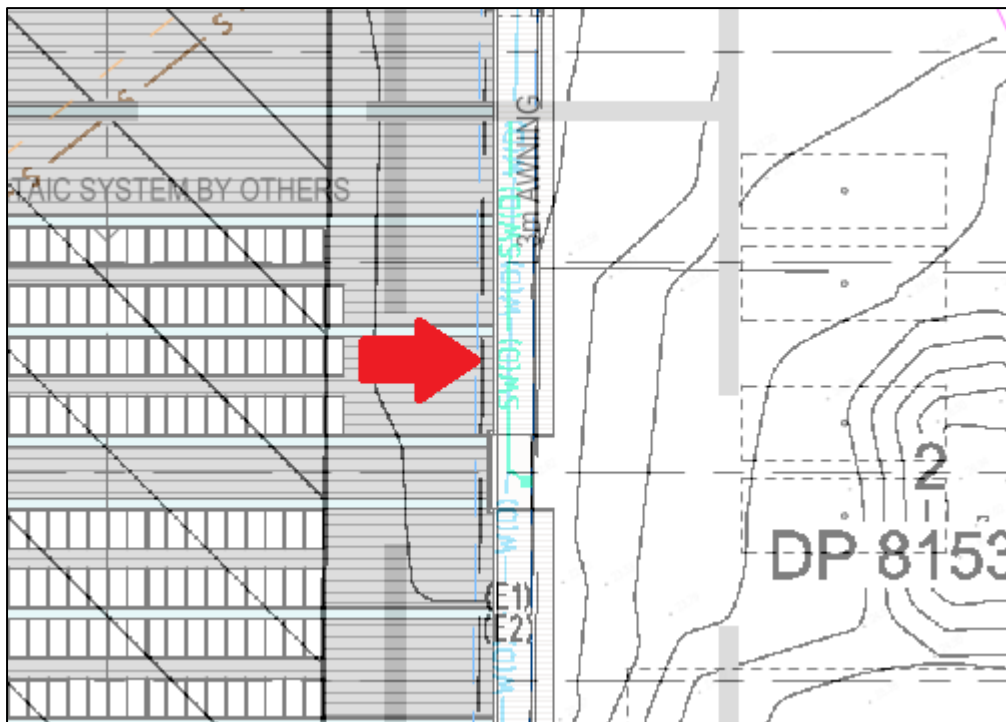
Under Clause 4.6 of the SLEP 2012, the consent authority may consider a variation, where that variation would achieve a better outcome.

As demonstrated in the table above, the proposed development fails to comply with the maximum height of buildings development standard permitted under Clause 4.3 of the SLEP 2012. The area of non-compliance relates to highest point of the skillion roof of building D on the eastern side of the site.

The Clause 4.6 variation statement references to the old height of 13.9m appears to be incorrectly measured. The correct height of the building taking into consideration how a building height is defined and utilising the provided survey plan is 17.75m.

Building A has a building height proposed at 15.5m taken from the roof RL 39.90m AHD and the existing ground level at RL 24.41m AHD. This is shown in Figure 26 below.

The highest height non-compliance is shown in Figure 27 below taken from the highest point of the skillion roof at RL 39.90m AHD down to RL 22.37m AHD.



Clause 4.6(3) of the SLEP 2012 states the following:

*“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standard on the following grounds:

#### Compliance is Unreasonable or Unnecessary

*“The proposed development is consistent with the objectives of the IN1 General Industrial and the Clause 4.3 Height of Buildings development standard..”*

*“a height compliant development would preclude the development of a modern warehouse to an industry standard height that can accommodate contemporary racking systems and meet the needs of modern warehouse occupants”*

*“The minor height exceedance is generally imperceptible and it will not add to the bulk or scale of the development”*

*“It is noted that Council approved a DA for a warehouse distribution facility at 37-39 Wentworth Rd, Greenacre (DA2016/194) which approved a 5.05m (42%) variation from the height development standard. This establishes a relevant precedent for exceedances of the development standard.”*

*“The land has been zoned appropriately to reflect the industrial use of the site and locality. However, the 12m height control does not reflect contemporary warehousing requirements and, accordingly, requires variation in this instance.”*

#### Environmental Planning Grounds to Justify the Contravention

*“The proposed building floor level is also lower than the level of Roberts Road (by approximately 1.5m), and lower than the industrial buildings to the north”*

*“The proposed building height is consistent with the surrounding industrial building heights and will fit seamlessly into the existing built form,...”*

*“As the floor level of the development needs to be raised to achieve a minimum 500mm freeboard above the 1% AEP flood level, a 12m high building measured from this floor level would exceed the height of building development standard.”*

*“The development site is located substantially lower (up to 3.7m) than the existing industrial site to the north and approximately 2m lower than Roberts Road.”*

*“A strictly compliant development would produce an inferior industrial design outcome and would not meet the operational demands of future warehouse occupants...”*

*“The proposed height exceedances are relatively minor and will generally be imperceptible, particularly given that the site sits below Roberts Road and Mayvic Street.”*

*“The proposal includes substantial areas of landscaping along Roberts Road, Mayvic Street and Wentworth Street frontages providing screening and further reducing visual impact.”*

*“The proposed building height for all four warehouses will not adversely impact on the amenity of any surrounding land uses...”*

*“Overshadowing impacts are demonstrated....and remain largely the same for a development compliant with the height control, noting that any overshadowing is limited to industrial and specialized retail premises on the adjacent site at 51 Roberts Road.”*

*“...the height exceedances will only affect the apex of the roof and accordingly will not exhibit any significant visual impact or significant add to the bulk and scale of the warehouses.”*

Clause 4.6(4) of the SLEP 2012 states the following:

*“Development consent must not be granted for a development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

*(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*

The applicant’s written request to justify the contravention of the building height standard adequately addresses the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to the building height.

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

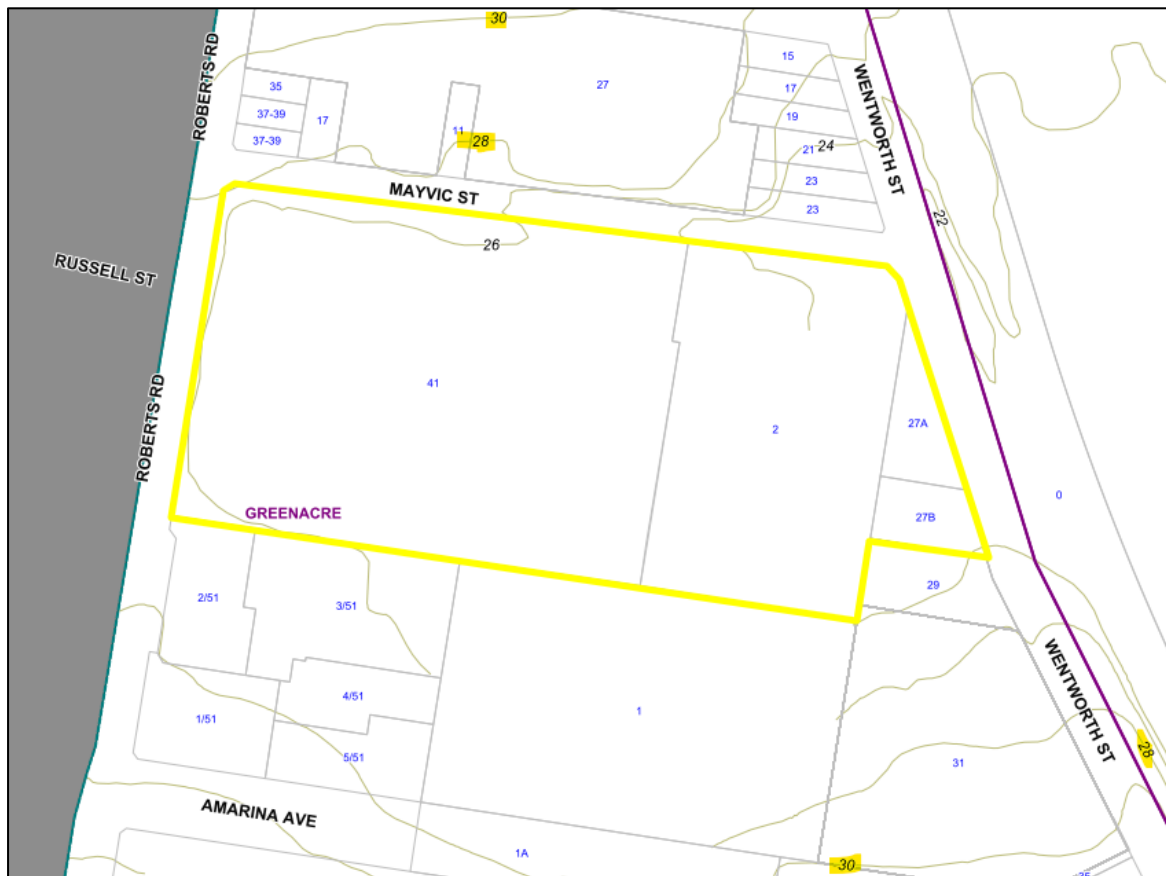
The proposal is considered to be consistent with the objectives of the development standard as follows:

- (a) To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area*
- (b) To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area*
- (c) To achieve a diversity of small and large development options*

The proposed development is generally compatible with the existing built-form in the area and due to the topography of the land being on the lower side of Greenacre (see Figure 28 below),



it is anticipated that the proposed height variation would not result to a dominating structure that would undermine the nearby industrial buildings or adversely impact the streetscape.



**Figure 28.** Locational map of the subject site (outlined in yellow) and the immediate locality showing the contour of the area

The site is Zoned IN1 General Industrial under the SLEP 2012 wherein development for the purposes warehouse or distribution centre is permissible with consent. The proposal is generally consistent with the objectives of the IN1 Zone which are as follows:

- 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 support and protect industrial land for industrial uses
- To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities

The proposal proposes to retain the existing landuse of warehouse or distribution centre and the employment opportunities while modernising the building and also providing a more energy efficient or sustainable structure.

*(b) the concurrence of the Secretary has been obtained.”*

Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued 21 February 2018.

In conclusion, the applicant’s written request to justify the contravention of the building height development standard is considered to be well founded in that the applicant has satisfactorily

demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

## **Part 5 – Miscellaneous Provisions**

### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land and will not result in significant adverse effects on flood behaviour or environment. The proposed development is considered to satisfy the objectives of this clause.

## **Part 6 – Additional Local Provisions**

### **Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, development consent under the provisions of this section is not required.

### **Earthworks**

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses or features of the surrounding land.

### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

### **Erection or Display of Signage**

Clause 6.6 of the SLEP 2012 requires that council be satisfied that the proposed signage meets the following:

- (a) is compatible with the desired amenity and visual character of the area, and*
- (b) provides effective communication in suitable locations, and*
- (c) is of a high quality design and finish*

The three considerations above are identical to the objectives set out in Section 3.1(a) of Chapter 3 of the SEPP (Industry and Employment) 2021. As discussed in the assessment of the SEPP (Industry and Employment) 2021 provisions, council is satisfied that the proposed signage meets the objectives set out in the SEPP. Accordingly, council is also satisfied that the provisions under this clause of the LEP have been achieved by the proposal.

- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

There are no draft planning instruments that are applicable to this site.

- (iii) any development control plan,**

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within Part D – Industrial and Part J – Advertising Signs and Structures.

## **PART D – Industrial**

### Height

The DCP requires a maximum wall height of 10m above natural ground level, which renders the proposed 17.75m wall height non-compliant. The proposal presents a 78% variation.

It is considered that the proposal, despite the variation, satisfies the objectives of the development control. The proposed development will not compromise the streetscape and the industrial setting of the area. The proposal will not pose any bulk and scale issue as the proposed built-form is consistent with the existing developments in the surrounding properties.

### Office

Council is satisfied that the proposed office component of each warehouse unit is ancillary to the operations of warehouse.

### Setbacks

The DCP requires the following setbacks:

- 10m – primary front setback
- 5m – secondary front setback
- Merit – side and rear

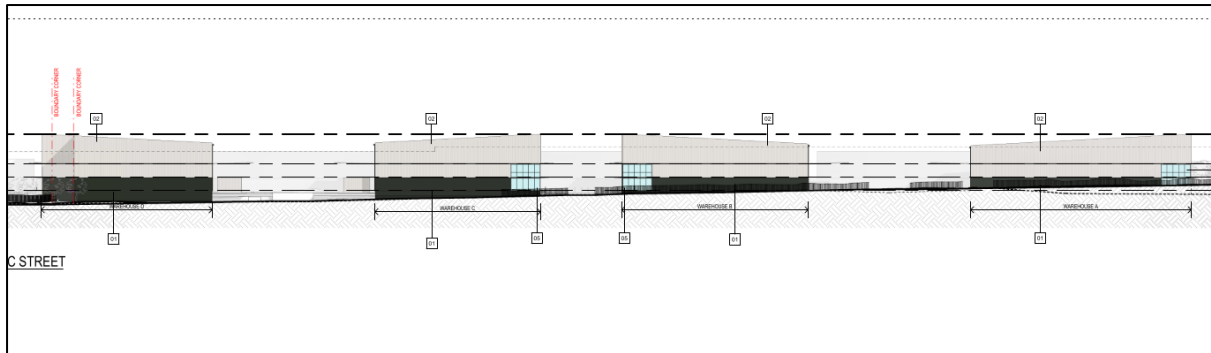
The proposed development satisfies council's setback requirements with the proposed primary front setback facing Roberts Road with more than 10m and 5m on to the secondary front along Mayvic Street and Wentworth Street. It is noted that there is more relief from the Wentworth Street frontage as the only part of building D (closest to Wentworth Street) that is setback 5m is the north-eastern corner of the building. The rest is away from the boundary by more than 5m and has a car parking area in between.

It is noted that while the DCP does not allow buildings to be in the setback areas, the car parking structures adjoining Wentworth Street is not within the 5m setback and is a minor structure relevant to the use of the area as carparking.

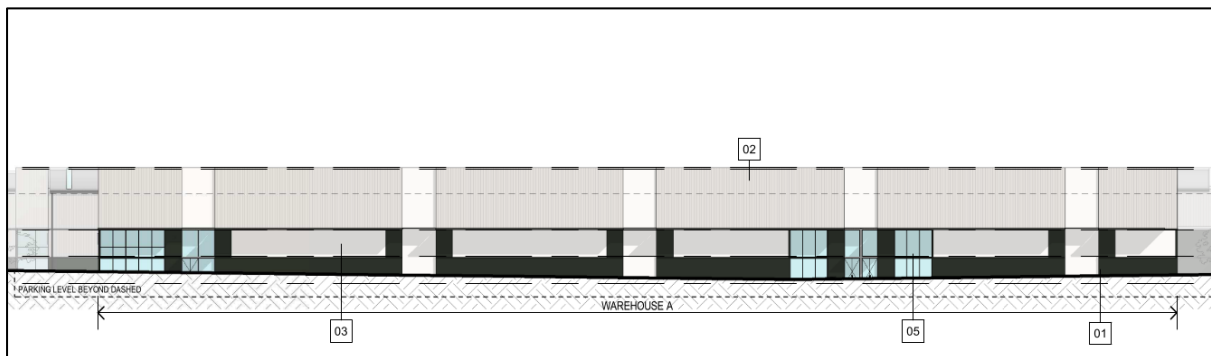
### Building Requirements and Materials

The DCP requires to have no long blank walls on street frontages. The proposal involves blank walls on the upper part of the wall facing Roberts Road and Wentworth Street and the whole elevation of buildings A and D facing Mayvic Street (see Figures 29 to 31).

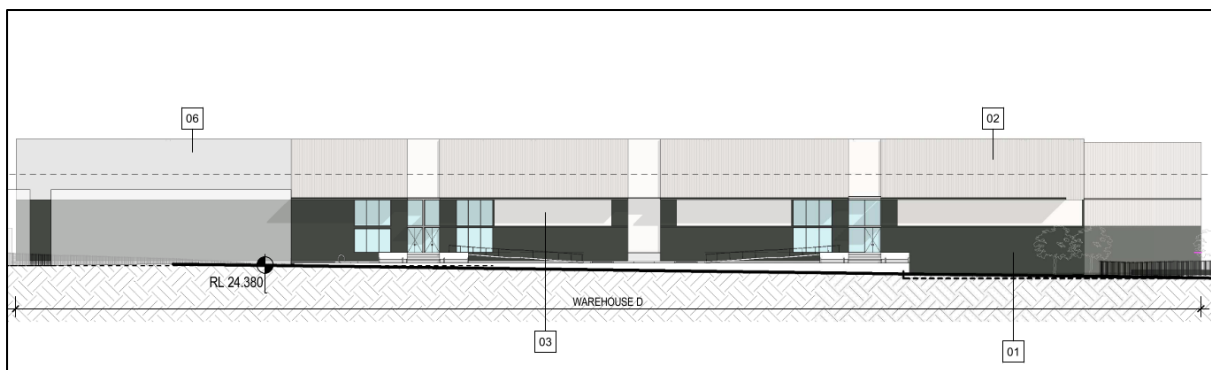
It is noted that while it appears there will be parts of the buildings that would appear blank, it is considered that this is part of the contemporary design of these modern warehouse buildings presenting a monotone colour tone. Further, council is satisfied that with the proposed landscaping, that would provide screening from all three street frontages (Figure 2), there will be no adverse impact on to the streetscape and that adequate screen planting will be provided to soften the built-form.



**Figure 29.** Elevation of the four buildings facing Mayvic Street (building A to the right-most & D to the left-most)



**Figure 30.** Elevation of building A facing Roberts Road



**Figure 31.** Elevation of building D facing Wentworth Street

### Energy Efficiency and Water Conservation

The Statement of Environmental Effects indicates that the proposal was designed to achieve a 5-Green Star rating and that it considers water sensitive urban design principles and energy efficiency.

It is noted that no documentation was provided to Council supporting the proposed development's ability to achieve a 5-Green Star rating and energy efficiency. As such, to address the following requirements of the DCP, to be complied with by the development prior to the issue of the construction certificate, a condition of consent is recommended to be imposed to engage a suitably qualified consultant to prepare the following reports/certification for the approval of the principal certifying authority and that all recommendations be adopted –

- Environmentally Sustainable Design (ESD) report
- Sustainability Management Plan

### Parking

The application was reviewed by council's Traffic Engineer against the provisions of the DCP, RMS guide for traffic-generating developments and the Australian Standards.

As previously discussed, council's Traffic Engineer raised no concerns about the proposal subject to the imposition of recommended conditions of consent. All access and aisle widths for both cars and trucks are considered satisfactory. The proposal's provision of 152 car parking spaces exceeds the DCP requirement of 127 car parking requirement. A total of 44 service vehicles bays are proposed. Eight accessible parking spaces are provided in accordance with the National Construction Code and sufficient bicycle parking is also provided in accordance with the Planning Guidelines for Walking and Cycling 2004. Seven electric vehicle charging stations, incorporated in the 152 car parking spaces are proposed. Overall, the proposed vehicle car parking is acceptable and is considered to be consistent with the provisions of the DCP and relevant guides and standards.

To ensure that the above is reflected on the plans for the purpose of construction, a condition of consent is imposed to require the bicycle parking racks, in accordance with the Australian Standards and the Walking and Cycling Guidelines, be shown. Further to this, a condition of consent is also recommended to ensure that each warehouse unit and ancillary office would have adequate lockers, showers and change room facility for the cyclists.

### Landscaping

The proposal involves adequate landscaping and satisfies the objectives and provisions of this part of the DCP relating to landscaping. The proposal includes at least 2m wide of deep soil planting along the street frontages. While the proposal does provide at least 1.2m of deep soil along the full length of the southern common boundary, it is noted that the majority of this boundary will have at least 1.5m landscaped area when currently it does not have any. As such, despite not being the full length of the boundary, it is acceptable and is considered an improvement to the current situation.

Further to the above, adequate tree planting is also provided within the car parking areas.

### Signage

The proposed development is considered to satisfy the objectives and relevant provisions of the signage controls under this part of the DCP. The proposed signage is also consistent with the objectives and relevant provisions in SEPP (Industry and Employment) 2021.

The proposed signage is envisaged to not dominate and be complementary to the proposed warehouse buildings.

It is considered that the proposal satisfies the relevant provisions under Part D of the SCDCP 2005.

## **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

## **PART N – Water Sensitive Urban Design**

This part of the DCP applies to the site as the proposal involves an industrial development that has a site area that is more than 2,000m<sup>2</sup>. As previously mentioned, the application was assessed by council's Development Engineer who confirmed that the proposal, subject to the conditions of consent, satisfies this part of the DCP.

### ***(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,***

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development involves the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

### ***(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

### ***(c) the suitability of the site for the development,***

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

### ***(d) any submissions made in accordance with this Act or the regulations,***

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received during this period.

### ***(e) the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest.

## Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

### STRATHFIELD CONTRIBUTIONS PLAN

The proposed development does not result in any additional gross floor area and does not trigger the imposition of s7.11 Direct Contributions. The proposal involves a gross floor area of 26,073m<sup>2</sup>, which is a reduction from the existing building's floor area. Without considering any mezzanines or first floor in the existing building, the footprint of the building alone results to a gross floor area of 27,757m<sup>2</sup>. As such, this renders council's Direct Contributions Plan not applicable. Given that s7.11 contributions are not applicable, section 2.5 under Part B of the Direct Contributions Plan, states that "*other contributions plans may also apply to development covered by this plan*".

Given that the development is not subject to Direct Development Contributions, section 7.12 indirect contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Based on the Cost of Works of \$51,667,000.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$516,670.00
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## Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2022/179 should be approved subject to the attached recommended conditions of consent.



Signed:

**P Santos**  
**Senior Planner**

**Date: 10 February 2023**



I confirm that I have determined the abovementioned development application with the delegations assigned to my position.



- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly.

Report and recommendations have been peer reviewed by:



**Signed:**

**G Andonoski**  
**Landuse Planning & Operations Coordinator**

**Date: 13 February 2023**

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Rev	Prepared by
Demolition Plan	A001	18/08/2022	A	Group GSA
Site Plan – Roof Plan	A002	18/08/2022	A	Group GSA
Site Plan – Overall Floor Plan	A003	30/11/2022	B	Group GSA
Overall Sections & Elevations	A004	18/08/2022	A	Group GSA
Building A Detailed Layout	A010	30/11/2022	B	Group GSA
Building A Detailed Elevations	A011	30/11/2022	B	Group GSA
Building A Offices Details	A012	18/08/2022	A	Group GSA
Building B Detailed Layout	A020	30/11/2022	B	Group GSA
Building B Detailed Elevations	A021	30/11/2022	B	Group GSA
Building B Offices Details	A022	18/08/2022	A	Group GSA

Building C Detailed Layout	A030	30/11/2022	B	Group GSA
Building C Detailed Elevations	A031	30/11/2022	B	Group GSA
Building C Offices Details	A032	18/08/2022	A	Group GSA
Building C Offices Details	A032	24/05/2022	-	Group GSA
Building D Detailed Layout	A040	30/11/2022	B	Group GSA
Building D Detailed Elevations	A041	30/11/2022	B	Group GSA
Building D Offices Details	A042	18/08/2022	A	Group GSA
Signage Details	A070	30/11/2022	A	Group GSA
Overall Landscape Plan	Page 4	23/08/2022	03	Place Design Group
Drawing List & Locality Plan	C014656.00- DA10	12/08/2022	C	Costin Roe Consulting Consulting Engineers
Existing Services Plan	C014656.00- DA15	12/08/2022	C	Costin Roe Consulting Consulting Engineers
Erosion & Sediment Control Plan	C014656.00- DA20	12/08/2022	C	Costin Roe Consulting Consulting Engineers
Erosion & Sediment Control Details – Sheet 1	C014656.00- DA25	12/08/2022	C	Costin Roe Consulting Consulting Engineers
Erosion & Sediment Control Details – Sheet 2	C014656.00- DA26	12/08/2022	B	Costin Roe Consulting Consulting Engineers
Bulk Earthworks	C014656.00-	12/08/2022	B	Costin Roe Consulting

Plan	DA30			Consulting Engineers
Stormwater Drainage Plan Sheet 1	C014656.00-DA41	12/08/2022	C	Costin Roe Consulting Consulting Engineers
Stormwater Drainage Plan Sheet 2	C014656.00-DA42	12/08/2022	C	Costin Roe Consulting Consulting Engineers
Stormwater Drainage Details Sheet 1	C014656.00-DA45	12/08/2022	B	Costin Roe Consulting Consulting Engineers
Stormwater Drainage Details Sheet 2	C014656.00-DA46	12/08/2022	C	Costin Roe Consulting Consulting Engineers
Finished Levels Plan Sheet 1	C014656.00-DA51	19/08/2022	F	Costin Roe Consulting Consulting Engineers
Finished Levels Plan Sheet 2	C014656.00-DA52	19/08/2022	D	Costin Roe Consulting Consulting Engineers
Typical Sections Sheet 1	C014656.00-DA55	12/08/2022	B	Costin Roe Consulting Consulting Engineers
Typical Sections Sheet 2	C014656.00-DA56	12/08/2022	B	Costin Roe Consulting Consulting Engineers
Stormwater Drainage Key Plan	C014656.00-DA40	19/08/2022	G	Costin Roe Consulting Consulting Engineers
Industrial Units Development Waste Management Plan	610.30874-R01-v3.0	5/12/2022	3	SLR
Landscape Development Application Package (Pages 3 to 15)	2522064	22/08/2022	2	Place Design Group
Arboricultural Impact Assessment	JNC02830v3	31/08/2022	-	Civica

Construction Environmental Management Plan	630.30406.00 000-R01	September 2022	1	SLR
Preliminary Site Investigation	-	30/08/202	1	Senversa

## SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.



The relevant Application Forms for these activities can be downloaded from Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **3. Transport for NSW (TfNSW)**

- A. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Roberts Road boundary.
- B. The vehicular crossing on Roberts Road shall be for emergency vehicles only and always locked (except in emergencies). These conditions shall also be incorporated into any Plan of Management for the proposed development.
- C. Detailed design plans and hydraulic calculations of any changes to stormwater drainage system on Roberts Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

A plan checking fee will be payable, and a performance bond may be required before Roads and Maritime approval is issued.

### **4. TfNSW (Sydney Trains)**

- A. Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary, easements and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- B. Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
- C. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- D. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- E. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- F. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- G. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- H. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- I. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
- J. The Applicant/Developer shall not at any stage block rail related use (easements) off Wentworth Street, to ensure continuous provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- K. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- L. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into TAHE (Transport Asset Holding Entity)/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- M. The Applicant/Developer shall not at any stage block nearby corridor access gates and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- N. No scaffolding is to be used facing the rail corridor or easements unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to

prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

- O. Sydney Trains advises there is a High Voltage Aerial Transmission Line in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:
- i. ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
  - ii. The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS06-GD-0268 – Working Around Electrical Equipment”.
  - iii. “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”  
In addition, all Landscaping shall be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan.
- P. Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
- i. Machinery to be used during excavation/construction.
  - ii. Demolition, excavation and construction methodology and staging
  - iii. [and any other requirements as advised]

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- Q. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- R. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- S. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- T. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- i. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - ii. acts as the authorised representative of the Applicant; and
  - iii. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- U. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- V. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).

## 5. Ausgrid

### Proximity to Existing Network Assets

#### **Underground Cables**

There are existing underground electricity network assets in Wentworth St and within the proposed development.

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.

#### **Substation**

There are existing electricity substation assets within the proposed development.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.



Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

## **GENERAL CONDITIONS**

### **6. Tree Removal/Pruning Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties, unless specifically identified in any specific condition of consent.

### **7. Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

### **8. Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

## **PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**

### **9. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

## **10. Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

## **11. Demolition Work Involving Asbestos Removal**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

## **12. Dial Before You Dig**

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

## **13. Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

## **14. Dust Control**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

## **Major Works**

The following measures must be implemented (in part or in total) to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

## **15. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

## **16. Dilapidation Report on Public Land – Major Development Only**

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site.

The report must include the following:

- i. Photographs showing the existing condition of the road pavement fronting the site,
- ii. Photographs showing the existing condition of the kerb and gutter fronting the site,
- iii. Photographs showing the existing condition of the footpath pavement fronting the site,
- iv. Photographs showing the existing condition of any retaining walls within the footway or road, and
- v. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- vi. The full name and signature of the structural engineer.
- vii. 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 Dilapidation Report must be prepared by a professional engineer. The report must be provided to the Principal Certifier and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

**Note:** Council will use this report to determine whether to refund the damage deposit after the completion of works.

## STAGING OF CONSTRUCTION CERTIFICATE

The construction certificates are to be issued by the Principal Certifying Authority in the below stages:

1. Construction Certificate 1 (CC1):
  - Demolition
  - Civil works and earthworks
  - Footings
  - In-ground services
2. Construction Certificate 2 (CC2):
  - Building structures
  - Facades
  - Services
3. Construction Certificate 3 (CC3):
  - Landscaping
  - Public domain
  - External works

## PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE 1

### 17. Sydney Water – Tap in <sup>TM</sup>

The approved plans must be submitted to a Sydney Water Tap in<sup>TM</sup> to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone



13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

## **18. Notice of Requirements for a Section 73 Certificate**

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

## **19. Construction Traffic Management Plan**

A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles

must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

## **20. Stormwater System**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

## **21. Detailed Stormwater Drainage Design**

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

## **22. Water Sustainability – Water Sensitive Urban Design**

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to

the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDP 2005, and be prepared by a suitably qualified professional engineer.

### **23. Stormwater Drainage Plan Details**

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2019) and Council's Stormwater Management Code.

### **24. Compliance with Submitted Arborist Report**

The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment dated 31 August 2022 prepared by CIVICA must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The tree/s to be protected are listed in the approved Arboricultural Impact Assessment.

#### **General Tree Protection Measures**

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

#### **Specific Street Tree Protection Measures**

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

### Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

### 25. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	\$ 129,167.50
Security Damage Deposit	\$ 33,000.00
Tree Bond	\$ 91,350.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	

Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 516,670.00
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## General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

## Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

## 26. Damage Deposit – Major Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$33,000.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.



## **27. Tree Bond**

A tree bond of \$91,350.00 (calculated in accordance with Council's adopted Fees and Charges x nine street trees to remain shown on the plans) and an administration fee of \$130.00 shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

## **28. Site Management Plan**

### **Major Development**

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

## 29. Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

### PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE 2

## 30. Required Design Changes

The following changes are required to be made and shown on the Construction Certificate plans:

Internal Ramp Grades and Parking Layout	All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).
Bicycle Racks	The construction plans must demonstrate the approved bicycle racks.
Shower Facility	Each warehouse's office is to have a shower facility, lockers and change room facility for cyclists in accordance with the Australian Standards and the Walking and Cycling Guidelines.

## 31. Schedule of External Finishes

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

### **32. Low Reflectivity Roof**

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

### **33. Fire Safety Measures**

Prior to the issue of a construction certificate a list of the proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Principal Certifier. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Principal Certifier will then issue a Fire Safety Schedule for the building.

### **34. Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the Principal Certifier.

### **35. Access for Persons with a Disability**

Access and sanitary facilities for persons with disabilities must be provided to the premises of each unit on the ground level in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

### **36. Commonwealth Disability (Access to Premises) Standard**

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

### **37. Enclosure of Fire Hydrant**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with detailed plans indicating that all fire hydrant, sprinkler valves and the like are enclosed in accordance with the requirements of AS 2419.1 – 2005 Fire Hydrant Installations.

### **38. Waste, Recycling and Bulky Storage Rooms**

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the bins. The proponent is to seek the approval of council's Waste Management Officer regarding the adequate bin sizes.

The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.

Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

Details of any specialised waste disposal equipment to be used in the development such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Bulk collection area must be provided at a rate of 4m<sup>2</sup> per 10 units and should be located adjacent to waste and recycling storage rooms.

### **39. Onsite Waste Collection**

The development must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

### **40. Commercial and Industrial Waste**

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan for all specific end use businesses in accordance with the waste generation rates provided at Part H of Strathfield Council DCP 2005 – Appendix B.

WMP should also provide written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

### **41. Energy Efficiency and Sustainable Design**

The proponent is to engage a suitably qualified consultant to prepare the following documents:

- Environmentally Sustainable Design (ESD) report to achieve a Green Star Rating

- Sustainability Management Plan

Any recommendations in the two documents enumerated above are to be incorporated in the plans and in the operation of the development and must be submitted to the principal certifying authority.

### **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE 3**

## **42. Tree Removal & Replacement**

### **Tree removal**

Permission is granted for the removal of the following trees:

<b>Tree No.</b>	<b>Tree species</b>	<b>Number of trees</b>	<b>Location</b>
1	Corymbia citriodora	1	Mayvic Street setback
6	Corymbia citriodora	1	Mayvic Street setback
8	Corymbia citriodora	1	Mayvic Street setback
9	Corymbia citriodora	1	Mayvic Street setback
10	Grevillea robusta	1	Mayvic Street setback
23	Eucalyptus nicholii	1	Roberts Road setback
34	Corymbia citriodora	1	Roberts Road setback
42	Melaleuca quinquenervia	1	Street Tree-Mayvic Street

### **General Tree Removal Requirements**

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

### **Tree Replacement**

All trees permitted to be removed by this consent shall be replaced by a species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres. See approved Landscape Plan for tree replacements. Two replacement trees are to be planted for every tree removed.

Replacement trees shall be a minimum 45 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.



Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

#### **43. Vehicular Crossing – Major Development**

The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a 1.2 metre wide footpath for the full length of the frontage of the site in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
- (d) Any relocation of existing utilities must be in accordance with the utility owner and Council's specification, applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the [Roads Act 1993](#), prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for civil works will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

### **DURING CONSTRUCTION**

#### **44. Construction Management Plan**

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

#### **45. Physical Connection of Stormwater to Site**

No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's stormwater asset/s.

The approval of Council's Development/Stormwater Engineer is to be sought prior to undertaking any works above the ground floor slab of the building.

#### **46. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

### **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **47. Major Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

#### **48. Restriction to User and Positive Covenant for On-Site Detention Facility**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

#### **49. Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any

Occupation Certificate.

#### **50. Stormwater Drainage Works – Works As Executed**

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

#### **51. Allocation of Parking Spaces**

Parking associated with the development is to be allocated as follows:

- (a) Bicycle: 26
- (b) Industrial: 152 (including 7 spaces for electric vehicles)
- (c) Loading/Services: 44

#### **52. Consolidation of Site**

The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land Registry Services (LRS) prior to the issue of a final occupation certificate.

#### **53. Completion of Major Works**

Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf

predominant within the street.

- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

#### **54. Dilapidation Report on Public Land for Major Development Only**

Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site.

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- i. Photographs showing the condition of the road pavement fronting the site
- ii. Photographs showing the condition of the kerb and gutter fronting the site
- iii. Photographs showing the condition of the footway including footpath pavement fronting the site
- iv. Photographs showing the condition of retaining walls within the footway or road
- v. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- vi. The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit. Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

#### **55. Acoustic Compliance – General Operation of Premises**

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW Industrial Noise Policy"](#).

Certification must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

#### **56. Vehicular Crossing & Frontage Work – Major Development**

The following road frontage works shall be constructed in accordance with Council's

Specification for Vehicular Crossings and Associated Works together with the Vehicular Crossing Approval issued by Council's Engineering Services Division:

- (a) Construct a 1.2 metre wide footpath for the full length of the frontage of the site in accordance with Council's Specifications for footpaths.
- (b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering.
- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

#### **57. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the Principal Certifier prior to the issue of the Occupation/Subdivision Certificate.

### **OPERATIONAL CONDITIONS (ON-GOING)**

#### **58. Loading & Unloading of Vehicles**

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

#### **59. Entering & Exiting of Vehicles**

All vehicles shall enter and exit the premises in a forward direction.

#### **60. Maximum Vehicle Size**

##### **Articulated Vehicle**

The maximum size of truck using the proposed development shall be limited to Articulated Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.

#### **61. Hours of Operation**

The approved hours of operation shall be restricted to the following:

24 hours, 7 days a week



## **62. Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

## **63. Signage**

Signage displays must not contain/use:

- a. Flashing lights
- b. Electronically changeable messages
- c. Animated display, moving parts or simulated movement
- d. Complex displays that hold a driver's attention beyond "glance appreciation"
- e. Displays resembling traffic signs or signals or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'
- f. A method of illumination that distracts or dazzles

Signage and illumination levels must be in accordance with relevant guidelines and standards.

## **64. Noise Control**

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

## **65. Outdoor Lighting**

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

## **66. Lighting – General Nuisance**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

## **67. Activities and Storage of Goods Outside Buildings**

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

## **68. Annual Fire Safety Statement**

The owner of the building premises must ensure the Council is 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.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 92 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

## **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

### **69. Requirement for a Construction Certificate**

The erection of a building must not commence until a Construction Certificate has been issued.

### **70. Appointment of a Principal Certifier**

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the Principal Certifier of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

### **71. Notification of Critical Stage Inspections**

No later than two days before the building work commences, the Principal Certifier must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

### **72. Notice of Commencement**

The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection or demolition of a building.

### **73. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

### **74. Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

### **75. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

## **PRESCRIBED CONDITIONS**

### **76. Clause 69 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

### **77. Clause 70 – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

## **ADVISORY NOTES**

#### **i. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

#### **ii. Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

v. **Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>.

vi. **Disability Discrimination Act**

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. **Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

viii. **Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: [https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf) )

ix. **Sydney Water Section 73 Certificates**

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent.