1. **Approved Development.**
	1. Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation except where the conditions of this consent expressly require otherwise.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Plan Number** | **Plan Name** | **Dated** | **Revision** | **Prepared By** |
| 2108-225-DA-002 | Master Plan | 13.07.2022 | F | Concept Y Architecture |
| 2108-225-DA-003 | Demolition plan | 10.06.2022 | B | Concept Y Architecture |
| 2108-225-DA-011 | Site Plan (Warehouse 1) | 13.07.2022 | F | Concept Y Architecture |
| 2108-225-DA-012 | Site Plan (Warehouse 2-7) | 13.07.2022 | F | Concept Y Architecture |
| 2108-225-DA-013 | Site Plan (Warehouse 7-8) | 13.07.2022 | F | Concept Y Architecture |
| 2108-225-DA-014 | Site Plan (Warehouse 9) | 13.07.2022 | F | Concept Y Architecture |
| 2108-225-DA-015 | Site Plan (Warehouse 10-11) | 13.07.2022 | F | Concept Y Architecture |
| 2108-225-DA-016 | Site Plan (Warehouse 12) | 13.07.2022 |  | Concept Y Architecture |
| 2108-225-DA-101 | Office Plans (office 1) | 22.10.2021 | B | Concept Y Architecture |
| 2108-225-DA-102 | Office Plans (Office 2-3) | 1.06.2022 | C | Concept Y Architecture |
| 2108-225-DA-103 | Office Plans (Office 4-5) | 01.06.2022 | C | Concept Y Architecture |
| 2108-225-DA-104 | Office Plans (Office 6-7) | 01.06.2022 | C | Concept Y Architecture |
| 2108-225-DA-105 | Office Plans (Office 8) | 25.10.2021 | B | Concept Y Architecture |
| 2108-225-DA-106 | Office Plans (Office 9) | 25.10.2021 | B | Concept Y Architecture |
| 2108-225-DA-107 | Office Plan (Office 10-11) | 26.10.2021 | B | Concept Y Architecture |
| 2108-225-DA-108 | Office Plan (office 12) | 26.10.2021 | B | Concept Y Architecture |
| 2108-225-DA-201 | Indicative Section (Warehouse 1) | 28.09.2021 | A | Concept Y Architecture |
| 2108-225-DA-202 | Indicative Section (Warehouse 2-7) | 30.09.2021 | A | Concept Y Architecture |
| 2108-225-DA-203 | Indicative Section (Warehouse 8) | 30.09.2021 | A | Concept Y Architecture |
| 2108-225-DA-204 | Indicative Section (Warehouse 9) | 30.09.2021 | A | Concept Y Architecture |
| 2108-225-DA-205 | Indicative Section (Warehouse 10-11) | 30.09.2021 | A | Concept Y Architecture |
| 2108-225-DA-206 | Indicative Section (Warehouse 12) | 30.09.2021 | A | Concept Y Architecture |
| 2108-225-DA-207 | Indicative Christina Road Setback | 12.07.2021 | A | Concept Y Architecture |
| 2108-225-DA-2011 | Elevations (Warehouse 1) | 18.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-211 | Office Elevations (Warehouse 1) | 18.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-2013 | Elevations (Warehouse 2 to 7) | 12.07.2022 | C | Concept Y Architecture |
| 2108-225-DA-214-1 | Elevations (Office 7) | 12.07.2022 | C | Concept Y Architecture |
| 2108-225-DA-214-2 | Elevations (Office 5,6) | 12.07.2022 | C | Concept Y Architecture |
| 2108-225-DA-214-3 | Elevations (Office 3,4) | 12.07.2022 | C | Concept Y Architecture |
| 2108-225-DA-214-4 | Elevations (Office 2) | 12.07.2022 | C | Concept Y Architecture |
| 2108-225-DA-214-5 | Elevations (Dock Office) | 12.07.2022 | C | Concept Y Architecture |
| 2108-225-DA-214-6 | Elevations (Dock Office 3) | 12.07.2022 | C | Concept Y Architecture |
| 2108-225-DA-215 | Elevations (Warehouse 8) | 19.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-216 | Office Elevations (Warehouse 8) | 19.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-2017 | Elevations (Warehouse 9) | 19.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-218 | Elevations (Warehouse 9) | 19.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-219 | Elevations (Warehouse 10 and 11) | 19.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-220 | Office Elevations (Warehouse 10 and 11) | 19.10.2021 | A | Concept Y Architecture |
| 2108-225-DA-221 | Elevations (Warehouse 12) | 02.06.2022 | B | Concept Y Architecture |
| 2108-225-DA-222-1 | Office Elevations (Warehouse 12) | 02.06.2022 | A | Concept Y Architecture |
| 2108-225-DA-222-2 | Office Elevations (Warehouse 12) | 02.06.2022 | A | Concept Y Architecture |
| 630.30200.00000-RO1 | Biodiversity assessment Report | 1 August 2022 | V2.0 | SLR |
| PS123034-CLM-REP-002 | Construction Environmental Management Plan | 1 August 2022 | Rev B | WSP |
| PS123034-OFF-REP-001 | Asbestos Management Plan | 28 July 2022 | Rev B | WSP |
| PS123034 | Remedial Action Plan | January 2022 | Rev E |  |

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

* 1. Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans (stamped by Council) and supporting documentation:
		1. The Eastern elevation of Warehouse 1 should be revised, and the colour scheme and materials amended to replicate the finish on the external wall of the southern elevation.

The incorporation of the finish as shown the southern elevation of Warehouse 1, including the placement, design and finish of materials shown on plans as 8, 3, 6, 4, 1, 2 and 5 are to be replicated along this elevation to provide further visual interest. The construction certificate drawings must be consistent with this requirement.

* 1. A separate application shall be submitted to Council before the erection of any signage unless the proposed signage is "exempt development" in accordance with relevant legislation.
	2. The Construction Environmental Management Plan (CEMP) prepared by WSP dated 31 August 2022 and the Asbestos Management Plan (AMP) prepared by WSP dated 1 September 2022 must be adhered to during the remediation works and construction stage. Any changes to the approved CEMP and AMP must be submitted to Council, the Principal Certifying Authority and an NSW Environment Protection Authority Accredited Site Auditor, prior to the implementation of the changes.
	3. The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation.
	4. Implementation of an NSW Environment Protection Authority Accredited Site Auditor approved Long-term Environmental Management Plan and any other conditions on the Site Audit Statement must be adhered to and interpreted to form part of the consent.
	5. The acoustic report submitted in support of this development application prepared by Stantec Australia Pty Ltd, titled *‘Villawood Industrial Estate, Acoustic Report, Development Application’*, reference number 301350269, dated 26 October 2021 and all the recommendations stated within the report are to be implemented and shown on the relevant construction certificate drawing. The report forms part of the development consent and must be complied with as required at all stages.
	6. The site is subject to an ongoing groundwater management plan (GMP) titled, *‘Groundwater Management Plan, Lot 1 and 2 DP1258519, 2 Christina Road, Villawood, NSW’* prepared by JBS&G, reference 56506/124961 (Rev 5)’ dated 14 May 2021. The GMP must be revised following remediation of the site and is to be enforced under a public positive covenant on the site, in accordance with Section 88E of the *Conveyancing Act 1919.*
	7. The correspondence issued by Ausgrid dated March 2022, reference number **TRIM 2017/10/145**, forms part of this consent. Compliance with the conditions contained within and as noted in conditions 1.10-1.13 of this consent, must be complied with as required throughout the development.
	8. Overhead Powerlines **-** There are existing overhead transmission network in front of 2 CHRISTINA ROAD VILLAWOOD. Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

The proposed development may encroach the statutory clearances of nearby powerlines as per the requirements set out in AS7000 and Ausgrid Standard NS220. The developer is required to either:

* Engage an Accredited Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to the powerlines (this must include wind impacts). If the ASP3 determines that the proposed structure does encroach the statutory clearances, suitable arrangements must be made to ensure that the structure will not encroach the powerline statutory clearance either by redesign of the encroaching structure or relocation of the powerlines away from the proposed structure.
* Make suitable arrangements to have powerlines relocated prior to the commencement of construction so that statutory clearances are not encroached.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

* 1. UndergroundCable - There are existing underground electricity network assets in 2 CHRISTINA ROAD VILLAWOOD.

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

* 1. Substation **-** There are existing electricity substation S7858 and S4321 within 2 CHRISTINA ROAD VILLAWOOD. There is an existing kiosk style electricity substation that may be impacted by the proposed construction. Subsidence and vibration must minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

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.

Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non- ignitable blast resisting barrier.

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 141. 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.

1. **Conditions to be Satisfied Before the Issue of a Construction Certificate.**
	1. Development Contributions of **$1,214,840.00** must be paid for this development before the issue of the first construction certificate. The contributions are levied and applied under the Bankstown Development Contributions Plan 2019 and Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The contributions will be used to provide, extend or augment public amenities or public services.

Indexing of the contribution amount to be paid: The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the “Consent to operate from date” which appears on the front page of this Determination Notice.

No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any construction certificate. Construction of the development may NOT commence until the development contributions are paid.

A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie.

NOTE:  Development contribution amounts are non-refundable if you don’t proceed with your development.

* 1. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity before the issue of a construction certificate. Development contribution amounts are non-refundable if you do not proceed with your development.
	2. A long service levy payment which is calculated to be 0.35% of the total cost of the construction work must be paid to the Building and Construction Industry Long Service Payments Corporation before the issue of a construction certificate.  Payment can be made via the [Long Service Levy Portal](https://www.longservice.nsw.gov.au/bci/levy/about-the-levy/about-the-levy-portal) at <https://www.longservice.nsw.gov.au>.
	3. Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier’s satisfaction, that it complies with the relevant parts of AS 2890 – ‘Parking Facilities - Off-Street Carparking’ and Council’s development control plan.
	4. The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap inTM.

Refer to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) for Sydney Water’s Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://www.sydneywater.com.au) ‘Plumbing, building & developing’ then ‘Building Plan Approvals’ or call 13000 TAPINTM.

Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

* 1. The building must comply with the Category 1 fire safety provisions ­­­­­­­­­as are applicable to the building's proposed use.

**Note:** The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this Determination Notice.

* 1. The building must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council through a modification application before a construction certificate being issued.

* 1. Before the issue of any construction certificate, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
		1. Council’s development control plan,
		2. the guidelines set out in the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book), and
		3. the ‘Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

* 1. Adequate sediment and erosion controls must be detailed in a sediment and erosion control plan and the Vegetation Management Plan to protect all retained vegetation onsite from erosion and sedimentation during the construction phase of the proposal.  This must be completed to Council’s satisfaction prior to the issue of any construction certificate.
	2. Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.
		1. The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the certifier before the issue of the construction certificate.
		2. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.
	3. Prior to the issue of the first construction certificate, the site must be remediated in accordance with the:
1. Remediation Action Plan, prepared by WSP dated 11 January 2022;
2. *State Environmental Planning Policy (Resilience and Hazards) 2021*;
3. *National Environment Protection (Assessment of Site Contamination) Measure* (ASC NEPM, 1999 as amended 2013); and
4. The guidelines in force under the *Contaminated Land Management Act 1997*.

Any variations to the approved Remediation Action Plan must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant and an NSW Environment Protection Authority Accredited Site Auditor and submitted to Council prior to the commencement of such work.

* 1. Prior to the issue of the relevant Construction Certificate, the consent holder shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:
		1. Heavy Duty VFC’s at the property boundary.
		2. Western most exit only access must be 12.5 metres wide with a minimum clearance of 2 metres from the western boundary to the VFC.
		3. Middle access for light vehicles via a 6.2 metres wide entry and exit driveway.
		4. Eastern access for articulated vehicles via a 10.5 metres entry and 10.5 metres exit driveway and separated by a median island of 1.5 metre wide.
		5. The dimensions of all vehicular crossings shall be illustrated on the plans submitted with the construction certificate.
		6. The verge of the western access must not encroach into the neighbouring property.
		7. Drainage connection to Council's drainage system,
		8. A concrete footway paving along the site’s entire frontage.
		9. Installation of the street trees as required by Councils Tree Officer in Condition 2.37 of this consent,
		10. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,
		11. Repair of any damage to the public road including the footway occurring during building works, and
		12. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

**Note:** Council is required to prepare a site survey and design in order to determine the necessary information. The consent holder should make application and payment for the Work Permit at least twenty-one (21) days before the information being required and before the issue of the construction certificate. The Work Permit must be approved before any works commencing within the Council Road Reserve or on Council’s assets.

* 1. As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act* *1993*, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before the issue of a construction certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

* + 1. Dig up, disturb, or clear the surface of a public footway or public road,
		2. Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
		3. Connect a road (whether public or private) to a classified road,
		4. Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
		5. Install utilities in, under or over a public road,
		6. Pump water into a public footway or public road from any land adjoining the public road,
		7. Erect a structure or carry out a work in, on or over a public road,
		8. Require a work zone on the public road for the unloading and or loading of vehicles,
		9. Pump concrete from within a public road,
		10. Stand a mobile crane within a public road,
		11. Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,
		12. The work is greater than $25,000, and
		13. Demolition is proposed.

The consent holder shall construct all works approved within the public road and footway under the supervision and to the satisfaction of Council and shall arrange for necessary inspections by Council whilst the work is in progress.

The consent holder shall ensure that the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars and shall provide proof of the policy to Council, before commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

* 1. Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
	2. Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. Cl-520-001 to Cl-520-003 (Rev B & C) prepared by Stantec Australia. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
	3. The stormwater plans must ensure the inclusion of the Water Sensitive Urban Design (WSUD) Strategy to address runoff from the development site.  WSUD treatments must include those stated in the letter completed by Stantec (13/7/22).  The Water Sensitive Urban Design Strategy must identify the water storage capacity of the treatments and how they will offset the stormwater increased from the proposed development.

The WSUD Strategy must be completed to Council’s satisfaction prior to the issue of the relevant construction certificate.

* 1. An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by a qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the certifier for approval before the issue of the relevant construction certificate.

* 1. The layout of the proposed car parking areas associated with the subject development including, driveways, grades, turn paths, sight distance, aisle widths, aisle lengths, and parking bay dimensions shall be in accordance with the Australian Standard AS 2890 parking series.
	2. Sight triangles are to be marked on the plan (Dwg No. SKT01 dated 6/6/22) and provided on the exit side of all the three driveways, in accordance with *AS 2890.1:2004 Figure 3.4 – Minimum Dimensions for Access Driveways Sight Splays for Pedestrians.*  A splay extending 2 metres from the driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and are to be kept clear of any permanent obstacles.  These shall be illustrated on plans submitted with the construction certificate.
	3. Before the issue of any construction certificate for this development, the consent holder must obtain approval from Council’s Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

1. Proposed ingress and egress points for vehicles to and from the construction site;
2. Proposed protection of pedestrians, adjacent to the constructions site;
3. Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
4. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
5. Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
6. Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk construction and excavation materials shall be by the shortest practical route to the nearest "State  Road", with every effort to avoid school zones on public roads. . Alternate longer routes will only be considered in order to bypass school zones during school zone hours**.** If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.** The consent holder shall nominate the routes for approval by Council before commencement of any work on the site. All vehicles are to enter the on-street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted.

An Agreement to Council's satisfaction, signed by the consent holder/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council before release of any Construction Certificate. All damage must be rectified upon completion of work.

Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented before the commencement of any works on the construction site.

In addition, a TfNSW (formerly RMS) Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

Note: Approval by Council of a SPTMP may take up to six (6) months. Accordingly, it is recommended the application to Council be submitted well in advance of the need for a construction certificate

* 1. Before the issue of any construction certificate, the consent holder must ensure a Construction Site Management Plan (CSMP) is prepared before it is provided to and approved by the Certifier. The plan must include the following matters:
1. location and materials for protective fencing and hoardings to the perimeter on the site;
2. provisions for public safety;
3. pedestrian and vehicular site access points and construction activity zones;
4. details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site;
5. protective measures for on-site tree preservation (including in accordance with AS 4970 Protection of trees on development sites and Council’s DCP, if applicable) and trees in adjoining public domain (if applicable);
6. details of any bulk earthworks to be carried out;
7. location of site storage areas and sheds;
8. equipment used to carry out all works;
9. a garbage container with a tight-fitting lid;
10. dust, noise and vibration control measures; and
11. location of temporary toilets.

The consent holder must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

* 1. The Applicant must liaise with Ausgrid and make arrangements to relocate the existing power pole at the vehicular crossing (western end) without Council’s involvement at the Applicant’s cost.
	2. A raised concrete median island at each driveway locations must be provided to restrict traffic movement to left-in left-out only. These median islands shall be designed and constructed by Council and all costs associated with the works shall be borne by the Applicant at no cost to Council.

The construction of the central concrete median islands must be completed prior to issue of the first occupation certificate. However, the following process must be undertaken prior to issue of the first Construction Certificate:

The Applicant is to contact Council’s Customer Service at least eight months prior to construction certificate via council@cbcity.nsw.gov.au regarding the installation of the raised median island and parking restrictions associated with sight distance for motorists.

Council will prepare the consultation plan showing the concept plan of the raised median islands in Christina Road along with the parking restrictions associated with sight distance for motorists exiting the development.

The plan will then be provided to the Applicant for consideration and preparation of the Traffic Management Plan approval from TfNSW. The TMP will include public consultation and advertise the matter in a local news paper for 28 days to be in line with the TMP guidelines.

The Applicant is to undertake a community consultation with the affected business establishments located opposite the subject site and submit evidence of timely consultation in regards to traffic movement restrictions. The results of the consultation shall be provided in a written application to Council – council@cbcity,nsw.gov.au (Attention: Traffic and Transport Services) regarding the restricted movements and detour, prior to the issue of the construction certificate, so that a report can be prepared and referred to the Traffic Committee for consideration at its next available meeting.

In addition to the consultation, the Applicant must prepare, submit and seek approval from TfNSW for a Traffic Management Plan in accordance with TfNSW Technical Guidelines (PROCEDURES FOR USE IN THE PREPARATION OF A TRAFFIC MANAGEMENT PLAN (TMP). Council is to be notified of the approval of the TMP and a copy of which is to be submitted to Council’s Traffic Unit for inclusion in the Traffic Committee Report.

The Applicant is to submit a signage plan showing the parking restriction signs to be installed with dimensions / distances marked on the plan and superimposed on the aerial photograph in accordance with Figure 3.3 of AS 2890.2:2018.

* 1. The consent holder shall apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone at the site’s frontage at least eight (8) weeks in advance of the commencement of construction through a written request sent to council@cbcity.nsw.gov.au (Attention: Traffic and Transport Services). The consent holder is to cover all relevant fees and charges associated with the Works Zone. Approval of the Works Zone is to be provided by Council before the issue of the first construction certificate
	2. A safe and exclusive pedestrian access is to be provided connecting the existing footpath along the northern side of Christina Road to the proposed building premises as shown on Plan SKT01 dated 06 June 2022 prepared by JMT consulting. This must be illustrated on the plans submitted with the relevant Construction Certificate. Details of the lighting within the site and compliance with the relevant standards must be included.
	3. Before the issue of a construction certificate, the consent holder is to ensure that a waste management plan is prepared in accordance with the EPA’s Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:
		1. Council’s Waste Management Development Control Plan
	4. The construction certificate plans shall include details of the relevant waste bin storage areas. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street internal to the site as shown on the approved.
	5. The use and operation of the premises must be designed so as to not cause the emission of any odours that, by reason of its level, nature, character or quality is likely to be harmful to or interfere unreasonably with the comfort or repose of person who is outside the premises.

There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

Emission control equipment must be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the construction certificate for the subject works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the certifier before the issue of the relevant construction certificate.

* 1. A Trade Waste Agreement shall be obtained from Sydney Water before the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*
	2. A Translocation Plan is to be submitted detailing the proposed translocation methodology, timing and management measures for the *Acacia pubescens* individuals that cannot be retained onsite. The Translocation Plan is to be completed in accordance with section 9.1.3 of the Biodiversity Development Assessment Report completed by SLR dated 1 August 2022 and to Council’s satisfaction prior to the issue of the first construction certificate.
	3. A Vegetation Management Plan must be prepared in accordance with best practice methodology and include the replanting of all structural layers (canopy, midstorey and groundcover) on site. Species selected must contain a high diversity, be consistent with the species list for PCT 725 and be of local provenance. The Vegetation Management Plan must incorporate the retained patch of PCT 725 in addition to the following two locations:
* The vegetated strip proposed along the eastern boundary of the site, connecting the patch of PCT 725 to Christina Road.
* A minimum of 50% of the 10m vegetated - setback along the southern boundary of the site, adjacent to Christina Road.

The Vegetation Management Plan must be completed in accordance with section 9.1.2 of the Biodiversity Development Assessment Report completed by SLR 1 August 2022 and to Council’s satisfaction prior to the issue of the first construction certificate.

* 1. Landscaping shall be installed generally in accordance with the approved landscape plans prepared by GEOScapes Drawing No LDA-00 to 14 (inclusive), Revision F and amened/updated as outlined in the Letter dated 14 July 2022 prepared GEOScapes and as required to the approved site layout (reduction in parking) and include a minimum 50% local indigenous species as outlined in the Vegetation Management Plan. A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the certifier before the issue of a construction certificate. The landscape plan must be prepared in accordance with Bankstown DCP 2015 and must include the following features, notations and specifications:
1. The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features,
2. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
3. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), and
4. Details of drainage and watering systems (if any).

Landscaping shall be installed in accordance with the approved landscape plan.

* 1. Approval in accordance with Council’s Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.
	2. The Biodiversity Assessment Method case status for the Biodiversity Credit Report must be finalised prior to the first construction certificate and forwarded to the consent authority.
	3. Prior to the issuing of the first construction certificate, the Ecosystem credit retirement must be undertaken as outlined below:
1. Prior to issue of a construction certificate the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.
2. The requirement to retire credits in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).
3. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to the issue of a construction certification.

Table 1 - Ecosystem credits required to be retired – like for like

|  |  |  |  |
| --- | --- | --- | --- |
| Impacted plant community type | Number of ecosystem credits | IBRA subregion | Offset trading group |
| PCT 725 | 1 | Cumberland | Cooks River/Castlereagh Ironbark Forest in the Sydney Basin Bioregion |

* 1. Prior to the issuing of the first construction certificate, the Species credit retirement, must be undertaken as outlined below:
1. Prior to the issue of a construction certificate the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.
2. The requirement to retire credits outlined in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C).
3. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to the consent authority prior to the issue of a construction certification.

Table 2 - Ecosystem credits required to be retired

|  |  |  |
| --- | --- | --- |
| Impacted species credit species | Number of species credits | IBRA subregion |
| *Acacia pubescens* | 1 | Anywhere in NSW |

* 1. Prior to the issue of a Works Permit, the owner/applicant is to contact Council to obtain replacement conditions by the Tree Management Officer for a tree to be planted within Council’s nature reserve, forward of the subject property’s front boundary.

The replacement is to be at full cost to the owner/applicant. The size and type of replacement planting is to be determined by Council’s Tree Management Officer prior to the issue of the Work Permit. All conditions imposed by Council’s Tree Management Officer shall be complied with.

Inspections by Council’s Tree Management Officer of the completed tree planting are to be scheduled once the tree protection fence has been installed, and again once the works have been completed prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

* 1. All substations, rainwater tanks, hydrant boosters and associated services and shield walls are to be contained within the development site and shielded from view of the public domain. The infrastructure within the site must be integrated into the built form, where possible and designed to match the appearance of the main structure of the development.
	2. Construction certificate plans must demonstrate that all on-site pedestrian pathways and footpaths open to the public comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials". Th pathways internal to the site must be well lite and provide for adequate pedestrian sign posting for way finding.
1. **Conditions to be Satisfied Before Construction.**

3.1 The demolition of all structures on the property must be undertaken in accordance with all the following:

* + 1. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date,
		2. Written notice must be issued to Council for inspection a minimum of (7) days before the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor,
		3. Inspections being undertaken by Council including:
			1. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and before demolition work commencing, and
			2. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice,
		4. Payment of an inspection fee at Council’s current rate must be paid before inspection. Council requires 48 hours’ notice to carry out an inspection,
		5. A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,
		6. All demolition work must be carried out in accordance with Australian Standard 2601 – ‘The Demolition of Structures’,
		7. Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,
		8. An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work,
		9. Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,
		10. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,
		11. Adhere to the requirements stipulated in the approved Waste Management Plan, and
		12. Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no building work/s is to be carried out at any time on a Sunday or a public holiday.

A copy of the final demolition inspection report must be submitted to the principal certifier before the commencement of any building work.

* 1. A construction certificate is required for the erection of a building in accordance with this Determination Notice.

This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.

The following requirements apply before the commencement of building work in accordance with this Determination Notice:

* + 1. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier,
		2. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work,
		3. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
		4. the consent holder, if not carrying out the work as an owner-builder, has:
			1. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
			2. notified the principal certifier of the appointment, and
			3. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
		5. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person’s intention to commence the erection of the building.
	1. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the consent holder apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92.
	2. A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.

Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval before the commencement of building work/s.

* 1. Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 14 days before the commencement of any site or building works.
	2. Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.
	3. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
	4. Council’s warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.
	5. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
		1. showing the name, address and telephone number of the principal certifier for the work, and
		2. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
		3. stating that unauthorised entry to the work site is prohibited.

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

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

* 1. Before demolition, the entire site (including any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type “A” inspection body accredited by NATA.

All recommendations in the above-mentioned report are to be implemented and a clearance certificate issued by an appropriately qualified occupational hygienist is to be submitted to Council before the commencement of demolition works.

* 1. Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.
1. **Conditions to be Satisfied During Construction.**
	1. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council and the Principal Certifying Authority in writing.
	2. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	3. Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
	4. Building work or demolition work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.
	5. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the consent holder is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
	6. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
		1. All footings/ foundations
		2. At other stages of construction – any marks that are required by the principal certifier.
	7. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Bankstown Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
	8. The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards and the engineering plans and details approved by the principal certifier. Should the consent holder encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, then they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense.
	9. A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
	10. While building work is being carried out, the consent holder must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).
	11. All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the consent holder must, at their own expense:

1. Protect and support the building, structure or work from possible damage from the excavation, and
2. Where necessary, underpin the building, structure or work to prevent any such damage.

This consent condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

The owner of any affected buildingsis not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

* 1. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the consent holder must, at their own expense —
		1. Protect and support the building, structure or work from possible damage from the excavation, and
		2. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

* 1. If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
	2. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the consent holder is to compile and provide records of the disposal to the principal certifier, detailing the following:

* The contact details of the person(s) who removed the waste
* The waste carrier vehicle registration
* The date and time of waste collection
* A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
* The address of the disposal location(s) where the waste was taken
* The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

**Note**: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the consent holder is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

* 1. The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:
1. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*; and
2. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*; and
3. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and
4. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and
5. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste; and
6. All materials and resources that are to be stored on site during construction works are contained on the site; and
7. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and
8. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.
	1. There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
	2. While vegetation removal, demolition and/or building work is being carried out, the consent holder must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The consent holder must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

* 1. While site or building work is being carried out, the consent holder must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970 – ‘Protection of trees on development sites’ and any arborist’s report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
	2. All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – ‘Pruning of amenity trees’ and Australian Standard AS 4970 – ‘Protection of trees on development sites’. Site specific conditions relating to tree protection shall take precedence over this requirement.
	3. If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.
	4. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the *Protection of the Environment (Waste) Regulation 2014* and related guidelines, including the ‘*Waste Classification Guidelines*’ (NSW EPA, 2014), prior to off-site disposal.
	5. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The consent holder must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

* “relic” means any deposit, artefact, object or material evidence that:
1. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
2. is of State or local heritage significance; and
* “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
1. **Conditions to be Satisfied Before Occupation.**
	1. No subdivision is approved in this development application.
	2. No approval is granted for the internal fit out of each warehouse building.

Separate consent is to be obtained for the internal fit out of these premises unless otherwise exempt.

5.3 The occupation or use of any building must not commence unless an occupation certificate has been issued.

* 1. Prior to issuing of the first Occupation Certificate, the applicant must submit a Validation Report to Council and the Principal Certifying Authority. The Validation Report must be prepared in accordance with:
1. NSW Contaminated Land Planning Guidelines (1998)
2. Relevant EPA Guidelines, noting in particular the NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites; and
3. *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013).

The Validation Report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant and audited by an NSW Environment Protection Authority Accredited Site Auditor.

The Validation Report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan.

* 1. Prior to issue of the first occupation certificate, the Long-term Environmental Management Plan, must be submitted to Council and the Certifying Authority. The Long-term Environmental Management Plan must be prepared in accordance with the:
1. NSW Contaminated Land Planning Guidelines;
2. Relevant EPA endorsed guidelines; and
3. *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013).
	1. The developer shall register, on the title of the subject properties, a Restriction on the Use of Land noting the location of the capped and contained contamination on site and registration of the corresponding Site Validation reports, subsequent Long-Term Environmental Management Plan (LTEMP), Groundwater Management Plan (GMP) prepared for the ongoing construction, development and use of the site. This must be registered prior to the issuing of the first occupation certificate.
	2. Prior to issue of the first occupation certificate, a Site Audit Report and Site Audit Statement stating that the land has been remediated in accordance with the approved Remediation Action Plan and is suitable for the proposed development must be provided to Council.
	3. The contamination containment area (capping) must be delineated and surveyed by a Registered Surveyor and identified on a survey drawing. The survey drawing must be submitted to the satisfaction of the supervising environmental consultant and be included in the Validation Report, prior to the issue of the first occupation certificate.
	4. The construction of the central concrete median islands must be completed prior to issue of the first occupation certificate.
	5. The existing footpath in Christina Road, across the frontage of the property is to be removed and reconstructed along the full length of Christina Road from the Birmingham Avenue intersection, to Council’s satisfaction and Applicant’s cost at the completion of works.
	6. Redundant driveways along the site frontage in Christina Road are to be removed, kerb and gutter and turf restored to match other existing areas, at Applicant’s cost.
	7. Before the issue of the relevant occupation certificate, the person having the benefit of this Determination Notice must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming compliance with Bankstown Development Engineering Standards.

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

* 1. The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Bankstown Development Engineering Standards and in accordance with the appropriate provisions of the *Conveyancing Act 1919*.

Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council’s Bankstown Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.

* 1. A suitably qualified professional civil engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the occupation certificate or occupation of the site.
	2. A Loading Management Plan must be submitted to and approved by the principal certifier before the issue of an occupation certificate.

The plan should identify how the loading area will be managed and used by all building tenants including retail and residential use such as for removal vehicles, bulky good deliveries and similar.

The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

* 1. 233 off-street car parking spaces shall be provided and maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained for the lifetime of the development.

233 off-street car spaces being provided in accordance with the submitted plans. This shall comprise of 233business / commercial spaces

**Note:** Car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

* 1. A report as prepared by a registered surveyor must be submitted to the principal certifier verifying that the reduced level (RL) of the finished floor level at each level, the height of external walls, the maximum reduced level (RL) of roof structures / roof eaves overhangs and the external wall setbacks to the property boundaries all conform with the approved plans.
	2. Before the issue of any occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
2. the consent holder has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General’s Direction No. 11 – ‘Preservation of Survey Infrastructure’.
	1. Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the principal certifier must request written confirmation from the relevant authority that the relevant services have been completed.

* 1. The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the principal certifier before the issue of an occupation certificate.
	2. An occupation certificate must not be issued until all relevant conditions relating to demolition and building works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
	3. Before the issue of any occupation certificate, the consent holder must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.
	4. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
		1. Compelling drivers to stop before proceeding onto the public way
		2. Compelling drivers to "*Give Way to Pedestrians*" before crossing the footway; or compelling drivers to "*Give Way to Pedestrians and Bicycles*" before crossing a footway on an existing or identified shared path route.
	5. Prior to the issue of any occupation certificate, the owner is to enter into a formal agreement with a licenced private waste contractor to service the commercial potion of the development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private commercial waste collection service, the owner is to ensure that:

1. The service is functional and meets the operational needs of the development
2. The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

A copy of the contract is to be forwarded to Council prior to the issue of any occupation certificate.

* 1. Before the issue of any occupation certificate, a traffic engineer is to inspect and approve all waste vehicle access and manoeuvring/turning movements to ensure they comply with the development approval and design certificate, and that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide for New Developments. Specifically, the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004.
	2. Before the issue of any occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial occupation certificate, the consent holder must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier’s satisfaction.

* 1. Before the issue of any occupation certificate, the principal certifier must be satisfied that all *relevant* landscape and tree-works, including pruning in accordance with AS 4373 – ‘Pruning of amenity trees and the removal of all noxious weed species’, have been completed in accordance with the approved plans and any relevant conditions of this consent.
	2. The buildings must be readily identified from the street with the allocated house numbers.
	3. Any lighting on the site shall be designed so as not to cause nuisance to any residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – ‘The Control of the Obtrusive Effects of Outdoor Lighting’.
	4. The acoustic report submitted in support of this development application prepared by Stantec Australia Pty Ltd, titled *‘Villawood Industrial Estate, Acoustic Report, Development Application’*, reference number 301350269, dated 26 October 2021 and all the recommendations stated within the report, form part of the development consent.

The Principal Certifying Authority shall obtain a report from an appropriately qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above-mentioned acoustic report have been implemented and that the relevant noise criteria have been satisfied prior to the issue of any occupation certificate. A copy of the report is to be submitted to Council prior to the issue of the relevant occupation certificate.

* 1. Before the issue of any occupation certificate, the principal certifier is to ensure that on-site CCTV surveillance cameras have been strategically installed and that they will operate and be maintained throughout the development with particular coverage to:
	2. principal entrance/s and exits;
	3. all areas within the premise occupied by the public (excluding toilets);
	4. staircases in multilevel premises;
	5. car parking areas; and
	6. the area within a 10m radius external to the public entrance(s) to the premise.

Installation of the surveillance system is to ensure suitable and clearly visible signage is displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words “Closed Circuit Television in use on these premises”.

All CCTV recording equipment and cameras shall be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.

CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.

All CCTV recording devices and cameras shall be regularly checked to ensure the equipment is operating correctly. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.

The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

1. **Conditions of Use.**
	1. The hours of operation of the site are 24 hours, 7 days a week.
	2. The emergency access road must only be used in an emergency as required by the appropriate service. The access road must not be used for day to day operations on the site.
	3. Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, ‘Control of the obtrusive effects of outdoor lighting’, to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council’s discretion if Council considers there to be adverse effects on the amenity of the area.
	4. The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is always to be kept clear of obstructions so not to restrict the collection of waste and recycling bins.
	5. All businesses/operators must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal. The operator must be able to show a waste collection contract if it is requested by a Council Enforcement Officer.
	6. The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.
	7. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.
	8. No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
	9. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
	10. All vehicular crossings are to be signposted with corresponding Entry and Exit signs with associated pavement marking directional arrows.
	11. All vehicles associated with the development are to enter and exit the site in a forward direction.
	12. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

* 1. The approved car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors’ vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
	2. The on-site stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.
	3. During occupation and ongoing use of the buildings, the consent holder must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).
	4. Should a noise issue (relating to the development) not previously identified arise (through complaint or otherwise), the owner/occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the noise issue. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

* 1. The consent holder shall ensure that all activities within the premises comply with the relevant sections of the Protection of the *Environment Operations Act 1997* and Regulations and the NSW Environment Protection Authority Industrial Noise Policy (2000).
	2. The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, wastewater, waste products, grit, oil or other harmful products.
	3. Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
	4. All industrial activities are to be confined within the building and no such activity shall occur externally to the building and this shall include loading and unloading, also storage of new and used materials.
	5. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the ‘*Assessing Vibration: A Technical Guideline’* (NSW Department of Environment and Conservation, 2006).
	6. The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	7. No subdivision is approved under this Development Consent.