

## 1. Approved Development.

1.1. Development must be carried out in accordance with the following approved plans (stamped by Council) except where the conditions of this consent expressly require otherwise.

Plan Number	Plan Name	Dated	Revision	Prepared By
A003	Site Plan	23/05/2023	K	Reid Campbell
A004	Demolition Plan	04/09/2022	B	
A005	Warehouse Roof Plan	04/09/2023	D	
A007	Signage Plan	04/09/2022	D	
A101	Warehouse 1 floor Plan	04/09/2022	D	
A110	Warehouse 1 Office and 1A Plan	04/09/2022	D	
A111	Warehouse Office 1B Plan	04/09/2022	D	
A120	Warehouse 2 Floor Plan	04/09/2022	D	
A130	Warehouse Office 2A	04/09/2022	D	
A131	Warehouse Office 2B Plan	04/09/2022	C	
A201	Elevations – Warehouse 1	21/09/2022	E	
A210	Elevations – Office 1A	04/09/2022	C	
A220	Elevations – Office 1B	04/09/2022	C	
A230	Elevations – Warehouse 2	04/06/2022	D	
A240	Elevations – Office 2A	04/09/2022	C	
A250	Elevations – Office 2B	04/09/2022	C	
A301	Sections – Warehouse 1	04/09/2022	D	
A310	Sections – Office 1A	04/09/2022	C	
A311	Sections – Office 1B	04/09/2022	C	
A320	Sections – Warehouse 2	04/09/2022	D	
A330	Sections – Office 2A	04/09/2022	C	
A331	Sections – Office 2B	04/09/2022	C	

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.

- 1.2. A separate application shall be submitted to Council before the erection of any additional signage unless the proposed signage is "exempt development" in accordance with relevant legislation.
- 1.3. The acoustic report submitted in support of this application prepared by Northrop Consulting Engineers Pty Ltd, titled '*Pittwater Industrial Development, 373 Horsley Drive, Milperra, NSW*', reference number SY212524-AUR01, dated 5 August 2022 and all the recommendations stated within the report, form part of the development consent.

The principal certifier shall ensure that all recommendations required by the above report are detailed in the construction certificate documentation and shown on all relevant plans.

- 1.4. The Arborist Report submitted, and the tree protection measures shown form part of this consent. The arborist report is to be updated to reflect the updated landscape plans and demonstrate the additional tree protection measures as required given the extent of drainage works in proximity to the trees to be retained. All plans and documentation should be amended to demonstrate the tree retention as required.
- 1.5. The supporting documentation prepared for the development including construction certificate reports and plans must demonstrate that the Ecological Sustainable Design is implemented throughout the development. The initiatives as outlined in the letter prepared by Northrop, dated 04 August 2022, Reference SY212524-00-SE-LE1-1, form part of this consent and must be implemented to ensure that the minimum sustainable development benchmarks are required in the Bankstown Development Control Plan 2015, Part B4 for both Energy and Water efficiency are implemented throughout the development. A suitably qualified consultant must ensure that all construction certificate documentation is consistent with this requirement and implemented prior to occupation of the development.
- 1.6. The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation.
- 1.7. The correspondence issued by Ausgrid dated March 2022, reference number **TRIM 2017/10/162**, forms part of this consent. Compliance with the conditions contained within and as noted in conditions 1.7-1.10 of this consent, must be complied with as required throughout the development.

- 1.8 Underground Cables - There are existing underground electricity network assets in 373 Horsley Road Milperra. 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.

- 1.9 Substation - There are existing electricity substation S3325 within 373 Horsley Road Milperra.

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.

- 1.10 Purpose of Easement - This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of

the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

- a. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
- b. Ausgrid requires 24-hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
- c. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
- d. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
- e. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
- f. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earth-stake driven at least 1.6 metres into the ground.
- g. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
- h. No buildings/structures or parts thereof constructed may encroach the easement.
- i. No machine excavation is permitted within the easement without Ausgrid's express permission.
- j. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
- k. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
- l. Any change to ground levels must be submitted to Ausgrid for approval.
- m. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11 kV Distribution Cables.
- n. The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cable.
- o. No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.

- p. Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.
- q. Electric power should not be connected to the easement site without permission from Ausgrid.

1.11 The documentation is to be updated, and a front fence proposed to secure the site. The front fence must be 1.8m height an open palisade style fencing. The fencing should be consistent with the appearance and materials as outlined by the Bankstown Development Control Plan 2015, Part B3, Controls 5.1-5.3.

1.12 Separate approval must be sought (where required) under the relevant Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may require separate approval under the Regulations. Therefore, it is advisable that approval to operate equipment (i.e. cranes) be obtained prior to any commitment to construct.

## **2. Conditions to be Satisfied Before the Issue of a Construction Certificate.**

2.1. Development Contributions of \$483,706.25 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 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.

- 2.2. 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.
- 2.3. Before the issue of the relevant construction certificate, payment of the long service levy is required, under the *Building and Construction Industry Long Service Payments Act 1986*, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal [Calculator at https://longservice.force.com/bci/s/levy-calculator](https://longservice.force.com/bci/s/levy-calculator). Payment must be made via the [Long Service Levy Portal at https://www.longservice.nsw.gov.au](https://www.longservice.nsw.gov.au).
- 2.4. 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.
- 2.5. 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 in™.

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 TAPIN™.

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.

- 2.6. The building must comply with the Category 1 fire safety provisions 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.
- 2.7. 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, substantial 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.

- 2.8. Before the issue of a 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:
- a. Council's development control plan,
  - b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
  - c. 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.

- 2.9. 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.
- a. 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.
  - b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 2.10. 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:
- a. Two heavy duty VFC of maximum width of 12.5 metres at the property boundary.
  - b. Relocation of Council drainage pipe and installing a 600-diameter pipe and associated junction pits. All slabs above the pipe shall have full depth expansion joints and shall be designed as slab on ground. The pipe structural integrity and class shall be certified by a suitably qualified engineer to withstand the fill depth and traffic loads.
  - c. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,

- d. Repair of any damage to the public road including the footway occurring during building works, and
- e. 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.
- f. Any streets required by Councils Tree Management Officer as outlined in condition 2.37 must be planted prior to the issuing of a work permit compliance certificate.

**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.

2.11. 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 any 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:

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WORKS REQUIRING A 'WORKS PERMIT'

- a. Dig up, disturb, or clear the surface of a public footway or public road,
- b. Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c. Connect a road (whether public or private) to a classified road,
- d. Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e. Install utilities in, under or over a public road,
- f. Pump water into a public footway or public road from any land adjoining the public road,
- g. Erect a structure or carry out a work in, on or over a public road,
- h. Require a work zone on the public road for the unloading and or loading of vehicles,
- i. Pump concrete from within a public road,
- j. Stand a mobile crane within a public road,
- k. Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,
- l. The work is greater than \$25,000, and



m. 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.

2.12. 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.

2.13. Stormwater drainage from the development shall be designed so as to comply with Council's Bankstown Development Engineering Standards. A final detailed stormwater drainage design shall be prepared by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 in accordance with the above requirements and shall generally be in accordance with the approved concept stormwater plan as shown in the table below. The final plan shall be certified by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 that it complies with Council's Bankstown Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

<b>Plan Name</b>	<b>Number</b>	<b>Date</b>	<b>Prepared By</b>
DAC01.01,DAC01.21, DAC02.01,DAC02.11, DAC03.01, DAC03.11, DAC03.12, DAC03.13, DAC04.01, DAC04.02, DAC04.03, DAC04.04, DAC04.05, DAC04.06, DAC04.07, DAC04.08, DAC04.21, DAC04.22, DAC04.23, DAC04.24, DAC04.25, DAC01.26, DAC04.27, DAC05.01, DAC06.01, DAC09.01, DAC11.01	03	25.04.2023	Northrop Consulting Engineers

The above listed plans shall be amended to reflect the following:

- a) All suspended drainage pipe work and pit system that is servicing the suspended slab shall be protected from flood impact loads.
- b) The runoff being directed to the recessed loading dock drainage shall be minimised.

2.14 The stormwater plans must ensure the inclusion of the Water Sensitive Urban Design (WSUD) Strategy to address runoff from the development site are incorporated into the design.

2.15 Sites located adjacent to Council's drainage pipe and sites affected by flooding shall comply with the following:

- a. The proposed building(s) including eaves and gutters shall be located clear of existing and proposed Council easements within the site. Plans demonstrating this requirement are to be submitted to the certifier before the issue of the construction certificate. All approved construction details shall be consistent with this requirement. Proposed buildings shall be located clear of floodways through the site.
- b. Concrete pier and beam type footings shall be provided for all structures adjacent to Council's stormwater pipe/proposed easement in accordance with the requirements contained in Council's Bankstown Development Engineering Standards. Plans and details prepared by a qualified practising structural engineer, with details suitable for construction in accordance with the above Policy shall be incorporated into the details for approval of the construction certificate. A copy of the approved details together with a report prepared by a registered surveyor showing location, size and depth of the stormwater system, shall be sent to Council for recordkeeping.
- c. Landscaping within Council's proposed drainage easement shall be limited to grassed or paved surfaces only.
- d. For concrete pavements built over drainage easements full depth construction joints shall be provided along the easement boundary and the slab shall be designed as isolated slab on ground, in accordance with the requirements contained in Council's Bankstown Development Engineering Standards. Details suitable for construction prepared by a qualified professional civil engineer shall be submitted to the certifier before the issue of the construction certificate. A copy of the approved details shall be submitted to Council for recordkeeping.

2.21. The subfloor area shall not be filled or obstructed apart from items approved by this consent. Pool type fencing can be utilised to enclose the subfloor area. The subfloor area shall not be utilised for storage of any kind.

2.22. All structural members must be designed to withstand flood impact loads and scouring around structural members, particularly footings supporting the building.

2.23. All building components must be built from flood compatible material and all electrical wiring and related items must be located higher than the flood planning level.

2.24. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the certifier before a construction certificate being issued.

Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the certifier before the issue of the construction certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.

2.25. 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 a construction certificate.

2.26. 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.

2.27. Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the property boundary with the street.

2.28. 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:

- a. Proposed ingress and egress points for vehicles to and from the construction site;
- b. Proposed protection of pedestrians, adjacent to the construction site;
- c. Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e. 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.
- f. 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 License 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.

2.29. Before the issue of a 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:

- a. location and materials for protective fencing and hoardings to the perimeter on the site;
- b. provisions for public safety;
- c. pedestrian and vehicular site access points and construction activity zones;
- d. 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;
- e. 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);
- f. details of any bulk earthworks to be carried out;
- g. location of site storage areas and sheds;
- h. equipment used to carry out all works;
- i. a garbage container with a tight-fitting lid;
- j. dust, noise and vibration control measures; and
- k. 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.

2.30. The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The consent holder shall nominate the route for approval by Council before commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by consent holder specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council before release of any construction certificate. All damage must be rectified before the issue of any occupation certificate.

2.31. Sight triangles are to be marked on relevant plans, being provided at the intersection of the driveway and the property boundary in accordance with AS 2890.1: 'Figure 3.3 – Minimum Sight Lines for Pedestrian Safety'. 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 is to be kept clear of any obstacles. Any structures, plantings or fencing within

these triangles is to be a maximum height of 600mm to ensure sight lines are kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.

2.32. 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:

a. Council's Waste Management Development Control Plan

2.33. The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or internal to the site as shown to ensure they are not visible from the street.

2.34. 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 any construction certificate.

2.35. 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*.

2.36. Landscaping shall be installed generally in accordance with the landscape plans prepared by GEOSCAPES Drawing No LDA-01 to 9 (inclusive), Revision H dated 25 May 2023, amended to demonstrate the required tree protection measures for the trees to be retained on site and include a minimum 50% local indigenous species. 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:

- a. 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,
- b. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
- c. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), and
- d. One 75ltr (minimum) major canopy tree shall be planted within the front setback to the development, and
- e. Details of drainage and watering systems (if any).

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

2.37. 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.

2.38. An updated Arboricultural Impact Assessment based off the Preliminary Arboricultural Assessment Report prepared by SLR dated August 2022, reference 630.30250.00100-R02 is to be submitted as supporting documentation outlining the tree protection measures to be implemented for the vegetation being retained on site as well as any tree removal shown. The plans must show the trees to be retained as indicated in the approved drawings. The plans and supporting documentation must demonstrate any proposed involving tree removal and tree protection and must comply with Australian Standard® AS 4970-2009 Protection of trees on development sites, and include the following information:

- Name, address and contact details, ABN and qualifications and experience of the arborist carrying out the inspection and preparing the report;
- The purpose of the report (the Brief) and the name, address and contact details of who commissioned the report;
- Address of the property where the trees are located;
- The owner of the property where the trees are located;
- Consideration of all relevant planning laws, regulations and planning instruments pertaining to the property;
- The date the site inspection was undertaken;

- The scope of the inspection and details of the methodology used in the assessment;
- Survey data for the subject trees – including, but not limited to, the scientific and common names; height and crown spread; DBH; approximate age of the tree; the health and condition of the tree; any pests, diseases or structural defects; and the retention value of the trees;
- A plan of the site at no smaller than 1:100 scale showing the location of the subject trees, clearly identify trees to be removed and retained. The trees are to be individually numbered to correspond with the report;
- Consideration of all aspects proposed above and below ground works;
- The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of all the trees on the site, including those indicated for removal, must also be clearly marked on the site plan;
- Details of any tree root mapping exercise, if required;
- Wildlife habitats, nesting hollows, shelter sites, and similar;
- Supporting documentation where relevant to the aim of the report;
- Photographs of the trees for identification purposes and to illustrate issues discussed in the report;
- A detailed consideration of the management options available to the applicant, including development redesign;
- Design and construction methods to minimise impacts on retained trees;
- Tree protection measures and plan;
- Proposed replacement tree planting options should the development entail the removal of trees from the site.

2.39. Tree Management Plan - The applicant shall engage a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - to prepare a Tree Management Program for the development site. All trees to be retained and protected, and trees located on adjoining properties within 5m of the subject property boundary, are to be covered by this Tree Management Program. The report shall generally comply with Section 2.3.5 of Australian Standard AS 4970-2009 Protection of trees on development sites and Section 8.6 of the Bankstown City Council Tree Management Manual.

The details of this Tree Management Program are to be site specific and should include, but are not limited to, the following issues:

- Tree Management Procedures that include;
- Record keeping and documentation
- Monitoring and control
- Conflict resolution
- Project Implementation
- General tree protection procedures
- General tree care procedures
- Specific tree care and protection procedures (for each tree if necessary)



- Ongoing maintenance procedures
- Tree pruning and removal procedures.

2.40 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 trees 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.

2.41 All recommendations made in the acid sulfate soil management plan dated 5 August 2022 prepared by JBS&G Australia Pty Ltd must be implemented for the duration of the works. All works must be carried out under the supervision of a suitably qualified environmental consultant. Any change made to the site that will or is likely to impact the recommendations of the acid sulfate soil management plan will require a further assessment and is to be provided to Council prior to the issue of a construction certificate. Prior to the issue of an occupation certificate, the supervising environmental consultant must certify in writing to Council that the management of acid sulfate soil was undertaken in accordance with the acid sulfate soil management plan.

2.42 The decommissioning and removal of any underground petroleum storage system must be supervised by a duly qualified person, and undertaken in accordance with:

- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019;*
- AS 4976-2008, 'The removal and disposal of underground petroleum storage tanks'; and
- UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS (NSW EPA, 2010).

A validation report must be prepared by a duly qualified person in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. The validation report must be provided to Council no later than 60 days after the removal and remediation of any underground petroleum storage system.

2.43 Prior to the issue of a construction certificate, the site is to be remediated in accordance with:

- i. The approved remedial action plan, prepared by JBS&G Australia Pty Ltd, titled 'Remediation Action Plan, 373 Horsley Rd, MILPERRA, NSW' dated 11 April 2023, reference 62890/146,473 Rev 1;
- ii. *State Environmental Planning Policy (Resilience and Hazards) 2021*; and
- iii. The guidelines in force under the *Contamination Land Management Act 1997*.

Any variations to the approved remedial action plan must be submitted to and approved by Council, prior to the continuing of such work.

2.44. 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.

2.45. Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties:

- 19 Ashford Avenue
- 7,9,11 and 13 Blaxland Place
- 9, 10, 11, 12, 13, 15 and 16 Works Place

A photographic survey must be prepared of the adjoining properties as outlined above detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the certifier and Canterbury Bankstown Council if Council is not the certifier, before the issue of the relevant construction certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the principal certifier and Canterbury Bankstown Council if Council is not the principal certifier. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.

### 3. 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:
- b. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date,
  - c. 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,
  - d. Inspections being undertaken by Council including:
    - i. 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
    - ii. 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,
  - e. 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,
  - f. 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,
  - g. All demolition work must be carried out in accordance with Australian Standard 2601 – 'The Demolition of Structures',
  - h. 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,
  - i. An asbestos clearance certificate issued under the *Work Health and Safety Act 2011* must be submitted to Council after the completion of demolition work,
  - j. 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,
  - k. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,
  - l. Adhere to the requirements stipulated in the approved Waste Management Plan, and
  - m. 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.

- 3.2. 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:

- a. 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,
  - b. 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,
  - c. 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,
  - d. the consent holder, if not carrying out the work as an owner-builder, has:
    - i. 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
    - ii. notified the principal certifier of the appointment, and
    - iii. 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,
  - e. 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.
- 3.3. 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.
- 3.4. Documentary evidence of Sydney Water's approval of the proposed connection to its drainage system is required to be submitted to the certifier before the issue of the construction certificate. All conditions imposed by Sydney Water shall be strictly complied with and incorporated into the approved drainage plan.

- 3.5. 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.

- 3.6. 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.
- 3.7. 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.
- 3.8. 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).
- 3.9. 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.
- 3.10. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifier for the work, and
  - b) 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
  - c) 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.

3.11. 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.

3.12. 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.

#### **4. Conditions to be Satisfied During Construction.**

4.1. 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.

4.2. 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.

4.3. Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

4.4. Development located adjacent to Council's drainage pipe and/or easements shall comply with the following:

a. Concrete pier and beam type footings/foundations adjacent to Council's drainage easements shall be constructed in accordance with the approved details and Council's Bankstown Development Engineering Standards. The consent holder/developer shall arrange for an inspection to be carried out by Council to verify depth and location of piers in relation to the pipe and easement prior to pouring of concrete.

b. Any disturbance or damage caused to Council's drainage pipes (apart from the existing pipe that is being removed) within the site shall be repaired by Council at the consent holder's expense. The consent holder shall notify Council of such damage immediately after it occurs.

4.5. The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia (BCA).

- 4.6. Building work, subdivision 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.
- 4.7. 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.
- 4.8. 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 —
  - a. All footings/ foundations
  - b. At other stages of construction – any marks that are required by the principal certifier.
- 4.9. 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.
- 4.10. 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.
- 4.11. 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.
- 4.12. While site work is being carried out, 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) must be paid as directed by the consent authority.
- 4.13. 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).

4.14. In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council. Council may also request that an NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a site audit report and site audit statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

4.15. All waste, including soil 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 Operations (Waste) Regulation 2014* and the 'Waste Classification Guidelines' (NSW EPA, 2014), prior to off-site disposal.

The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by the principal certifier before off-site disposal. A copy of the waste classification report must be submitted to Council prior to the issue of an occupation certificate.

4.16. Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014). Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an occupation certificate. All imported fill must be compatible with the existing soil characteristics of the site.

4.17. 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:

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



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

4.18. 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 —

- n. Protect and support the building, structure or work from possible damage from the excavation, and
- o. 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.

4.19. 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. Should it be required, separate approval must be obtained for retaining walls.

4.20. 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.

4.21. 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:

- a. 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
- b. 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
- c. 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
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and
- e. 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
- f. All materials and resources that are to be stored on site during construction works are contained on the site; and
- g. 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
- h. 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.

4.22. 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.

4.23. 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.

4.24. 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.

4.25. 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.

4.26. 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’. Any site specific conditions relating to tree protection shall take precedence over this requirement.

4.27. 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.

4.28. 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:
  - a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - b. 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.

## 5. Conditions to be Satisfied Before Occupation.

- 5.1. No subdivision is approved in this development application.
- 5.2. The occupation or use of any building must not commence unless an occupation certificate has been issued.
- 5.3. 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/use must be provided to Council.
- 5.4. 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.
- 5.5. Sixty-five (65) 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.

**Note:** Car parking spaces are to be provided for people with mobility impairment in accordance with the BCA and designed in accordance with AS 2890.1.

- 5.6. 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.
- 5.7. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
  - a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - b. 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'.
- 5.8. 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.

- 5.9 Prior to issue of an occupation certificate, the proponent must submit a detailed validation report to Council. The validation report must be prepared in accordance with:
- i. 'Managing Land Contamination: Planning Guidelines' (Department of Urban Affairs and Planning and NSW EPA, 1998);
  - ii. Relevant EPA Guidelines, noting the guidelines for 'Consultants Reporting of Contaminated Land 2020': and
  - iii. *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 environmental consultant. The 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 remedial action plan prepared by JBS&G Australia Pty Ltd, titled 'Remediation Action Plan, 373 Horsley Rd, MILPERRA, NSW' dated 11 April 2023, reference 62890/146,473 Rev 1.

- 5.10 Where the validation report identifies the need for the implementation of a long-term environmental management plan (LTEMP), the plan must be submitted to Council and the principal certifier, prior to the issue of an occupation certificate. The LTEMP must be prepared or reviewed and approved by a suitably qualified environmental consultant, in accordance with:
- i. NSW Contaminated Land Planning Guidelines;
  - ii. Relevant EPA endorsed guidelines; and
  - iii. *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)*.

The on-going use of the site must be managed in accordance with the LTEMP.

- 5.11. The acoustic report submitted in support of this application prepared by Northrop Consulting Engineers Pty Ltd, titled '*Pittwater Industrial Development, 373 Horsley Drive, Milperra, NSW*', reference number SY212524-AUR01, dated 5 August 2022 and all the recommendations stated within the report, form part of the development consent.

The principal certifier shall obtain a report from an appropriately qualified acoustic consultant, 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 an occupation certificate. A copy of the report is to be submitted to Council prior to the issue of an occupation certificate.

5.12. Any Long-term environmental management plan (LTEMP) required (Condition 5.10) for the site must be registered on the title prior to the issuing of any occupation certificate for the development.

5.13. Before the issue of the relevant occupation certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:

- a. All stormwater drainage systems and storage systems, and
- b. The following matters that council requires to be documented in accordance with the Councils relevant Development Control Plan.
- c. A copy of the plans must be provided to council with the occupation certificate.

5.14. Sites located adjacent to Council's drainage easement and/or sites affected by flooding shall comply with the following:

- a. A Work As Executed information shall be shown on a copy of the approved plans and shall include construction information relating to the following:
  - i. All relevant natural ground and finish ground levels within the flow path/floodway and relevant surrounding levels.
  - ii. Determination and the extent of the 1 in 100 year water surface level in the floodway / flow path.

The above information together with the engineer's certification shall be submitted to Council for information prior to issue of the occupation certificate.

- b. A Restriction as to User under the provision of Section 88E of the Conveyancing Act shall be registered on the title of the subject property, requiring that:
  - i. The under-croft areas are not to be filled or utilised for storage to any material due to potential flooding.
  - ii. "No trees or shrubs shall be planted within Council's proposed drainage easement boundaries."
  - iii. "Changes to approved levels and/or the construction of walls and landscaping within Council's drainage easement boundaries is not permitted unless approved by Council".
  - iv. "Any fencing constructed across the floodway or overland flow path shall be maintained to allow for the free passage of surface flow of stormwater to the satisfaction of Council".
  - v. Any Long-Term Environmental Management Plan required for the site, must be registered.

- c. Canterbury-Bankstown Council shall be empowered to release, vary or modify such Restriction.

5.15. Following completion of Council stormwater pipe relocation, a 2.5m wide easement shall be registered over the pipe prior to issue of any occupation certificates. The easement shall benefit Council.

A certificate from a suitably qualified engineer shall be provided to confirm that the constructed pipe is sound and would be able to withstand traffic loads and fill. The certificate shall also confirm that all slabs constructed over the pipe are slabs on ground with full depth joints at the easement boundary. A works as executed plan shall also be provided to Council

5.16. 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.

5.17. An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).

5.18. Before the issue of the relevant 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.

5.19. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- a. Compelling drivers to stop before proceeding onto the public way
- b. 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.

5.20. Before the issue of an 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 final 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.

5.21. Before the issue of the final occupation certificate, the principal certifier must be satisfied that all 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.

- 5.22. The buildings prior to the relevant occupation certificate must be readily identified from the street with the allocated property numbers.
- 5.23. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby 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’.
- 5.24. A Flood Emergency Response Management Plan is to be prepared for the site as outlined in section 3.5 of the Flood Impact Assessment Report V02, prepared by BMT dated 18 April 2023. The emergency response plan should be displayed within each unit and staff should be educated on what to do in the event of a flood, this should be submitted prior to the Occupation Certificate.
- 5.27 Prior to the issue of an occupation certificate, the supervising environmental consultant must certify in writing to Council that the management of acid sulfate soil was undertaken in accordance with the acid sulfate soil management plan.
- 5.28 The sixty-five (65) car parking spaces to be provided for the subject premises.
- 5.29 Before the issue of any occupation certificate, the principal certifier must be satisfied that all 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.
- 5.31 A Loading Management Plan prepared and endorsed by a suitably qualified person (Traffic Engineer) must be submitted to 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.

5.32 Before the issue of the final 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:

- a. principal entrance/s and exits;
- b. all areas within the premise occupied by the public (excluding toilets);
- c. staircases in multilevel premises;
- d. car parking areas; and
- e. 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.

## **5. Conditions of Use.**

6.1. The hours of operation of the warehouse and distribution centre is 24 hours, 7 days a week.

6.2. 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.

6.3. 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.

6.4. The on-site stormwater detention storage system/bioretention basin within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.

6.5. During occupation and ongoing use of the building, 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).

6.6. 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).

6.7. 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.

- 6.8. All vehicles associated with the development are to enter and exit the site in a forward direction.
- 6.9. The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.
- 6.10. The consent holder shall ensure that each operator has entered into a commercial contract for the collection of wastes and recycling prior to operations commencing. Written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal is required. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 6.11. 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.
- 6.12. No waste storage containers are to be located or placed outside the approved waste storage areas internal to the site at any time except for collection purposes.
- 6.13. 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).
- 6.14. Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- 6.15. 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.
- 6.16. 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.

- 6.17. 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.
- 6.18. 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.
- 6.19. All industrial activities are to be confined within the site and no such activity shall occur externally to the building, loading and unloading may only occur on site. The storage of materials is confined to the buildings on site for both new and used materials.