

DATE OF DETERMINATION	21 October 2024
DATE OF PANEL DECISION	21 October 2024
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour
APOLOGIES	Karl Saleh
DECLARATIONS OF INTEREST	None

Panel Briefing held by teleconference on 14 October 2024, opened at 10.30am and closed at 12:00pm.
Papers circulated electronically on 7 October 2024.

MATTER DETERMINED

PPSSSH-149 – Canterbury Bankstown - DA-938/2023 -- 9 Birmingham Avenue, Villawood -- Warehouse and distribution centre.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7, the material presented at briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report and as indicated below:

- The council officer's assessment report has considered the relevant matters under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- The proposed development is a permissible development with consent within the IN1 General Industrial Zone and is consistent with the relevant zone objectives. It complies with the applicable State Environmental Planning Policies and satisfies the relevant provisions of the *Canterbury Bankstown Local Environmental Plan 2023* and the *Canterbury Bankstown Development Control Plan 2023* (CBDPC 2023).
- The proposed development appropriately responds to the site, is compatible with the development within the surrounding area and does not result in unreasonable impacts on residential amenity.
- Any departures from CBDPC 2023 compliance have been adequately demonstrated to have equal or better planning outcomes that justify the variation
- Provision of further information including the BDAR and subsequent amendments to the design of the area retained for the preservation of threatened ecological communities (reserve area) have adequately addressed the impact on these communities.
- Confirmation of the extent of the reserve area as identified in the plan, and that it will be retained in perpetuity through a positive covenant.
- Resolution of stormwater management on the site.

The Panel adopts the Council's Assessment Report subject to the following amendments:

- Page 26 of the report should indicate that the proposal is generally consistent with the LEP.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

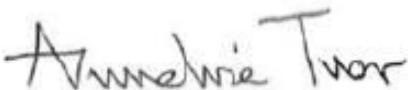



- No.35 is amended to clarify the requirements for an “Agreement” with council.
- No. 44 is amended to clarify that (b) refers to each stage of the development and is linked to condition 112 and insert (c) that requires a landscape strip (to provide screening) along the northern boundary adjoining warehouse 1.
- No.46 is amended to insert the plan number for the reserve area in condition 1 and clarify that any updates to the VMP would require council approval
- No.48 is amended to clarify that no consent is granted to the removal of trees or works outside the property boundary.
- No.52 is amended to clarify that an application for a section 73 certificate needs to be submitted prior to the construction certificate.
- No.127 is amended to clarify that maintenance of the reserve area is to be undertaken in accordance with the VMP approved under condition 46.
- A new condition is to be inserted to require a positive covenant that retains the reserve area in perpetuity
- A new condition is to be inserted to require that cut and fill is generally consistent with the engineering drawings and achieves the required setbacks to the threatened species to be retained on site.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Concern regarding proposed café impact on existing café.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Penelope Holloway
 Glennis James	 Khal Asfour

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-149 – Canterbury Bankstown - DA-938/2023
2	PROPOSED DEVELOPMENT	Warehouse and distribution centre - Demolition of structures, tree removal, remediation works and the construction and use of warehouse or distribution centres (comprising of three warehouse buildings containing six tenancies) with ancillary offices and a cafe. Proposed works include civil works, car parking, landscaping and onsite utilities.
3	STREET ADDRESS	9 Birmingham Avenue, Villawood
4	APPLICANT/OWNER	Tyson Ek-Moller/ The Trustee for 9 Birmingham Ave Property Trust
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>Canterbury Bankstown Local Environmental Plan 2023</i> Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> <i>Canterbury Bankstown Development Control Plan 2023</i> Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 4 October 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 09/10/2023 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Khal Asfour and Karl Saleh <u>Council assessment staff</u>: Christine Sison, George Gouvatsos and Ian Woodward <u>Applicant representatives</u>: Georgia Sedgmen, Grace Macdonald, Olivia Ridgewell, Nick Mullins and Will Dwyer Assessment Briefing: 19/12/2023 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour, Karl Saleh

		<ul style="list-style-type: none"> ○ <u>Council assessment staff:</u> Andrew Hargreaves, Christine Sison and Daniel Bushby ○ <u>Applicant representatives:</u> Georgia Sedgmen, Tyson Ek-Moller, Olivia Ridgewell, Will Dwyer and Nick Mullins, Mark Wilson, Peter Monsted ● Site Inspection: 19/12/2023 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour, Karl Saleh ○ <u>Council assessment staff:</u> Andrew Hargreaves, Christine Sison and Daniel Bushby ● Determination Briefing: 14/10/2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour ○ <u>Council assessment staff:</u> Warren Terry, Nathan Cheah, Andrew Hargreaves, George Gouvatsos, Cameron Crawford ○ <u>Applicant representatives:</u> Grace Macdonald, Will Dwyer, Caitlin D'Arcy, Chris Shannon
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Assessment Report as amended by the Panel (see Schedule 2)

SCHEDULE 2

GENERAL CONDITIONS

Number	Condition																																																																																					
1.	Approved Plans and supporting documentation																																																																																					
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	<table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>12958_DA001</td><td>P5</td><td>Locality & Context Plan</td><td>NettletonTribe</td><td>14/07/2023</td></tr><tr><td>12958_DA002</td><td>P17</td><td>Estate Masterplan</td><td>NettletonTribe</td><td>11/06/2024</td></tr><tr><td>12958_DA003</td><td>P5</td><td>Demolition Plan</td><td>NettletonTribe</td><td>14/07/2023</td></tr><tr><td>12958_DA011</td><td>P13</td><td>Warehouse 1 – Ground Floor Plan</td><td>NettletonTribe</td><td>11/06/2024</td></tr><tr><td>12958_DA012</td><td>P12</td><td>Warehouse 1 – Roof Plan</td><td>NettletonTribe</td><td>11/06/2024</td></tr><tr><td>12958_DA013</td><td>P11</td><td>Warehouse 2 – Ground Floor Plan</td><td>NettletonTribe</td><td>08/02/2024</td></tr><tr><td>12958_DA014</td><td>P9</td><td>Warehouse 2 – Roof Plan</td><td>NettletonTribe</td><td>27/05/2024</td></tr><tr><td>12958_DA015</td><td>P12</td><td>Warehouse 3 – Ground Floor Plan</td><td>NettletonTribe</td><td>11/06/2024</td></tr><tr><td>12958_DA016</td><td>P9</td><td>Warehouse 3 – Roof Plan</td><td>NettletonTribe</td><td>27/05/2024</td></tr><tr><td>12958_DA017</td><td>P8</td><td>Warehouse 1 – Office Plan</td><td>NettletonTribe</td><td>11/06/2024</td></tr><tr><td>12958_DA018</td><td>P6</td><td>Warehouse 1 – Office Roof Plan</td><td>NettletonTribe</td><td>11/06/2024</td></tr><tr><td>12958_DA019</td><td>P7</td><td>Warehouse 2 – Office Plans</td><td>NettletonTribe</td><td>14/07/2023</td></tr><tr><td>12958_DA020</td><td>P5</td><td>Warehouse 2 – Office Roof Plan</td><td>NettletonTribe</td><td>14/07/2023</td></tr><tr><td>12958_DA021</td><td>P8</td><td>Warehouse 3 – Office Plan</td><td>NettletonTribe</td><td>14/07/2023</td></tr><tr><td>12958_DA022</td><td>P6</td><td>Warehouse 3 – Office Roof Plan</td><td>NettletonTribe</td><td>14/07/2023</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	12958_DA001	P5	Locality & Context Plan	NettletonTribe	14/07/2023	12958_DA002	P17	Estate Masterplan	NettletonTribe	11/06/2024	12958_DA003	P5	Demolition Plan	NettletonTribe	14/07/2023	12958_DA011	P13	Warehouse 1 – Ground Floor Plan	NettletonTribe	11/06/2024	12958_DA012	P12	Warehouse 1 – Roof Plan	NettletonTribe	11/06/2024	12958_DA013	P11	Warehouse 2 – Ground Floor Plan	NettletonTribe	08/02/2024	12958_DA014	P9	Warehouse 2 – Roof Plan	NettletonTribe	27/05/2024	12958_DA015	P12	Warehouse 3 – Ground Floor Plan	NettletonTribe	11/06/2024	12958_DA016	P9	Warehouse 3 – Roof Plan	NettletonTribe	27/05/2024	12958_DA017	P8	Warehouse 1 – Office Plan	NettletonTribe	11/06/2024	12958_DA018	P6	Warehouse 1 – Office Roof Plan	NettletonTribe	11/06/2024	12958_DA019	P7	Warehouse 2 – Office Plans	NettletonTribe	14/07/2023	12958_DA020	P5	Warehouse 2 – Office Roof Plan	NettletonTribe	14/07/2023	12958_DA021	P8	Warehouse 3 – Office Plan	NettletonTribe	14/07/2023	12958_DA022	P6	Warehouse 3 – Office Roof Plan	NettletonTribe	14/07/2023
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12958_DA023	P7	Café – Plans, Elevations & Sections	NettletonTribe	27/05/2024
12958_DA025	P10	Warehouse 1 – Building Elevations	NettletonTribe	11/06/2024
12958_DA026	P8	Warehouse 2 – Building Elevations	NettletonTribe	14/07/2023
12958_DA027	P8	Warehouse 3 – Building Elevations	NettletonTribe	14/07/2023
12958_DA028	P9	Warehouse 1 – Office Elevations	NettletonTribe	11/06/2024
12958_DA029	P7	Warehouse 2 – Office Elevations	NettletonTribe	14/07/2023
12958_DA030	P8	Warehouse 3 – Office Elevations	NettletonTribe	14/07/2023
12958_DA031	P9	Warehouse – Site Sections	NettletonTribe	11/06/2024
12958_DA032	P7	Warehouse 1 – Building Sections	NettletonTribe	14/07/2023
12958_DA033	P7	Warehouse 2 – Building Sections	NettletonTribe	14/07/2023
12958_DA034	P7	Warehouse 3 – Building Sections	NettletonTribe	14/07/2023
12958_DA038	P5	Signage Details, Typical Colours & Material Schedule	NettletonTribe	14/07/2023
12958_DA039	P5	Signage Plan	NettletonTribe	14/07/2023
12958_DA041	P5	Retaining Wall, Fencing Plan & Easement Plan	NettletonTribe	14/07/2023
LDA-000 – LDA-14	F	Landscape Plans	Geoscapes	27/06/2024
LDA-08, LDA-13 – LDA-14	C	Landscape Plans	Geoscapes	03/07/2023
VMP PLAN	P2	VMP PLAN AREA	NettletonTribe	18/10/24

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

	1.101.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
2.	Arborist Report Compliance <p>At commencement of and during construction the development must comply with all the recommendations numbered in Section 6: Recommendations and Section 7: Tree Protection Guidance As, AS 4970-2009: Protection of trees on development sites as set out in the Arborist Report prepared by Arbor Scan dated 3/6/2024 which was submitted to Council as part of this application.</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
3.	Design Amendments <p>Before the issue of a 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:</p> <ol style="list-style-type: none"> Architectural plans are to be amended to include tree numbers as per the submitted Arboricultural Impact Statement dated 3 June 2024 (version 3.1) as prepared by ArborScan. The accompanying Arboricultural Impact Statement dated 3 June 2024 (version 3.1) as prepared by ArborScan is to be updated to include a map with all tree locations and numbers. <p>1.102.S</p> <p>Condition reason: To ensure the orderly development of land.</p>
4.	Additional Signage Requires a Separate Application <p>A separate application shall be submitted to Council before the erection of any additional signage that is not contained within plans approved by this consent. 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 the relevant legislation.</p> <p>1.201</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
5.	Report Forwarding <p>A copy of the report titled 9 Birmingham Avenue, Villawood, New South Wales Historical Heritage Assessment dated 11 July 2023 prepared by Austral Archaeology, project number 23008 must be lodged by the proponent in the local history section of the local library, and in the library maintained by the Heritage NSW.</p>

	A copy of the report titled 9 Birmingham Avenue, Villawood, New South Wales Aboriginal Cultural Heritage Assessment, dated 11 July 2023 prepared by Austral Archaeology, project number 23008 is to be forwarded to all Aboriginal stakeholder groups who have registered an interest in the project.
	Condition reason: To ensure compliance with relevant report accompanying this development application.
6.	Air Quality Assessment
	The recommendations contained within the Air Quality Assessment submitted in support of this application prepared by ESR Developments Pty Ltd, reference 610.31245.00100-R02 dated July 2023 form part of the development consent.
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

CONDITIONS IMPOSED BY AUSGRID

7.	Proximity to Existing Network Assets
	<p>Underground Cables</p> <p>There are existing underground electricity network assets at 9 BIRMINGHAM AVENUE 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.</p> <p>Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.</p> <p>Substation</p> <p>There are existing electricity substation S736 within 9 BIRMINGHAM AVENUE VILLAWOOD.</p> <p>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</p>

	<p>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.</p> <p>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.</p> <p>Condition reason: Imposed by Ausgrid</p>
8.	<p>For Activities Within or Near to the Electricity Easement</p> <p>Purpose Of Easement</p> <p>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.</p> <p>The Following Conditions Apply for any Activities Within the Electricity Easement:</p> <ol style="list-style-type: none"> 1. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. 2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site. 3. 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

	<p>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.</p> <ol style="list-style-type: none"> 4. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne. 5. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement. 6. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets. 7. 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 earth-wire bonded to a copper-clad earth-stake driven at least 1.6 metres into the ground. 8. 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. 9. No buildings/structures or parts thereof constructed may encroach the easement. 10. No machine excavation is permitted within the easement without Ausgrid's express permission. 11. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets. 12. Bulk solids (e.g. sand and gravels) are not to be stored within the easement area. 13. Any change to ground levels must be submitted to Ausgrid for approval. 14. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables. 15. Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable. 16. Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained. 17. Electric power should not be connected to the easement site without permission from Ausgrid. 18. Electric power should not be connected to the easement site without permission from Ausgrid, however electric power may be run through the easement under the conditions in the following point.
	Condition reason: Imposed by Ausgrid

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9.	<p>Development Contributions, Section 7.12</p> <hr/> <p>Development Contributions of \$717,200.01 must be paid for this development before <u>the issue of any construction certificate</u>. The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i>. The contributions will be used to provide, extend or augment public amenities or public services.</p>
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	<p><u>Indexing of the contribution amount to be paid:</u> 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.</p> <p><u>No construction certificate is to be issued and no construction is to commence until payment of development contributions.</u> 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.</p> <p>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.</p> <p>NOTE: <u>Development contribution amounts are non-refundable if you don't proceed with your development.</u></p> <p style="text-align: right;">2.102</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
10.	<p>Payment of Fees</p> <p>Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier.</p> <ul style="list-style-type: none"> a. Levies b. Bonds c. Contributions d. inspection fees <p style="text-align: right;">2.103.S</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
11.	<p>Long Service Levy</p> <p>Before the issue of the relevant construction certificate, payment of the long service levy is required, under the <i>Building and Construction industry Long Service Payments Act 1986</i>, 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. Payment must be made via the Long Service Levy Portal at https://www.longservice.nsw.gov.au.</p> <p style="text-align: right;">2.104.S</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
12.	<p>Car Parking Details</p>

	<p>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 – <i>'Parking Facilities - Off-Street Carparking'</i> and Council's development control plan.</p> <p style="text-align: right;">2.110.S</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
13.	<p>Access Intercom</p> <p>Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry, installed at a point in the site which is recessed sufficiently into the site to allow entering vehicles to clear the roadway and Council's nature strip forward of the property boundary before stopping. The intercom is to be wired to all units.</p> <p>The intercom must comply with Australian Standard AS 1428.2: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.</p> <p style="text-align: right;">2.111</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
14.	<p>Bicycle Parking Spaces</p> <p>The minimum number of bicycle parking spaces is to be provided for the development must comply with the below.</p> <p>a. 36 parking spaces for staff and visitors (12 per warehouse).</p> <p>Note: The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 'Parking Facilities' Part 3: Bicycle Parking Facilities and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation.'</p> <p style="text-align: right;">2.112</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
15.	<p>Submit Plans to Sydney Water</p> <p>The Council approved 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™.</p> <p>Refer to www.sydneywater.com.au/tapin for Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN™.</p>

	<p>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.</p> <p>2.202.S</p>
	<p>Condition Reason To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
16.	<p>Fire Safety Provisions</p>
	<p>The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use.</p> <p>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.</p> <p>2.204</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
17.	<p>Mobility Access</p>
	<p>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.</p> <p>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.</p> <p>2.208</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
18.	<p>Erosion and Sediment Control Plan</p>
	<p>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:</p> <ul style="list-style-type: none"> 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). <p>The Plan must include detailed protection all retained vegetation on site from erosion and sedimentation during the construction phase of the proposal.</p>

	<p>The Plan is to be provided Council and the certifying authority. Written approval from Council regarding protection of retained vegetation is to be received before the issue of any construction certificate.</p> <p>The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p> <p style="text-align: right;">2.211.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
<p>19.</p>	<p>Dilapidation report</p> <p>Before the issue of a construction certificate, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the certifier for the following properties:</p> <ul style="list-style-type: none"> • 2 Christina Road, Villawood • 14 Epic Place, Villawood <p>Where access has not been granted 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 satisfaction of the certifier, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be made available to Council upon request.</p> <p style="text-align: right;">2.212.P</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
<p>20.</p>	<p>Mechanical Ventilation</p> <p>The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and 2 – ‘The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings’.</p> <p>Details of any mechanical ventilation and/or air-conditioning system complying with AS1668.1 and 2 – ‘The Use of Ventilation and Air- Conditioning in Buildings – Mechanical Ventilation in Buildings’, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the certifier before the issue of a construction certificate.</p> <p style="text-align: right;">2.214</p>

	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
21.	<p>Food Premises Ventilation</p> <p>Before the issue of any relevant construction certificate for the café building, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – ‘The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings’, and AS1668.1 – ‘The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings’.</p> <p style="text-align: right;">2.215</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
22.	<p>Retaining Walls</p> <p>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.</p> <p>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.</p> <p>b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.</p> <p style="text-align: right;">2.301</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
23.	<p>Apply for Work Permit for Engineering Works</p> <p>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:</p> <p>a. An Extra Heavy Duty VFC at the property boundary with Birmingham Avenue,</p> <p>b. Drainage connection to Council's system,</p> <p>c. A concrete type footway paving along the site's entire frontage to Birmingham Avenue,</p> <p>d. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,</p> <p>e. Repair of any damage to the public road including the footway occurring during building works, and</p>

	<p>f. 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.</p> <p>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.</p> <p style="text-align: right;">2.302</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
24.	<p>Works Requiring a Work Permit</p> <p>As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the <i>Roads Act 1993</i> and/or Section 68 of the <i>Local Government Act 1993</i>, 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:</p> <p>A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS</p> <p>WORKS REQUIRING A 'WORKS PERMIT'</p> <ul style="list-style-type: none"> 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.

	<p>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.</p> <p>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.</p> <p>2.304</p>														
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>														
25.	<p>Finished surface levels</p> <p>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.</p> <p>2.305</p>														
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>														
26.	<p>Stormwater Drainage</p> <p>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 Development Engineering Standards and the relevant Australian Standards.</p> <table><tr><th>Plan Name</th><th>Number</th><th>Date</th><th>Prepared By</th></tr><tr><td>Concept Stormwater</td><td>Rev B, C, & F</td><td>24/05/2024</td><td rowspan="3">CRC Civil & Structural Engineers</td></tr><tr><td>Concept Stormwater</td><td>Rev A</td><td>05/06/2023</td></tr><tr><td>Concept Stormwater</td><td>Rev A & C</td><td>27/05/2024</td></tr></table> <p>2.306</p>	Plan Name	Number	Date	Prepared By	Concept Stormwater	Rev B, C, & F	24/05/2024	CRC Civil & Structural Engineers	Concept Stormwater	Rev A	05/06/2023	Concept Stormwater	Rev A & C	27/05/2024
Plan Name	Number	Date	Prepared By												
Concept Stormwater	Rev B, C, & F	24/05/2024	CRC Civil & Structural Engineers												
Concept Stormwater	Rev A	05/06/2023													
Concept Stormwater	Rev A & C	27/05/2024													
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>														
27.	<p>Civil Plans</p> <p>Earthworks, engineering and structural works on site are to be generally in accordance with the Civil Works plans shown in the table below:</p>														

	Plan Name	Number	Date	Prepared by
	Drawing List & General Notes	C014481.00-DA10	24.05.24 (D)	CRC Civil & Structural Engineers
	Erosion & Sediment Control Plan	C014481.00-DA20	24.05.24 (C)	CRC Civil & Structural Engineers
	Erosion & Sediment Control Details	C014481.00-DA25	24.05.24 (C)	CRC Civil & Structural Engineers
	Bulk Earthworks Plan	C014481.00-DA30	24.05.24 (B)	CRC Civil & Structural Engineers
	Bulk Earthworks Sections – Sheet 1	C014481.00-DA35	24.05.24 (B)	CRC Civil & Structural Engineers
	Bulk Earthworks Sections – Sheet 2	C014481.00-DA36	24.05.24 (B)	CRC Civil & Structural Engineers
	Finished Levels Plan – Sheet 1	C01448.00-DA51	24.05.24 (G)	CRC Civil & Structural Engineers
	Finished Levels Plan – Sheet 2	C01448.00-DA52	24.05.24 (G)	CRC Civil & Structural Engineers
	Typical Sections	C01148.00-DA55	24.05.24 (G)	CRC Civil & Structural Engineers
Civil works are to achieve appropriate setbacks from trees located within the Reserve Area as referenced in Condition 1 of this determination notice, as demonstrated on the referenced civil plans above.				
Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.				
28.	Adjacent to Easement			
Sites located adjacent to Council’s drainage easement and affected by flooding shall comply with the following:				
<div><div>a.</div><div>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.</div></div> <div><div>b.</div><div>Concrete pier and beam type footings shall be provided for all structures adjacent to Council’s stormwater pipe/easement in accordance with the requirements contained in Council's 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.</div></div> <div><div>c.</div><div>The floor level shall be constructed to RL 24.50 metres AHD for building 1 and to RL 26.50 metres AHD for building 2 & 3 as determined by the flood study including freeboard. All approved construction details shall be consistent with this requirement.</div></div>				

	<p>d. Landscaping within Council's drainage easement shall be limited to grassed or paved surfaces only. Boundary fencing across Council's drainage easement shall incorporate provision for the passage of overland stormwater runoff to cater for the 1:100-year A.R.I. storm. All approved construction details shall be consistent with this requirement. A copy of the approved landscaping details shall be submitted to Council for recordkeeping.</p> <p>e. For concrete pavements built over drainage easements full depth construction joints shall be provided along the easement boundary, in accordance with the requirements contained in Council's DCP and the Development Engineering Standards. Details suitable for construction prepared by a qualified professional civil engineer shall be submitted to the principal before the issue of the construction certificate. A copy of the approved details shall be submitted to Council for recordkeeping.</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
<p>29.</p>	<p>Flood Emergency Response Plan</p> <p>Before the issue of any construction certificate, a Flood Emergency Response Plan (FERMP) must be prepared for the development and approved by the certifying authority. The Flood Emergency Response Plan shall address the construction phase and the post-development phase.</p> <p>Condition reason: to ensure the protection of life and property of the development.</p>
<p>30.</p>	<p>Pre-Construction CCTV Report</p> <p>Before the issue of any construction certificate, a pre-construction CCTV report is to be carried out on all existing Council infrastructure on site and the nature strip forward of the property boundary (which is to be retained through works). The report shall include the stormwater pipeline, culvert and pits in the vicinity of the development. The report should note the existing state / quality of the infrastructure. The report must be provided to Council before the issue of the first construction certificate.</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
<p>31.</p>	<p>Driveway Design</p> <p>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.</p> <p>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</p>

	<p>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.</p> <p style="text-align: right;">2.313</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
32.	<p>Pavement Design</p> <p>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.</p> <p style="text-align: right;">2.314</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
33.	<p>Gated Vehicle Access</p> <p>Where a car park is accessed by a security gate, that gate must be located far enough into the site so as to prevent vehicles (any vehicle size with access to the site) from stopping at the front of the site and blocking traffic on Birmingham Avenue, as well as any potential footpath within the nature strip forward of the property boundary.</p> <p style="text-align: right;">2.316</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
34.	<p>Traffic Management Plan</p> <p>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.</p> <p>A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN</p> <p>This plan shall include details of the following:</p> <ol style="list-style-type: none"> Proposed ingress and egress points for vehicles to and from the construction site; Proposed protection of pedestrians, adjacent to the constructions site; Proposed pedestrian management whilst vehicles are entering/exiting the construction site; Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period; Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and

	<p>shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.</p> <p>f. Proposed route for transportation of bulk and excavation materials to and from the development site.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The approved Site, Pedestrian and Traffic Management Plan is to be implemented before the commencement of any works on the construction site.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">2.318</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
35.	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, a Construction Site Management Plan (CSMP) must be prepared and approved by the certifier. The plan must include the following matters:</p> <p>a. The location and materials for protective fencing and hoardings on the perimeter of the site;</p>

	<ul style="list-style-type: none"> b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. Details of bulk earthworks to be carried out; f. The location of site storage areas and sheds; g. The equipment used to carry out works; h. The location of a garbage container with a tight-fitting lid; i. Dust, noise and vibration control measures; j. The location of temporary toilets; k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent A copy of the construction site management plan must be kept on-site at all times while work is being carried out. <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p style="text-align: right;">2.401</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
36.	<p>Work Vehicle Route</p> <p>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.</p> <p style="text-align: right;">2.402</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
37.	<p>Sight Triangles on Plans</p> <p>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</p>

	<p>kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.</p>									
	<p>2.406</p>									
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>									
38.	<p>Cafe Bin Storage Room</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council’s “Waste Management Guide for New Developments”:</p> <ul style="list-style-type: none">a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;b. Floors must be finished so as to be non-slip with a smooth and even surface;c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height.d. Must be compatible with the overall design of the development;e. Walls must be constructed of solid impervious material;f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;g. Walls, ceiling and floors must be finished in a light colour;h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;i. A self-closing door openable from within the room;j. Must be constructed to prevent the entry of birds and vermin;k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;l. Any doorways must be 2 metres wide and open outwards or a roller door with railing along the ceiling ; andm. Designed to fit the following bin allocations: <table><tr><th>Number</th><th>Bin Size</th><th>Bin Type</th></tr><tr><td>1</td><td>660L</td><td>Garbage (Red)</td></tr><tr><td>1</td><td>660L</td><td>Recycling (Yellow)</td></tr></table>	Number	Bin Size	Bin Type	1	660L	Garbage (Red)	1	660L	Recycling (Yellow)
Number	Bin Size	Bin Type								
1	660L	Garbage (Red)								
1	660L	Recycling (Yellow)								
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>									
39.	<p>Warehouse Bin Storage Room</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the internal bin storage areas that comply with the following requirements as well as the requirements of Council’s “Waste Management Guide for New Developments”:</p> <ul style="list-style-type: none">a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;									

- b. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. Must be compatible with the overall design of the development;
- d. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- e. Designed to fit the following bin allocations:

Warehouse	Bin Capacity		Number of Bins		Total Number of Bins	Storage Area (m ²)
	Garbage	Recyclables	Garbage	Recyclables		
Warehouse 1A	3 m ³	3 m ³	1	1	2	10.9
Warehouse 1B	3 m ³	3 m ³	1	1	2	10.9
Warehouse 2A	3 m ³	3 m ³	1	1	2	10.9
Warehouse 2B	3 m ³	3 m ³	1	1	2	10.9
Warehouse 3A	3 m ³	3 m ³	1	1	2	10.9
Warehouse 3B	3 m ³	3 m ³	1	1	2	10.9

Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

40. On-Site Waste Collection

- a. The Certifier must not issue a construction certificate until provided with detailed plans showing that the nominated waste collection areas will be capable of being accessed from the designed access roadway by a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2, and that a loading area is available for the vehicle when collecting waste that meets the following requirements:
 - i. Within 5 metres of the waste collection areas;
 - ii. A separate parking area for the collection vehicle; and
 - iii. Include an extra 2 metres at the rear of the vehicle loading area.
- b. Certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed so as to support the following loading requirements:
 - i. Heavy Rigid Vehicle can enter and exit the site in a forward position;
 - ii. 30 tonne waste collection vehicles;
 - iii. Turning circle of 25 metres;
 - iv. Length of 12 metres;

Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

41. Waste Management Plan

Before the issue of a construction certificate, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters:

The plan must be prepared:

- a. in accordance with:
 - i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and

	<p>ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and</p> <p>b. include the following information—</p> <ul style="list-style-type: none"> i. the contact details of the person removing waste, ii. an estimate of the type and quantity of waste, iii. whether waste is expected to be reused, recycled or sent to landfill, iv. the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p style="text-align: right;">2.502</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
42.	<p>Plans to Include Bin Storage Area</p> <p>The construction certificate plans shall include details of the waste bin storage area in accordance with the approved plans, including the approved landscape plan.</p> <p style="text-align: right;">2.503</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
43.	<p>Protection of Environment</p> <p>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.</p> <p>There are to be no emissions or discharges from the premises which will give rise to an offence under the <i>Protection of the Environment Operations Act 1997</i> and Regulations.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">2.608</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
44.	<p>Trade Waste Agreement</p> <p>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</p>

	<p>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 <i>Protection of the Environment Operations Act 1997</i>.</p> <p style="text-align: right;">2.612</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
45.	<p>Landscaping Plan</p> <p>Prior to the issue of a construction certificate for construction of the warehouse buildings, the approved landscape plan is to be updated and submitted to council for approval and must show:</p> <ol style="list-style-type: none"> how the landscaping works are to be carried out in stages across the development; the notional perimeter boundary, landscaping, pavements, parking, fencing, and other ancillary works of each stage of the development; screen landscaping along the western side of the northern boundary (adjacent to Warehouse 1) <p>Prior to the issue of an occupation certificate, for any warehouse building, the works identified in the landscape plan approved in accordance with this condition and relevant to that particular warehouse must have been installed and completed in accordance with the approved landscape plan.</p> <p>Any landscaping not associated with a warehouse is to be completed in accordance with the approved landscape plan.</p> <p>Landscaping in accordance with the approved landscaping plan is to be installed on site in accordance with Condition 113 of this determination notice.</p> <p style="text-align: right;">2.701</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
46.	<p>Council's Tree Management Order</p> <p>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.</p> <p style="text-align: right;">2.801</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
47.	<p>Vegetation Management Plan</p> <p>Before the issue of a construction certificate for any warehouse building a Vegetation Management Plan must be prepared in accordance with best practice methodology and</p>

include the details for the replanting of all structural layers (canopy, midstorey and groundcover) within the reserve area (VMP Plan referenced in Condition 1 of this determination notice).

Species selected must contain a high diversity and be of local provenance. Species planted are to conform to the appropriate Plant Community Type (PCT) for each location as specified below:

- Western side of cleared track through reserve area must be revegetated with species consistent with PCT 3692 (Castlereagh Ironbark Forest);
- Eastern side of cleared track through reserve area must be revegetated with species consistent with PCT 3629 (Castlereagh Scribbly Gum Woodland); and
- All other landscaped setbacks must be revegetated with species consistent with PCT 3320 (Cumberland Plain Woodland).

The draft Vegetation Management Plan must incorporate the reserve area and all landscaped setbacks and state the following:

- The vegetation within this area is to be permanently retained in a natural state and protected to offset the impacts of the proposed development.
- The vegetation within this area is to be managed in perpetuity. The following activities are not allowed within this location without the prior written consent from Canterbury-Bankstown Council:
 - Dumping of any rubbish or material;
 - Development of any kind;
 - Erection of structures;
 - Removal of native vegetation, woody debris, bushrock, etc;
 - Establishment of tracks, paths or access for vehicles; and
 - Any other activity that results in damage to native vegetation.
- All disturbed areas are to be allowed to regenerate.
- For any development or activity that will directly or indirectly impact this area, the appropriate environmental assessment must be completed and submitted with the development application outlining suitable offset measures to mitigate the proposed impact.
- All weeds are to be managed and controlled within this area on an ongoing basis.

The Vegetation Management Plan must be provided to Council for approval of the Plan before the issue of the first construction certificate.

The final VMP must be approved before the issue of the first occupation certificate on site.

The Reserve area is to be protected in perpetuity, in accordance with Condition 117 of this determination notice which requires a positive covenant be registered on title to dedicate the Reserve area as shown on the Reserve Plan referenced in Condition 1 of this determination notice as a natural reserve area which is not to be altered (except in accordance with the approved VMP).

	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.																
48.	Ecosystem Credit Retirement																
	Prior to issue of the first construction certificate the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.																
	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).																
	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 the first construction certificate.																
	Table 1 - Ecosystem credits required to be retired – like for like																
	<table><tr><th>Impacted plant community type</th><th>Number of ecosystem credits</th><th>IBRA subregion</th><th>Offset trading group</th></tr><tr><td>PCT 3320</td><td>1</td><td>Cumberland</td><td>Cumberland Plain Woodland in the Sydney Basin Bioregion</td></tr><tr><td>PCT 3448</td><td>2</td><td>Cumberland</td><td>Cooks River/Castlereagh Ironbark Forest in the Sydney Basin Bioregion</td></tr><tr><td>PCT 3629</td><td>3</td><td>Cumberland</td><td>Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion</td></tr></table>	Impacted plant community type	Number of ecosystem credits	IBRA subregion	Offset trading group	PCT 3320	1	Cumberland	Cumberland Plain Woodland in the Sydney Basin Bioregion	PCT 3448	2	Cumberland	Cooks River/Castlereagh Ironbark Forest in the Sydney Basin Bioregion	PCT 3629	3	Cumberland	Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion
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	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.																
49.	Tree Works on Adjoining Properties																
	No authorisation is granted through this determination notice to any tree removal or pruning works of trees located on any property except 9 Birmingham Avenue, Villawood. Where removal or pruning of trees which are on adjoining properties is required, written owner’s consent for the work which makes clear which trees are proposed to be impacted is to be provided to the certifying authority. Owner’s consent must be accompanied by an ASIC certificate nominating an individual to sign on behalf of a company where an adjoining site is owned by a company.																
	Condition reason: To ensure relevant owner’s consent for works is obtained.																

50.	Remediation Action Plan
	Before the issue of a construction certificate the Remediation Action Plan (RAP) prepared by Douglas Partners Pty Ltd dated 21 May 2024 is to be reviewed by a NSW EPA Accredited Site Auditor and revised to the Auditor's satisfaction.
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
51.	Water Conservation and Energy Minimisation
	Before the issue of a construction certificate, the certifying authority must be satisfied that the development will be capable of complying with CDCP 2023 Chapter 3.4, Clauses 2.2 and 3.1 regarding water conservation and energy minimisation.
	Condition reason: To ensure compliance with the relevant DCP.
52.	Section 73 Compliance Certificate
	A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water, accordingly it is recommended that the consent holder apply for the certificate before the issue of a construction 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 > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92.
	3.203
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.

BEFORE BUILDING WORK COMMENCES

53.	Certifier details
	A construction certificate is required for the erection of a building in accordance with this Determination Notice.
	<p>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.</p> <p>The following requirements apply before the commencement of building work in accordance with this Determination Notice:</p> <p>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,</p>

	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. <p style="text-align: right;">3.202</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
54.	<p>Temporary fence or hoarding</p> <p>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 construction 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.</p> <p>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.</p> <p style="text-align: right;">3.204</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
55.	<p>WC temporary toilet facilities on site</p> <p>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.</p> <p style="text-align: right;">3.206</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
56.	<p>Install Erosion control</p> <p>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</p>

	<p>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).</p> <p>3.207</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
57.	<p>Soil and water management warning sign</p>
	<p>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.</p> <p>3.208</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
58.	<p>Sign with principal certifier details</p>
	<p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ul style="list-style-type: none"> 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. <p>Any such sign is to be maintained while the building work or demolition work is being carried out and must be removed when the work has been completed.</p> <p>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.</p> <p>3.209.P</p>
	<p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
59.	<p>Tree protection measures</p>
	<p>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.</p> <p>3.801.S</p>
	<p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>

DURING BUILDING WORK

60.	Procedure for Critical Stage Inspections
	While building work is being carried out, the 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.
	4.101.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
61.	Works in accordance with Building Code of Australia (BCA)
	Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
	4.201.P
	Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a).
62.	Affixing of signage
	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).
	4.202
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
63.	Hours of Work
	<p>Site work must only be carried out between the following times –</p> <ul style="list-style-type: none"> a. 7.00 am and 5.00 pm on Monday to Saturday. b. No construction is to be carried out at any time on a Sunday or a public holiday. <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>
	4.204.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
64.	Noise and Vibration
	While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation.
	Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal

	<p>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 site work is being carried out.</p> <p>4.205.S</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
65.	<p>Surveys by a registered surveyor</p>
	<p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ul style="list-style-type: none"> a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier. <p>4.206.S</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
66.	<p>Civil and Hydraulic engineering works</p>
	<p>All civil and hydraulic engineering works on site must be carried out in accordance with Council's 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.</p> <p>4.301</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
67.	<p>Stormwater drainage system</p>
	<p>The stormwater drainage system shall be constructed in accordance with Council's 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.</p> <p>4.302</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
68.	<p>Driveway adequacy</p>
	<p>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</p>

	<p>approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.</p> <p>4.306</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
69.	<p>Responsibility for Changes to Public Infrastructure</p> <p>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.</p> <p>4.307.S</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
70.	<p>Excavated safety</p> <p>All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.</p> <p>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:</p> <ol style="list-style-type: none"> Protect and support the building, structure or work from possible damage from the excavation, and Where necessary, underpin the building, structure or work to prevent any such damage. <p>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.</p> <p>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.</p> <p>4.308</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
71.	<p>Shoring and adequacy of adjoining properties</p> <p>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</p>

	<p>any structure or work within a road or rail corridor), the consent holder must, at their own expense —</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p style="text-align: right;">4.309.P</p>
	<p>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
72.	<p>Retaining walls</p> <p>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.</p> <p style="text-align: right;">4.310</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
73.	<p>Waste management</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a. all waste management must be undertaken in accordance with the waste management plan, and b. upon disposal of waste, records of the disposal must be compiled and provided to , detailing the following: <ul style="list-style-type: none"> i. The contact details of the person(s) who removed the waste ii. The waste carrier vehicle registration iii. The date and time of waste collection iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v. The address of the disposal location(s) where the waste was taken vi. 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. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p style="text-align: right;">4.502.S</p>

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
74.	Comply with Waste management plan
	<p>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:</p> <ul style="list-style-type: none"> a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the <i>Protection of Environment Operations Act 1997</i>; 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. <p style="text-align: right;">4.503</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
75.	Unexpected Finds
	<p>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.</p> <p>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</p>

	<p>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.</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
76.	<p>Removal of Waste</p> <p>All soils and material, 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 Operations (Waste) Regulation 2014 and related guidelines, the 'Waste Classification Guidelines' (NSW EPA, 2014), prior to off-site disposal.</p> <p>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 issuing of an occupation certificate.</p> <p>All waste material must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an occupation certificate.</p> <p>All waste must be transported by a contractor licensed to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
77.	<p>Disposal of Waste</p> <p>All waste material generated during demolition and construction must be disposed of at an appropriately licensed waste facility for the specific waste.</p> <p>All waste must be transported by a contractor licensed to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>

78.	Importation of Fill
	<p>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).</p> <p>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.</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
79.	Duty to Report
	<p>If the Duty to Report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
80.	Excavation Maintenance
	<p>All excavations must be kept free from the accumulation of water. Prior approval must be sought from Council to discharge any water into the Council's stormwater drainage system. Other options for the disposal of water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
81.	Groundwater Removal
	<p>If groundwater is encountered during the development and requires removal, the proponent must contact WaterNSW immediately and apply for a dewatering water supply work approval. Failure to do so may result in NRAR taking compliance action under the <i>Water Management Act 2000</i>.</p> <p>As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).</p>

	Condition reason: To ensure compliance with the relevant New South Wales legislation.
82.	No Stockpiling
	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. 4.605
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
83.	Implementation of the site management plans
	While site work is being carried out: a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and b. a copy of these plans must be kept on site at all times and made available to council officers upon request. 4.701.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
84.	Tree protection during work
	While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a. the construction site management plan (where approved) under this consent, b. the relevant requirements of AS 4970 Protection of trees on development sites, c. Council's relevant development control plan (in force as at the date of determination of this consent) and d. 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 4.807.S
	Condition reason: To protect the natural environment of the development site and adjoining lands.
85.	Tree protection
	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

	<p>sites'. Site specific conditions relating to tree protection shall take precedence over this requirement.</p> <p style="text-align: right;">4.806</p>
	<p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
86.	<p>Threatening of trees</p> <p>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.</p> <p style="text-align: right;">4.810</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
87.	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ol style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ol style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>In this condition:</p> <p>“relic” means any deposit, artefact, object or material evidence that:</p> <ul style="list-style-type: none"> • relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and • is of State or local heritage significance; and <p>“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.</p>

	4.901.S
	Condition reason: To ensure the protection of objects of potential significance during works.
88.	<p>Heritage Finds</p> <p>In the event that unexpected finds occur during any activity within the study area, all works must in the vicinity must cease immediately. The find must be left in place and protected from any further harm. A qualified archaeologist is to be contacted to assess the situation. Where required, this may involve consultation with NSW Planning and Heritage NSW regarding the most appropriate course of action. Depending on the nature of the find, the following processes must be followed:</p> <ul style="list-style-type: none"> • If, while undertaking the activity, an Aboriginal object is identified, it is a legal requirement under Section 89A of the NPW Act to notify Heritage NSW, as soon as possible. Further investigations and an AHIP may be required prior to certain activities recommencing. • If, human skeletal remains are encountered, all work must cease immediately and NSW Police must be contacted, they will then notify the Coroner's Office. Following this, if the remains are believed to be of Aboriginal origin, then the Aboriginal stakeholders and Heritage NSW must be notified. <p>To preserve any potential archaeological resources, if present, all contractors undertaking earthworks in the study area should undergo an induction on identifying Aboriginal heritage sites and objects.</p> <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
89.	<p>Stakeholder Engagement</p> <p>ESR Australia must continue to inform the Aboriginal stakeholders about the management of Aboriginal cultural heritage within the study area throughout the duration of works of the project.</p> <p>The consultation outlined as part of this ACHA (dated 11 July 2023 prepared by ESR, project number 23008) is valid for six months and must be maintained by the proponent for it to remain continuous. If a gap of more than six months occurs, then the consultation will not be suitable to support an AHIP for the project, if required.</p> <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
90.	<p>Adjacent to Council pipe</p> <p>Development located adjacent to Council's drainage pipe and/or easements shall comply with the following:</p>

	<p>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 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 before pouring of concrete.</p> <p>b. Any disturbance or damage caused to Council's drainage pipes 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, and of any pre-existing damage before commencement of work within the site.</p>
	Condition reason: To ensure the protection of Council assets.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

91.	<p>Validation of Remediation</p> <p>Before the issue of an occupation certificate, the site is to be remediated in accordance with:</p> <p>a. The approved Remedial Action Plan, prepared by Douglas Partners Pty Ltd dated 3 August 2023, document no. 203799.02 document reference R.002.Rev0 ;</p> <p>b. State Environmental Planning Policy (Resilience and Hazards) 2021;</p> <p>c. The guidelines in force under the Contamination Land Management Act 1997; and</p> <p>The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.</p> <p>Any variations to the approved remedial action plan must be submitted to and approved in writing by an NSW EPA Accredited Site Auditor and Council prior to the continuing of such work.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
92.	<p>Validation Documents</p> <p>Prior to the issue of an occupation certificate the environmental consultant is to prepare a validation report documenting the remediation and validation works are completed in accordance with the RAP and demonstrate that the site is suitable for the proposed use.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
93.	<p>Environmental Management Plan</p>

	<p>Prior to the issue of an occupation certificate the environmental consultant is to prepare an environmental management plan (EMP) for the long-term management of contamination remaining on the site following remediation and redevelopment.</p> <p>The Environmental Management Plan must be submitted to Council and the principal certifier. The ongoing environmental management plan must be prepared in accordance with:</p> <ul style="list-style-type: none"> i. NSW Contaminated Land Planning Guidelines; ii. Relevant EPA endorsed guidelines; and iii. <i>National Environmental Protection (Assessment of Site Contamination) Measure 1999</i> (as amended 2013). <p>The long-term environmental management plan must be submitted to, and approved by, Council prior to the issue of an occupation certificate.</p> <p>The long-term environmental management plan must describe the nature and location of the contamination and prescribe how the contaminants will be managed/monitored and the responsible parties for this management/monitoring in the long-term.</p> <p>The long-term environmental management plan must specifically outline the construction details, and the requirements of management and monitoring of the containment cell to ensure it is maintained appropriately, its integrity remains intact, and to avoid migration of contamination. The ongoing environmental management plan must also include a contingency plan if the systems fail.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
94.	<p>Review by Auditor</p> <p>Prior to the issue of an occupation certificate the validation report and Environmental Management Plan are to be reviewed by a Site Auditor.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
95.	<p>Section A2 Site Audit Statement</p> <p>Prior to the issue of an occupation certificate the Site Auditor is to prepare of a Section A2 Site Audit Statement (SAS) and supporting Site Audit Report (SAR) confirming that the site is suitable for the proposed use(s), subject to implementation of an Environmental Management Plan</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
96.	<p>Detailed Validation Report</p>

	<p>Prior to issue of the occupation certificate, the proponent must submit a detailed validation report to Council.</p> <p>The validation report must be prepared in accordance with:</p> <ol style="list-style-type: none"> 'Managing Land Contamination: Planning Guidelines (Department of Urban Affairs and Planning and NSW EPA, 1998); Relevant EPA Guidelines, noting the guidelines for 'Consultants Reporting of Contaminated Land 2020 and National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013). <p>The validation report must be prepared or reviewed and approved by an appropriately qualified environmental consultant.</p> <p>The validation report must verify that the land is suitable for the proposed use(s).</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
97.	<p>Occupation certificate</p>
	<p>Occupation and use of a building must not commence unless a relevant occupation certificate has been issued.</p> <p style="text-align: right;">5.201</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
98.	<p>No approval for use</p>
	<p>No approval is granted or implied for the use of the café building.</p> <p>Separate development consent is to be obtained for the use of this premises.</p> <p style="text-align: right;">5.101</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
99.	<p>Allocation of car parking spaces</p>
	<p>156 off-street car spaces being provided in accordance with the submitted plans. This shall comprise:</p> <p>Note: Seven (7) of the required 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.</p> <p style="text-align: right;">5.106</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>

100.	Vehicle Path Marking
	All vehicular crossings are to be signposted with corresponding Entry and Exit signs with associated pavement marking directional arrows.
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
101.	Slab certification
	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. <div>5.203</div>
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
102.	Preservation of survey marks
	Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that: <ul style="list-style-type: none"> a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. <div>5.204.S</div>
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
103.	Post-construction Dilapidation Report
	Before the issue of an occupation certificate, a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether: <ul style="list-style-type: none"> a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c. a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). <div>5.205.S</div>
	Condition reason: To protect existing private infrastructure and building works during demolition, construction and ongoing use of the development.
104.	Completion of Public Utility Services

	<p>Before the issue of the final occupation certificate, confirmation must be obtained from the relevant authority that 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, have been completed and this confirmation must be provided to the principal certifier.</p> <p>5.207.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
105.	<p>Section 73 certificate</p>
	<p>The Section 73 compliance certificate under the <i>Sydney Water Act 1994</i> must be submitted to the principal certifier before the issue of an occupation certificate.</p> <p>5.208</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
106.	<p>Mechanical ventilation</p>
	<p>Before issue of an occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the principal certifier.</p> <p>5.209</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
107.	<p>Work Permit Compliance required</p>
	<p>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).</p> <p>5.301</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
108.	<p>Repair of infrastructure</p>
	<p>Before the issue of an occupation certificate:</p> <ul style="list-style-type: none"> a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or b. if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

	5.302.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
109.	Post-Construction CCTV Report Before the issue of any occupation certificate, a post-construction CCTV report is to be carried out on all existing Council infrastructure on site and the nature strip forward of the property boundary, as documented within the pre-construction CCTV report required through this determination notice. The report shall include the stormwater pipeline, culvert and pits in the vicinity of the development. The report should note the existing state / quality of the infrastructure. The report must be provided to Council before the issue of the first occupation certificate. Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
110.	Give way signs 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 5.308 Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
111.	Agreement with Council Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste. 5.502 Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
112.	Removal of Waste Upon Completion Before the issue of an occupation certificate: a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier 5.503.S Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

113.	Completion of Landscape and Tree Works
	<p>Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent, specifically with condition 45 of this determination notice.</p> <p style="text-align: right;">5.701.S</p>
	<p>Condition reason: To protect the natural environment of the development site and adjoining lands and to ensure the development is built and remains consistent with approved plans and documentation.</p>
114.	Property numbering
	<p>The buildings / units must be readily identified from the street with the allocated property numbers. Property numbering without Council's written approval is not permitted.</p> <p style="text-align: right;">5.904</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
115.	Design of lighting
	<p>Any lighting on the site shall be designed so as not to cause nuisance to other occupants in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development</p> <p>The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.</p> <p style="text-align: right;">5.907</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code.</p>
116.	Emergency Response Management Plan
	<p>An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:</p> <ul style="list-style-type: none"> a. Identification of potentially hazardous situations; b. Procedure for incident reporting; c. Details of spill stations and signage; d. Containment and clean-up facilities and procedures; and e. The roles of all staff in the plan and details of staff training.

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
117.	Positive Covenant
	Before the issue of the relevant occupation certificate, a positive covenant is to be registered on the land title which retains the Reserve area as shown in the VMP Plan referenced within Condition 1 of this determination notice as a protected area in perpetuity.
	Condition reason: To ensure the development as approved remains consistent with the expected outcomes for the site in perpetuity.

OCCUPATION AND ONGOING USE

118.	Hours of operation
	The hours of operation of the use is unrestricted (24/7). 7.102
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
119.	Site loading / Unloading
	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. 7.115
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
120.	Car parking not for storage
	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. 7.301
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation and to provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
121.	Maintenance of wastewater and stormwater treatment device
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, and sumps and traps) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

	7.303.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
122.	Enter / Exit in forward direction
	All vehicles associated with the development are to enter and exit the site in a forward direction.
	7.402
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
123.	Waste Management Plan
	The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.
	7.501
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
124.	Commercial waste contract
	The consent holder shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
	7.502
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
125.	Commercial waste
	All commercial uses must engage and utilise the services of a private waste collection service and must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.
	7.503
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites
126.	Waste generated on site
	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 <i>Protection of the Environment Operations Act 1997</i> . 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.
	7.504

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
127.	Waste containers
	No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes. 7.507
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites
128.	Operational activities
	The consent holder shall ensure that all activities within the premises comply with the relevant sections of the Protection of the <i>Environment Operations Act 1997</i> and Regulations and the NSW Environment Protection Authority Industrial Noise Policy (2000). 7.623
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant New South Wales legislation.
129.	Maintenance of landscaping
	The approved landscaping and external work (excluding the VMP area shown in the VMP Plan referenced in Condition 1 of this determination notice) 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. The VMP area shown in the VMP Plan referenced in Condition 1 of this determination notice must be maintained in accordance with the VMP as approved under Condition 47 of this determination notice. Changes to the VMP may only be carried out through written approval from Council. 7.701
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
130.	Emergency response
	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. 7.632
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites
131.	Activities contained inside

	<p>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.</p> <p>7.116</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
132.	<p>Unexpected Noise</p> <p>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 suitably 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.</p> <p>Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member.</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
133.	<p>POEO Act 1997</p> <p>The applicant must ensure that all activities within the premises comply with the relevant sections of the <i>Protection of the Environment Operations Act 1997</i> and Regulations and the Noise Policy for Industry (NSW EPA, 2017).</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
134.	<p>Nuisance Emissions</p> <p>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).</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
135.	<p>Future subdivision needs Development consent</p> <p>Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a subdivision certificate under Section 6.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

	6.008
	Condition reason: To ensure compliance with the relevant New South Wales legislation.