

DETERMINATION AND STATEMENT OF REASONS
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	8 August 2024
DATE OF PANEL DECISION	8 August 2024
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour
APOLOGIES	Karl Saleh
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 August 2024.

MATTER DETERMINED

PPSSH-155 – Canterbury-Bankstown – DA- 1470/2023 – 1 Marple 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.

Application to vary a development standard

The application does not include a written request to vary a development standard.

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 updated assessment report and addendum dated 5 August 2024 (assessment report) 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*.
- 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.
- All outstanding issues documented in the Panel's Record of Deferral of 1 July 2024 have been satisfactorily resolved
- No community concerns were raised to the proposed development.

CONDITIONS

Council's recommended conditions of consent as amended by the Panel are at Schedule 2. The conditions were amended to ensure planting, revegetation and ongoing maintenance of the riparian corridor and to remove an unnecessary condition regarding on-site detention. The conditions were amended to read as follows:

Landscaping Plan (formerly condition 46)

The approved landscape plan shall be amended to provide riparian planting to revegetate the riparian corridor setback along the eastern boundary adjoining the stormwater channel. The amended plan shall be submitted for approval by Council's Manager Development, prior to the issue of a Construction Certificate.

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy and Chapter 9.1, Clause 2.8 of Canterbury Bankstown Development Control Plan 2023.

Maintenance of landscaping (formerly condition 121)

The approved landscaping, as amended by Condition 46, and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Stormwater Detention (formerly condition 114)

Deleted as no on-site detention is proposed.

Riparian corridor (add new condition 3)

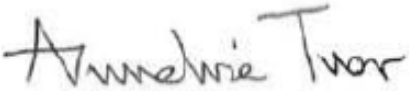

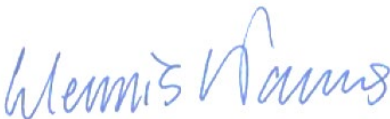

The setback along the eastern boundary adjoining the stormwater channel shall be retained as a riparian corridor.

Condition reason:

To ensure compliance with Chapter 9.1, Clause 2.8 of Canterbury Bankstown Development Control Plan 2023.

CONSIDERATION OF COMMUNITY VIEWS

No community concerns were raised in response to the proposed development.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-155 – Canterbury-Bankstown – DA- 1470/2023
2	PROPOSED DEVELOPMENT	Construction and operation a 24/7 Warehouse and Distribution Centre comprising of 5 separate units including associated site preparation works, lot amalgamation, signage, internal fit-out of units, installation of infrastructure, and landscaping.
3	STREET ADDRESS	1 Marple Avenue, VILLAWOOD NSW 2163
4	APPLICANT/OWNER	Jack Skinner, OPG PTY LIMITED / MARPLE AVENUE PTY LIMITED
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 (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</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"> Updated Council assessment report and Addendum: 5 August 2024 Council assessment report: 24 June 2024 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 19/12/2023 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Karl Saleh, Khal Asfour <u>Council assessment staff</u>: Andrew Hargreaves and Warren Terry <u>Applicant representatives</u>: Jack Skinner, Tony Whaling, Gyula Toth, Abbie Cogill <u>Planning Panels Team</u>: Lillian Charlesworth Site Inspection: 19/12/023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Karl Saleh, Khal Asfour ○ <u>Council assessment staff</u>: Andrew Hargreaves and Warren Terry ○ <u>Applicant representatives</u>: Jack Skinner, Tony Whaling, Gyula Toth, Abbie Cogill ○ <u>Planning Panels Team</u>: Lillian Charlesworth ● Assessment Briefing: 22/04/2024 <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, Hooman Khakazad, Nathan Cheah, Sasha Marosev, and George Gouvatsos ○ <u>Applicant representatives</u>: Jack Skinner, Tony Whaling, Gyula Toth, Abbie Cogill and Andrew Cowan ○ <u>Planning Panels Team</u>: Lillian Charlesworth, Joel Burgess ● Panel Briefing: 1/07/2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour ○ <u>Apology</u>: Karl Saleh ○ <u>Council assessment staff</u>: Warren Terry, Andrew Hargreaves, Nathan Cheah, Raj Rajakumar, Cameron Crawford, George Gouvatsos ○ <u>Applicant representatives</u>: Jack Skinner, Tony Whaling, Gyula Toth, Andrew Cowan, Edward Shin, Rebecca Ritchie, Andrew Cowan ○ <u>Planning Panels Team</u>: Lillian Charlesworth
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	See Schedule 2

SCHEDULE 2
GENERAL CONDITIONS

Number	Condition																																																																																																								
1.	Approved Plans and supporting documentation																																																																																																								
	Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. <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>DA.010</td><td>B</td><td>Site Plan</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.030</td><td>B</td><td>Site Demolition Plan</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.100D</td><td>D</td><td>GA Plan – Overall Site</td><td>Toth & Partners Pty. Ltd.</td><td>10.07.2024</td></tr><tr><td>DA.130</td><td>B</td><td>Detail Plan Warehouse 1</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.131</td><td>B</td><td>Detail Plan Warehouse 2 Part 1</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.132</td><td>B</td><td>Detail Plan Warehouse 2 Part 2</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.170</td><td>C</td><td>Parking Plan</td><td>Toth & Partners Pty. Ltd.</td><td>10.07.2024</td></tr><tr><td>DA.190</td><td>B</td><td>Roof Plan</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.200</td><td>B</td><td>Site Sections</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.201</td><td>B</td><td>Warehouse 1 Sections</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.202</td><td>B</td><td>Warehouse 2 Sections</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.300</td><td>B</td><td>Site Elevations</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.301</td><td>B</td><td>Warehouse 1 Elevations</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.302</td><td>B</td><td>Warehouse 2 Elevations</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.900</td><td>B</td><td>Warehouse 1 Finishes</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.901</td><td>B</td><td>Warehouse 2 Finishes</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.910</td><td>B</td><td>Signage Details</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>DA.911</td><td>B</td><td>Signage Plan</td><td>Toth & Partners Pty. Ltd.</td><td>08.02.2024</td></tr><tr><td>602-L1</td><td>E</td><td>Landscape sketch plan & existing tree schedule</td><td>Impact Planners Pty. Ltd.</td><td>15/2/24</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	DA.010	B	Site Plan	Toth & Partners Pty. Ltd.	08.02.2024	DA.030	B	Site Demolition Plan	Toth & Partners Pty. Ltd.	08.02.2024	DA.100D	D	GA Plan – Overall Site	Toth & Partners Pty. Ltd.	10.07.2024	DA.130	B	Detail Plan Warehouse 1	Toth & Partners Pty. Ltd.	08.02.2024	DA.131	B	Detail Plan Warehouse 2 Part 1	Toth & Partners Pty. Ltd.	08.02.2024	DA.132	B	Detail Plan Warehouse 2 Part 2	Toth & Partners Pty. Ltd.	08.02.2024	DA.170	C	Parking Plan	Toth & Partners Pty. Ltd.	10.07.2024	DA.190	B	Roof Plan	Toth & Partners Pty. Ltd.	08.02.2024	DA.200	B	Site Sections	Toth & Partners Pty. Ltd.	08.02.2024	DA.201	B	Warehouse 1 Sections	Toth & Partners Pty. Ltd.	08.02.2024	DA.202	B	Warehouse 2 Sections	Toth & Partners Pty. Ltd.	08.02.2024	DA.300	B	Site Elevations	Toth & Partners Pty. Ltd.	08.02.2024	DA.301	B	Warehouse 1 Elevations	Toth & Partners Pty. Ltd.	08.02.2024	DA.302	B	Warehouse 2 Elevations	Toth & Partners Pty. Ltd.	08.02.2024	DA.900	B	Warehouse 1 Finishes	Toth & Partners Pty. Ltd.	08.02.2024	DA.901	B	Warehouse 2 Finishes	Toth & Partners Pty. Ltd.	08.02.2024	DA.910	B	Signage Details	Toth & Partners Pty. Ltd.	08.02.2024	DA.911	B	Signage Plan	Toth & Partners Pty. Ltd.	08.02.2024	602-L1	E	Landscape sketch plan & existing tree schedule	Impact Planners Pty. Ltd.
Approved plans																																																																																																									
Plan number	Revision number	Plan title	Drawn by	Date of plan																																																																																																					
DA.010	B	Site Plan	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.030	B	Site Demolition Plan	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.100D	D	GA Plan – Overall Site	Toth & Partners Pty. Ltd.	10.07.2024																																																																																																					
DA.130	B	Detail Plan Warehouse 1	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.131	B	Detail Plan Warehouse 2 Part 1	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.132	B	Detail Plan Warehouse 2 Part 2	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.170	C	Parking Plan	Toth & Partners Pty. Ltd.	10.07.2024																																																																																																					
DA.190	B	Roof Plan	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.200	B	Site Sections	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.201	B	Warehouse 1 Sections	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.202	B	Warehouse 2 Sections	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.300	B	Site Elevations	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.301	B	Warehouse 1 Elevations	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.302	B	Warehouse 2 Elevations	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.900	B	Warehouse 1 Finishes	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.901	B	Warehouse 2 Finishes	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.910	B	Signage Details	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
DA.911	B	Signage Plan	Toth & Partners Pty. Ltd.	08.02.2024																																																																																																					
602-L1	E	Landscape sketch plan & existing tree schedule	Impact Planners Pty. Ltd.	15/2/24																																																																																																					

	602-L2	D	Landscape detail 1	Impact Planners Pty. Ltd.	15/2/24
	602-L3	D	Landscape detail 2	Impact Planners Pty. Ltd.	15/2/24
	602-L4	D	Landscape detail 3	Impact Planners Pty. Ltd.	15/2/24
	<div><div>Approved documents</div><div><div><div>1.</div><div><p>The Hazardous Material Survey prepared by Airsafe Pty Ltd, titled <i>Asbestos Survey</i>, dated 1 August 2023, reference 69331 and all the recommendations stated within this report forms part of the development consent.</p><p>All recommendations in the above-mentioned report are to be implemented and a clearance certificate issued by an appropriately qualified occupational hygienist who has not previously been involved in the preparation of the above report, is to be submitted to Council Before building works commence (excluding building work directly related to remediation).</p></div></div><div><div>2.</div><div><p>The Interim Audit Advice 02, prepared by EP Risk Pty Ltd, dated 15 March 2024, reference EP3525.002 and all the recommendations stated within this report forms part of the development consent.</p></div></div><div><div>3.</div><div><p>The acoustic report submitted in support of this application prepared by Acoustic Logic Pty Ltd, titled '<i>Villawood Industrial Development-1 Marple Avenue, Villawood</i>', reference number 20230645.1, dated 24 July 2024 and all the recommendations stated within the report, form part of the development consent.</p></div></div></div></div>				
<p>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.</p> <p>Note: approved plans referenced above shall, before the issue of any construction certificate, be amended to incorporate the increased landscape setback provided to the adjacent stormwater channel as demonstrated on Plan DA.100D Revision D dated 10.07.2024 (where relevant).</p> <p>1.101.S</p>					
<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>					
2.	<div><div>Additional Signage Requires a Separate Application</div><div><p>A separate application shall be submitted to Council before the erection of any additional signage 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></div></div>				

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
3.	Riparian corridor
	The setback along the eastern boundary adjoining the stormwater channel shall be retained as a riparian corridor.
	Condition reason: To ensure compliance with Chapter 9.1, Clause 2.8 of Canterbury Bankstown Development Control Plan 2023.

CONDITIONS IMPOSED BY TfNSW

4.	Electrolysis Expert
	Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
	Condition reason: Imposed by TfNSW.
5.	All Craneage and Other Aerial Operations
	Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
	Condition reason: Imposed by TfNSW.
6.	Pollution Entering Rail Corridor
	During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

	Condition reason: Imposed by TfNSW.
7.	Excess Soil
	Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
	Condition reason: Imposed by TfNSW.
8.	Shall Not Block the Corridor Access
	The Applicant/Developer shall not at any stage block the corridor access gate on Monier Square and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
	Condition reason: Imposed by TfNSW.
9.	Copies of Certificates
	Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
	Condition reason: Imposed by TfNSW.
10.	Transport for NSW Endorsement
	Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Certifier is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
	Condition reason: Imposed by TfNSW.
11.	Representative to TfNSW
	The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
	<ul style="list-style-type: none"> a. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains; b. acts as the authorised representative of the Applicant; and c. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

	Condition reason: Imposed by TfNSW.
12.	Consultation with Sydney Trains
	Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
	Condition reason: Imposed by TfNSW.
13.	Trains External Interface Management
	Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on West_Interface@transport.nsw.gov.au .
	Condition reason: Imposed by TfNSW.

DEMOLITION WORK

14.	Demolition conditions
	<p>The demolition of all structures on the property must be undertaken in accordance with all the following:</p> <ol style="list-style-type: none"> a. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date, b. Written notice must be issued to Council for inspection a minimum of (7) days before the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor, c. Inspections being undertaken by Council including: <ol style="list-style-type: none"> i. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and before demolition work commencing, and ii. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice, d. Payment of an inspection fee at Council's current rate must be paid before inspection. Council requires 48 hours' notice to carry out an inspection, e. A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,

	<p>f. All demolition work must be carried out in accordance with Australian Standard 2601 – ‘The Demolition of Structures’,</p> <p>g. Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,</p> <p>h. An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work,</p> <p>i. Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,</p> <p>j. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,</p> <p>k. Adhere to the requirements stipulated in the approved Waste Management Plan, and</p> <p>l. Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no building work/s is to be carried out at any time on a Sunday or a public holiday.</p> <p>A copy of the final demolition inspection report must be submitted to the principal certifier before the commencement of any building work.</p> <p style="text-align: right;">3.201</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
	<p>Assess for Hazardous Materials</p> <p>Before demolition, the entire site (including any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type “A” inspection body accredited by NATA.</p> <p>All recommendations in the above-mentioned report are to be implemented and a clearance certificate issued by an appropriately qualified occupational hygienist is to be submitted to Council Before building works commence (excluding building work directly related to remediation).</p> <p style="text-align: right;">3.601</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

15.	<p>Development Contributions, Section 7.12</p> <p>Development Contributions of \$470,286.50 must be paid for this development <u>before 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>
-----	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

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

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

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

2.102

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

16. Housing and Productivity Contribution

The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with (a) below, is required to be made:

Housing and productivity contribution	Amount
Total housing and productivity contribution	\$74,917.59

- a. The amount payable at the time of payment is the amount shown above as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and *consent PPI number* is the PPI number last used to adjust HPC rates when consent was granted, and *June quarter 2023* and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid.

- b. The HPC must be paid before the issue of the first construction certificate in relation to the development.

	<p>c. The HPC must be paid using the NSW planning portal (https://pp.planningportal.nsw.gov.au/).</p> <p>d. The Minister administering the <i>Environmental Planning and Assessment Act 1979</i> may permit, the HPC (apart from any transport project component) may be made, instead of monetary contribution, in the following ways:</p> <ol style="list-style-type: none"> the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out, the carrying out of the works for the purpose of regional infrastructure in the region in which the HPC development will be carried out. <p>If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with above note at the time of payment</p> <p>e. A housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, of the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023</i> exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.</p> <p>f. Questions in relation to this contribution can be directed to the contacts noted on: www.planningportal.nsw.gov.au/development-and-assessment/contributions/housing-and-productivity-contribution</p> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023.</p>
17.	<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> <ol style="list-style-type: none"> Levies Bonds Contributions inspection fees <p>2.103.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
18.	<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>2.104.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
19.	<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>
20.	<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 least 4 metres recessed into the site, when measured from the property boundary with the street. The intercom is to be accessible 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>
21.	<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. 14 Industrial / Warehouse Staff b. 6 Industrial / Warehouse visitor</p> <p>Note: The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – '<i>Parking Facilities</i>' Part 3: Bicycle Parking Facilities and '<i>Austroads Bicycle Parking Facilities: Guidelines for Design and Installation.</i>'</p> <p>In addition to bicycle parking shown on stamped plans, an additional visitor bike parking is to be provided near entrance closest to railway line with at least four (4) bicycle parking spaces.</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>
22.	<p>Submit Plans to Sydney Water</p> <p>The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will</p>

	<p>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 style="text-align: right;">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>
23.	<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 style="text-align: right;">2.204</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
24.	<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 style="text-align: right;">2.208</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
25.	<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 before it is provided to and approved by the certifier:</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

	<p>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> <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>
26.	<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>
27.	<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. All new driveways other than the existing driveways should be heavy Duty VFC of maximum width of 10.0metres at the property boundary, satisfying AS2890.2.2018 requirements for heavy vehicles.</p> <p>b. Drainage connection through a proposed on site detention system discharging and connected to Council's drainage system.</p> <p>c. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,</p> <p>d. Repair of any damage to the public road including the footway occurring during building works, and</p> <p>e. Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.</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>
<p>28.</p>	<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>																								
29.	<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>																								
30.	<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 Bankstown Development Engineering Standards and the relevant Australian Standards.</p> <table><tr><th>Plan Name</th><th>Number (Rev)</th><th>Date</th><th>Prepared By</th></tr><tr><td>Cover Sheet, Drawing Index, Notes & Locality Sketch</td><td>02682_100 (Rev 01)</td><td>4 July 2023</td><td>Civil and Hydraulic Design and Project Management</td></tr><tr><td>General Arrangement Plan</td><td>02682_201 (Rev 03)</td><td>21 Sept 2023</td><td>Civil and Hydraulic Design and Project Management</td></tr><tr><td>Cut/Fill Bulk Earthworks Plan</td><td>02682_231 (Rev 2)</td><td>21 Sept 2023</td><td>Civil and Hydraulic Design and Project Management</td></tr><tr><td>Site Sections</td><td>02682_301 (Rev 02)</td><td>21 Sept 2023</td><td>Civil and Hydraulic Design and Project Management</td></tr><tr><td>Stormwater Pipe Profiles Sheet 1</td><td>02682_631 (Rev 01)</td><td>4 July 2023</td><td>Civil and Hydraulic Design and Project Management</td></tr></table>	Plan Name	Number (Rev)	Date	Prepared By	Cover Sheet, Drawing Index, Notes & Locality Sketch	02682_100 (Rev 01)	4 July 2023	Civil and Hydraulic Design and Project Management	General Arrangement Plan	02682_201 (Rev 03)	21 Sept 2023	Civil and Hydraulic Design and Project Management	Cut/Fill Bulk Earthworks Plan	02682_231 (Rev 2)	21 Sept 2023	Civil and Hydraulic Design and Project Management	Site Sections	02682_301 (Rev 02)	21 Sept 2023	Civil and Hydraulic Design and Project Management	Stormwater Pipe Profiles Sheet 1	02682_631 (Rev 01)	4 July 2023	Civil and Hydraulic Design and Project Management
Plan Name	Number (Rev)	Date	Prepared By																						
Cover Sheet, Drawing Index, Notes & Locality Sketch	02682_100 (Rev 01)	4 July 2023	Civil and Hydraulic Design and Project Management																						
General Arrangement Plan	02682_201 (Rev 03)	21 Sept 2023	Civil and Hydraulic Design and Project Management																						
Cut/Fill Bulk Earthworks Plan	02682_231 (Rev 2)	21 Sept 2023	Civil and Hydraulic Design and Project Management																						
Site Sections	02682_301 (Rev 02)	21 Sept 2023	Civil and Hydraulic Design and Project Management																						
Stormwater Pipe Profiles Sheet 1	02682_631 (Rev 01)	4 July 2023	Civil and Hydraulic Design and Project Management																						

	Stormwater Pipe Profiles Sheet 2	02682_632 (Rev 02)	20 Sept 2023	Civil and Hydraulic Design and Project Management
	Sediment and Erosion Control Plan	0282_701 (Rev 02)	20 Sept 2023	Civil and Hydraulic Design and Project Management
	Sediment and Erosion Control Details	02682_702 (Rev 01)	4 July 2023	Civil and Hydraulic Design and Project Management
	2.306			
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.			
31.	Adjacent to Easement			
	<ol style="list-style-type: none">1. 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.2. 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.3. Flood Planning finished floor level shall be constructed to a minimum of RL 18.00metres AHD as determined by the flood study including freeboard. All approved construction details shall be consistent with this requirement.4. Landscaping within Council's drainage easement shall be limited to grassed or paved surfaces only. Boundary fencing across Council's drainage easement /floodway 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.5. An unobstructed overland flowpath (floodway) for excess stormwater runoff from Council's drainage system and upstream catchment shall be constructed and maintained by the owner. The flowpath and piped drainage system shall be designed to carry stormwater runoff from the 1:100-year A.R.I. design storms for the catchment concerned. Final details suitable for construction prepared by a qualified professional civil engineer shall be submitted to the certifier before the issue of the construction certificate. The final detailed plan shall be in accordance with the plans approved by this consent. All approved construction details shall be consistent with this requirement. A copy of the approved details shall be submitted to Council for recordkeeping.6. 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 Bankstown Development Engineering Standards / Canterbury Development Control Plan 2012 Part B5. Details			

	<p>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>Note: Council's standard floodway sign shall be erected on the site adjoining the floodway.</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
32.	<p>Flood Planning Level</p> <p>The habitable floor levels of all buildings encompassed under this approval must not be constructed less than the nominated floor levels approved under this development consent. This is to be demonstrated on relevant construction certificate plans.</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
33.	<p>Structural Soundness</p> <p>Before the issue of a construction certificate, a suitably qualified engineer's report shall be prepared to demonstrate that all structures can withstand the forces of floodwater, debris, and buoyancy up to the Probable Maximum Flood (PMF).</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
34.	<p>Building Components</p> <p>Construction certificate plans must demonstrate that all structures shall have flood compatible building components below the 1% AEP flood level plus freeboard.</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
35.	<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 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>
36.	<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>
37.	<p>Gated Vehicle Access</p> <p>Where a car park is accessed by a security gate, that gate must be located within the site from the property boundary with the street to permit vehicles to be stopped at the gate and not block the footpath or roadway.</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>
38.	<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"> a. Proposed ingress and egress points for vehicles to and from the construction site; b. Proposed protection of pedestrians, adjacent to the constructions site;

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

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

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

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

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

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

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

2.318

Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.

39.	<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> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <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; a. Details of bulk earthworks to be carried out; b. The location of site storage areas and sheds; c. The equipment used to carry out works; d. The location of a garbage container with a tight-fitting lid; e. Dust, noise and vibration control measures; f. The location of temporary toilets; g. 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 <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>
40.	<p>Works Zone</p> <p>If Works Zone is required, the Applicant shall apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage to Marple Avenue, 8 weeks in advance prior to commencement of construction, including payment of the relevant fees and charges. This is subject to recommendation by the Traffic Committee and must be approved by Council and paid for prior to issue of a Construction Certificate.</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
41.	<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</p>

	<p>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>2.402</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
42.	<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 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>
43.	<p>Waste Management Plan</p> <p>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:</p> <p>The plan must be prepared</p> <ol style="list-style-type: none"> a. in accordance with: <ol style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and 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 b. include the following information— <ol 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>2.502</p>

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
44.	Plans to Include Bin Storage Area
	<p>The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street, being located within each industrial / warehouse unit.</p> <p>No external waste or materials storage areas to be proposed.</p> <p>The design of the bin storage area must comply with the requirements of the applicable Waste Design for New Developments Guide.</p> <p style="text-align: right;">2.503</p>
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
45.	Bin Storage Room Requirements
	<p>Detailed plans showing that the waste storage rooms identified on stamped plans 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:</p> <ul style="list-style-type: none"> a. Within 5 metres of the all waste storage rooms or temporary holding area; b. A separate parking area for the collection vehicle; and c. Include an extra 2 metres at the rear of the vehicle loading area. <p>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:</p> <ul style="list-style-type: none"> d. Heavy Rigid Vehicle can enter and exit the site in a forward position; e. 30 tonne waste collection vehicles; f. Turning circle of 25 metres; g. Length of 12 metres;
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
46.	Trade Waste Agreement
	<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 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>Where development involves multiple tenancies, the design of development must ensure each tenancy will be able to obtain a Trade Waste Licence.</p>

	2.612
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
47.	Landscaping Plan <p>The approved landscape plan shall be amended to provide riparian planting to revegetate the riparian corridor setback along the eastern boundary adjoining the stormwater channel. The amended plan shall be submitted for approval by Council's Manager Development, prior to the issue of a Construction Certificate.</p> <p>2.701</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy and Chapter 9.1, Clause 2.8 of Canterbury Bankstown Development Control Plan 2023.</p>
48.	Council's Tree Management Order <p>Approval is granted for the removal of the following trees:</p> <ul style="list-style-type: none"> a. Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling; b. Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants; c. Any tree species listed under clause 2.4 of <u>Bankstown Development Control Plan 2015 Part B11 – Tree Management Order</u>; d. Any of the following tree/s: <p>As per Arboricultural Impact Assessment Report (Table 10).</p> <p>2.801</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
49.	Tree Removal Works <p>All tree removal works must comply with the <u>Amenity Tree Industry – Code of Practice</u>, 1998 (Workcover, NSW) and <u>Guide to Managing Risks of Tree Trimming and Removal Work</u> (Safe Work Australia 2016).</p> <p>All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction damage and pruning. The Tree Management Order protects trees over 5m in height.</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
50.	Utility Services: Underground

	<p>Underground services should use common trenches outside the Tree Protection Zone. If services need to be run within the Tree Protection Zone then all utility pipes and similar are to be installed using appropriate directional boring techniques. No tree roots are to be severed or damaged during this work.</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
51.	<p>Utility Services: Overhead General</p>
	<p>The applicant shall ensure all overhead electrical wires between the power pole and approved structures are located outside the crowns of existing trees and in accordance with the clearances specified by the energy authority. The overhead wires are also to be located to avoid future conflict with any trees planted in accordance with the development consent.</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
52.	<p>Fencing Design</p>
	<p>The design of any fencing (property boundary or internal) on site is to adhere to the following requirements:</p> <ol style="list-style-type: none"> Fencing is to be constructed in a manner which does not significantly increase flood damage or risk on surrounding land. Fencing shall be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of floodwaters. All fencing within a High flood risk precinct, and all fencing in other risk precinct that obstructs flood flow will require a development application. An applicant will need to demonstrate that the fence (new or replacement fence) would create no impediment to the flow of floodwaters. Appropriate fences must satisfy the following: <ol style="list-style-type: none"> an open collapsible hinged fence structure or pool type fence, or louver fencing, other than a brick or other masonry type fence (which will generally not be permitted); or a fence type and siting criteria as prescribed by Council. An applicant will need to demonstrate that the fence (new or replacement fence) would create no impediment to the flow of floodwaters. Appropriate fences must satisfy the following: All fencing shall be designed in a manner which does not significantly increase flood damage or risk on surrounding land. The fencing shall be certified by a suitably qualified engineer, that the proposed fencing is adequately designed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of floodwaters. The maximum fence height for front fences is 2.4 metres.

	Condition reason: To ensure compliance with the relevant Canterbury Bankstown Development Control.
53.	Sustainability
	<p>The development must be designed to be capable of complying with the following requirements of CBDP 2023:</p> <ul style="list-style-type: none"> a. The following star ratings are required for compliance with this DCP: <ul style="list-style-type: none"> i. shower heads 3 stars – 8 litres or less per minute; ii. basins taps 6 stars – 4.5 litres or less per minute; iii. toilet cisterns 4 stars – 4 litres or less per flush. A comprehensive list of products that meet the above water consumption requirements of this DCP can be viewed at the Australian Government website at www.waterrating.gov.au b. All proposals with an intended gross floor area equal to or greater than 5,000m² (whether multi use or single use) must submit with the development application, a site water management plan that investigates and where feasible provides for the integrated management and use of water for the proposed development. Matters to be addressed in the water management plan include proposals for reducing mains water supply use by using other water sources including the following: <ul style="list-style-type: none"> i. preparation of an integrated water collection and recycling system for the capturing and recycling of rainwater. The system should preferably be integrated with the mains supply water system and should provide for the reuse of captured water in the development. Appropriate uses for recycled water would include car washing, dust control, watering of gardens, flushing of toilets and similar uses; ii. proposals for capturing and reusing grey water on the site. Appropriate uses for recycled water would include car washing, dust control, watering of gardens, flushing of toilets and similar uses (refer to Appendix 1 for more information on grey water reuse); iii. proposals for capturing and reusing stormwater from the site. The need for any treatment of stormwater prior to reuse should be considered; iv. proposals (where feasible) of treating and reusing any process water generated by the development; and v. proposals for controlling the quality of wastewater that is to be disposed of. c. Development must incorporate a hot water heating system that is energy rated to at least 4 stars. The preferred system is either a gas boosted solar system, or a 5 star gas system, with appropriate insulation to the tank and pipes (refer to box for a list of different types of water heaters that have a rating of 4 stars or higher).
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown Development Control.

BEFORE BUILDING WORK COMMENCES

54.	Remediation of Site
-----	----------------------------

	<p>Before building works commence (excluding building work directly related to remediation), the site is to be remediated in accordance with:</p> <ul style="list-style-type: none"> a. The approved Remedial Action Plan, prepared by EI Australia Pty Ltd, titled Remediation Action Plan, dated 13 March 2024 reference E26019.E06.Rev2; b. <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; c. The guidelines in force under the <i>Contamination Land Management Act 1997</i>; and <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 Canterbury Bankstown policy.</p>
55.	<p>Validation Report</p> <p>Before building works commence (excluding building work directly related to remediation), the proponent must submit a detailed validation report to Council.</p> <p>The validation report must be prepared in accordance with:</p> <ul style="list-style-type: none"> a. 'Managing Land Contamination: Planning Guidelines (Department of Urban Affairs and Planning and NSW EPA, 1998); b. Relevant EPA Guidelines, noting the guidelines for '<i>Consultants Reporting of Contaminated Land 2020</i> and c. <i>National Environmental Protection (Assessment of Site Contamination) Measure 1999</i> (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, and that the remediation and validation of the site has been undertaken in accordance with the remedial action plan prepared by EI Australia Pty Ltd, titled Remediation Action Plan, dated 13 March 2024 reference E26019.E06.Rev2</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>

56.	Site Audit Statement
	<p>Prior to building works (excluding building work directly related to remediation) a Site Audit Statement is to be obtained from an NSW EPA Accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved remedial action plan and that the site is suitable for the proposed use. Conditions on the site audit statement must form part of the consent.</p> <p>Where the site audit statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and approved by Council prior to the issue of a Site Audit Statement.</p>
	<p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
57.	Certifier details
	<p>A construction certificate is required for the erection of a building in accordance with this Determination Notice.</p> <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> <ol style="list-style-type: none"> 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, 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, 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, the consent holder, if not carrying out the work as an owner-builder, has: <ol style="list-style-type: none"> 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 notified the principal certifier of the appointment, and 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, 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>

	Condition reason: To ensure compliance with the relevant New South Wales legislation.
58.	Section 73 Compliance Certificate
	<p>A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water. It is recommended that the consent holder apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92.</p> <p>3.203</p>
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
59.	Temporary fence or hoarding
	<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 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>3.204</p>
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
60.	WC temporary toilet facilities on site
	<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>3.206</p>
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
61.	Install Erosion control
	<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 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>

	3.207
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
62.	Soil and water management warning sign
	Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.
	3.208
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
63.	Sign with principal certifier details
	<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>
	3.209.P
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
64.	Tree protection measures
	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.
	3.801.S
	Condition reason: To protect the natural environment of the development site and adjoining lands.

DURING BUILDING WORK

65.	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.
66.	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).
67.	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.
68.	Hours of Work
	Site work must only be carried out between the following times – 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. 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.
	4.204.S Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
69.	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 or construction does not exceed an LAeq (15 min) of 5dB(A) above background

	<p>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>
70.	<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>
71.	<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 Bankstown Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.</p> <p>4.301</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
72.	<p>Stormwater drainage system</p> <p>The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards and the engineering plans and details approved by the principal certifier. Should the consent holder encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, then they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense.</p> <p>4.302</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
73.	<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>
74.	<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>
75.	<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>
76.	<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>
77.	<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>
78.	<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.
79.	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.
80.	No Stockpiling
	<p>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.</p> <p style="text-align: right;">4.605</p>
	Condition reason: To ensure compliance with the relevant New South Wales legislation.

81.	<p>Implementation of the site management plans</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> 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. <p style="text-align: right;">4.701.S</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
82.	<p>Removal from Site</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 <i>Protection of the Environment Operations (Waste) Regulation 2014</i> 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>
83.	<p>Imported Fill</p> <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>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
84.	<p>Duty to Report</p>
	<p>If the Duty to Report contamination to the NSW EPA under Section 60 of the Contaminated <i>Land Management Act 1997</i> is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
85.	<p>Tree protection during work</p>
	<p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ul style="list-style-type: none"> 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. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones</p> <p style="text-align: right;">4.807.S</p>
	<p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
86.	<p>Tree protection</p>
	<p>All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – 'Pruning of amenity trees' and Australian Standard AS 4970 – 'Protection of trees on development sites'. Site specific conditions relating to tree protection shall take precedence over this requirement.</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>
87.	<p>Trees to be Retained and Protected: On-site</p>

The following tree/s shall be retained and protected from removal and damage for the duration of the development:

As per Arboricultural Impact Assessment Report (Table 10).

* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at a 4 metre radius from the trunk of the *Jacaranda mimosifolia* (jacaranda). The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;
- The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - i. The Development Consent number;
 - ii. The name and contact phone number of the site manager;
 - iii. The purpose of the protection zone;
 - iv. The penalties for disregarding the protection zone;
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
- If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.
- No ripping or rotary hoeing within the Tree Protection Zone of trees to be retained is permitted.
- Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - to avoid unnecessary damage to tree roots.

	<ul style="list-style-type: none"> • In exceptional circumstances, the tree protection fencing may be temporarily relocated to allow site access for construction purposes subject to the prior approval of the project arborist, the installation of ground protection measures as detailed below, and following the clearly identified tagging of all protected trees, provided such fencing is immediately replaced on completion of the works. No damage to root systems or soil compaction will be accepted during such works. • If the approving authority consents to materials, machinery or access over specifically nominated areas of the tree protection zone, the roots and surface soil within this area shall be mulched to a minimum depth of 100mm of hardwood wood chip overlaid with rumble boards, steel plates, or similar. This ground protection measure must be maintained for the duration of the site works. • The trees are to be watered during dry spells, i.e. two to three weeks without adequate rainfall. The root zone should be thoroughly watered and then left to drain. A temporary/permanent irrigation system is to be installed on site where works longer than one month in duration are expected and when appropriate shall be part of the landscaping works. • Any pruning works shall be carried out by a qualified arborist and shall comply with <u>Australian Standard AS4373-2007 Pruning of Amenity Trees</u>, the <u>Amenity Tree Industry – Code of Practice</u>, 1998 (Workcover, NSW), and <u>Guide to Managing Risks of Tree Trimming and Removal Work</u> (Safe Work Australia 2016). <p>All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from Construction damage and pruning. The Tree Management Order protects trees over 5m in height.</p>
	Condition reason: To protect the natural environment of the development site and adjoining lands.
88.	<p>Trees During Demolition, Clearing and Construction</p> <p>All work carried out on or around protected trees during demolition, clearing and construction shall comply with <u>Australian Standard AS4373-2007 Pruning of amenity trees</u> and <u>Australian Standard AS4970-2009 Protection of trees on development sites</u>. Site specific conditions relating to tree protection shall take precedence over this requirement.</p>
	Condition reason: To protect the natural environment of the development site and adjoining lands.
89.	<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>

	Condition reason: To protect the natural environment of the development site and adjoining lands.
90.	Discovery of relics and Aboriginal objects
	<p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ul 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> <ul style="list-style-type: none"> c. for a relic – the Heritage Council; or d. 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 style="text-align: right;">4.901.S</p>
	Condition reason: To ensure the protection of objects of potential significance during works.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

91.	Occupation certificate
	<p>The occupation or use of the building must not commence unless an occupation certificate has been issued.</p> <p style="text-align: right;">5.201</p>
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
92.	Number of car parking spaces
	<p>76 off-street car parking spaces shall be provided and maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained for the lifetime of the development.</p>

	5.105
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
93.	Allocation of car parking spaces 76 off-street car spaces being provided in accordance with the submitted plans. This shall comprise: a. 76 industrial / warehouse staff and visitor spaces Note: Two (2) 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. 5.106
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
94.	Car Parking Restrains or vehicle barriers shall be provided for all car parks subject to "H2" flood hazard (Australian Institute for Disaster Resilience (AIDR) Guideline 7-3: Flood Hazard classification) in the 1% AEP flood to prevent floating vehicles leaving the site. No car parks shall be located within "H3" flood hazard and above in the 1% AEP flood. Condition reason: to ensure the safety of occupants of the site.
95.	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. 5.203 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
96.	Preservation of survey marks Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that: a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b. 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.

	5.204.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
97.	Completion of Public Utility Services Before the issue of the relevant 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. 5.207.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
98.	Section 73 certificate 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. 5.208 Condition reason: To ensure compliance with the relevant New South Wales legislation.
99.	Mechanical ventilation 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. 5.209 Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
100.	Work Permit Compliance required An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable). 5.301 Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
101.	Repair of infrastructure Before the issue of an occupation certificate: <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

	<p>vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or</p> <p>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.</p> <p style="text-align: right;">5.302.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>
102.	<p>Give way signs</p> <p>The following signs must be provided and maintained within the site at the point(s) of vehicle egress:</p> <p>a. Compelling drivers to stop before proceeding onto the public way.</p> <p style="text-align: right;">5.308</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
103.	<p>Parking Restrictions</p> <p>The Applicant is to apply to Council (Traffic Unit) 8 weeks prior to the issue of any occupation certificate for parking restrictions to allow safe manoeuvre of 19m semis to and from the site as it can be expected that some on-street parking will be impacted.</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
104.	<p>Removal of Waste Upon Completion</p> <p>Before the issue of any relevant occupation certificate:</p> <p>a. all refuse, spoil and material unsuitable for use on-site must be removed from the area associated with the relevant occupation certificate and disposed of in accordance with the waste management plan, and</p> <p>b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.</p> <p style="text-align: right;">5.503.S</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
105.	<p>Completion of Landscape and Tree Works</p> <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.</p> <p style="text-align: right;">5.701.S</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.
106.	Property numbering
	<p>The buildings must be readily identified from the street with the allocated house numbers. Property numbering without Council's written approval is not permitted.</p> <p>5.904</p>
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
107.	Design of lighting
	<p>Any lighting on the site shall be designed so as not to cause nuisance to other uses in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – 'The Control of the Obtrusive Effects of Outdoor Lighting'.</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 development must ensure lighting is provided to the external entry paths, common lobbies, driveways and car parks using vandal resistant, high mounted light fixtures.</p> <p>5.907</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.
108.	Flood Emergency Response Plan
	<p>A site-specific FERP shall be prepared by a suitably qualified engineer who is experienced in flood risk management and put in place by the owner prior to occupation of the site for the intended use. The FERP shall be consistent with Council's draft floodplain risk management study, local flood plan and Department of Planning and Environment's Flood Risk Management Guideline EM01. The FERP is to be effectively maintained and regularly reviewed by the occupiers, is to include an education and awareness component for the workforce on-site, and detailed emergency response procedures to interface with the Bureau of Meteorology's flood warning system and the local flood plan. The FERP must consider the full range of flood risks up to the Probable Maximum Flood (PMF) event.</p> <p>Flood modelling and assessment shall be undertaken for the Probable Maximum Flood (PMF) event to facilitate evaluation of flood emergency response for the site.</p>

	Condition reason: To ensure the safety of occupants of the site.
109.	Flood Warning Signs
	Flood warning signs shall be installed at prominent location on-site.
	Condition reason: To ensure the safety of occupants of the site.
110.	Fencing
	Before the issue of an occupation certificate, all boundary fencing must be certified from a suitably qualified engineer that the fencing is construed so as to withstand the forces of floodwaters or collapse in a controlled manner to prevent the undesirable impediment of floodwaters.
	Condition reason: To ensure the safety of occupants of the site.

OCCUPATION AND ONGOING USE

111.	Hours of operation
	The hours of operation of the site are unrestricted for hours or days. 7.102
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
112.	Industrial Uses on Site
	Due to the provision of parking on site falling below the industrial car parking rate of the relevant DCP, no industrial land uses are permitted to operate on site except in instances where a development application is submitted to Council for consideration and that the application is accompanied by a detailed traffic and parking report which concludes that the specific use proposed is not expected to generate a parking rate higher than what is capable of being provided for on the approved site as referenced in Condition 1 of this consent. The traffic and parking report must include traffic generation rates of additional uses existing on site to ensure that capacity of the site's parking areas is not exceeded.
	Condition reason: To ensure the orderly and efficient use of the site for future land uses.
113.	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.

	<p>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.</p> <p>7.115</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
114.	<p>Car parking not for storage</p>
	<p>The car parking spaces, driveways and manoeuvring areas must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.</p> <p>The car parking spaces, driveways and manoeuvring areas associated with the use must not be used for the manufacture, storage or display of goods, materials or any other equipment (includes mobile food vending vehicles).</p> <p>7.301</p>
	<p>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.</p>
115.	<p>Maintenance of wastewater and stormwater treatment device</p>
	<p>During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).</p> <p>7.303.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>
116.	<p>Enter / Exit in forward direction</p>
	<p>All vehicles associated with the development are to enter and exit the site in a forward direction.</p> <p>7.402</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
117.	<p>Waste Management Plan</p>
	<p>The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.</p> <p>7.501</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
118.	<p>Waste generated on site</p>

	<p>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.</p> <p>7.504</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
119.	<p>Waste containers</p>
	<p>No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.</p> <p>7.507</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites</p>
120.	<p>Industrial activities</p>
	<p>The consent holder shall 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 NSW Environment Protection Authority Industrial Noise Policy (2000).</p> <p>7.623</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 New South Wales legislation.</p>
121.	<p>Maintenance of landscaping</p>
	<p>The approved landscaping, as amended by Condition 46, and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>7.701</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
122.	<p>Activities contained inside</p>
	<p>All warehouse activities are to be confined within the building and no such activity shall occur externally to the building (include of warehousing of 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>
123.	<p>Materials Storage</p>

	<p>No storage of materials below the Flood Planning Level which may cause the release of pollution or harmful materials is permitted on site.</p>
	<p>Condition reason: To protect and enhance the ecosystem of the area.</p>
124.	<p>Unanticipated Noise</p> <p>Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. 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>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
125.	<p>Nuisance Noise and Vibration</p> <p>Any 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>
126.	<p>Offensive Noise or Odour</p> <p>Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the <i>Protection of the Environment Operations Act 1997</i> and Regulations.</p> <p>The development must also adequately control any fumes, odour emissions, and potential water pollutants in accordance with the requirements of the relevant public authority.</p> <p>The storage and use of hazardous materials must comply with the requirements of WorkCover NSW and other relevant public authorities.</p>

	<p>The storage and use of dangerous goods must comply with the Dangerous Goods (Road and Rail Transport) Act 2008 and its regulations, and any other requirements of WorkCover NSW.</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
127.	<p>Amenity Interference</p>
	<p>The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, wastewater, waste products, grit, oil or other harmful products.</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
128.	<p>Nuisance Lighting</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>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
129.	<p>Flood Planning</p>
	<p>Motor vehicles are to be relocated from flood affected portions of the site to an area with substantially less risk from flooding, within effective warning time.</p>
	<p>Procedures are to be in place, if necessary, (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate motor vehicles during a flood and are capable of identifying the appropriate evacuation route.</p>
	<p>Condition reason: To protect life and property.</p>
130.	<p>Egress Route</p>
	<p>During a flood event, the Llewellyn Avenue exit shall be closed due to the high flood hazard anticipated at this location. Alternative egress routes shall be nominated as part of the FERP.</p>
	<p>Condition reason: To protect life and property.</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Canterbury Bankstown Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Canterbury Bankstown Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney South Planning Panel.