

**SUPPLEMENTARY REPORT FOLLOWING DEFERRAL AT THE SYDNEY  
SOUTH PLANNING PANEL MEETING 21 DECEMBER 2020**

<b>SSPP Report No</b>	PSSSH-19	<b>Development Application No</b>	DA2020/0017
<b>Site Address</b>	2F The Crescent, Kingsgrove		
<b>Proposed Development</b>	<p>A Designated Development proposal seeking approval for the construction of a Resource Recovery Facility that will receive, sort and process a total of 35,000 tonnes of dry, general solid waste (non-putrescible) per annum as defined by the NSW Protection of the Environment Operations Act, 1997.</p> <p>The development involves the construction of a fully equipped, purpose built industrial warehouse to house recycling machinery including a weighbridge and a two-storey gatehouse containing offices and associated amenities along the eastern side of the entry. The western side of the site is to largely remain vacant for use as a waiting bay with the inclusion of a total of thirteen (13) on grade car parking spaces.</p> <p>A 24 hour operation is proposed with standard hours being 6am to 5.30pm Monday to Saturday. No operation is proposed on Sundays and Public Holidays. Some deliveries of waste are proposed after hours (5.30pm - 6am), however this waste will only be stored at the site not processed during these times.</p> <p>A total of ten (10) persons are proposed to be employed at the site and the proposal includes some tree loss and includes new replacement landscaping, fencing and associated site works.</p>		
<b>Applicant/Owner</b>	W & J Lee Property Investments Pty Ltd		
<b>Date of DA Lodgement</b>	Original lodgement 20 January 2020 Amended plans and documentation provided on 17 February 2021		
<b>Submissions</b>	N/A for this matter. The original DA was notified and advertised in accordance with the requirements for Designated Development. A total of seven (7) submissions were received and these were discussed in detail as part of the original assessment report.		
<b>Regional Development Criteria (Schedule 7)</b>	<p>The development falls within Part 4, Clause 20 of the State Environmental Planning Policy (State and Regional Development) which defines what is Regional Development.</p> <p>The development is categorised as a particular "designated development type" in accordance with Schedule 7, which includes  <i>"waste management facilities or works which meet the requirements for designated developments under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulations 2000"</i>.</p>		

	<p>Clause 32, Schedule 3 of the Environmental Planning and Assessment Regulation, 2000 defines the designated development categories and the subject proposal fits into the definition in Clause 32 (b) which relates to waste management facilities or works;</p> <p><i>“that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and—</i></p> <p><i>(i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or</i></p> <p><i>(ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or</i></p> <p><i>(iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material”.</i></p>
<b>List of all relevant 4.15(1)(a) matters</b>	Original assessment report considered all the relevant Section 4.15(1)(a) matters. The amended plans do not alter the consideration of these matters.
<b>List all documents submitted with this report for the Panel’s consideration</b>	<p>This is a supplementary report to be considered by the Sydney South Planning Panel and includes the following updated information;</p> <ul style="list-style-type: none"> <li>- Updated Sediment and Erosion Plan and Site Management Plan, Drawing number DA-11E and dated February 2021;</li> <li>- Letter of Advice prepared by McLaren Traffic Engineering and dated 2 March 2021;</li> <li>- Amended Architectural Plans dated February 2021 (Revision E);</li> <li>- Updated Site Plan Drawing No.DA-01E, dated March 2021;</li> <li>- Cover letter prepared by EMM Consultants, dated 17 February 2021; and</li> <li>- A detailed Landscape Plan prepared by Paul Scrivener and dated 12 February 2021.</li> </ul>
<b>Report prepared by</b>	Senior Development Assessment Officer
<b>Recommendation</b>	Approval subject to the attached updated conditions.

<p><b>Summary of matters for consideration under Section 4.15</b></p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<b>Yes</b>
<p><b>Legislative clauses requiring consent authority satisfaction</b></p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be</p>	<b>Yes</b>

satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>No (not required)</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	<b>Not Applicable</b>

## EXECUTIVE SUMMARY

This report has been prepared following the deferral of development application (DA2020/0017) seeking planning approval for the redevelopment of the site to include the construction of an industrial building including a detached gatehouse and weighbridge along the eastern side of the entry to the site and the use of the premises as a Waste Resource Recovery Centre processing up to 35,000 tonnes of non-putrescible waste per annum (tpa) at 2F The Crescent, Kingsgrove by the Sydney South Planning Panel (SSPP) on 21 December 2020.

The SSPP considered the application and deferred its decision subject for the following reason;

*“The Panel agreed to defer the determination of the matter pending satisfactory resolution of the design to ensure that all operations can be managed on site, including all necessary vehicular movements required for the facility operations. The panel was of the view that this had not been demonstrated. The Panel resolved to refer the matter back to Council to resolve acceptable design amendments to address these issues in consultation with the applicant.*

*When this information has been received, the panel will determine the matter electronically.”*

Following the SSPP decision, Council Officers met with the Applicant to discuss the deferral and the design resolution that is to be achieved. Preliminary plans were submitted to Council for review on 2 February 2021, and these were referred to Council's Traffic Engineer for comment. No objections were raised to the conceptual plans and these progressed to the preparation of final plans and associated documentation which was submitted to Council on 17 February 2021 with additional information provided on 2 March 2021.

## REPORT IN FULL

### A. Car parking, truck access and manoeuvrability

The original design of the proposal's main access into and out of the facility was located along the eastern side of the site. This entry point provided direct access through to the sorting shed with the truck being weighed before entry. Once the waste is disposed of within the sorting shed, trucks were to leave in a forward direction.

The main eastern point of entry catered for two-way access, but given the amount of trucks accessing the site, trucks would still have to wait and potentially queue on the street if the facility is being utilised which is a poor design outcome, adversely affecting the adjoining industrial properties and the streetscape. The original proposal did not clearly articulate the purpose and intent of the western portion of the site and its associated use other than allocating some of the space for car parking.

Council in its original report to the Panel recommended approval of the application subject to deferred commencement conditions being issued, which included the following;

**(1) Easement creation and registration**

*Pursuant to Section 80(3) of the [Environmental Planning and Assessment Act 1979](#), this consent will not operate until such time as the following requirements are satisfied:*

- (a) The applicant must acquire an Easement to Drain Water of 1 metre (minimum) width. The easement must allow for a piped, gravity fed system of drainage of stormwater from the subject site with direct, underground connection to the embankment of Council's Drainage Reserve adjoining the northern property boundary. It is recommended that discussions with Council's Drainage Engineer-Asset and Infrastructure Division and Council's Property Officer be conducted simultaneously.*
- (b) The applicant must obtain separate Development Consent for all drainage works to be carried out within the Easement to Drain Water. A Section 138 Drainage Application to Council under the Local Government Act 1993 is required to install a pipeline and associated infrastructure within a Drainage Reserve. A written approval from Council to such an application is required before drainage works can be undertaken on the burdened lot.*
- (c) Evidence of registration of the easement to drain water benefitting and burdening the respective properties is to be provided to Council.*

**(2) Detailed Landscape Plans - A detailed landscape plan, drawn to scale, A3 size and coloured, by a qualified landscape architect or an AQF Level 5 landscape designer, must be submitted to Council's satisfaction. The plan must include:**

- a) Reference Georges River Councils, Tree Management Policy, 2019, 2:1 tree replacement. Councils Policy requires that for every tree removed from the site, two (2) trees shall be planted to replace those lost. A minimum of thirty two (32) new trees are required to be planted.*
- b) As per the Arboricultural Impact Assessment provided by Tree Survey, dated 20th December, 2019, a total of sixteen (16) trees are proposed to be removed and therefore a total of thirty two (32) new trees need to be reflected upon the landscape plan, be of a minimum 45 litre pot/ bag size and tree species selection from – Georges River Councils, Tree Management Policy, April 2019, Appendix 1 – Tree Planting.*
- c) Location of existing and proposed structures, services and existing trees to be retained and /or removed.*
- d) Three (3) street trees must be shown upon the new landscape plan.*
- e) The Landscape Plan is to also show the treatment of the deep soils areas within the front setback area.*
- f) Details of earthworks including mounding and retaining walls, Reduced Levels and planter boxes.*

- g) *Location of proposed trees and plants proposed as well as a plant schedule showing the plant symbol, botanical name/ common name; with a minimum quantity; pot size of 100L; and minimum mature height of 9m.*
- h) *A higher proportionate mix of natives than exotics plantings, with all trees proposed, able to reach a height at maturity of nine (9) metres is required.*
- i) *Details of planting specifications, procedures and a maintenance schedule for twelve (12) months shall be prepared which considers the following:*
  - *Landscape ratios – pervious to impervious surfaces / deep soil zones;*
  - *Details of drainage and watering systems;*
  - *Details of garden edging and turf;*
  - *Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans;*
  - *The contact details and website of the landscape architect or AQF Level 5 landscape designer, as well as qualifications; and*
  - *Associations and/or Memberships of Affiliation within the landscape industry.*

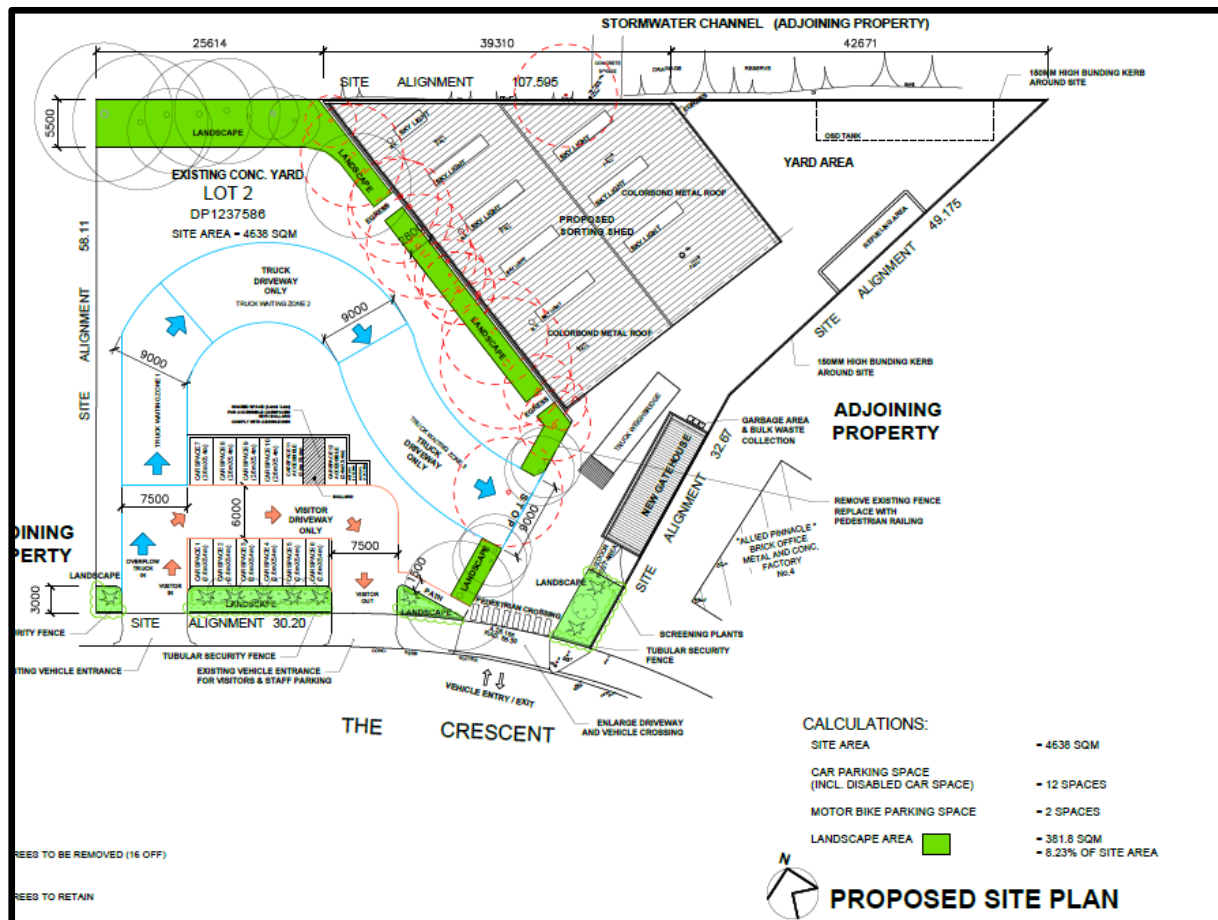
**(3) *Parking and driveway access design and fencing***

*Detailed architectural plans are to be prepared and submitted in respect to the planning and design of the western portion of the site and are to show the following features:*

- i) *A minimum of thirteen (13) compliant car parking spaces are to be allocated with one (1) space to be enlarged and dedicated as an accessible space along this section of the site. The dimensions of this space shall be compliant with AS2890 and AS1428 and any other accessible parking requirements.*
- ii) *The proposed driveway accessing the car parking spaces shall have a minimum width of 6m and shall be extended to become a circular driveway for access by trucks and cars. The driveway shall be one way with the main entry from the eastern side and exit from the western driveway. The driveway shall act as a waiting bay for trucks until the warehouse is free for the next delivery. The driveway shall be constructed of concrete.*
- iii) *The parking area shall be designed to include a concrete kerb (minimum 150mm) adjoining the landscaped area to protect the landscaped area from the movement of vehicles and trucks.*
- iv) *Swept path diagrams are to be prepared to ensure that a 17m long truck is able to manoeuvre easily within this space and if it is too tight the car parking spaces may have to be relocated towards the northern section of the site to achieve compliance and a compliant turning circle for all vehicles and trucks accessing this section of the site.*
- v) *The design shall distinguish the driveway from the adjoining car parking, landscaping and any pedestrian accessways.*
- vi) *The fence along the southern side of the car parking area shall be deleted and replaced with a series of bollards that can be located on the edge of the landscaped area to provide safety from vehicles and trucks but also allow access by persons in an emergency through to the gatehouse.*

The intent of Deferred Commencement condition No.3 was to detail, formalise and articulate the functionality, design and purpose of the western portion of the site and for this space to act as a waiting bay for trucks so that there will be no queuing of trucks on the street. Although this arrangement would have improved the operation's layout and site planning, it still would have required trucks waiting in the western side of the site to leave the site via the public roadway (The Crescent) and then re-enter the site along the eastern side. The Panel recognised that this arrangement created more movements onto the street than necessary and preferred that all truck movements occur wholly within the site. The Panel therefore deferred their decision

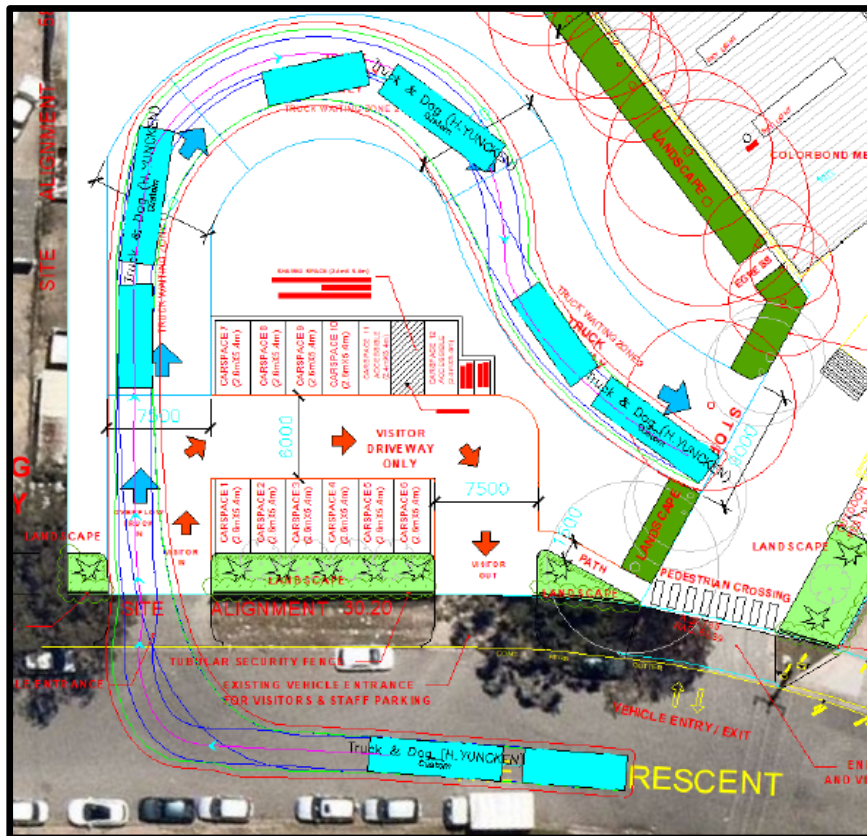
In addressing this issue the Applicant amended the plans to show that trucks entering the site along the western side can travel through the site, wait on-site and then directly access the eastern side of the site and the sorting shed without the need to access the street. **Figure 1** below shows the modified arrangement.



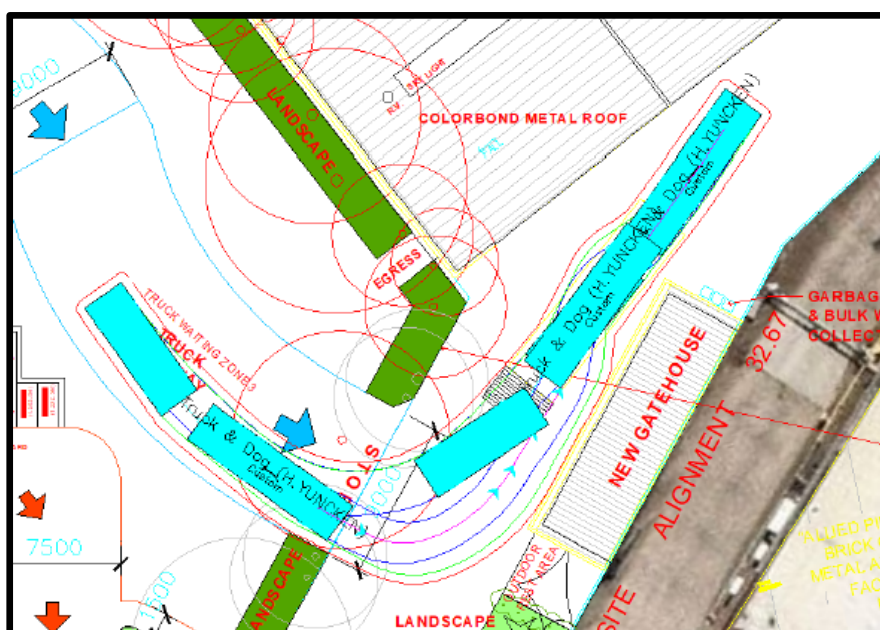


shed). In comparison, approximately 6 x 9m long trucks will be able to wait onsite before accessing the shed.

Conditions will be imposed which will require signs to clearly indicate where trucks enter, exit and have to stop and give way to be installed. This will also apply to the vehicular car parking area.



**Figure 2:** Swept path diagrams showing internal circulation and access from The Crescent for an 18.7m long truck and dog articulated vehicle (Courtesy: McLaren Consultants, 2021)



**Figure 3:** Swept path diagrams showing the turn from the new internal driveway to the sorting shed for an 18.7m long truck and dog articulated vehicle (Courtesy: McLaren Consultants, 2021)

McLaren in their reports (dated February and March 2021) have confirmed that the new arrangement is compliant and generally satisfactory for trucks, with the car parking layout and arrangement satisfying the relevant clauses and objectives of AS2890.1:2004, AS2890.6:2009, AS2890.2:2002. The report states that “*a design certificate be required at the Construction Certificate stage to account for any changes following the development application*”. A condition will ensure a design certificate is submitted prior to the issuing of a Construction Certificate if approval is granted.

*“This facility has intentionally adopted the more expensive approach of constructing ‘flush’ to ground weighbridge and wheel wash.*

*The flush mounting of this equipment allows any trucks or vehicles to perform tighter and smaller swept paths over them from any angle. There are no raised metal guide rails or platforms which might constrain the functioning of the weighbridge or wheel wash. For the absence of doubt, please note:*



- *All vehicles will be able to access the weighbridge on ingress when arriving via the waiting bay area or direct from the street.*
- *The wheel wash is only required on egress.*
- *The weighbridge functions at a variety of approach and exit angles*
- *There is easy alignment onto the wheel wash as the facility is only used on egress*
- *The flush mounted (ie at grade) arrangement allows for greater manoeuvrability within the site, without the constraints of raised metal guide rails and platforms.”*

The Applicant submitted an amended Site Plan which slightly repositions the weighbridge to achieve compliance. This concern was also raised by the EPA and is discussed in greater detail later in this report.

Design conditions will be included to ensure the location of the wheelwash will not conflict with trucks entering the site.

To create the new internal circular driveway for trucks, the car parking area has been relocated and redesigned from the south-western side of the industrial sorting shed, to the front of the site in a central location. Originally, the development proposed thirteen (13) car parking spaces and the amended design only provides for twelve (12) spaces. A condition will require a minimum of thirteen (13) spaces to be provided. This can easily be achieved given the large size of the site. A condition will be imposed also requiring a space designated for both bicycle and motor bike parking. Otherwise the layout of the car parking area is considered to be satisfactory.

The modified design has reduced the amount of trucks and vehicle movements into and out of the site and to create one movement in and one movement out for each vehicle accessing the site. This simplifies traffic movements and reduces reliance on the street for manoeuvrability. The proposed arrangement satisfies the panel's concerns and provides a better, planning, design and operational outcome.

The Deferred commencement condition No.3 has been removed and standard operational conditions have been imposed to ensure compliance during the construction and operational stages of the development.

## **B. Landscaping**

The development application was not accompanied by a detailed landscape plan and as a result Deferred Commencement condition No.2 was imposed to ensure that an appropriate and detailed landscape plan will be provided prior to the activation of the consent. Considering the large, integrated nature of the site and the proposal's intention to remove trees, it was important to achieve some good compensatory plantings. A detailed landscape plan which included buffer planting, additional trees for screening and for some increased vegetation to improve the appearance of the driveway, screen the car parking area, enhance the front setback area and soften the appearance of the development was considered necessary.

As part of the amended DA package the Applicant has engaged Paul Scrivener Landscape Designer to prepare a detailed landscape plan. **Figure 5** below provides an extract of the plan which caters for more screen planting especially along the front of the site and rear boundary of the western portion of the site. The proposed larger trees (Black She Oaks, an Iron Bark, Blueberry Ash and Old man Banksias) to be

located along the front of the site will improve the visual appearance of the site and the general nature of this industrial streetscape.



**Figure 5:** Extract from the Landscape Plan (Courtesy: Paul Scrivener, 2021)

The amended Landscape Plan was referred to Council's Landscape Officer for comment. In general no objection was raised in respect to the plan subject to the provision of some additional planting and greenery across the site. Council's landscape Officer suggested that some additional planting occur at the rear of the second parking bay and the landscape area along the western boundary be extended, and the rear landscaped area along the western side shall have a minimum width of 6m. In this case and following this advice, Deferred commencement condition No.2 shall be deleted (given that a detailed Landscape Plan has been submitted) and replaced by a series of operational conditions that are proposed if approval is to be granted.

### C. Government Agencies and relevant referral bodies

Given this development is integrated and designated pursuant to the provisions of the EP and A Act, a number of government agencies and referral bodies were involved and were required to provide their comments and/or concurrence. The amended parking and access arrangement does not alter the operational elements of the proposal in their original form therefore the changes do not need to be re-referred to most agencies and all comments and conditions that were imposed remain.

However, the Environmental Protection Authority (EPA) is the key external concurrence authority and on 4 November 2020 the EPA issued their General Terms of Approval (GTA's) in accordance with Section 4.46 of the EP and A Act provisions. The GTA's stated that *"these general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary*

*to consult with EPA about changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes”.*

On 18 February 2021, Council sent the updated plans and information to the EPA for review and comment. On 1 March the EPA wrote to Council raising a concern with the location and position of the weighbridge. EPA wrote;

*“The EPA was provided two new documents to review after issuing of the GTAs. A letter of Advice prepared by McLaren Traffic Engineering (Ref: 210043.01DA) (**the Letter**) and Concept Parking Plan (Ref: DA-13) (**the Plan**). The EPA expressed concerns...that the Letter does not clearly demonstrate trucks entering the Premises from the newly proposed driveway on the Plan will traverse the weighbridge. All vehicles entering and exiting a waste facility are required to be weighed on a weighbridge by Clause 36 of the Protection of the Environment Operations (Waste) Regulation 2014 (**the Waste Regulation**). The EPA requires that the Applicant demonstrate that the newly proposed vehicular ingress and egress will ensure all vehicles will be weighed on the weighbridge prior to entering and exiting the Premises.”*

Clause 36(3)(d) of the Waste Regulation requires that:

*“The occupier must ensure that – (i) each vehicle that enters or leaves the waste facility for a purpose relating to the operation of the facility (whether or not the vehicle is being, is intended to be or has been used to transport or deliver waste) is weighed by the weighbridge on entering and leaving the facility.”*

As previously mentioned, the large trucks accessing the site originally were unable to travel evenly over the weighbridge. The Applicant amended the site plan and repositioned the weighbridge so that the largest truck can access the bridge (refer to Figures 1-4) and McLaren Traffic Consultants reviewed and updated their advice on 2 March 2021 to ensure compliance has been achieved. On 2 March 2021 the EPA wrote formally to Council stating;

*“On 2 March 2021, The EPA received additional information from the applicant. The email dated 2 March 2021 included the following documents:*

- *Letter of Advice for Resource Recovery Facility at 2F The Crescent, Kingsgrove, dated 2 March 2021 by McLaren Traffic Engineering, Ref: 210043.01FC (**the Amended Letter**)*
- *Proposed Site Plan, dated Mar 2021 by Robert Lee Architects Pty Ltd, Ref: DA-01E (**the Amended Plan**)*

***The EPA has reviewed the Amended Letter and the Amended Plan and is satisfied that Clause 36 of the Waste Regulation can be complied with at the Premises.”***

Council also referred the amended design and the updated McLaren advice on traffic, parking and access to Council’s Traffic Engineer. Council’s Traffic Engineer confirmed that no objection is raised to the proposed modified scheme.

## **D. CONCLUSION**

The amended design and updated plans, documentation and specifications adequately satisfy the Sydney South Planning Panel's concerns in relation to access and manoeuvrability around the site and have reduced the number of truck movements in and around the site.

The modified access arrangement is considered to be a better planning and design outcome and should improve the overall functionality of the facility and the industrial precinct.

On this basis it is recommended that Deferred Commencement condition No.2 and 3 be deleted and replaced with some standard operational conditions to ensure the layout and construction of the area and landscaping is implemented in accordance with the plans prior to, during and after construction.

The recommended conditions referenced in the original report have been updated to reflect the amended plans submitted by the applicant and are included below.

## **E. STATEMENT OF REASONS**

The reasons for this recommendation are:

- The proposed development is a permissible use within the IN2 Industrial zone and satisfies the objectives of the zone.
- The proposed development satisfies the key development standards in relation to the buildings proposed on site which are within the maximum height and floor space ratio control.
- The development satisfies the objectives and key planning controls within the Hurstville Development Control Plan in respect to car parking, landscaping, setbacks and controls relating to industrial developments.
- The proposal has provided detailed technical assessments in respect to the environmental impacts associated with the development including acoustics, processing of materials and the handling and segregation of a variety of waste streams, mitigation of dust and odours and potential spills and fire have all been considered and appropriate plans of management have been prepared.
- There is no intention to store or process any potentially hazardous or offensive waste.
- The proposed works will improve the visual appearance of the development and will create a compliant, well managed and planned facility which should include up to date technology and equipment and adopt best practices in respect to the processing and recycling of waste.
- The proposed use will contribute positively to the economy and environment as it is a land use that is in demand and will minimise waste entering landfill.
- Key Government Agencies including Sydney Water, The Environmental Protection Authority, Transport for NSW, the Natural Resource Access Regulator have no objections "in principle" to the proposal and provided their formal concurrence subject to the imposition of General Terms of Approval and/or associated conditions of consent is to be granted.

## **F. DETERMINATION**

THAT Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, as amended, the Sydney South Planning Panel grants deferred commencement consent to DA2020/0017 for the use of the site as a Waste

Resource Recovery Facility including the construction of an industrial warehouse building, gatehouse, weighbridge, fencing, tree loss and new landscaping and associated site works on land legally described as Lot 2 DP1237586 and known as 2F The Crescent, Kingsgrove subject to the following conditions of consent:

This Development Application is a Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment Act (as amended) 1979. Strict compliance is required with **all conditions appearing in Section A** within **thirty six (36) months from the Determination Date of this consent**. Upon confirmation in writing from Georges River Council that the Schedule A Conditions have been satisfied, the consent shall commence to operate as a Development Consent for a period of five (5) years from the **Determination Date of this consent**.

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, this consent will not operate until the following requirements are satisfied:

## **SCHEDULE A – DEFERRED COMMENCEMENT CONDITIONS**

### **Section A Deferred Commencement**

Pursuant to Section 4.16(3) of the [Environmental Planning and Assessment Act 1979](http://www.legislation.nsw.gov.au/) <<http://www.legislation.nsw.gov.au/>>, this consent will not operate until such time as the following requirements are satisfied:

#### **(1) Easement creation and registration**

Pursuant to Section 80(3) of the [Environmental Planning and Assessment Act 1979](http://www.legislation.nsw.gov.au/), this consent will not operate until such time as the following requirements are satisfied:

- (a) The applicant must acquire an Easement to Drain Water of 1 metre (minimum) width. The easement must allow for a piped, gravity fed system of drainage of stormwater from the subject site with direct, underground connection to the embankment of Council's Drainage Reserve adjoining the northern property boundary. It is recommended that discussions with Council's Drainage Engineer-Asset and Infrastructure Division and Council's Property Officer be conducted simultaneously.
- (b) The applicant must obtain separate Development Consent for all drainage works to be carried out within the Easement to Drain Water. A Section 138 Drainage Application to Council under the Local Government Act 1993 is required to install a pipeline and associated infrastructure within a Drainage Reserve. A written approval from Council to such an application is required before drainage works can be undertaken on the burdened lot.
- (c) Evidence of registration of the easement to drain water benefitting and burdening the respective properties is to be provided to Council.

Documentary evidence as requested or the above information must be submitted within thirty six **(36 months)** of the granting of this deferred commencement consent.



Commencement of the approval cannot commence until written approval of the submitted information has been given by Council and the appropriate fee to be paid.

When conditions in Schedule A above are satisfied, development consent will be issued subject to the following conditions:

## **SCHEDULE B – GENERAL DEVELOPMENT CONDITIONS**

### **Section B Development Details**

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

The following architectural plans prepared by <b>Robert Lee Architects</b>			
<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>
Information Sheet	DA-00E	12/2/2021	Issue E
Site Plan	DA-01E	2/3/2021	Issue E
Roof Plan	DA-2E	12/2/2021	Issue E
Floor Plan	DA-3E	12/2/2021	Issue E
Sorting Shed Floor Plan	DA-4E	12/2/2021	Issue E
Sorting Shed SE, W & E Elevations	DA-5E	12/2/2021	Issue E
Sorting Shed NE Elevation & Section 1-1, 2-2	DA-6E	12/2/2021	Issue E
Gatehouse Ground Floor & First Floor	DA-7E	12/2/2021	Issue E
Gatehouse NW & SE Elevations	DA-8E	12/2/2021	Issue E
Gatehouse NE & SW Elevations & Section 3-3	DA-9E	12/2/2021	Issue E
Site & Context Analysis	DA-10E	12/2/2021	Issue E
Sediment & Erosion Control Plan/Site Management Plan	DA-11E	12/2/2021	Issue E
Sediment Control Plans	SY180154-01-0011	16/4/2020	Revision B
	SY180154-01-0012	16/4/2020	
	SY180154-01-0013	16/4/2020	
241 Wheel wash Design with Conveyor	unreferenced	28 April 2020	Revision A
Landscape Plan prepared by Paul Scrivener	1 of 1	12/2/2021	Issue B
Survey Plan prepared by Harrison Friedmann and Associates Pty Ltd	65492 DT	27/09/2019	N/a
Site servicing Report prepared by Warren Smith and Partners dated August 2019.			

Updated Parking, Access and Traffic review and advice prepared by McLaren Consultants and dated 16 February 2021 and 2 March 2021

2. **Standard Hours of operation** - The standard hours of operation are from **6am to 5.30pm**, Monday to Saturday with no works occurring on site or vehicles and/or trucks accessing the site on Sundays and Public Holidays.
3. **Extended hours of operation (Trial condition) –**
  - 3.1 Notwithstanding Condition No.2 above, the use may operate with extended hours of operation between **5.30pm to 6am, Monday to Saturday (with Saturday operations ceasing at 5.30pm) for a trial period of twelve (12) months from the day the operation begins commencement**. The Applicant is to formally notify Council when the Trial period commences. A maximum of twelve (12) truck movements (6 in and 6 out) are permitted for the after hours operation.
  - 3.2 Following the trial period, the Applicant will have to submit an application to continue with the extended hours on a permanent basis or further seek extension of the trial period. Council may allow the use to continue to operate for the hours specified in 3.1 above, or require the use to operate in accordance with the approved standard hours only (Condition 2).
  - 3.3 The purpose of the trial condition is to allow ongoing assessment of the extended hours of operation in relation to neighbourhood amenity, public safety and operational performance and allow management to demonstrate successful practices in relation to the above.
  - 3.4 The review of the extended hours of operation in 3.1 above by Council will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other stakeholders including the Police.

## SEPARATE APPROVALS REQUIRED BY OTHER LEGISLATION

4. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** – Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;

- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

The relevant Application Forms for these activities can be downloaded from Council’s website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

5. **Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993**

- In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council or RMS roadways/footways, an application must be lodged with Council or RMS under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works.

The following details must be submitted:

- (i) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council;
- (ii) The applicant has indemnified council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
- (iii) Documentary evidence of such insurance cover to the value of \$20 million;
- (iv) The applicant must register a non-terminating bank guarantee in favour of Council. An amount will be determined when the application is lodged;
- (v) The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (vi) In the event of any works taking place on Council’s roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the ‘live’ anchors will be borne by the applicant.

6. **Road Opening Permit** - A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services

including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

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

7. **Environmental Protection Authority (EPA)** – The EPA has issued General Terms of Approval (GTA's) which form part of this consent and are included as **Attachment 1**. The GTA's form part of this consent and will need to be complied with at all times.

**Note:** A separate application shall be submitted to the Environmental Protection Authority to obtain a licence to operate the proposed use at the site.

8. **Natural Resource Access Regulator (NRAR)** – The NRAR has issued General Terms Approval (GTA's) in respect to water use and management which form part of this consent and are included as **Attachment 2**. The GTA's form part of this approval and will need to be complied with at all times.

**The attached GTAs issued by NRAR do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

9. **Fire and Rescue NSW (FRNSW) requirements** – The development needs to be designed and constructed to ensure it satisfies and complies with FRNSW guidelines and provisions in the following manner:
  - a. The development shall comply with the advice and considerations contained within FRNSW's Fire Safety Guideline – *Fire safety in waste facilities* be addressed. Advice and recommendations contained within the guideline have been developed to enable FRNSW to adequately manage an incident at such facilities.
  - b. The development shall comply with the advice and considerations contained within FRNSW's Fire Safety Guideline – *Emergency Vehicle Access* be addressed. This is required such that FRNSW are able to safely access all parts of the site where an incident may occur.
  - c. Appropriate and adequate provisions are to be made for the containment of contaminated fire water run-off based on the worst credible fire scenario for the site. Any system(s) provided is to be automatic in nature and should not rely upon on-site staff or emergency services personnel to access or activate provided systems or valves in the event of fire.
  - d. If the development proposes to incorporate a fire engineered solution (FES), whether a building design having a performance solution in accordance with the *National Construction Code (NCC)* or other infrastructure where building codes are not applicable, FRNSW should be engaged in the fire engineering brief (FEB) consultation process at the preliminary design phase, post approval of the development application.

FRNSW also recommend that clauses E1.10 and E2.3 be addressed where a FES is required.

- e. An emergency plan for the waste facility in accordance with *AS 3745–2010 Planning for emergencies in facilities* be prepared for the development. An external consultant shall be engaged to provide specialist advice and services in relation fire safety planning and developing an emergency plan.
- f. The Emergency Plan shall include fire and life safety measures for the development which are to be reassessed for adequacy in the event that either; significant changes are made to the site configuration, processing capacity is increased or there are changes to either the accepted waste streams or a significant increase in streams that are combustible in nature.

Details of compliance with all parts of this condition shall be submitted to the PCA prior to the issuing of a Construction Certificate.

- 10. **Ausgrid** – The design must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for Construction works near existing electrical assets. The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances.
- 11. **Transport for NSW (TfNSW) requirements** – the following conditions are required to be met;
  - (a) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
  - (b) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
  - (c) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- 12. **Sydney Water Servicing** – A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.



Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

13. **Building Plan Approval (Sydney Water)** - The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

*The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.*

The Tap in™ service provides 24/7 access to a range of services, including:

- ☐ building plan approvals
- ☐ connection and disconnection approvals
- ☐ diagrams
- ☐ trade waste approvals
- ☐ pressure information
- ☐ water meter installations
- ☐ pressure boosting and pump approvals
- ☐ changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

14. **Trade Wastewater Requirements** – A Trade Waste Agreement with Sydney Water may be required. If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

15. **Backflow Prevention Requirements** - Backflow is when there is

unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

16. **Water efficiency measures** – water efficiency measures shall be implemented where possible. The following Sydney Water efficiency measures are recommended to be adopted;

Install water efficiency fixtures to help increase your water efficiency, refer to WELS - Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>

- ☐ Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- ☐ Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- ☐ Develop a water efficiency plan for your business.

17. **Contingency Plan Recommendations** - Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or

contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

18. **Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services).
19. **Electricity Supply to Development** – The electricity supply to the development must be underground.
20. **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131365.

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

21. **Wheel wash** – the wheel wash design shall be in accordance with the 241 wheel wash with conveyor plans (detailed in Condition No.1) and in accordance with the details and design created by Enviroconcepts which accompany the application.
22. **Dust suppression** – The coolfog fogging system shall be integrated into the Construction Certificate Plans in accordance with the design details provided with the application and as per the documentation prepared by Access Environmental Systems and dated 2 November 2017.
23. **Signage** - A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument or that satisfy any conditions of consent.
24. **Operational Plan of Management** - An operation Management plan will need to be prepared and submitted to Council and the PCA and will need to outline the following processes and procedures:
  - The Materials handling process for each waste stream;
  - Process for trucks entering the site, being weighed, inspected and the procedure to process waste;
  - Treatment of leachate, fires, spills and receiving any toxic, hazardous or offensive waste;
  - General operational requirements (hours of operation, work attire requirements, rules for lunch breaks, conducting meetings);
  - Procedure for use of the waiting bay and access to this area by trucks;
  - Emergency procedures; and
  - Addressing and dealing with complaints (development of a complaints

register and how complaints are to be addressed).

25. **Site Management Plan (Major Development)** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

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

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

26. **Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:

- i. Non reflective and low glare materials and finishes including roofing shall be implemented as part of the design. Reflective surfaces on the external wall of a proposed building are to be no greater than 20%. Materials and finishes shall be consistent with the colour palette of the surrounding industrial developments and be in keeping with the character of development in the immediate vicinity of the site.
- ii. Access into the western portion of the site (waiting bay location) shall be one-way in for all vehicles.
- iii. The main entry shall be on the eastern part of the site and will be the main point of access point. This point of access shall be signposted accordingly and will permit two way access.
- iv. Vehicles accessing the car parking area are to enter along the western side and leave from the central driveway. No trucks are to access the car parking area.
- v. The driveway areas shall be line marked to include arrows showing the direction of all vehicles and trucks at the site. Signs shall also be installed which indicate "entry only", "exit only" and include a stop sign where the waiting bay meets the eastern driveway access point. An updated plan

showing all signage and line marking shall be provided to the satisfaction of Council's delegate prior to the issuing of the Construction Certificate.

- vi. All the driveways within the development shall be designed and constructed in plain concrete.
- vii. The car parking area shall be designed so that it caters for a minimum of thirteen (13) car parking spaces including one (1) accessible space and shall also cater for a minimum of two (2) motorbike parking spaces and a minimum of two (2) bicycle parking spaces.
- viii. A built-in bench is to be provided along the south-eastern side of the outdoor rest area.
- ix. Sensor lighting shall be included outside the gatehouse and car parking area and around the perimeter of the sorting shed to ensure better safety at night.
- x. The main access gates are to be designed to be sliding or inward opening gates along all three (3) access points to the facility. Gates shall not open towards the public roadway.
- xi. Standard business identification signage will be required which shall show the address and name of the facility to be included at the front of the site as a sign on the front gate or within the landscaped area. The parking area shall also be sign posted and all access points shall be sign posted to indicate points of entry and exit. Signage shall be non-illuminated and shall cover a maximum area of 1m by 1m in height for each sign.
- xii. The section of the outdoor rest area in front of the gatehouse shall be setback a minimum of 7.6m from the front boundary and the area in front of this space (within the front setback) shall comprise of deep soil landscaped area include a minimum of two (2) canopy trees achieving minimum heights of 6m and lower level shrubs to assist with screening and softening the appearance of the development.
- xiii. The front and side boundary fencing shall have a maximum height of 2.5m and shall be a palisade/tubular/picket style open form design.
- xiv. The proposed sliding hangar style doors shall be replaced with a standard automated door system which will ensure that doors remain closed whilst trucks are unloading waste and it is being stored and processed.
- xv. The design of the carparking area shall comply with:
  - a. Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution)
  - b. Environment Protection Authority's Managing Urban Stormwater: Treatment techniques
- xvi. Updated plans shall be prepared to show that the proposed location and siting of the weighbridge will be easily accessible by all trucks accessing



the sorting shed without the need to reverse onto it.

xvii. Updated plans will be required to show the location of the wheelwash and that this facility will not conflict with trucks entering the site.

27. **Acoustic Requirements** - The Construction Certificate plans shall demonstrate compliance with the recommendations of the Acoustic Report prepared by Spectrum Acoustics and dated October 2020.
28. **BCA** - The Construction Certificate plans shall demonstrate compliance with the recommendations of the BCA report prepared by Concise Certification and dated 8 October 2019.
29. **Soil and water** - The Construction Certificate plans shall demonstrate compliance with the recommendations of the Soil and Water Report prepared by Baker Ryan Stewart and dated April 2020.
30. **Geotechnical Report** – The findings and recommendations of the Geotechnical Report prepared by EI Australia and dated 5 March 2020 shall be implemented as part of the Construction Certificate.
31. **Parking and Traffic** – Any recommendations and findings of the Traffic and Parking Impact Assessment prepared by McLaren and dated 12 December 2019 and as amended by their advice dated 16 February 2021 and 2 March 2021 shall form part of the Construction Certificate. In addition the following measures shall be included as part of the Operational Plan of Management and endorsed as part of the functioning of the facility;
  - A maximum of 46 truck movements (23 in and 23 out) are permitted during the standard operating hours (6am to 5.30pm) shall occur.
  - A maximum of 12 truck movements (6 in and 6 out) are permitted for the after-hours operation (5.30pm to 6am) subject to the trial period.
  - No trucks shall access residential streets and are not to turn right on Vanessa Street.
  - Trucks are not to be parked on The Crescent or adjoining residential streets.
32. **Certification of parking and access areas** – Prior to the issuing of the Construction Certificate a design certificate shall be provided to confirm that the proposed car parking design, access and traffic arrangements within the site are compliant with the relevant standards and certification is provided by a Qualified Traffic or Transport Engineer.
33. **Air Quality** – The findings and recommendations of the Air quality impact assessment prepared by EMM Consultants and dated December 2019 shall be implemented as part of the Construction Certificate documentation.
34. **Updated Arborist Report** – The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment prepared by Tree Survey, dated 20 December, 2019 shall be updated to accommodate the changes to the proposed access arrangements. The updated report shall detail all tree protection measures to be implemented. The Arborists report shall be submitted prior to the issuing of the Construction Certificate.

35. **Tree protection** - The tree/s to be retained and protected on the site are listed in the table below and are in accordance with the Arborist report prepared by Tree Survey and dated 20 December 2019.

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 - 2009 Fencing distance from trunk
<i>Eucalyptus amplifolia</i> x 3 (not within Arborist Report)	Adjacent site, west front corner	5.0 metres
Tree 1 – <i>Eucalyptus sideroxylon</i>	Fronting street, close to boundary	6 metres
Tree 2 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 3 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.2 metres
Tree 5 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	3.6 metres
Tree 6 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 19 – <i>Eucalyptus sideroxylon</i>	Within Lot 2, north east corner	4.2 metres
Tree 23 – <i>Eucalyptus Spp</i>	Within Lot 2, north fence line	3.0 metres
Tree 24 & 25 – <i>Casuarina glauca</i>	Within Lot 2, north fence line	3.6 metres
Tree 26 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	7.2 metres
Tree 27 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	6.6 metres
Tree 28 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	4.8 metres
Tree 29 – <i>Eucalyptus botryoides</i>	Within Lot 2, north fence line	7.2 metres
Tree 30 – <i>Eucalyptus saligna</i>	Within Lot 2, north fence line	6 metres
Trees 23 through to tree 30 must be protected in the one collective tree protection zone to be isolated from any impacts.		

36. **Tree Protection and Retention** - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 - 2009 Fencing distance from trunk
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<i>Eucalyptus amplifolia</i> x 3 (not within Arborist Report)	Adjacent site, west front corner	5.0 metres
Tree 1 – <i>Eucalyptus sideroxylon</i>	Fronting street, close to boundary	6 metres
Tree 2 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 3 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.2 metres
Tree 5 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	3.6 metres
Tree 6 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 19 – <i>Eucalyptus sideroxylon</i>	Within Lot 2, north east corner	4.2 metres
Tree 23 – <i>Eucalyptus Spp</i>	Within Lot 2, north fence line	3.0 metres
Tree 24 & 25 – <i>Casuarina glauca</i>	Within Lot 2, north fence line	3.6 metres
Tree 26 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	7.2 metres
Tree 27 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	6.6 metres
Tree 28 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	4.8 metres
Tree 29 – <i>Eucalyptus botryoides</i>	Within Lot 2, north fence line	7.2 metres
Tree 30 – <i>Eucalyptus saligna</i>	Within Lot 2, north fence line	6 metres
Trees 23 through to tree 30 must be protected in the one collective tree protection zone to be isolated from any impacts, as per Arborist Report, schedule of works table 1, Hold point 2, page 16.		

- a) The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA.
- b) A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at three (3) stages being, before works, during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

**The following tree protection measures shall be adopted;**

- c) The schedule of works table 1, Hold points 1 -6, page 16, within the Arborist report provided by Tree Survey must be utilised and signed off at key milestone stages to form compliance and forwarded to the nominated PCA, prior to the issue of an OC.
- d) For the purposes of stormwater excavations and pipe laying, the excavations must only be completed using “Air spade” or “Hydro vac” type of no-destructive excavations within the TPZ of any tree listed for retention within these Conditions of Consent and under the guidance of

the engaged AQF 5 Arborist.

- e) All trees on Council property, subject site and adjacent sites, to be retained must be protected before site set up and maintained during demolition, excavation and construction of the site.
- f) Although trees may be on adjacent sites, the tree protection fencing must be placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.
- g) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- h) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation.
- i) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- j) In accordance with AS 4970-2009 *Protection of trees on development sites*, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence out from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- k) The tree protection fencing must be kept in place during demolition, excavation and construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.
- l) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- m) No building products, preparation of building products, storage of materials, stockpiling, site sheds or services shall be installed within the TPZ of the trees to be retained.

**Excavation works near tree to be retained.**

The following measures shall be followed when works are located within proximity of existing trees that are to be retained:

- n) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the AQF 5 Project Arborist to ensure that the root system will not adversely be affected.
- o) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites

become compromised by any excavation works, the AQF 5 Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

- p) Tree Protection Zones around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.
- q) Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

**Tree Removal & Replacement** – the following measures will need to be adopted in respect to tree removal and replacement;

a) Tree removal

In accordance with Georges River Tree Management Policy 2019, a 2:1 Policy is to be implemented. For every one (1) tree to be removed, two (2) trees shall be planted on the subject site to compensate for the loss of each tree.

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
Tree 4 – <i>Eucalyptus sideroxylon</i>	X1	Within Lot 2, eastern side fence
Tree 7 – <i>Eucalyptus sideroxylon</i>	X1	Within Lot 2, eastern corner fence line
Trees 8 & 9 – <i>Casuarina glauca</i>	X2	Within Lot 2 – Eastern fence line
Tree 10 – <i>Eucalyptus Spp</i>	X1	Along north east fence line
Trees 11 – 15 – <i>Casuarina glauca</i>	X5	Along north east fence line
Tree 16 – <i>Eucalyptus sideroxylon</i>	X1	Along north east fence line
Trees 17 & 18 – <i>Casuarina glauca</i>	X2	Along north east fence line
Tree 20 – <i>Eucalyptus sideroxylon</i>	X1	Along north east fence line
Tree 21 – <i>Eucalyptus moluccana</i>	X1	North east corner
Tree 22 – <i>Casuarina glauca</i>	X1	Rear of site, north fence line

**General Tree Removal Requirements**

- a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 -



Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

- b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

**Street Tree Removal / Replacement by Council – The following provisions need to be satisfied and implemented;**

- a) Three (3) street trees of species to be determined must be provided in the road reserve fronting the site.
- b) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.
- c) The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.
- d) The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

<b>Fee Type – Tree planting on public land</b>	<b>Number of trees</b>	<b>Amount per tree</b>
Administration Fee, tree planting and maintenance	X3	\$452.00
Cost of tree removal		na
Cost of Stump Grinding		na

<b>Summary</b>	
Number of trees removed from site	X16
Number of trees required as per offset scheme (2:1 ratio)	X32
Number of trees planted within the site to be reflected upon the landscape plan and planted prior to OC, as per these Conditions of Consent, forming compliance.	X32
Number of trees the applicant shall pay for and Council to plant upon Councils street verge	X3

37. **Landscape Plan** – Landscaping across the site shall be implemented and carried out in accordance with the updated Landscape Plan prepared by Paul Scrivener Ref No. Issue B, 1 of 1 and dated 12/2/2021 subject to the following changes;

- a) An additional three (3) trees of Australian native Species and minimum 45 litre pot/ bag size must be planted and occupy the most western strip

- garden bed along the boundary fence for a total of 18 metres up to the line of the second car parking bay. These trees
- An additional three (3) trees of *Eucalyptus Spp* must be planted within a newly formed garden bed at the rear of the second car parking bay.
  - An additional three (3) trees of Australian native Spp, be planted within the garden bed against the proposed development, west side of the building.
  - All eleven (11) trees proposed upon the approved landscape plan and additional nine (9) trees as per conditions above, must comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*, and be planted and maintained in accordance with Councils standard specification;
  - If the planted twenty (20) trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size;
  - The minimum width of the proposed garden bed to the rear of the north/north west of the site must be 6 metres.

38. **Stormwater System** - Required design changes

Drawing Reference	Drawing Date	Revision	Drawing Description	Author
Job No. 4986000  Drawing C-20	12/12/2019	J	Stormwater Drainage Plan	Warren Smith & Partners

The following changes are required to be made and shown on the detailed Hydraulic Plans to accompany the **Application for the Construction Certificate**:

- Outlet pipelines from surface inlet pits and grated trench drains are to be 150mm (min.) diameter.
- The proposed '4x PSORB 460mm STORMFILTERS' facility for the treatment of stormwater is to be fully detailed, and able to treat the flow from a 1 in 3 month ARI storm event with capacity to capture pollutants during a 1 in 20 year ARI event.

39. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- All stormwater shall drain by gravity to the easement to drain water in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

- (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

40. **On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

41. **Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted with the Construction Certificate application.

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

42. **Support for Easement Pipes** – the following structural and construction methods will need to be implemented;

- (a) All footings within 2.0 metres of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or founded on sound rock.

- (b) Alternatively, the footings of the building or any structure shall be designed not to affect the zone of influence taken from the invert of any pipe.
- (c) The walls of any dwelling, pool or structure adjoining the easement shall be designed to withstand all forces should the easement be excavated to existing pipe invert levels.
- (d) No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

Evidence from an appropriately qualified person that this design requirement has been met shall accompany the application for the Construction Certificate.

43. **Stormwater – Energy Dissipating Structure** - An outfall apron or energy dissipating structure at the point of discharge and fully contained to the easement to drain water is to be provided.

Details shall be shown on the Stormwater Plan submitted for approval with the Construction Certificate application.

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Policy.

45. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections with gradients for access onto the proposed development designed in accordance with AS/NZS2890.1-2004.

46. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that shows:

Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.

Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).

The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

47. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

48. **Mechanical Plant** – The proposed design and location of the mechanical ventilation system, plant and equipment will need to be provided to the Certifier. All plant and equipment shall be appropriately treated and sound proofed. It is recommended that prior to the Construction Certificate (CC) being issued a detailed acoustic assessment be conducted once the exact location of the equipment is confirmed.
49. **BCA Compliance** – The development shall comply with the provisions and regulations of the BCA/NCC and be implemented as part of the Construction Certificate and the Certifier shall ensure compliance is achieved.
50. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA) and provided to Council with the construction certificate plans and documents.
51. **Development Engineering – Alignment Levels** - An Application under Section 138 of the Roads Act 1993 shall be submitted to Council's Engineer for the issue of levels for the new kerb and gutter, footpath design and alignment levels for the full frontage of the site in Noble Street. These kerb and alignment levels shall be issued **prior to the issue of the Construction Certificate**.

Constructing a vehicular crossing, kerb, gutter and/or footpath requires separate approval under Section 138 of the Roads Act 1993, **prior to the issue of the Construction Certificate**.

52. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.
53. **NBN Connection** - Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying

Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

54. **Fire requirements** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

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

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

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit 30m frontage x \$1236.00 The Crescent Street frontage	\$37,080.00



Inspection Fee for refund of Damage Deposit (two inspections) \$371.00 per inspection	\$742.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Hurstville Section 94A Development Contributions Plan 2012 -	\$9,900
<b>Total Development Contributions</b> (this excludes General Fees – damage deposit and inspections)	<b>\$9,900.00</b>

### General Fees

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

### Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan.

#### Indexation

The above contributions will be adjusted after 1 May 2020, at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

#### Timing of Payment

The development contribution that is required to be paid in accordance with this condition of this consent must be paid before the issue of the first Occupation Certificate in respect of any building to which this consent relates, except as noted below in accordance with the Ministerial Direction issued 25 June 2020.

If no Construction Certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the [first] Construction Certificate after that date for any such building.

#### Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

56. **Damage Deposit - Major Works** In order to insure against damage to Council property the following is required:
- i. Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$37,080.00**

- ii. Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: **\$742.00.**

57. **Parking and Layout** - The design of the development shall comply with the following requirements with details demonstrating this submitted to the satisfaction of the Principal Certifying Authority prior to the release of a Construction Certificate;
- The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.
  - Bicycle parking associated with the subject development shall be in accordance with AS 2890.3 (Bicycle Parking Facilities).
  - Driveway access is to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking. Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.
  - Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*.
  - All vehicles shall enter and exit the premises in a forward direction.
58. **Construction materials** - Any proposed new cladding shall be constructed of fire resistant materials which comply with the requirements of the National Construction Code (NCC) 2019 Volume (1) One Building Code of Australia (BCA). Details of the proposed materials and finishes shall be to the satisfaction of the Principal Certifier.
59. **Mechanical ventilation** – Any proposed mechanical ventilation system will need to satisfy Council's requirements and those stipulated by the National Construction Code and AS1668.2-2002. Details of the proposed Mechanical Ventilation system shall be provided to the Certifier and shall be sensitively located to minimise visual appearance of these ancillary structures and in a way to minimise any noise or visual impacts from adjoining properties.
60. **Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted to the satisfaction of the Principal Certifying Authority **before the issue of the Construction Certificate** and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
  - (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not

limited to, the adjoining properties and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.

- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

61. **Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site.

**The report shall be submitted with the Construction Certificate application.**

62. **Slip Resistance** – All pedestrian surfaces in areas such as foyers, public corridors, common areas and stairs as well as floor surfaces in the wet rooms in the development must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.
63. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
64. **Development Engineering - Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:
- (b) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
  - (c) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
  - (d) A longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both

edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed garage/parking level. The civil/traffic engineer shall provide specific written certification on the plans that:

- i. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- ii. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

65. **Construction Traffic Management Plan (CTMP)** - A Construction Traffic Management Plan is to be prepared detailing:

- (a) Construction vehicle routes;
- (b) Anticipated number of trucks per day;
- (c) Hours of construction activity;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council.

The CTMP shall be sent to Georges River Council email to [mail@georgesriver.nsw.gov.au](mailto:mail@georgesriver.nsw.gov.au) Attention: Traffic Section - Construction Traffic Management Plan for DA2018/0366.

66. **Waste Storage** - The plans shall include details of the waste storage area as referenced below to the satisfaction of the Principal Certifying Authority prior to the release of a Construction Certificate.

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

67. **Vehicle/truck Wash Bays and the wheel wash**- Plans and specifications of the vehicle/truck washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

68. **Industrial Premises – Wet Areas and Trade Waste Systems** - Details and specification of wet areas must be submitted with the Construction Certificate application for approval.

All wet-rubbing, engine degreasing or vehicle washing is to be conducted in a vehicle wash bay connected to the sewer. This area is to be bunded to prevent wastewater entering the stormwater system.

69. **Industrial Premises - Air Quality Report** - An air quality report prepared by a professional Engineer specialising in air quality must be submitted with the Construction Certificate application for approval providing:
- (a) Details of the type of control equipment, if any, that are necessary to prevent an odour nuisance (as defined under [The Protection of the Environment Operations Act 1997](#)) arising from the operation of the premises; and
  - (b) Certification that the proposed control equipment will be adequate to prevent an odour nuisance arising from the operation of the premises.
70. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
71. **Archaeological Discovery During construction works**
- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the [Heritage Act 1977](#).
  - (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the [National Parks and Wildlife Act 1974](#).
  - (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
  - (d) If the discovery is on Council's land, Council must be informed.
72. **Access for Persons with a Disability** - Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.
73. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (including a Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.
74. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times to the satisfaction of the Principal Certifying Authority.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

75. **Written comments from Fire and Rescue NSW** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of booster pump and valve rooms and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

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

76. **Drainage easement** – If the development will affect an existing drainage easement, drainage reserve or stormwater drainage system benefiting Council the following is applicable;
- (a) Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.
  - (b) The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.
  - (c) Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.
  - (d) Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.
  - (e) The applicant must meet all costs associated with such works.

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

77. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the



demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

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

78. **Building – Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
  - (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
  - (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
  - (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party;
79. **Building - Structural Engineers Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the carparking area, structural engineer's details relating to the method of supporting the excavation must be submitted.
80. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.
81. **Registered Surveyor's Report - During Development Work** - A report will be submitted to the Certifier at each of the following applicable stages of construction:
- (a) Set out before commencing excavation.
  - (b) Floor slabs or foundation wall, before formwork or commencing brickwork, the development is to be clear of the easement.

- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey will be provided at each subsequent storey.
- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey will indicate the reduced level of the main ridge.

Work will not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

82. **Dilapidation Report on Public Land** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site. The report must include the following:

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

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Certifier and a copy provided to the Council.

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

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

83. **Site Stormwater Discharge Pipe across the Footpath** – If the stormwater connections are to the street gutter are to discharge via a silt arrestor pit within the site and are to have a minimum 1% fall to the street gutter. The connections are to be made to Council's requirements and are to be spaced a minimum 100mm at the street gutter and shall not connect against the flow in the street.

84. **Pre-Construction Dilapidation Report** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access no sooner than 14 days between 8.00am-6.00pm.

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

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

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

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

86. **Demolition Notification Requirements** - The developer/builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the

SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

87. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.
88. **Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to in accordance with the approved Site Management Plan.

Removal or disturbance of vegetation and top soil is confined to within 3 m of the approved building area (no trees to be removed without approval). All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

All clean water run-off is diverted around cleared or exposed areas.

Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.

Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway. Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#) is to be met.

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

89. **Site sign – Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
90. **Utility Services** - The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.
91. **Drainage Works** - Construction inspections shall be required by Council's

Asset Engineer for the Council stormwater drainage works on public roads at the following hold points: -

- Upon excavation of trenches shown on the approved drainage drawings.
- Upon installation of pipes and other drainage structures.
- Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections.

## **DURING CONSTRUCTION**

92. **Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to the easement to drain water.
93. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
94. **Hazardous or Intractable Waste – Removal and Disposal** - Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:
  - a) Work Health and Safety Act 2011 (NSW) (as amended);
  - b) Work Health and Safety Regulation 2011 (as amended);
  - c) Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
  - d) Protection of the Environment Operations (Waste) Regulation 2014 (as amended)
95. **Contaminated Land – Site Validation Report (for contaminants found during demolition or construction)**  
Any contaminants found during demolition or construction that requires the management of contamination, a Site Validation Report prepared by the certified Contaminated Land Consultant in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land must be submitted to the Principle Certifying Authority and Council if Council is not the Principle Certifying Authority. Council must accept and acknowledge the receipt of the Site Validation Report prior to the issue of any Occupation Certificate.

The Site Validation Report must include:

- i. A notice of completion of remediation works;
- ii. Details of site management requirements (if any); and
- iii. clear statement on the suitability of the proposed site use.

Council will require a Site Audit Statement prior to accepting the report where:

- the site requires an Environmental Monitoring Program,
- Council is not satisfied with the report provided, and/or
- Council believes the complexity of the contamination requires an independent review.

96. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
  97. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
  98. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.
- Note: A penalty infringement notice may be issued for any offence.
99. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and/or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier, and Council, where Council is not the Principal Certifier.
  100. **Site contamination – Discovery of Additional information** – If any new information is discovered during demolition or construction (unexpected finds) that has the potential to alter previous conclusions about site contamination, all works must cease the site made secure and the Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable and appropriate action taken, reporting and approvals obtained.
  101. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.



102. **Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifier at each of the following applicable stages of construction:

- (i) Set out before commencing excavation;
- (ii) Floor slabs or foundation wall, before formwork or commencing brickwork;
- (iii) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans;
- (iv) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey;
- (v) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries;
- (vi) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge of all structures.

Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

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

- 103. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.
- 104. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Noise Impact Assessment prepared by Spectrum Acoustics and dated October 2020.
- 105. **Plan of management** - Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to Council a plan of management which includes but not limited to specifications of the following:
  - How complaints and concerns regarding the site will be recorded and managed;
  - Details of a 24/7 site manager and contact information.
  - Management of trucks in the waiting bay and associated scheduling.

- Any other details specified by conditions and of relevance to the day to day operation and functioning of the facility.

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

A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

**Restrictions on Use of Land**

*The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."*

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

**Positive Covenants**

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
  - a) *keep the system clean and free from silt, rubbish and debris*
  - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
  - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
  - d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*
2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
  - a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above*

*the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*

- b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:
 
  - i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
  - ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.**

107. **Maintenance Schedule – Stormwater Filter and General On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

This schedule will include a manufacturer's endorsed maintenance program for the Stormwater '4 x PSORB 460mm STORMFILTERS' to be installed immediately upstream of the On-Site Detention facility.

108. **Vehicular crossing & Frontage work – Major development**

The following road frontage works shall be constructed in accordance with the specifications issued under the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division:

- (a) Construct a 1.5 metre wide footpath for the full length of the frontage of the site in The Crescent in accordance with Council's Specifications for footpaths.
- (b) Construct the driveway crossing in accordance with Council's specifications for vehicular crossings.
- (c) Any existing vehicular crossing and/or laybacks which are redundant

must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works.

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

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

**109. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

To apply for approval under Section 138 of the [Roads Act 1993](#) and/or Section 68 Local Government Act 1993:

- (a) Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. DA2018/\*\*\*\*) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

**NOTE:** A minimum of four weeks should be allowed for assessment.

**110. Post Construction Dilapidation report – At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the five adjoining premises.**

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

111. **Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.
112. **Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:
  - (a) Driveways and vehicular crossings within the road related area;
  - (b) Removal of redundant driveways and vehicular crossings;
  - (c) New footpaths within the road related area;
  - (d) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
  - (e) New or reinstated kerb and guttering within the road related area; and
  - (f) New or reinstated road surface pavement within the road.
  - (g) Construction of the easement to drain water at the rear.

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

113. **Stormwater drainage works – Works As Executed**  
Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
  - a) Compliance with conditions of development consent relating to stormwater, including the multi-filter stormwater treatment and pollutant capture device.
  - b) The structural adequacy of the On-Site Detention system (OSD);
  - c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;

- d) Pipe invert levels and surface levels to Australian Height Datum;
- e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council must advise in writing that they are satisfied with the construction of the pipeline and associated infrastructure in the easement to drain water prior to the issue of an Occupation Certificate.

114. **Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details:

- (a) The location of any detention basin/tank;
- (b) Volume of storage available in any detention areas;
- (c) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (d) The orifice size/s.
- (e) Easement connection and associated works

115. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works, including the multi-filter stormwater treatment and pollutant capture device, shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering,

and replace redundant concrete with turf.

- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
  - (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
  - (g) The construction of the pipeline and associated infrastructure in the easement to drain water shall be completed in accordance with the conditions and specifications of the Section 138 Activity Approval.
116. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled "*Acoustic Noise and Vibration near Railway Lines for Proposed Development at No. 14-16 George St, Mortdale*" prepared by Acoustic Noise and Vibration Solutions Pty Ltd dated 15 May 2019.
117. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
118. **Completion of Landscape Works** – The following provisions will need to be satisfied;
- a) All landscape works, the planting of thirty two (32) new trees and the fee payment for three (3) new street trees must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Councils Tree Management Officers.
  - b) A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.
  - c) A final certificate of compliance letter, once all building and landscape works have been completed, from the engaged AQF 5 Consulting Arborist, that tree protection measures have been installed and maintained for the entirety of the project and report on the condition of the trees that as part of this Consent, were to be protected and retained.

**Tree Replacement within subject site**

- d) A minimum of Thirty-two (32) x 45 litre size trees, which will attain a minimum mature height of nine (9) metres, shall be planted within the property. The trees are to conform to AS2303 – 2018, *Tree stock for landscape use*.
- e) Tree species selected shall be from Georges River Councils Tree Management Policy, April 2019. Appendix 1 – Tree Planting.



- f) If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.
- g) A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

119. **Parking, driveways and all access areas design** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.
120. **Vehicular Crossing & Frontage Work** – The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:
- (a) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
  - (b) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
  - (c) Construct a 1.2 metre wide footpath for the full length of the frontage of the site (if it is damaged) in accordance with Council's Specifications applying at the time construction approval is sought.
  - (d) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.

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

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

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

121. **Completion of major road related works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (h) Driveways and vehicular crossings within the road related area;
- (i) Removal of redundant driveways and vehicular crossings;
- (j) New footpaths within the road related area and all associated paving;
- (k) Relocation of any existing above ground utility services;
- (l) Relocation/provision of street signs;
- (m) New or replacement street trees;
- (n) New footway verges, if a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street;
- (o) New or reinstated kerb and guttering within the road related area;
- (p) New or reinstated road surface pavement within the road;
- (q) New or replaced street trees;
- (r) The proposed artwork located along the western elevation of the building; and
- (s) If applicable Stormwater pipes, pits and connections to public stormwater systems within the road related area.

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

122. **Dilapidation Report on Public Land** - Upon completion of works, a follow up dilapidation report must be prepared on the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

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

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

Note: Council will use this report to determine whether or not to refund the damage deposit.

123. **Stormwater drainage works – Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-

Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) That the works have been constructed in accordance with the approved construction certificate design and will provide the detention storage volume and attenuation in accordance with the calculations complied with DA conditions.;
- (d) Pipe invert levels and surface levels to Australian Height Datum;

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

124. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000*, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state that:

- (i) the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so;
- (ii) as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

125. **Structural Certificates** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifier prior issue of the Occupation Certificate.
126. **Certification - Air handling systems (including water cooling system, hot water systems and warm water systems)** - Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:
- (a) Public Health Act 2010 (as amended);
  - (b) Public Health Regulation 2012 (as amended); and
  - (c) AS/NZS 3666.1:2011 Air-handling and water systems of buildings - Microbial control -Design, installation and commissioning.

## OPERATIONAL CONDITIONS (ONGOING)

127. **Emergency Spill Response Management Plan** - An Emergency Spill Response Management Plan shall be prepared and submitted to Council within three months of the issuing of the Occupation Certificate. The Plan shall include the following:
- list of chemicals and maximum quantities to be stored at the site;
  - identification of potentially hazardous situations;
  - procedure for incident reporting;
  - details of spill stations and signage;
  - containment and clean-up facilities and procedures; and
  - the roles of all staff in the Plan and details of staff training.
128. **Material Handling Process** – The development shall operate in accordance with the proposed materials handling systems and procedures as included as part of the application and for the following materials:
- Green Waste and Timber received by Council on 3 August 2020;
  - Rigid Plastics received by Council on 18 May 2020;
  - Plasterboard received by Council on 18 May 2020;
  - Paper and Cardboard received by Council on 18 May 2020;
  - Ferrous and Non-Ferrous Metals received by Council on 18 May 2020;
  - and
  - Brick and Concrete received by Council on 18 May 2020.
129. **Loading and unloading** - all loading and unloading of any goods, materials or waste is to take place wholly within the site and the storage and processing of all waste is to occur within the warehouse building (storage shed).
130. **Loading and unloading** – No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles, or over the OSD.
131. **Truck movements** – Parking, access and reversing of trucks onto local roads in particular Tallawalla Road is prohibited. Trucks are prohibited in turning right into Vanessa Street.
132. **Hazardous and Offensive waste** - No asbestos, liquid waste, hazardous waste or radioactive waste, as defined in the Protection of Environment Operations Act (POEO) or the guidelines would be accepted at the facility. All of the materials brought onto the site would be taken from the site as products or as rejects for disposal at an EPA licensed landfill. Odorous materials will not be received. There would be no materials land-filled or otherwise disposed anywhere within the site as a result of this proposal. No green waste is to be accepted or handled at the premises
133. **Parking and access** - Queuing along The Crescent or any public road is not permitted.
134. **Truck access/parking/waiting** – Trucks waiting within the waiting bay (western section of the site) shall have their engines turned off and not remain idle.
135. **Truck types** - 19m long heavy vehicles of any configuration or larger are not

permitted to enter or access the site.

136. **Fire Incident Management Report** – the recommendations and procedures highlighted in this report prepared by EMM and dated January 2020 shall be implemented in the operational plan of management and adhered to at all times.
137. **Truck movements** – A maximum of 46 truck movements (23 in and 23 out) are permitted during 6am to 5.30pm and a maximum of 12 truck movements (6 in and 6 out) are permitted from 5.30pm to 6am (subject to the trial period).
138. **After hours (night time) operation (5.30pm – 6am)** – the following provisions shall be adhered to at all times;
  - Only deliveries of waste to be stored are permitted during this time and no processing and/or separation of any waste is to occur.
  - All waste delivered to the site shall be stored inside the sorting shed. No storage of waste outside the industrial warehouse is permitted.
  - No mechanical or electrical equipment is to be used at this time.
  - Activities at this time are limited to trucks entering and leaving the premises, use of the weighbridge, delivery, storage, tip and spread of waste.
139. **Procedures during standard operating hours (6am to 5.30pm)** – the following procedures shall be adhered to at all times;
  - The Trommel and any other large equipment is not permitted to be utilised between 6am and 7am the facility shall largely be used for “set up” and operations between this hour are limited and restricted to delivery, tip and spread, general “set up”, office operations, storage of skip bins.
  - No waste at any time shall be stored outside the Industrial sorting shed.
  - Skip bins are only permitted to be stored within the shed and if required behind the industrial warehouse building along the north-eastern side of the site. There shall be no storage of skip bins or any equipment along the western side of the site.
  - The Trommel and any other mechanical and/or electrical equipment is to be turned off by 5.30pm.
140. **Parking spaces** - The proposed accessible space shall be redesigned to include a shared zone and dimensions and design is to comply with Council’s provisions and AS2890 and AS1428. The space shall be appropriately signposted.  
  
 The accessible parking space needs to be properly delineated and the share zone hatched and include a bollard to be installed as per AS2890.6
141. **Motorbike parking** - The site shall include two parking bays that shall be dedicated for motor bike parking and shall be signposted accordingly.
142. **Acoustic Report - General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

143. **Acoustics** - An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Industrial Noise Policy](#).
144. **Maintenance of Landscaping** – The proposed approved landscape plan and features shall be maintained in the long term in the following ways:
- All thirty two (32) new trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.
  - All trees and plants forming part of the approved landscaping in must be maintained in perpetuity. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.
145. **Dust Management** - The recommendations within the Dust Management Plan prepared by EMM Consulting and dated January 2020 shall be implemented on a daily basis once the facility is in operation.
146. **Misting and dust suppression** – the proposed Coolfog fogging system shall be designed and included within the Construction Certificate plans in accordance with the requirements included with the application and stipulated by Access Environmental Systems.
147. **Final Acoustic Report – Verification of Noise report** - Within three (3) months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration.
- This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report (submitted by Spectrum Acoustics titled Noise Impact Assessment and dated October 2020 are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).
148. **Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building. No skip bins shall be stored along the western side of the site.
149. **Industrial Premises – Storage of Waste Oil** - Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council officers on request.

150. **Industrial Premises – Spill Clean-up** - Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
151. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
152. **Fire report** - The recommendations included in the Fire Incident Management Report prepared by EMM Consulting and dated January 2020 shall be implemented as part of the facility's day to day operations.
153. **Use of Structure** - The industrial warehouse building and gatehouse are not to be used for human habitation or for any commercial or industrial purpose.
154. **Bunding, Liquids (chemical, paint solvent)** - All liquids onsite are to be stored within a bunded area. The size of the area is to be bunded and shall be calculated as follows (as a minimum):
- (a) in the case of tanks, 110% of the volume of the largest sized tank.
  - (b) in the case of small containers and drums, 25% of the total volume of liquid to be stored, with a minimum of 400L capacity.
- The bund is to be roofed and constructed of a material, which is impervious to the liquid being stored. After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.
155. **Bunding Work Areas** - All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.
156. **Storage and handling of flammable and combustible liquids** - The storage and handling of flammable and combustible liquids must be in accordance with AS1940-2004 - *The storage and handling of flammable and combustible liquids* (as amended).
157. **Storage of Hazardous or Toxic Material** – No potentially hazardous, offensive or toxic material is to be stored or processed on site.

To ensure hazardous and toxic materials do not become a threat to the environment they must be stored in a bunded area constructed and maintained in accordance with AS 1940-2004 - *The storage and handling of flammable and combustible liquids* (as amended) and with SafeWork NSW



requirements (contactable on 13 10 50).

158. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.
159. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
160. **Safety** - All communal entrances for the building will be capable of being secured. Entry doors are to be self-closing and signs are to be displayed requesting that building occupants not wedge doors open.
161. **Security** - If any security screens/grilles are installed, they are to be openable from within the building.
162. **Building identification** - The numbering is to be constructed from durable materials and shall not be obscured by vegetation and consistent with the signage of the adjoining building.
163. **Entering & Exiting of vehicles** - All vehicles and trucks shall enter and exit the site in a forward direction.
164. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
  - a) Within 12 months after the date on which the fire safety certificate was received.
  - b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
  - c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
  - d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
165. **Amenity of the neighbourhood** - The implementation of this development shall 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, dust, waste water, waste products, grit, oil or other harmful products.
166. **Waste facilities** - Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles

will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

167. **Activities and Storage of Goods Outside Buildings** - There will be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
168. **Disability Discrimination Act** - The applicant is responsible to ensure compliance with this and other anti-discrimination legislation.
169. **Industrial Premises – Spill Clean-up** - Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
170. **Dust/Sediment Control** - All operations and activities occurring at the premises must be carried out in a manner that prevents pollution, as defined in the [Protection of the Environment Operations Act 1997](#).
171. **Dust/Sediment Control** - All vehicles entering and exiting the premises must do so in a manner that prevents pollution as defined in the [Protection of the Environment Operations Act 1997](#).
172. **Noise Control** - Idling and reversing of trucks must be minimised where possible, to reduce the likelihood of noise disturbance and offensive noise, as per the [Protection of the Environment Operations Act 1997](#) (as amended).
173. **Noise Control** - Restricted activities conducted at the premises between the hours of 5:30pm and 7:00am, Monday to Saturday must be undertaken inside the processing shed with the doors shut to minimise noise disturbance.
174. **Noise Control** - Use of the premises must be carried out in compliance with the General Terms of Approval, issued by the Environment Protection Authority, Notice No 1593894.
175. **Compliance with the plan of management** - The plan of management prepared and submitted to Council in Condition 12.41 for the premises shall be strictly enforced by the site manager.
176. **Intensity of car park lighting** - Prior to occupation, the intensity of lighting around the site is to be designed to allow for progressive adjustment of light.
177. **Allocation of Car Parking Spaces** - A total of thirteen (13) car parking spaces are to be provided for visitors and workers. A minimum of one (1) of these spaces is to be an accessible space shall be provided and designed to comply with the minimum requirements for such a space. It shall also be signposted accordingly.

All other parking spaces shall be numbered accordingly.

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

178. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
179. **Appointment of a Principal Certifier** - The erection of a building must not commence until the applicant has:
- i) appointed a Principal Certifier for the building work; and
  - ii) if relevant, advised the Principal Certifier that the work will be undertaken as an Owner -Builder.
- If the work is not going to be undertaken by an Owner - Builder, the applicant must:
- i) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
  - ii) notify the Principal Certifier of the details of any such appointment; and
  - iii) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.
180. **Notification of critical Stage Inspections** - No later than two (2) days before the building work commences, the Principal Certifier must notify:
- a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
  - b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
181. **Notice of Commencement** - The applicant must give at least two (2) days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.
182. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.
183. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the Principal Certifier, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring

inspection has been completed.

184. **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.
185. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.
186. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

## **PRESCRIBED CONDITIONS**

187. **Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
188. **Clause 98 – Building Code of Australia & Home Building Act 1989**  
Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
189. **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.
190. **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
191. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
192. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

### **End of Conditions**

## **NOTES/ADVICES**

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

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

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

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

**Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

**Principal Certifier** - Should the Council be appointed as the Principal Certifier in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited

organisation. In these circumstances, the applicant must pay all costs for the independent review.

**Accompanying Information** - Should the Council be appointed as the Principal Certifier, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Fire-fighting services and equipment including hydrant systems and booster assembly location, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems, sound & warning systems and the location of the fire control centre.
- Emergency lighting and exit signs throughout, including communal open space areas, lobby/foyer and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress grades, provision of handrails, travel distance and the discharge from fire isolated exits.
- The protection of openings, entry to basement areas.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- The location and construction of an electricity substation, including the location and smoke separation of electrical distribution boards.
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.
- Stretcher facility and emergency lift installation.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifier with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifier prior to issue of the Construction Certificate.

**Building – Referral to FR NSW** - Prior to the issue of an Occupation Certificate the applicant may be required, under Clause 152A of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the construction and location of any hydrant/booster system, developed to meet the performance requirements of the Building Code of Australia.

**Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifier, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that

must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifier.

**Noise** - Noise related conditions - Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
- (d) Australian Acoustical Society - professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
- (e) Association of Australian Acoustical Consultants - professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
- (f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

**Acoustical Engineer Contacts & Reference Material** - Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society - professional society of noise-related professionals ([www.acoustics.asn.au](http://www.acoustics.asn.au))
- (b) Association of Australian Acoustical Consultants - professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au))
- (c) NSW Industrial Noise Policy - Office of Environment & Heritage ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au))

**Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

**Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.



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

**Council as PCA - Total Conformity with BCA - Accompanying Information** - Should the Council be appointed as the Principal Certifier, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- a) Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- b) Fire-fighting services and equipment including hydrant systems and booster assembly location, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems, sound and warning systems.
- c) Emergency lighting and exit signs throughout, including communal open space areas, lobby/foyer and basement areas.
- d) Construction of all fire doors including warning and operational signage to required exit and exit door areas.
- e) Egress travel distances to exits and the discharge from fire isolated exits including the swing of exit doors.
- f) The spandrel protection of openings in external walls
- g) The protection of paths of travel from a fire isolated exit when passing within 6m of an opening within the external wall of the building.
- h) Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- i) The location and construction of an electricity substation, including the location and smoke separation of electrical distribution boards.
- j) Sound transmission and insulation details.
- k) Window schedule is to include the protection of openable windows.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifier with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifier prior to issue of the Construction Certificate.

**Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are

determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

**Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

- (i) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

Note: A minimum of four weeks should be allowed for assessment.

**Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must

justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

**Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

#### **ATTACHMENT 1 – GTA’s Environmental Protection Authority**

#### **ATTACHMENT 2 – GTA’s Natural Resource Access Regulator**