

12 December 2024

Our Ref: 24/346362 [SSD-2024/2] Our Contact: Bianca Chiu (02) 9562 1616

Mr Jeffrey Peng Senior Environmental Assessment Officer Industry Assessments Department of Planning, Housing and Environment Locked Bag 5022 PARRAMATTA NSW 2124

Dear Mr Peng,

# RE: Request for Advice – Environmental Impact Statement – Project Duke Data Centre at 2 and 10-22 Kent Road, Mascot

Thank you for the opportunity to provide comments on the Environmental Impact Statement (EIS) for the proposed Project Duke Data Centre at 2 Kent Road (Lot 1 DP 529177) and 10-22 Kent Road (Lot 1 DP 1009083), Mascot (the site).

#### **Preliminary Advice – Prepare EIS**

Bayside Council acknowledges that Goodman Property Services (Aust.) Pty Ltd contacted the Department of Planning, Housing and Infrastructure (DPHI) to request Industry-Specific SEARs for Secretary's Environmental Assessment Requirements (SEARs) for a State Significant Development Application (SSDA) at 2 and 10-22 Kent Road, Mascot. A response to SEARs was not required from Council, as per the Industry-Specific requirements for SSDAs.

Nonetheless, the Applicant had engaged with Council at the pre-DA stage and Council provided preliminary feedback (8 August 2024) to the applicant for consideration in their preparation of the EIS. The preliminary feedback identified the following issues to be addressed during the preparation of the EIS:

- Strategic and Statutory Planning Framework
- Built Form
- Landscaping
- Traffic, Parking and Access
- Flooding
- Stormwater Management
- Contaminated Land
- Environmental Considerations
- Aircraft Noise Exposure Forecast (ANEF)
- Amenity Impacts

Postal address	Bayside Customer Service Centres	E council@bayside.nsw.gov.au
PO Box 21, Rockdale NSW 2216	Rockdale Library, 444-446 Princes Highway, Rockdale	W www.bayside.nsw.gov.au
ABN 80 690 785 443	Westfield Eastgardens, 152 Bunnerong Road, Eastgardens	T 1300 581 299 02 9562 1666

• Other Considerations – FSR, Development Contributions, Building Height Control Regulation and Reflectivity.

## The Proposal

Bayside Council was notified of the EIS for SSD-71368959 via the Major Projects Planning Portal on 12 November 2024. The subject application consists of the following:

- Site preparation works including demolition, bulk excavation, and removal of existing structures on the site, tree and vegetation clearing, and bulk earthworks.
- Construction, fit out and 24/7 operation of a 90 MVA data centre with a maximum building height of 40m (from natural ground level) and total gross floor area of 23,011m<sup>2</sup> comprising:
  - At-grade parking for thirty-four (34) cars and one (1) accessible car parking space,
  - Two (2) 12.5m loading dock spaces,
  - Four (4) levels of technical data hall floor space with one data hall on ground level and three (3) data halls on every other level,
  - Secure entrance lobby on ground level and ancillary office space on each level and mezzanine level,
- Provision of required plant and utilities, including:
  - Four (4) 33kV switch rooms on ground level
  - o 783,000L above ground diesel storage tanks,
  - 4,096kL above ground water storage tanks,
  - o 63 diesel generators
- Acoustic screen parapet,
- Vehicle access provided via Gardeners Road and Ricketty Street,
- Pedestrian access provided via Ricketty Street,
- Associated landscaping and site servicing, and
- Installation of services and drainage infrastructure.

# **Council's Submission**

Council has reviewed the submitted documentation and provides the following advice to be addressed in the assessment of the application.

## **Built Form**

## 1. Massing

The scale and monolithic presentation of the proposal is a key concern of this proposal. The proposal presents its most significant mass to Kent Street, creating a street wall approximately 40m high for the entire length of the street block (between Rickety Street and Gardeners Road). The building is in excess of 140m in length, resulting in this proposal being the bulkiest building in this portion of the street. The entire Kent Street façade accommodates plant / mechanical services, resulting in an extremely large and inactive façade. The scale and nature of this façade results in an immense and monolithic structure directly overlooked by a dense residential urban precinct on the opposite side of Kent Road.

#### 2. Aesthetics and Materials

The Kent Road façade has been articulated with a variety of precast concrete panels. Consideration has been given to providing a finer expression to the façade by utilising a variety of concrete panel types. However, the limited material pallet and shear scale of the proposal still result in a monolithic presentation to the street. Expansion of the material pallet, particularly fronting Kent Road should be considered.

## 3. Street Setback

Consideration should be given to an increased and DCP compliant setback to Kent Road as well as refinement of the proposals interface with the street corner especially at Kent Road and Ricketty Street. The current proposal provides a nominal 6-8.2m setback (less than the minimum 9m requirement) to Kent Road frontage. The pinch point created at the corner of Kent Road and Ricketty Street is particularly overbearing, the sheer scale of the building and its proximity to the street corner provides a very poor urban response to this highly visible street corner. Given the extreme mass of the proposal, an increased setback to Kent Road is warranted, to provide space for a landscape buffer containing large scale trees. The issues with the setback and design at the Kent Road and Ricketty Street corner were also echoed in the comments by the State Design Review Panel dated 29 August 2024.

Furthermore, the EIS states that the benefits of increasing the Kent Road setback outweighs the burden of reducing the capacity and viability of the data centre. Council does not support the justification to reduce the Kent Road setback as setbacks are critical at managing bulk and scale for a data centre building typology. An increased setback of 9m in accordance with the Bayside Development Control Plan 2022 (Bayside DCP 2022) would ensure consistent character with future redevelopments and minimise the streetscape impacts given the interface with the mixed-use zone on the eastern side of Kent Road.



Figure 1: Kent Road, properties opposite the subject site (source: Google maps)

## 4. View Loss

Existing residential flat buildings on the eastern side of Kent Road currently enjoy district views to the Sydney CBD and Sydney Park towards the north and Sydney Airport and Botany Bay foreshore towards the south. Whilst a view loss analysis from the residential building on the eastern side of Kent Road has been undertaken, the analysis has been provided from a limited number of units. From the information provided it is not possible to determine full impact of the proposal upon views from neighbouring residential buildings to the east. A more detailed view impact assessment should be undertaken to inform the assessment of the proposal.

# Landscaping

Consideration should be given to the landscaping objectives and controls within Bayside DCP 2022 and the proposed development should be consistent with the objectives and controls within Section 3.7.1 Landscaping, Section 3.8.1 Tree Preservation and Management Controls, and Section 6.4 Industrial Premises.

## 5. Landscaped Setbacks

Setbacks should be landscaped to create an effective, site-responsive planting design that enhances the visual appeal of the development, especially at the interface with residential areas and public spaces. This requires a layered approach using trees and shrubs of varying heights and forms to provide screening and visual amenity. The green buffer should be proportional to the building's scale, with trees ideally reaching or exceeding the building's height. However, the current proposal lacks adequate landscape treatment around the site's periphery, with limited tree planting and predominantly grasses and small shrubs, resulting in poor visual amenity and minimal canopy cover.

## 6. Kent Street Frontage

The frontage of Kent Road shall provide a larger planting buffer, considering the interface with the residential development to the east. A minimum 4 meter wide landscape setback

shall be provided along the entire length of the frontage and include large canopy trees to improve the visual amenity.

## 7. Landscape Treatment and Visual Amenity

The Visual Impact Assessment (VIA) is unsatisfactory as it fails to accurately reflect the proposed planting and does not adequately balance the visual impact of the built envelope with the landscape design. Details of the peripheric external security fence are not provided. Architectural / Landscape Plans and VIA shall be amended to address these elements to allow proper consideration of the landscape treatment proposed around the site and its integration into the public space.

The development should improve visual amenity and quality of the landscape in the area to enhance and connect local green corridors. There is opportunity for the development to enhance visual amenity and connect local green corridors by incorporating additional planting of canopy trees liberally and evenly within the deep soil area to reduce the scale and bulk of buildings and soften the ends and corners of buildings. Large canopy trees with a minimum tree planting size of 100 litres, capable of growing up to 30 meters, should be included in deep soil areas to improve the streetscape. Details should be incorporated in the Landscape Plans and Elevations to illustrate a positive visual impact to the streetscape.

In addition to trees within the site, there are opportunities to incorporate additional street tree planting along all verges. Additional street trees are to be clearly detailed on all plans and supplied in super advanced form of minimum 200 litres. Refer to Bayside DCP 2022 Section 3.7.1 Landscaping and Council's Landscape Technical Specification 2022 in relation to requirements for street trees and planting.

## 8. Outdoor Staff Area

The outdoor staff recreation area controls in Section 6.4 Industrial Premises of the Bayside DCP 2022 states that outdoor staff recreation area should be designed to receive direct sunlight for the four hours between 10am and 2pm during mid-winter as well as provide shading in the summer. The proposed outdoor staff area is south facing and is not favourable for use in winter. An east or north-facing location should be provided to improve usability of the space.

## 9. Connection to Country and Public Art

Development proposal shall provide a framework for developing connections to Country in relation to design, planning and construction. Based on the local Aboriginal significance provide practical actions, including art, and Aboriginal perspectives into the proposal. The proposal has the potential to include local Aboriginal art in the facades, seating areas in the setbacks, and planting that present the local vegetation communities. The scale of this development requires a variety of elements that respond to the Connection to Country framework. Incorporation of any public art for the proposal should also give consideration to the requirements of Council's Public Art Policy.

## **Tree Management**

The following comments are supported by recommended conditions of consent for tree protection measures which are included in **Attachment 1** to this letter.

#### 10. Tree Removal

The Arboricultural Impact Assessment (AIA) prepared by Civica on 26 September 2024 recommends removing several trees with a no retention, low retention and moderate retention value. It is noted that Tree 45 (tree references have been adopted from the AIA) is a Public Domain tree proposed for removal. The trees identified for removal in Section 9.1 of the AIA must not be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Council.

No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of Council in the form of a Permit issued under Council's DCP and/or *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

## 11. Tree Retention and Protection

The Applicant shall comply with all recommendations, requirements, and management plans contained within the AIA. Section 9.2 Tree retention of the AIA recommends nineteen (19) trees to be retained. Trees to be retained are to be tagged with clearly visible marking tape at a height of approximately 2 metres from the ground and numbered with the corresponding number in the AIA.

## 12. Deed of Agreement

In accordance with Bayside DCP 2022, Section 3.8.2 Council may accept offset planting on public land subject to an applicant or property owner entering into a deed of agreement that is supported by a condition of consent.

The Agreement is to provide for a funding arrangement between the Applicant and Council where Council has approved removal of trees required by way of a condition of consent. An applicant may choose to replant all required trees on private land at the required ratio or enter into an arrangement with Council to provide funding to Council for the replanting of trees on public land.

The proposed development includes the removal of forty-five (45) trees. To offset the loss of canopy the applicant is required to replace the trees at a 3:1 replacement ratio, therefore a total of one hundred and thirty-five (135) new trees shall be planted to offset the canopy loss.

# **Floodplain Management**

## 13. Flood Impact Assessment

The Flood Impact Assessment is fundamentally flawed and cannot be relied upon to understand the flood impacts of the development. This is because the existing base case scenario in the flood impact assessment is incorrect as it does not incorporate the significant changes made to the catchment due to the WestConnex works. The applicant has used Council's flood model from 2015 (finalised well before the WestConnex works) and not updated the model to fully reflect current conditions. The existing scenario needs to be revised and re-modelled to include the surveys of the WestConnex works along Gardeners Road from the Alexandra Canal to the intersection of Kent Road and Gardeners Road.

Examples of changes that need to be modelled in the existing scenario to include the fill associated with the ramp on Gardeners Road, the significantly demolished building along the Alexandra Canal, the road works on Gardeners Road/Venice Street, the intersection works and the new WestConnex drainage systems. Without these model updates, an accurate representation of flood behaviour cannot be properly understood and analysed.



Figure 2: 2015 conditions when flood study was finalised



Figure 3: 2024 conditions when SSD was lodged

- 14. Council objects to the 60mm flood afflux modelled in the 10% Annual Exceedance Probability (AEP) storm event, the afflux for the 10% storm event shall be reduced to be no greater than 10mm consistent with the 1% AEP event. The afflux mapping for the 10% storm event shall be submitted for review.
- 15. Probable Maximum Flood (PMF) flood afflux mapping needs to be submitted, PMF flood afflux is not to exceed 50mm on neighbouring properties.
- 16. The minimum floor level shall be set at RL 4.26m to ensure a minimum 500mm freeboard is provided to the highest 1% AEP flood level.

## **Stormwater Management**

- 17. The DRAINS Model for the OSD sizing is to be provided to Council for assessment with a tailwater level adopted. The OSD design for the entire site must adhere to the requirements outlined in section 6 of Bayside Technical Specification for Stormwater Management.
- 18. A WSUD catchment plan is to be provided to show the architectural plan in the background including the roof plan. The catchment areas in the catchment plan are to be accurately reflected in the MUSIC Model. The WSUD catchment plan must clearly show the non-trafficable roof areas draining into the rainwater tank. Council requests that the MUSIC Model be submitted to us for further assessment.

- 19. The MUSIC Model must be revised to add up to the total site area of 20,760m2 (2.076ha). The MUSIC Model to be revised to show the high flow bypass from the diversion chamber.
- 20. An OSD base plan is to be provided for the OSDs, showing all base levels and minimum 1% fall towards the outlet pipe. The dimensions of the internal walls to be shown of the OSD including the weir levels.
- 21. Sections are to be provided for the OSDs showing the surface level, top water level, orifice centreline, outlet pipe size and overflow weir.
- 22. An OSD catchment plan is to be provided showing the impervious (roof and hardstand) and pervious area draining into the OSD system as well as the bypass area. The OSD bypass is not to exceed 15% of the total site area.
- 23. The stormwater ground floor plan is to be revised to show the indicative pipe sizes for the internal drainage system. All surface pits fitted with oceanguards are to be clearly shown on plans.
- 24. Exploring the use of natural WSUD elements that do not compromise the ability to plant canopy trees is encouraged.
- 25. A safe emergency overflow to be provided for both OSDs in the case of a blockage.

## **Public Domain**

26. All overhead cables along the entire frontage of the site to Ricketty Street, Kent Road and Gardeners Road must be relocated underground as part of this development in accordance with Bayside DCP 2022 Section 7.7.2 control C3. Substantial canopy tree planting shall be provided along the entire public domain frontage.

# **Traffic, Parking and Access**

27. The Operational Traffic Management Plan outlined in Section 7.2 (page 36) of the Transport and Accessibility Impact Assessment (TAIA) shall be submitted demonstrating how conflicting Articulated Vehicle (AV) movements will be safely managed by the development.

# **Transport Planning**

28. The following comments are provided in relation to the TAIA:

- Transport for NSW concurrence will be required to comply with their access, ingress, egress requirements for traffic movements into the site as the development is surrounded on three sides by State Classified arterial roads, each with speed limits at this location of 60kmh.
- Council notes the proximity of the development to public transport (bus/rail) services. Staff utility of these facilities should be advocated for use internally at part of its Green Travel Plan (GTP) implementation plan.

- References to active transport (walking and cycling) facilities is detailed, however the Bayside Council documents cited are outdated and references to the Bayside Bike Plan and Transport Strategy should be updated.
- Clarity is required in relation to the type and length of vehicles permitted at each entrance/exit, including monitoring and compliance particularly circulation, redirection and continued forward movement of non-compliant vehicles to the correct entrance.
- The public domain path frontage in the Plans should be wide and of shared path standard to take advantage of the nearby cycleways and train station.

## **Contaminated Land**

29. The recommendations of the Detailed Site Investigation (DSI) prepared by Senversa, dated 27 September 2024, including preparation and implementation of a Remediation Action Plan (RAP) are to be adhered to. Furthermore, an Asbestos Management Plan (AMP) including an asbestos register (for soil) may need to be implemented during remediation.

Council requests that, following remediation, if a Long Term Environmental Management Plan (LTEMP) is required to manage residual contamination at the site, the LTEMP should be noted on the title (or titles following development) of the property under Section 88B of the *Conveyancing Act 1919*.

## **Environmental Considerations**

## 30. Landscaping and Water Infiltration:

- Proposed landscaping (show on Landscape plan LDR-14) at the dry bed/estuarine reedland should include plants to attract native bees, not European bees which are highlighted on plans LDR- 04, LDR-14.
- For estuarine reedland grasses areas shown on Landscape plan LDR-13 and LDR-14, remove 90-degree corners and replace with curves to follow creek alignment.
- Parking area shown on plan LDR-12, is subject to northern and western sunlight and consideration should be given to providing additional trees for shade in this area.
- The use of recycled brick shown on Landscape plan SSD-101 should be loose lay (no mortar) to permit water infiltration into soil/groundwater and prevent flooding.
- The roadway paving material for the large area of roadway paving material between Gardeners Road and Ricketty Street should be a light colour to reduce urban heat impacts, and porous to permit water infiltration into soil/groundwater and prevent flooding. This should be detailed on plans.

## 31. Native Plants

- *Liriope muscari* 'Amethyst' (non-native) can be a problem in riparian areas. *Liriope muscari* should be replaced with a local native plant
- Senecio mandraliscae is non-native and should be replaced with a native alternate, e.g. Carpobrotus rossii (pink flower) or Carpobrotus rossi (lemon flower).
- *Gazania tomentosa* is non-native and should be replaced with a native alternate plant.

#### 32. Energy and Emissions

- The EIS does not state total annual greenhouse emissions and does not propose carbon offsetting. Additional information is to be submitted detailing how the development will achieve net zero greenhouse gas emissions, as outlined in the NSW State Infrastructure Strategy 2022-2042 (Infrastructure Strategy).
- Solar panels with associated battery storage should be used in lieu of Standby Generators as far as practicable to reduce reliance on diesel powered generators. Solar panels are to be provided and integrated into the design of the building and located on the roof top. This is to be clearly detailed on all plans. A Solar Glint and Glare Assessment is to be submitted addressing any reflectivity impacts from the solar panels on the roof to air traffic and surrounding development, especially adjoining residential development.

## **Development Contributions**

33. The Former City of Botany S7.11 Development Contributions Plan 2016 - Amendment 1 does not apply to the SSDA, based on the provided information, the development does not lead to a net increase in gross floor area or employment. The City of Botany Bay S94A Development Contributions Plan 2016 – Amendment 1 does not apply to the SSDA as the intended development is in Mascot Station precinct and it is not a mixed-use development. Therefore, no contributions are required, either under S7.11 or S7.12 of the Act, for this SSDA.

## Aircraft Noise Exposure Forecast (ANEF)

34. Part of the subject site is located within the 20-25 ANEF Contour and part is located in the 25-30 ANEF Contour and is thus subject to adverse aircraft noise. In this regard, appropriate noise attenuation measures are required for the commercial space within the proposed development. In accordance with Table 2.1 (Building Site Acceptability based on ANEF Zones), the office component of the development is located in the 25-30 ANEF and should be considered as commercial space as staff will be affected by aircraft noise. The development is required to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for the office component of the building.

# **Amenity Impacts**

35. Council notes the recommendations provided in the Air Quality Impact Assessment and Noise and Vibration Impact Assessment prepared by SLR Consulting, dated 26 September 2024 and 5 November 2024 respectively. The applicant must comply with all monitoring and mitigation measures contained within the afore-mentioned Assessments. Council requests the appropriate mitigation measures related to noise, vibration and air quality are mandated by way of conditions of consent.

We trust that the Department will carefully consider Council's submission when assessing this proposal.

If you require any further information please do not hesitate to contact Bianca Chiu, Senior Urban Planner on (02) 9562 1616 or via email: <u>bianca.chiu@bayside.nsw.gov.au</u>. Thanks.

Yours sincerely,

David Smith Manager Strategic Planning

Attachment 1: Recommended conditions of consent relating to Tree Management

## Attachment 1: Recommended Conditions of consent relating to Tree Management

## <u>General</u>

1. The following tree numbers have been adopted from the Arboricultural Impact Assessment, prepared by Civica, dated 26 September 2024.

#### a. Tree Removal: 2-8 Kent Road, Mascot

The Applicant has consent to remove the following ON SITE trees. Tree 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21

**Tree Removal: 10-22 Kent Road, Mascot** Tree 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34 & 35

Consent is granted for the removal of the Public Domain tree known as tree 45.

These trees must not be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Council.

- b. No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of council in the form of a Permit issued under Council's Development Control Plan and/or *State Environmental Planning Policy (Biodiversity and Conservation) 2021.*
- c. Supervision by Arborist Prior to commencement of any works / Prior to issue of any Construction Certificate, a suitably qualified project arborist (with minimum AQF Level 5 qualifications in Arboriculture) must be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and/or adjoining properties and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to, and approved, by Council.
- d. Tree Protection The applicant shall comply with all recommendations, requirements, and management plans contained within the Arboricultural Impact Assessment, prepared by Civica, dated 26 September 2024. Trees to be retained are to be tagged with clearly visible marking tape at a height of approximately 2 metres from ground and numbered with the corresponding number in the Arborist Report.

## REASON

To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.

## Prior to the issue of a Construction Certificate

 Tree Offset Controls – A total of one hundred and thirty-five (135) new trees shall be planted to offset the canopy loss. A Tree Location Plan must be lodged with Council prior to the issue of a Construction Certificate, nominating the location and species of trees to be replanted. Where the applicant is relying on a Deed of Agreement to satisfy the consent, this Deed of Agreement must be in place prior to the issue of a Construction Certificate.

## REASON

To ensure that canopy loss impacts are appropriately offset.

#### Prior to commencement of any works

3. Public Domain Tree Bond – Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$18,000.00 to ensure protection of the nine (9) retained Public Domain Trees.

The duration of the Bond shall be limited to a period of twelve (12) months after the occupation certificate is issued. At completion of the bond period of twelve (12) months, the Bond shall be refunded pending an inspection of the tree by Council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the trees.

## REASON

To ensure any damage to public domain trees is rectified and public works can be completed.

- 4. Prior to commencement of any work on site, in order to ensure the 19 trees identified for retention in the Arboricultural Impact Assessment (Civica, dated 26 September 2024) are protected against adverse conditions during demolition and construction, and to ensure the health and structural stability, all Tree Protection Zones (TPZs) shall be established as follows:
  - i. To protect and retain trees in accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline. The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and
  - ii. Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and
  - iii. Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and
  - iv. The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works

All TPZs as well as the entire Council nature strip are a 'No-Go' zone. There shall be no storage of waste bins, materials and equipment, site residue, site sheds, vehicle access, concrete / chemical mixing/disposal, or washing down of tools and equipment permitted within the TPZ's at any time.

#### REASON

To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.

## **Breach of Conditions**

5. The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction. Council may choose to issue an infringement notice or pursue legal action if the conditions of consent have been broken.