



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

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27 September 2019

Our Ref: 24213/19

Your Ref: SSD9741

Mr Patrick Copas
Environmental Assessment Officer – Industry Assessments
GPO Box 39
SYDNEY NSW 2001

Dear Mr Copas,

Lane Cove West Data Centre – 1 Sirius Road, Lane Cove West, Notice of Exhibition (SSD 9741)

I refer to your Notice of Exhibition email dated 13 September 2019 relating to the amended development application for the above site.

ORIGINAL PROPOSAL

Council supports the use of the site as a Data Centre. The use would greatly contribute towards creating further employment-generating opportunities within the Lane Cove Local Government Area. The original proposed design however raised a number of environmental concerns relating to loss of vegetation, and subsequent impacts on the water and land interface.

Council's previous submission dated 31st May 2019 raised a number of concerns with the proposed design of the Data Centre. A general overview of the agreed and proposed/requested amendments are listed below:

- Tree removal;
- Reduction of porous surfaces;
- Earthworks – Cut and fill;
- Building height;
- Visual impacts; and
- Carparking.

AMENDED DESIGN

The following comments highlight the original concerns raised by Council and the agreed and requested amendments.

1. TREE REMOVAL:

The ground footprint of the proposed facility has been significantly reduced, facilitating the retention of trees and vegetation in the south western corner of the site. Council is satisfied

- The original design proposed the building to be setback approximately 27m from the adjoining wetland west of the site. The amended building design would now be setback approximately 88m from the wetland area adjacent to the western property boundary.
- The revised layout would result in an approximate 26% increase in the retention of native vegetation; and
- The original proposal required the removal of 125 trees, the amended proposal would reduce the overall number of removed trees to 84.

2. CUT AND FILL:

The total cut volume of the original proposal was calculated at approximately 132,200 cubic metres. The total fill volume of the original proposal was approximately 38,520 cubic metres. The revised proposal would reduce total cut volume to approximately 93,900 cubic metres and total fill volume to approximately 24,800 cubic metres.

The revised design is considered **acceptable** by Council in this instance because:

- The cut volumes respond to the topography of the site. Council acknowledges that ground levels would be altered to a degree to accommodate the building pads required to house a structurally sound development;
- The level of cut would also help to keep building envelope height and visual profile of the buildings as low as possible; and
- The visible undercroft to the north of the proposed facility is to be sealed with fill material addressing Council's call to ensure the building is set into the landscape.

3. REDUCTION OF POROUS SURFACES:

The revised design is considered **acceptable** by Council in this instance because:

The reduction of the footprint of the development would significantly reduce the total amount of new impervious areas. The amended plans would increase porous surfaces across the site by approximately 38% in comparison to the original design.

The increase in porous surfaces would reduce the overall impacts on stormwater runoff. The remaining proposed hardstand areas are proposed to be treated with filter cartridges and approximately 50% of the roof structure is orientated to drain into a rainwater reuse tank.

The natural discharge areas at the northern and western ends (lowest portions) of the site will incorporate water sensitive infrastructure including a scour and spreader. These elements will help reduce velocity peak flows, minimise runoff concentration, and prevent scour to downstream bushland. With regard to site stormwater disposal, Council is satisfied with the concept stormwater design being developed by the applicant's consultant as it will deliver Water Sensitive Urban Design.

4. BUILDING HEIGHT:

The reduced footprint has been replaced by a further level across the facility permitting a more considered and compact built form. The additional level would result in the building height increasing from 24m to 30.3m.

The site is subject to a 18m height control under the Lane Cove LEP 2009. The proposed height of the proposed Data Centre (30.3m) would result in an exceedance in the LCLEP 2009 height control by 12.3m (or by 68%).

The non-compliance with the height control is considered **acceptable** in this instance based on the following:

- The exceedance of the height has been guided by the reduced overall building footprint and increased setbacks from the adjoining environmentally sensitive areas. A considered and environmentally sensitive design which has minimal impacts on the adjacent Ecological Endangered Communities (EEC) is the primary concern of Council. Strict compliance with the building height control is a secondary priority for Council. Council is comfortable with a merits-based assessment by the Department in this instance;
- The applicant submitted a Clause 4.6 variation statement regarding building height. The proposal is considered to be consistent with the objective of the Height development standard as the bulk and scale of the development is in keeping with the desired and prevailing character of development in the Lane Cove West locality. As such, the exception is considered to be well founded in this context;
- The built form is considered to be well designed and utilises high quality, recessive materials which ensure the building is well integrated with the surrounding bushland;
- The additional height would not result in any significant adverse impacts on the amenity of the neighbouring industrial buildings in terms of overshadowing or privacy;
- The application proposes an FSR of 0.82:1 which complies with the permitted ratio of 1:1; and
- In regard to the above the non-compliance is considered to result in a better planning outcome.

5. VISUAL IMPACTS

The visual impacts of the revised design are considered **acceptable** by Council. In particular:

- Council originally requested that the rooftop condensers be screened to soften their visual impacts. Subsequent discussions with the applicant have ascertained that the screening devices would actually result in additional bulk to the building. In this regard, Council no longer requests that screening be implemented;
- The site is relatively enclosed by existing industrial developments to the south and east, which directly face the public domain. Additionally, densely populated vegetation to the north and west offer additional landscape screening, which softens the industrial treatment of the subject site;
- The proposed transformer (Ausgrid) rooms, will not be enclosed, addressing aesthetic and public view concerns of Council;
- Visual impact diagrams confirmed that the overall view impacts from across the Lane Cove River would be acceptable and act as a transitional building between the light industrial area and surrounding bushland; and
- The finishing materials and colour scheme has been modified with use of green finishes to blend in with the surrounding bushland.

6. CARPARKING:

Council's original comments regarding parking calculated the total workforce of 80-100 employees based on the total Gross Floor Area. Under the LCDCP2010 the applicant was required to provide a minimum of 123 off-street vehicle spaces.

Following subsequent discussions with the applicant, the 24-hour operation of the Data Centre was further explained. The operational phases of the Data Centre would be as follows:

- Day shift (7am to 7pm) staff: 70 staff on site.
- Night shift (7pm – 7am) staff: 20 staff on site.

Accumulatively this equates to a maximum of 90 staff a day. But a maximum of **70** staff are expected on site at any one time.

The applicant proposes **67 off-street parking** spaces.

The applicant has justified the shortfall in parking based on the following:

- The development would be located within 5 minutes' walk of public transport bus stops;
- 5 motorbike and 5 bicycle parking spaces are also provided;
- The site is proposed to be serviced by a private minibus to pick up /drop off staff at the front of the site; and
- The implementation of a Transport Access Guide/ Sustainable Travel and Access Plan to reduce car-based travel and include mode share targets is recommended as part of the Traffic Impact Assessment.

Council **supports** the proposed off-street parking spaces having regards to the comparatively low employee number (70) in context to the overall building GFA.

However, an additional draft condition is recommended specifying that the total number bicycle spaces be increased to **15**. The additional spaces should be located in a convenient and accessible area to promote use by staff. (e.g. adjacent to entry check-in).

CONCLUSION

Overall, Council supports the amendments to the original design. Impacts on the adjoining Ecologically Endangered Communities (EEC) have been minimised. The reduced building footprint occupies a smaller portion of the site area and provides a significantly larger setback from the environmentally sensitive areas to the south-west.

Although the overall height of the development would increase as a consequence of the greater setbacks, it is considered to be a better planning outcome and provides greater environmental impact considerations. The revised envelope has been consolidated and would be constructed with high-quality well-integrated finishes and materials.

The proposed built form of the development would not be consistent with the LEP height control. However the additional height is supported given the more considered design and amelioration of environmental concerns.

Council acknowledges that the addition of the proposed Data Centre would be beneficial to the economy of the state and the local area. The proposed high-tech industry would also provide increased employment opportunities to the Lane Cove West Business Park.

A checklist of the amendments to the Draft Conditions of Consent are included below.

An updated complete set of Draft Conditions of Consent are in **ATTACHMENT A**.

Should you wish to discuss the matter further please call me on 9911 3610.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a long, sweeping horizontal line that ends in a small upward flick.

Michael Mason
Executive Manager
Environmental Services

AMENDED DRAFT CONDITIONS OF CONSENT

A Amend draft Condition (1) S94 Contributions

Reason: Contribution fee to reflect the increase in Gross Floor Area from 34,282 sqm to 34,429 sqm and increase of contribution rate from \$42.00 to \$44.00.

1. THE PAYMENT OF A CONTRIBUTION OF **\$1,514,876.00** TOWARDS TRAFFIC MANAGEMENT AND STREETScape IMPROVEMENTS, OPEN SPACE AND RECREATION FACILITIES, DRAINAGE AND COMMUNITY FACILITIES. THE CONTRIBUTION TO BE MADE PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE AND TO BE AT THE CURRENT RATE AT TIME OF PAYMENT.

NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.

THE CALCULATED CONTRIBUTION IS BASED ON **34,429 SQM** AND THE 2018/2019 FEES AND CHARGES CONTRIBUTION RATE OF **\$44.00 SQM** OF ADDITIONAL INDUSTRIAL FLOOR SPACE.

THIS CONTRIBUTION IS UNDER LANE COVE COUNCIL SECTION 94 CONTRIBUTIONS PLAN WHICH IS AVAILABLE FOR INSPECTION AT THE CUSTOMER SERVICE COUNTER, LANE COVE COUNCIL, 48 LONGUEVILLE ROAD, LANE COVE.

Reason: To comply with S94 Contributions Plan

B Insert new draft Planning condition **Critical concrete pours**

The applicant may apply to undertake critical concrete pours outside of normal working hours provided all of the following requirements are satisfied:

- ☐ the submission, at least seven (7) working days prior to the critical concrete pour, to Council of an application along with the prescribed fee, in the prescribed Council form, that includes a written statement of intention to undertake a critical concrete pour and that also contains details of the critical concrete pour, the number of such pours required, their likely time duration, impact statement and how foreseeable impacts will be addressed (ie light spill/ noise/ traffic etc);
- ☐ adjoining and nearby affected neighbours being notified in writing at least two (2) working days prior to the pour, and a copy of this notice to be provided to Council for review prior to issue;
- ☐ no work and deliveries to be carried out before 7.00am and after 10pm; and
- ☐ no work occurring on a Sunday or any Public Holiday.

All other relevant requirements relating to critical concrete pours that are the subject of other conditions of this development consent remain relevant at all times.

Following any critical concrete pour, the applicant must advise Council in writing no later than seven (7) working days after the completion of the pour, what measures were actually undertaken by the applicant with a view to minimising any potential adverse impacts as a result of the pour, including but not limited to impacts with respect to noise, light spillage, and the positioning of the required vehicle(s), so that all related matters

can be reviewed and any potential adverse events and/or impacts addressed in future critical concrete pours.

NOTE:

- ☐ **There is a critical concrete pour application fee**
- ☐ **A critical concrete pour application and prior approval is required**
- ☐ **No work shall be undertaken outside standard working hours without prior written approval from Council.**
- ☐ **Council reserves the right to refuse the application with or without reason.**

Reason: Safety and amenity

C Insert new draft Building condition **External Cladding**

No external cladding is permitted on the development.

Reason: Safety and amenity

D Insert new draft Traffic and Transport condition **relating to additional bicycle parking**

The total number bicycle spaces are to be increased to **15**. The additional spaces should be located in a convenient and accessible area to promote use by staff, such as adjacent to entry check in room.

Reason: Promote sustainable modes of transport

E Insert new draft Engineering condition **(D2) Drainage Plan**

(D2) Drainage Plans: Stormwater drainage plans are to be submitted to Council for final approval. The final design is to be certified by Council before being submitted to the Principal Certifying Authority. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: To ensure compliance with Council's specifications.

F Delete the following draft Engineering conditions:

(26) Positive Covenant OSD and Pump Out System,

(41) On-site Stormwater Detention Tank; and

(42) Drainage Plans Amendments.

Reason: No OSD is required for the site.

G Insert new draft Engineering condition **(S1) Stormwater Requirement:**

(S1) Stormwater Requirement: The proposed stormwater infiltration trenches should be designed to provide enough capacity for a 1 in 20 year storm event before it overflows/surcharges to the surrounding bushland. The design and construction of the drainage system is to fully comply with, AS-3500 and Part O, Council's – Stormwater Management. The design shall ensure that the development, both during construction and upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.

Reason: To ensure public safety and amenity.

H Delete the following draft Landscape, Ecology and Bushland conditions

- (71) Engineering plans,
- (72) Revised Landscape Plan,
- (74) Asset Protect Zone (APZ),
- (83) Arboricultural Impact Assessment (AIA),
- (84) Tree Groups,
- (85) Tree Protection Plan,
- (90) Landscape Concept Plan,
- (92) Planterbox methods,
- (95) Subsoil Drainage on slab.

Reason: Conditions no longer necessary due to revised design and revised landscaping plan.

I Amend condition (83) relating to **landscaping requirements**

83. The following requirements are to be met in relation to landscaping:

- i. For industrial development, all substantial trees and that part of the landscaping scheme visible from the public domain shall comprise indigenous plants.
- ii. The proposed landscape treatment should assist in ensuring that the development is not visually intrusive by providing visual softening of buildings, driveways and car parking areas. **To provide additional vegetative screening, the cleared area in the North East portion of the site would benefit from substantial re-vegetation with native trees. Council would welcome discussion with the owner undertaking to revegetate the area with endemic native trees.**
- iii. The establishment and ongoing maintenance of new plantings shall be incorporated into the landscape documentation and include a 12-month establishment period from the time of Practical Completion. Plants with low watering requirements are preferred. The use of plants with high watering requirements should be minimised. Where these are used, details of the proposed irrigation system should be specified. Irrigation should be supplied to plantings over slabs and in planter boxes but not areas that are adjacent to bushland.
- iv. Trees that are removed as part of the DA process must be replaced at a 1:1 ratio. Replacement trees must be able to reach the potential mature dimensions of the removed trees. The trees must be planted before issuance of the occupation certificate. All specimens must conform to Australian Standard 2303: Tree Stock for Landscape Use and be of an appropriate pot size for the intended location and use to ensure best chance of long-term health and vigour.
- v. All boundary screen plant species to be used for landscaping must be a native species in keeping with Lane Cove Councils landscape policy to be installed in pot sizes no smaller than 100 litres

Reason: Ensure public safety and amenity

DRAFT CONDITIONS - SEPTEMBER 2019

PROPOSED DATA CENTRE - 1 SIRIUS ROAD, LANE COVE WEST

Planning Conditions

1. (15) THE PAYMENT OF A CONTRIBUTION OF **\$1,514,876.00** TOWARDS TRAFFIC MANAGEMENT AND STREETScape IMPROVEMENTS, OPEN SPACE AND RECREATION FACILITIES, DRAINAGE AND COMMUNITY FACILITIES. THE CONTRIBUTION TO BE MADE PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE AND TO BE AT THE CURRENT RATE AT TIME OF PAYMENT.

NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.

THE CALCULATED CONTRIBUTION IS BASED ON **34,429 SQM** AND THE 2018/2019 FEES AND CHARGES CONTRIBUTION RATE OF **\$44.00 PER SQM** OF ADDITIONAL INDUSTRIAL FLOOR SPACE.

THIS CONTRIBUTION IS UNDER LANE COVE COUNCIL SECTION 94 CONTRIBUTIONS PLAN WHICH IS AVAILABLE FOR INSPECTION AT THE CUSTOMER SERVICE COUNTER, LANE COVE COUNCIL, 48 LONGUEVILLE ROAD, LANE COVE.

Reason: To comply with S94 Contributions plan.

2. HOURS OF OPERATION

The Data Centre is permitted to operate 24 hours a day, 7 days a week.

Reason: To detail approved hours of operation.

3. CRITICAL CONCRETE POURS

The applicant may apply to undertake critical concrete pours outside of normal working hours provided all of the following requirements are satisfied:

- ☐ the submission, at least seven (7) working days prior to the critical concrete pour, to Council of an application along with the prescribed fee, in the prescribed Council form, that includes a written statement of intention to undertake a critical concrete pour and that also contains details of the critical concrete pour, the number of such pours required, their likely time duration, impact statement and how foreseeable impacts will be addressed (ie light spill/ noise/ traffic etc);
- ☐ adjoining and nearby affected neighbours being notified in writing at least two (2) working days prior to the pour, and a copy of this notice to be provided to Council for review prior to issue;
- ☐ no work and deliveries to be carried out before 7.00am and after 10pm; and
- ☐ no work occurring on a Sunday or any Public Holiday.

All other relevant requirements relating to critical concrete pours that are the subject of other conditions of this development consent remain relevant at all times.

Following any critical concrete pour, the applicant must advise Council in writing no later than seven (7) working days after the completion of the pour, what measures were actually undertaken by the applicant with a view to minimising any potential adverse impacts as a result

of the pour, including but not limited to impacts with respect to noise, light spillage, and the positioning of the required vehicle(s), so that all related matters can be reviewed and any potential adverse events and/or impacts addressed in future critical concrete pours.

NOTE:

- ☐ **There is a critical concrete pour application fee**
- ☐ **A critical concrete pour application and prior approval is required**
- ☐ **No work shall be undertaken outside standard working hours without prior written approval from Council.**
- ☐ **Council reserves the right to refuse the application with or without reason.**

Reason: Safety and amenity

Building Conditions

4. No external cladding is permitted on the development.

Reason: Safety and amenity

5. (1) The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.

Reason: Statutory requirement

5. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

A Completion Certificate is to be issued by either the Principal Certifying Authority or a qualified accredited Fire Safety Engineer, confirming that all identified Performance Solutions have been completed for the building PRIOR TO THE ISSUE OF A FINAL OCCUPATION CERTIFICATE.

Reason: Statutory requirement

6. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia. A Completion Certificate is to be issued by the Principal Certifier or accredited Fire Safety Engineer, confirming that all identified Performance Solutions have been completed or implemented for the building prior to the issue of the Occupation Certificate". In addition, the proposed external wall cladding for the building must be deemed non-combustible compliant with the BCA and also achieve compliance with the product testing requirements in accordance with Australian Standards AS1530.1 or AS5113.

Reason: Statutory requirement

7. (11) The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In", please refer to web site www.sydneywater.com.au. This is to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.

Reason: Statutory requirement

8. (17) An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.

Reason: Statutory requirement

9. (24) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

Reason: Statutory requirement

10. (35) All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive) 7.00am to 5.30pm

Saturday 7.00am to 4.00pm

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

Reason: To ensure reasonable amenity is maintained to the neighbouring properties

11. (36) Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

Reason: Ensure public safety and amenity.

12. (37) The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

Reason: Ensure public safety and amenity.

13. (38) All advertising signs/structures being the subject of a separate development application.

Reason: Ensure public safety and amenity.

14. (45) A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 – Environmental Planning & Assessment Regulation 2000 are to be submitted and approved **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

Reason: Ensure public safety and amenity.

15. (48) Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

Separate approval must be obtained from Council's Works and Urban Services Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

Reason: Ensure public safety and amenity.

16. (49) Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:
- a) the name, address and telephone number of the Principal Certifying Authority;
 - b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

Reason: Ensure public safety and amenity.

17. Standard Condition (57) Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-
- a) underpinning;
 - b) retaining walls;
 - c) reinforced concrete work;
 - d) structural steelwork;
 - e) upper level floor framing;
 - f). Completion
18. (63) All metal deck roofs being of a ribbed metal profile, in a mid to dark colour range with an anti-glare finish. The intent of the condition is to reduce sun reflection and glare to protect the amenity of surrounding residents.

Reason: Ensure public safety and amenity.

19. Standard Condition (64) A check survey certificate is to be submitted at the completion of:-
- a The completion of works.

Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.

Reason: Ensure public safety and amenity.

20. (66) The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal to be submitted PRIOR TO COMMENCING ANY DEMOLITION WORKS.

Reason: Ensure public safety and amenity.

21. (67)
- (a) The use of mechanical rock pick machines on building sites is prohibited due to the potential for damage to adjoining properties.
 - (b) Notwithstanding the prohibition under condition (a), the principal certifying authority may approve the use of rock pick machines providing that:-
 - (1) A Geotechnical Engineer's Report that indicates that the rock pick machine can be used without causing damage to the adjoining properties.
 - (2) The report details the procedure to be followed in the use of the rock pick machine and all precautions to be taken to ensure damage does not occur to adjoining properties.
 - (3) With the permission of the adjoining owners and occupiers comprehensive internal and external photographs are to be taken of the adjoining premises for evidence of any cracking and the general state of the premises **PRIOR TO ANY WORK COMMENCING**. Where approval of the owners/occupiers is refused they be advised of their possible diminished ability to seek damages (if any) from the developers and where such permission is still refused Council may exercise its discretion to grant approval.
 - (4) The Geotechnical Engineer supervises the work and the work has been carried out in terms of the procedure laid down.

COMPLIANCE WITH THE REQUIREMENTS OF THIS CONDITION
MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION
CERTIFICATE.

Reason: Compliance with AS Standards.

22. (78) The site being properly fenced to prevent access of unauthorised persons outside of working hours.

Reason: Ensure public safety and amenity.

23. (79) Compliance with Australian Standard 2601 - The Demolition of Structures.

Reason: Compliance with AS Standards.

24. (86) An approved type of hoarding being erected along the street frontage.

Reason: Ensure public safety and amenity.

25. (87) Pedestrians' portion of footpath to be kept clear and trafficable at all times.

Reason: Ensure public safety and amenity.

26. (139) A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE CONSTRUCTION CERTIFICATE BEING ISSUED**.

Reason: Statutory requirement

Engineering Conditions

27. **Design and Construction Standards:** All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.
- Reason:** To ensure all works are in accordance with Council's requirements
28. **Materials on Roads and Footpaths:** Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.
- Reason:** To ensure public safety and amenity
29. **Works on Council Property:** Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include hoarding applications, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**
- Reason:** To ensure public works are carried out in accordance with Council's requirements.
30. **Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an "*Application for Standing Plant Permit*" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works.** Note: allow 2 working days for approval.
- Reason:** To ensure public safety
31. **(A5) Restoration:** Public areas must be maintained in a safe condition always. Restoration of disturbed Council land and assets is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.
- Reason:** To maintain Council infrastructure
32. **(A6) Public Utility Relocation:** If any public services are to be adjusted, because of the development, the applicant is to arrange with the relevant public utility authority the alteration or removal of those affected services. All costs associated with the relocation or removal of services shall be borne by the applicant.
- Reason:** To protect, maintain and provide utility services
33. **(A7) Pedestrian Access Maintained:** Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.
- Reason:** To ensure pedestrian access is maintained
34. **(A8) Council Drainage Infrastructure:** The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be relocated to be clear of the proposed building works.

Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the relocation of the stormwater line are to be borne by the applicant

Reason: To protect public infrastructure

35. **(A9) Services** Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.

Reason: To protect and maintain infrastructure assets

36. **(S1) Stormwater Requirement:** The proposed stormwater infiltration trenches should be designed to provide enough capacity for a 1 in 20 year storm event before it overflows/surcharges to the surrounding bushland. The design and construction of the drainage system is to fully comply with, AS-3500 and Part O, Council's – Stormwater Management. The design shall ensure that the development, both during construction and upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.

Reason: To protect and maintain infrastructure assets

37. **(B1) Council infrastructure damage bond:** The applicant shall lodge with Council a \$50,000 cash bond or bank guarantee. The bond is to cover the repair of damage or outstanding works to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred as a result of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the commencement of any demolition works.**

Reason: To protect and maintain Council infrastructure

38. **(H3) Heavy Vehicle Duty Employee and Truck Cleanliness:** The applicant shall
- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
 - Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
 - Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site. Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.

Reason: To ensure safe heavy vehicle management

39. **(H4) Truck Shaker:** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

Reason: To protect the local environment

40. **(D2) Drainage Plans:** Stormwater drainage plans are to be submitted to Council for final approval. The final design is to be certified by Council before being submitted to the Principal Certifying Authority. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP

41. **(K2) Cast in Situ Drainage Pits:** Any drainage pit within a road reserve, a Council easement, or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete and in accordance with Part O Council's DCP- Stormwater Management.

Reason: To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP

42. **(T1) Design of Retaining Structures:** All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: To ensure compliance all relevant design codes and Australian Standards

43. **(D2) Geotechnical Report:** A geotechnical report is to be completed for the excavation and ground water impacts associated with this development. The Geotechnical Report and supporting information are to be prepared by a suitably qualified geotechnical engineer and be submitted to Principle Certifying Authority **prior to issue of a Construction Certificate.**

Reason: To ensure compliance all relevant design codes and Australian Standards

44. **(D3) Geotechnical Monitoring Program:** Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principle certifying authority **prior to issue of a Construction Certificate.** The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction.

The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical Report and is to include:-

- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures;
- Excavation of the site (face of excavation, base, etc)
- Installation and construction of temporary and permanent shoring/ retaining walls.
- Foundation bearing conditions and footing construction.
- Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical investigations and testing.
- Excavation and construction works must be undertaken in accordance with the Geotechnical and Monitoring Program.

Reason: To ensure compliance all relevant design codes and Australian Standards

45. **(D4) Construction Methodology Report:** There are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations. A suitably qualified engineer must prepare a Construction Methodology report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure. The report must be submitted to Principal Certifying Authority **prior to issue of a Construction**

Certificate. The details must include a geotechnical report to determine the design parameters appropriate to the specific development and site.
The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report.

Reason: To ensure compliance all relevant design codes and Australian Standards

46. **(D5) Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining properties and any of Councils infrastructure located within the zone of influence of the proposed excavation.

Dilapidation report must be conducted by a suitably qualified engineer **prior to the commencement of any demolition, excavation or construction works**. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority **prior to issue of a Construction Certificate**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority **prior to issue of an Occupation Certificate**.

Reason: To protect and maintain Council infrastructure

47. **(H1) Road Dilapidation Survey:** The applicant shall prepare a dilapidation survey and a dilapidation report detailing the existing state of repair / condition of the road surfaces along Sirius Road adjacent the site. The survey and report need to be submitted to the Council prior to the issue of the first **Construction Certificate**. Following completion of construction of the development and prior to the issue of the first Occupation Certificate, the applicant is to prepare a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence truck movements associated with the construction of the development. The Council may apply funds realised from the security referred to in applicable condition to meet the cost of making good any damage caused to the surface of the said public road as a consequence truck movements associated with the construction of the development to which the consent relates. The dilapidation surveys and reports must be prepared by an engineer registered with the Institute of Engineers.

Reason: To protect and maintain Council infrastructure

48. **(V4) Car Parking Certification:** The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities shall be submitted to the Principal Certifying Authority.

The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

Reason: To ensure compliance all relevant design codes and Australian Standards

49. **(V1) Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A '*Construction of an Industrial Crossing*' application shall be submitted to Council **prior to the issue of the Construction Certificate**. All works associated with the construction of the crossing shall be completed **prior to the issue of the Occupation Certificate**.

Reason: To ensure compliance with Council's specifications

50. **(A10) Boundary Levels:** The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping and stormwater drainage plans and shall be obtained **prior to the issue of the Construction Certificate**. Note: The finished floor level of the proposed basement shall be determined by Council if required.

Reason: To ensure compliance with Council's specifications

51. **(C2) Erosion and Sediment Control:** The applicant shall install appropriate sediment control devices **prior to the start of any works on the site**. The devices are to be installed in accordance with the approved plan satisfying condition '*(C1) Erosion and sediment control*'. The devices shall be maintained during the construction period and replaced when necessary.

Reason: To ensure worksite pollutions are controlled accordingly to protect the environment

52. **(M1) Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:

- (a) be signed by a registered surveyor, &
 - (b) clearly show the surveyor's name and the date of signature.
- All documentation is to be submitted to the Principle Certifying Authority **prior to the issue of the Occupation Certificate**.

Reason: To ensure compliance all relevant design codes and Australian Standards

53. **(V3) Redundant Gutter Crossing:** All redundant gutter and footpath crossings shall be removed and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out **prior to the issue of the Occupation Certificate**.

Reason: To ensure compliance with Council's specifications

54. **(D6) Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practice.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Occupation Certificate**.

Reason: To ensure compliance all relevant design codes and Australian Standards

Traffic and Transport Conditions

55. The total number bicycle spaces is to be increased to **15**. The additional spaces should be located in convenient and accessible area to promote use by staff, such as adjacent to entry check in room.

Reason: Promote alternative modes of transport

56. The proposed Car Park design shall comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles. This includes all loading areas, ramps, driveways and aisles. All other aspects of the Car Parking areas including accessible parking and general parking area are required to comply with AS 2890.1-2004. Amended plans are to be submitted to a prescribed certifying authority prior to issue of Construction Certificate.

Reason: Compliance with AS Standards.

56. The access to the car park shall comply with Australian Standards AS 2890.2-2002.

Reason: Compliance with AS Standards.

57. Visibility requirements of the proposed access must comply with AS 2890.1-2004.

Reason: Compliance with AS Standards.

58. All accessible car spaces in the car park are to be adequately signposted and linemarked, provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.

Reason: Compliance with AS Standards.

59. Loading bays, motorcycle parking, visitor and accessible parking to be sign posted and adequately line marked.

Reason: Ensure public safety and amenity.

60. All vehicles must enter and exit in a forward direction.

Reason: Ensure public safety and amenity.

61. All waste must be collected on-site.

Reason: Ensure public safety and amenity.

62. All cycling racks and secure bike parking provided on-site must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with AS 2890.3: 2015. Alternative designs that exceed the Australian Standards will also be considered appropriate.

Reason: Compliance with AS Standards.

63. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

Reason: Ensure public safety and amenity.

64. A Construction Traffic Management Plan must be lodged with the Council prior to the issuing of a Construction Certificate. The Construction Traffic Management Plan should address (but

not necessarily be limited to) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, public transport and any conflict with other road users in the street, proposed Work Zone and impact of construction traffic activities on residents and cyclists. The Construction Traffic Management Plan should also restrict the impact of heavy vehicles travelling through the surrounding local road network and the surrounding residential and business developments.

Any proposed Work Zone shall be clearly shown on plans and application be made to Council and RMS in accordance with approvals required for the Works Zone, Crane Permits and other associated works. Wherever possible, construction vehicle parking should be contained within the site.

Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of the preparation of Construction Traffic Management Plan.

Reason: Ensure public safety and amenity.

Landscape, Ecology and Bushland Conditions

65. The fire access trail constructed within the 10m wide buffer zone is to be constructed with non-hard surfaces to allow penetration of rainwater. Consideration should be given to polymer-based grass pavers, grids and geocell with inclusion of native grass species.

Details are to be submitted to the certifying authority prior to issue of Construction Certificate.

Reason: Ensure protection of the environment

66. Compliance with SEPP 19, its aims and objectives and Clauses 6 and 9.

Reason: Compliance with SEPP 19

67. Compliance with SREP (Sydney Harbour Catchment) 2005 and Sydney Harbour and Foreshore Areas DCP 2005.

Reason: Compliance with SREP 2005 and SHFA 2005

68. Water sensitive urban design measures in the form of raingardens or other approved biofiltration measures shall be incorporated into the Hydraulic Engineering drawings to allow for enough volume of rainwater to continue to hydrate the Coastal Freshwater Swamp following best horticultural practices. The design is to be approved by a qualified Ecologist prior to issuing a construction certificate.

Reason: Ensure protection of the environment

69. A revised and more detailed stormwater plan with the input of a specialist wetland ecologist to demonstrate methods to minimize the negative impact of the existing endangered wetlands on the adjacent public land and shall be issued prior to the issue of a Construction Certificate. This shall be incorporated into the revised landscape documentation package.

Reason: Ensure protection of the environment

70. Cut or fill is not to exceed more than 25% of the 10 metre buffer area.

Reason: Ensure protection of the environment

71. (305) All Aboriginal sites and relics in NSW are protected under the National Parks and Wildlife Act 1974. If during the course of construction an Aboriginal site or relic is uncovered, works must cease and the Metropolitan Local Aboriginal Lands Council and the NSW National Parks and Wildlife Service must be notified immediately.

Reason: Ensure protection of the heritage

72. (321) There shall be no access through the adjacent bushland reserve to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.

Reason: Ensure public safety and amenity.

73. (323) A 1.8 m high fence of chain mesh site protection fencing must be erected along the common property boundary and the adjacent bushland reserve and around the bushland areas within the site that are to be retained. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed. A waterproof sign must be placed on every second panel stating 'NO ENTRY COUNCIL LAND – this fence and sign are not to be removed or relocated for the work duration'. Minimum size of the sign is to be A3 portrait with NO ENTRY COUNCIL LAND in capital Arial Font size 100, and the rest of the text in Arial font size 65. Such fencing and signage must be erected **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE** including demolition or site preparation and remain in place for the duration of the construction work.

Reason: Ensure public safety and amenity.

74. (308) Rubbish must be stored in a locked container / cage. Any building rubbish that is not contained must be cleaned up immediately, including the immediate worksite, surrounding area and/or public open space.

Reason: Ensure protection of the environment

75. (332) During construction / landscaping the designated bushland area within the property and adjacent public bushland area must be kept clean of all building materials and rubbish. Any rubbish that is blown into these areas must be immediately cleaned up.

Reason: Ensure protection of the environment

76. (333) In the event that there occurs any accidental or intentional dumping of building material in the bushland area, Council's Coordinator, Bushland must be notified immediately. Any clean up operation which involves disturbing the vegetation, leaf litter, soil crust, or natural bedrock, must be coordinated through Council's Coordinator, Bushland.

Reason: Ensure protection of the environment

77. (335) All outside lighting must be appropriately baffled to minimise light pollution into the bushland area and neighbouring properties.

Reason: Ensure protection of the environment

78. An Erosion and Sediment Control Plan (ESCP) shall be prepared by a suitably qualified consultant with experience working on sites next to environmentally sensitive wetland areas, in accordance with the guidelines set out in the manual "Managing Urban Stormwater, Soils and Construction" prepared by LANDCOM 'Fourth Edition 2004, Volume 1'. These devices

shall be maintained and cleaned during the construction works and replaced where considered necessary.

Reason: Ensure protection of the environment

79. Pursuant to Section 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, prior to the issue of the construction certificate, provide security in the amount of \$100,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to all trees that are standing in the reserve immediately adjoining the land subject of this development consent. This bond may be forfeited in the event of damages to any of these trees as a result of the development works as determined by Council's Tree Management Officer, at a minimum the cost of replacing the tree including labour will be deducted from the bond. The applicant shall contact Council to have the street tree inspected following issue of the Occupation Certificate.

Reason: To provide security that retained trees will remain viable in the long term.

80. All undesirable species such as *Cinnimomum camphora* and *Ligustrum spp.* are to be removed as part of the development and replaced with species locally indigenous to the Lane Cove area.

Reason: To assist in maintaining native species in the Lane Cove area.

81. A Project Arborist of minimal AQF Level 5 qualification is to be appointed **prior to the issue of the Construction Certificate** to oversee/monitor trees condition during construction and sign off on tree protection measures. Trees are to be monitored throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in good condition. All certificates are to be available to the Principal Certifier within five days of site attendance and must be available to council immediately upon request; failure to produce the latest certificate will be considered a breach of conditions. Final certification is to be submitted to the Principal Certifier **prior to the issue of Occupation Certificate**.

Reason: To provide ongoing management of retained trees during construction phases.

82. The Project Arborist is to submit a statement upon completion of the development that Conditions of Consent have been met. The statement is also to recommend remedial advice for trees post construction to mitigate construction impacts long term. The statement is to be submitted to and approved by the Principal Certifier **Prior to the issue of the Occupation Certificate**

Reason: To provide evidence that the development has been carried out in accordance with development conditions and industry standards.

83. The following requirements are to be met in relation to landscaping:

- i. For industrial development, all substantial trees and that part of the landscaping scheme visible from the public domain shall comprise indigenous plants.
- ii. The proposed landscape treatment should assist in ensuring that the development is not visually intrusive by providing visual softening of buildings, driveways and car parking areas. **To provide additional vegetative screening, the cleared area in the North East portion of the site would**

benefit from substantial re-vegetation with native trees. Council would welcome discussion with the owner undertaking to revegetate the area with endemic native trees.

- iii. The establishment and ongoing maintenance of new plantings shall be incorporated into the landscape documentation and include a 12-month establishment period from the time of Practical Completion. Plants with low watering requirements are preferred. The use of plants with high watering requirements should be minimised. Where these are used, details of the proposed irrigation system should be specified. Irrigation should be supplied to plantings over slabs and in planter boxes but not areas that are adjacent to bushland.
- iv. Trees that are removed as part of the DA process must be replaced at a 1:1 ratio. Replacement trees must be able to reach the potential mature dimensions of the removed trees. The trees must be planted before issuance of the occupation certificate. All specimens must conform to Australian Standard 2303: Tree Stock for Landscape Use and be of an appropriate pot size for the intended location and use to ensure best chance of long-term health and vigour.
- v. All boundary screen plant species to be used for landscaping must be a native species in keeping with Lane Cove Councils landscape policy to be installed in pot sizes no smaller than 100 litres

Reason: Ensure public safety and amenity

84. A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works **prior to the issue of an Occupation Certificate**. This report must certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of the report must be submitted to Council;

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.

Reason: Ensure public safety and amenity

85. A copy of the agreed maintenance schedule of all site landscaping shall be submitted by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation **prior to the issue of an Occupation Certificate**.

Reason: Ensure public safety and amenity

86. At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council or the accredited certifier, certifying that all plant material has been successfully established, that all of the outstanding maintenance works, or defects have been rectified prior to preparation of the report and that a copy of the 12-month landscape maintenance strategy has been provided to the Owner/ Occupier. A copy of the report must be submitted to Council;

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within 5 working days of the date of issue.

Reason: Ensure public safety and amenity

87. All plants shall be maintained in a healthy condition for the life of the development with replacement plants installed within 6 months of their demise.

Reason: Ensure public safety and amenity

Environmental Health Conditions

88. The proposed remediation works (contamination) for the site are to be reviewed by a NSW EPA Accredited Site Auditor and a Site Audit Statement submitted to Council and the NSW EPA.

Reason: Ensure public safety and amenity

89. An environmental management plan for the construction phase of the project is to be submitted to Council prior to the issue of the construction certificate, that addresses the management of construction site water i.e. accumulated rain water in excavated areas of the site, dust controls and noise management.

Reason: Ensure public safety and amenity

90. A comprehensive PHA is to be undertaken to address the potential impact of the onsite storage of diesel (500,000 + litres) on the adjoining premises and the adjacent riparian zone, resulting from fire or an onsite spill. The SEPP33 Preliminary Risk Screening doesn't provide any specific details relating to the delivery and decanting of diesel, diesel storage locations, or consequence / frequency analysis in the event of an emergency. The report is to address the emergency onsite controls relating to a decanting failure/spill, fire or tank rupture and the offsite impacts on the built and natural environment. The report is to be reviewed by Safe Work NSW and Council prior to the issue of the Construction Certificate.

Reason: Ensure public safety and amenity

91. **(402) Dust Control**

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- b) Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

Reason: Ensure public safety and amenity

92. **(404) Erosion and Sedimentation Controls – Major Works**

Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

Reason: Ensure public safety and amenity

93. (406) **Stabilised Access Point**

A stabilised all-weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (blue Book)

Reason: Ensure public safety and amenity

94. (407) **Site Water Management Plan**

A site water management plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater – Soils and Construction" (the blue book) produced by the NSW Department of Housing.

Reason: Ensure public safety and amenity

95. (432) **Garbage storage area – Commercial/Industrial**

All garbage shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. The area is to be constructed with a smooth impervious floor graded to a floor waste and connected to the sewer. The garbage area/room is to be well ventilated and fitted with fire sprinklers and meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the designated garbage area are to be submitted with the Construction Certificate.

Reason: Ensure public safety and amenity

96. (433) **Garbage collection – Commercial/Industrial**

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations Act 1997. Records shall be kept of all waste disposal from the site.

Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 7am on any day.

Reason: Ensure public safety and amenity

97. (438) **Drainage**

Garbage room floors shall be graded to a floor waste, which shall be connected to the sewer. No drainage from garbage rooms shall be connected directly or indirectly to the stormwater drainage system, Council's street gutter or Council's drainage system.

Reason: Ensure public safety and amenity

98. (441) **Operation of Plant or Equipment**

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises.

All sound producing equipment shall comply with the Protection of the Environment Operations Act 1997.

Reason: Ensure public safety and amenity

99. (447) **Noise Monitoring**

Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work.

Reason: Ensure public safety and amenity

100. (463) **Bunding – Liquids**

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 size 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 constructed of a material, which is impervious to the liquid being stored. All bunded areas shall be graded to a pit/sump so as to facilitate emptying and cleaning. All pipework from the enclosed tanks and or/pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund. Where possible the bunded areas should be roofed.

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.

Reason: Ensure public safety and amenity

101. (464) **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.

Reason: Ensure public safety and amenity

102. (465) **Storage of Hazardous or Toxic Material**

To ensure hazardous and toxic materials are not to become a threat to the environment they must be stored in a bunded area constructed and maintained in accordance with AS 1940 – 1993 The storage and handling of flammable and combustible liquids and with Workcover NSW requirements.

Reason: Ensure public safety and amenity

103. (466) **Storage of Potentially Contaminated Soils**

All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

Reason: Ensure public safety and amenity

104. (467) **Assessment of Potentially Contaminated Soils**

All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, such as the publication titled *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non – Liquid Wastes* (EPA, 1999).

Reason: Ensure public safety and amenity

105. (468) **Offsite Disposal of Contaminated Soil**

All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste.

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Reason: Ensure public safety and amenity

106. (483) **Regulated Systems**

All air handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.

The premise is to be registered with Council together with payment of the approved fee, **prior to occupancy of the building.**

Reason: Ensure public safety and amenity

107. (485) **Registration of water cooling and warm water systems**

All water cooling and warm water systems regulated under the *Public Health Act 1991* must be registered with Council's Environmental Services Unit within one month of installation.

Reason: Ensure public safety and amenity

108. Upon completion of all remediation/site works, a NSW EPA accredited Site Auditor is to submit a Site Audit Statement to confirm that all works have been completed in accordance with the RAP and the provisions of SEPP 55 Contaminated Land.

Reason: Ensure public safety and amenity