

JRPP No.	Item (2009SYW023)
DA No:	JRPP-09-2804
Proposed Development:	Warehouse and Distribution Facility for Pepkor (Best & Less) with associated office, car parking, signage, landscaping and drainage works
Development Type:	“Regional Development” – Capital Investment Value > \$10 million
Lodgement Date:	11 November 2009
Land/Address:	Lot 122, DP 1049623, Old Wallgrove Road, Eastern Creek
Land Zoning:	IN1 – General Industrial pursuant to SEPP (Western Sydney Employment Area) 2009
Value Of Development:	\$14,900,000
Applicant:	Australand Holdings Ltd
Report Author:	Eltin Miletic, Town Planner – Blacktown City Council



Figure 1. Warehouse Perspective (Source: Australand, Dwg. No. PK-EC3-DA-600[C], dated 22.12.09)

ASSESSMENT REPORT

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Attachment 1 – Proposed Conditions of Consent

1 Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Australand Holdings Ltd for the construction of a Distribution Facility for Pepkor (operator of the 'Best and Less' retail chain) with associated office, car parking, signage, landscaping and drainage works off the extension of Wonderland Drive (approved under DA-06-1992) within proposed Lot 3 (in a Subdivision approved under DA-09-2400) at Lot 122, DP 1049623, Old Wallgrove Road, Eastern Creek. The proposed development has a Capital Investment Value of \$14.9 million.
- 1.2 The proposal comprises a warehouse of approximately 35,000sqm, with an administration office of 1,000sqm. The proposed development seeks to operate 24 hours a day, 7 days a week and will employ around 90 people once operational. A total of 156 car spaces will be allocated as part of this proposal, with an additional 73 provisional car spaces set aside for additional capacity. No manufacturing or retail operations will occur on the site as the use entails the warehousing and distribution of apparel only.
- 1.3 Access to the site is proposed via the extension of Wonderland Drive approved under DA-06-1992 over the alignment of part of the existing Right of Carriageway known as the "Quarry Road" serving land to the west of the subject site owned by Hanson Construction Materials Pty Ltd and Thaquarry Pty Ltd. It is anticipated that the proposal will generate a total of 28 incoming and 31 outgoing truck movements per day.
- 1.4 The proposed development constitutes 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) as it has a Capital Investment Value of more than \$10M. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel and not by Council under Delegated Authority.
- 1.5 The subject site is zoned IN1 General Industrial pursuant to State Environmental Planning Policy (Western Sydney Employment Area) 2009. The proposed development is permissible in this zone with development consent.
- 1.6 The DA was referred to the Department of Planning and the Sydney Regional Development Advisory Committee for comments, both of which raised no objection to the proposal subject to conditions of consent.
- 1.7 The Application was notified to adjoining owners for a period of 14 days from 2 December to 16 December 2009, during which time no submissions were received by Council.
- 1.8 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including suitability of the site and the public interest, and is considered satisfactory. The proposed development is considered satisfactory with regard to key issues such as Built Form, Access, Traffic Impact, Stormwater Drainage, Aboriginal Archaeology, ESD, Site Contamination, Salinity, Flora and Fauna, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.9 In light of the above, it is recommended that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are provided at Attachment 1 to this Report.

2 Location

- 2.1 The subject development site is located approximately 900m from the M4 Motorway to the north and 500m from the existing temporary cul-de-sac of Wonderland Drive to the east at the western extent of the Australand Stage 3 Eastern Creek Business Park. The subject land is identified as Precinct 2 pursuant to the SEPP (Western Sydney Employment Area) 2009 Land Application Map.



Figure 2.

Precinct-wide Location Plan

- 2.2 The subject site will enjoy vehicular access (upon the construction of the Australand Stage 3 Eastern Creek Business Park road network approved under DA-06-1992) to the surrounding well-serviced regional road network of the M4 and M7 Motorways and Wallgrove Road via Wonderland Drive and future additional road links from the south, as shown in Figure 3 on the next page.

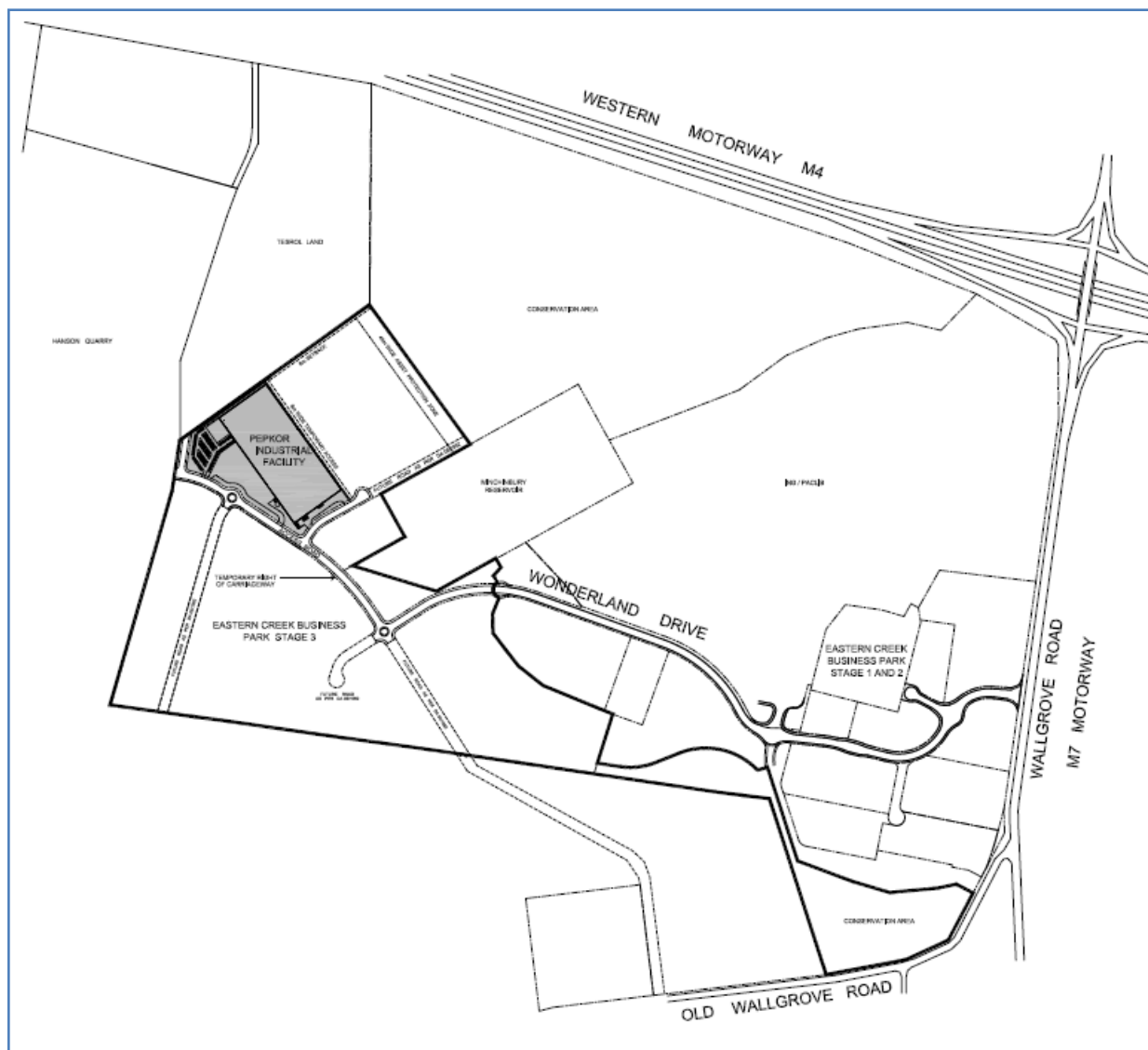


Figure 3. Location Plan (Source: Australand, Dwg. No. PK-EC3-DA-002[B], dated 5.11.09)

3 Site Description and Locality

- 3.1 The subject site has a total area of 6.011 hectares and is known as proposed Lot 3 off Wonderland Drive (in a Subdivision approved under DA-09-2400 and Linen Plan recently released by Council on 17 February 2010) at Lot 122, DP 1049623, Old Wallgrove Road, Eastern Creek. Lot 122, the current real property description, comprises some 57.1 hectares of developable land and 60.28 hectares set aside for Conservation purposes to the north-east.
- 3.2 The subject site enjoys future street frontages (approved under DA-06-1992) along its south-eastern, south-western and western boundaries, with vehicular access points proposed off both the south-eastern and south-western boundaries of the site.
- 3.3 The land immediately adjoins vacant future Industrial Employment lands to the south and north-east (owned by Australand) and north-west (owned by Tesrol), and the existing Hanson and Light Horse Business Centre Quarry land to the west. The subject site is surrounded by the M4 Motorway to the north, vacant Industrial land owned by Jacfin Pty Ltd to the south and the Sydney Water Minchinbury Reservoir, Integral Energy Zone Substation and the existing Stage 1 and 2 Industrial developments to the east.
- 3.4 The subject site is zoned IN1 - General Industrial pursuant to State Environmental Planning Policy (Western Sydney Employment Area) 2009 as shown in Figure 4 below.

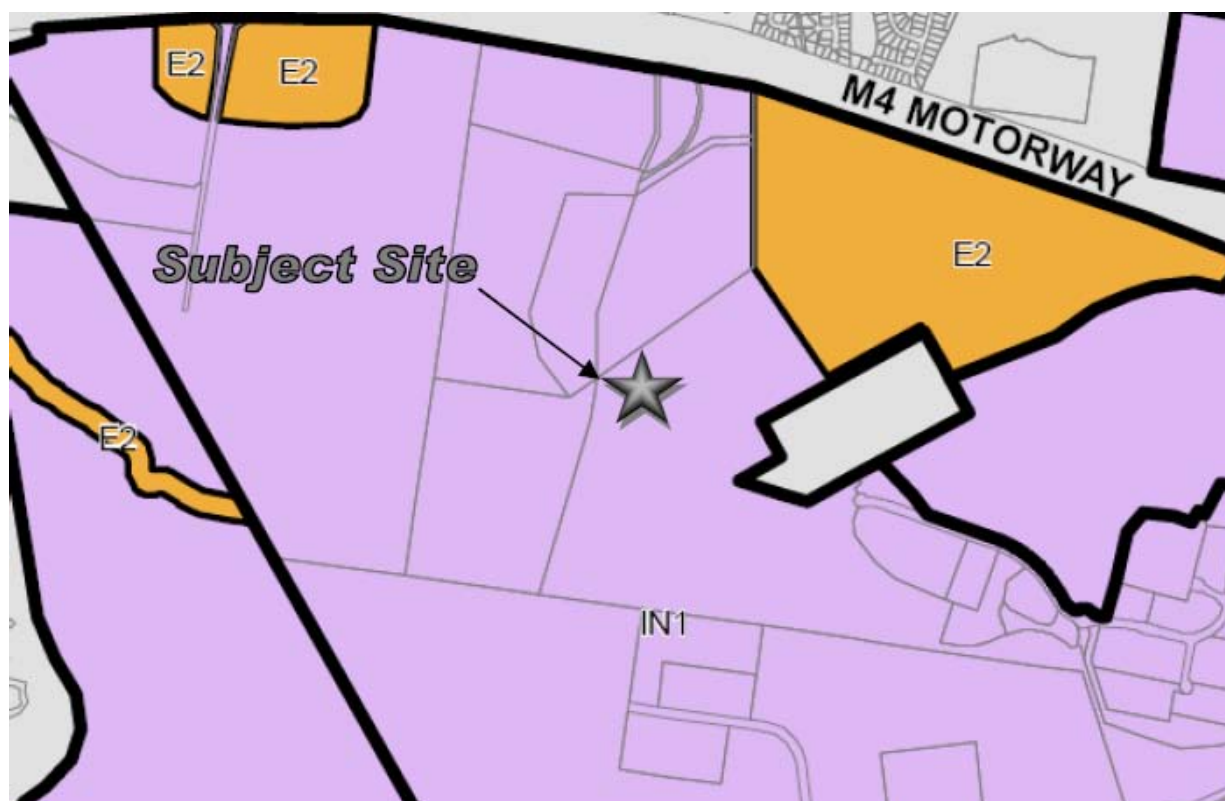


Figure 4. Zoning Plan Extract (Source: Boston Blyth Fleming, SEE, 2009)



Figure 5. Aerial Photo of Site and Surrounds Looking East (Source: Australand 2009)

- 3.5 The subject site is currently vacant and undeveloped, with the exception of an easement for Right of Carriageway benefitting Hanson Pty Ltd and Dial-a-Dump Industries which runs adjacent to the south-western boundary of the site over the alignment of proposed Road No. 1 approved under DA-06-1992. Part of the Right of Carriageway (ROC) will be replaced by a public road off Wonderland Drive approved under DA-06-1992, which will provide access to vacant Industrial land to the north-west owned by Tesrol as well as the Hanson land to the west.
- 3.6 The topography of the subject site generally slopes to the north-west draining to the Upper Angus Creek catchment. The majority of the site is heavily vegetated and identified on Council's GIS as affected by Shale Plains Woodland. In accordance with the Eastern Creek Precinct Plan, 60.28 hectares of high quality Shale Plains Woodland was set aside as a Conservation Area to the north of the subject site under DA-06-1992, leaving 57.1 hectares of developable land, which contains the subject site.
- 3.7 However, it is noted that the subject site has recently been cleared of vegetation and regraded as a result of a Construction Certificate being issued by Private Certifier Barker Ryan Stewart on 1 January 2010 as a part of the approved Subdivision under DA-06-1992 to facilitate the subject proposed development.

4 History and Current Use of the Site

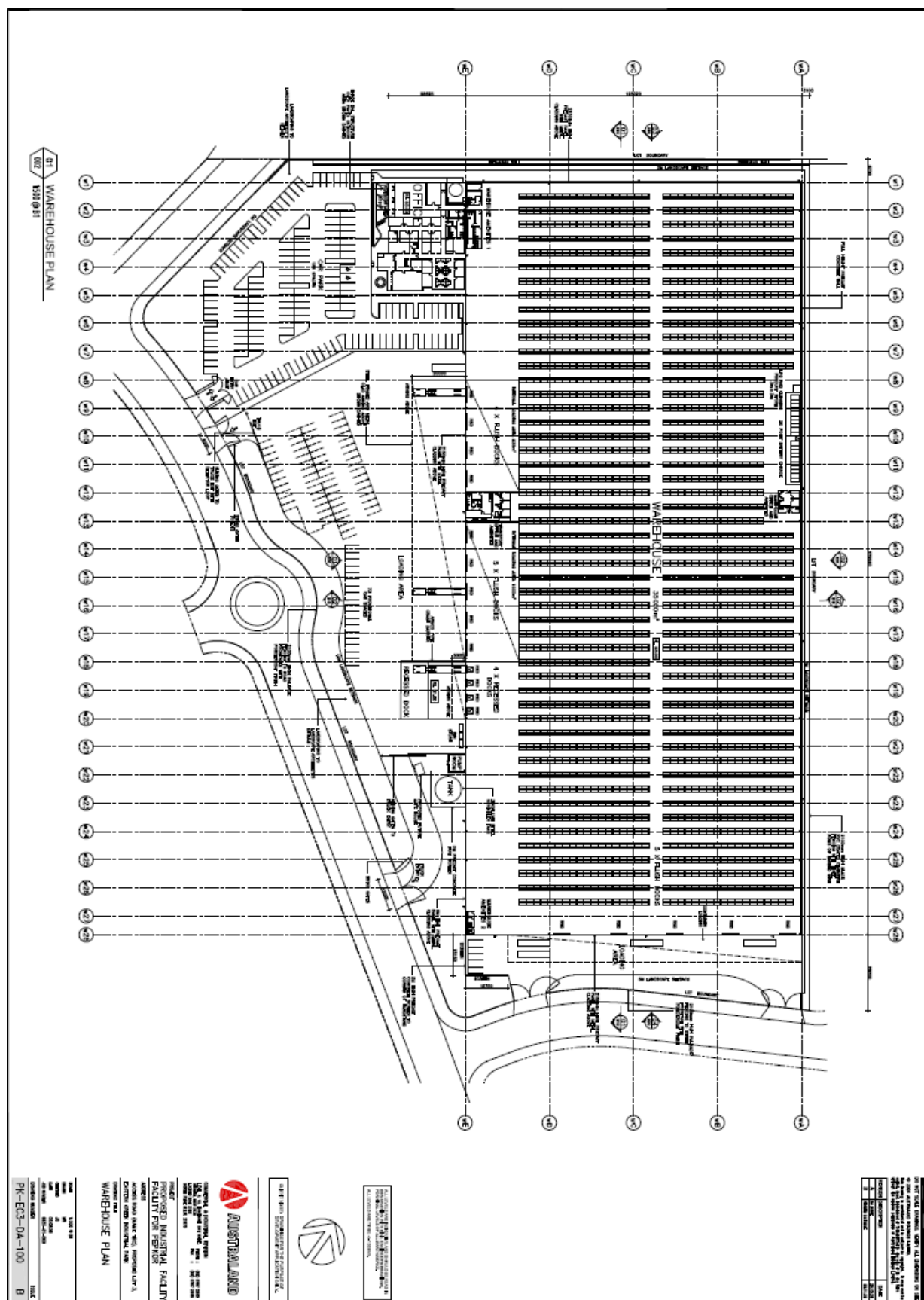
- 4.1 On 27 May 2009 Council issued Notice of Determination No. 06-1992 which approved the Subdivision of Lot 122, DP 1049623, Old Wallgrove Road, Eastern Creek into 1 residue lot dissected into 6 parts by new public roads with associated bulk earthworks and tree removal. Matters relating to Flora and Fauna, Bushfire Hazard, Salinity, Site Contamination, Aboriginal Archaeology, Road Layout and Traffic were considered under DA-06-1992 and suitably addressed to make the site suitable for Industrial development.
- 4.2 Section 96 Application No. 09-1535 amending DA-06-1992 was approved by Council on 4 September 2009 to modify the collector road location in order to more closely accord with the adopted Precinct Plan. As a result, while there is a less efficient development yield, proposed Road No.1 now lies over the existing ROC as per the adopted Precinct Plan road layout, so as to limit unnecessary intersection conflict between construction traffic and the users of the ROC (with a temporary parallel access road being provided by Australand in the meantime) and to facilitate the release of the easement upon dedication of the road to Council.
- 4.3 On 26 November 2009 Council issued Notice of Determination No. 09-2400, which approved the paper plan subdivision of the subject site into 5 residue lots and 2 lots for Conservation Purposes. The purpose of DA-09-2400 was to stage the release of the developable land and facilitate the transfer of land to future buyers so as to meet various contractual obligations between Australand and prospective land/facility purchasers.
- 4.4 On 17 February 2010 Council released the Linen Plan for DA-09-2400, creating 3 Industrial Residue Lots, including Lot 3 being the site of the subject development proposal and a new easement for Right of Carriageway reflecting the layout of the approved roads under DA-06-1992. The residue lots created were released subject to the creation of a restriction on title preventing any further development of the land until matters relating to, amongst other things, satisfactory arrangements being put in place for local and regional developer contributions and the construction of road and drainage works as per DA-06-1992.
- 4.5 Given that the works approved under DA-06-1992 have yet to be completed, a **condition** of consent is proposed for inclusion as a part of this DA specifying that the requirements must DA-06-1992 (as amended) must be addressed to Council's satisfaction prior to the issue of any Occupation Certificate for the proposed development.

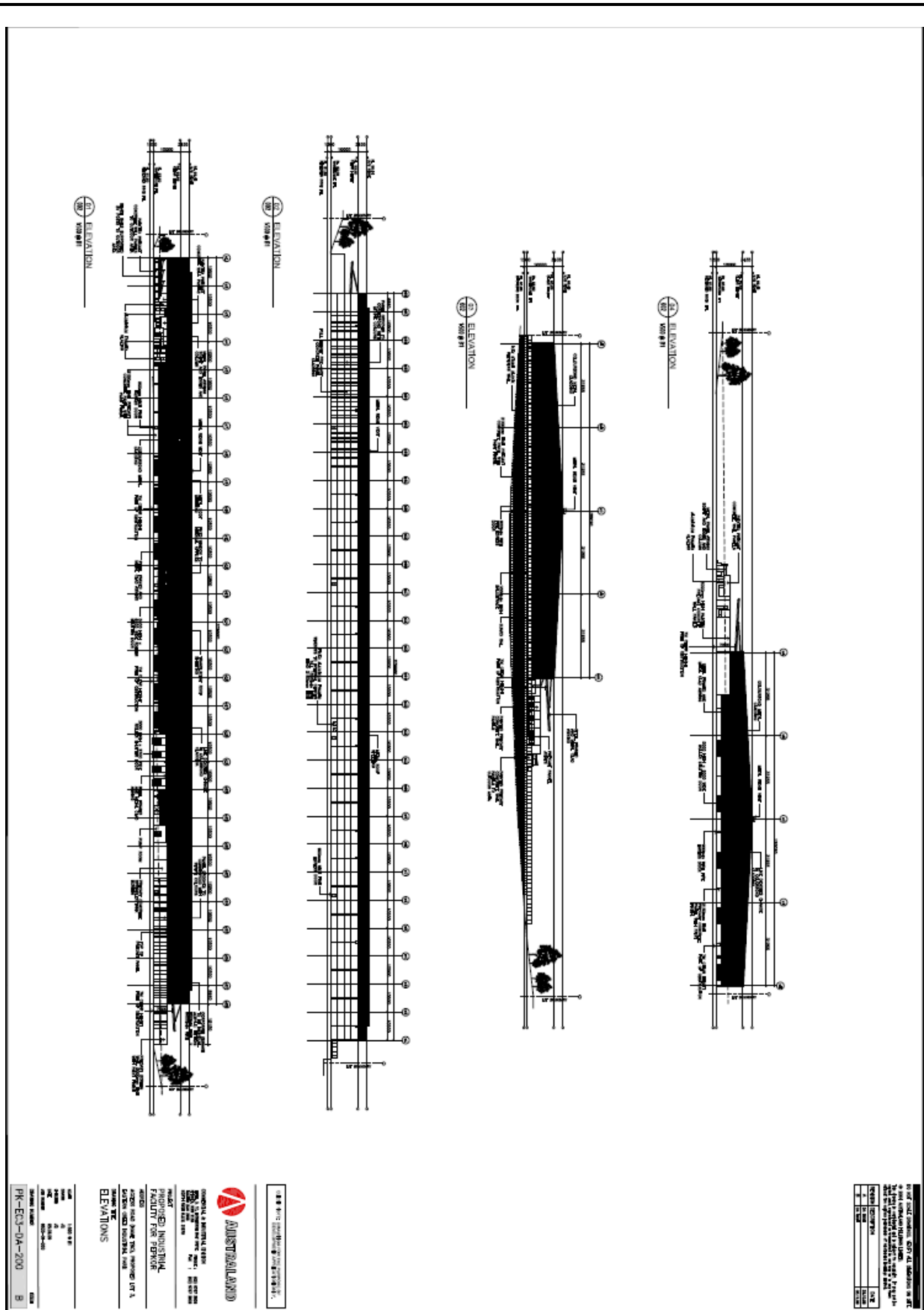
5 The Proposal

- 5.1 Council is in receipt of a Development Application (DA) from Australand Holdings Ltd for the construction of a Distribution and Logistics Centre for Pepkor (operator of the 'Best and Less' retail chain) with ancillary office, signage, car parking, landscaping and drainage works off the extension of Wonderland Drive (approved under DA-06-1992) within proposed Lot 3 (in a Subdivision approved under DA-09-2400) at Lot 122, DP 1049623, Old Wallgrove Road, Eastern Creek. The proposed development has a Capital Investment Value of \$14.9 million.
- 5.2 The proposal comprises a warehouse of approximately 35,000sqm, with ancillary administration office of 1,000sqm, 70sqm of amenities and car parking. The proposed warehouse is 12m in height and rectangular in form with dimensions of 279.96m X 125.02m. External finishes of the warehouse predominantly consist of pre-finished metal wall sheeting above 2.1m high precast concrete panels on 3 elevations, a 5m high feature precast screen wall to the south-western elevation and metal sheet roofing.

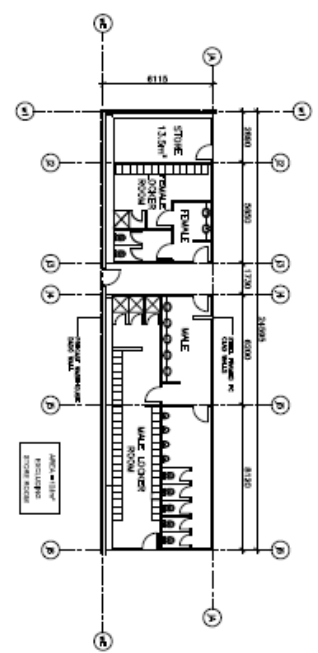
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- 5.3 The office component extends forward of the proposed warehouse and consists of 5m high painted precast concrete panels with aluminium framed glazing and an external staff area with shade sails. A metal panel entry canopy will define the building entrance.
- 5.4 Appropriate colour selections of the external materials will be utilised to provide variation to the external appearance of the development, which will be further complemented by detailed landscaping and decorative retaining wall/fencing works.
- 5.5 A single building identification sign reading 'Best and Less' with dimensions 9.6m X 0.95m is also proposed. The sign will consist of unilluminated individual acrylic letters attached to the south-western (street) elevation of the building at the top left-hand corner.
- 5.6 The proposed development seeks to operate 24 hours a day, 7 days a week and will employ around 90 people once operational. No manufacturing or retail operations will occur on the site as the use entails the warehousing and distribution of apparel only. The site will be used as a facility to warehouse and distribute clothing, footwear and manchester for Best and Less stores. Product will be received in cartons or hung garment bags and unloaded and transported within the warehouse by forklift, generally being stored on pallets in racking systems.
- 5.7 A total of 156 car spaces will be allocated as part of this proposal, with an additional 73 provisional car spaces set aside for additional capacity. It is anticipated that the proposal will generate a total of 28 incoming and 31 outgoing truck movements per day.
- 5.8 Access to the site is proposed via the extension of Wonderland Drive approved under DA-06-1992 over the alignment of part of the existing Right of Carriageway (ROC) known as the "Quarry Road", with truck entry/exit proposed off both the south-eastern and south-western boundaries of the site and separate car entry proposed off the western end of the south-western boundary. The Applicant intends to build those roads approved under DA-06-1992 as shown on Dwg. No. PK-EC3-DA-001 (Issue B), but not dedicate these roads to Council for the time being, instead relying on a temporary ROC recently created under the linen release for DA-09-2400 over the undedicated road until the encumbrance of the ROC is lifted in consultation with the beneficiaries of the ROC.

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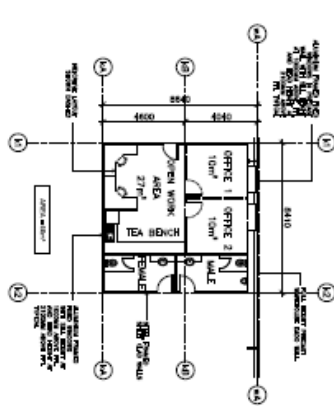




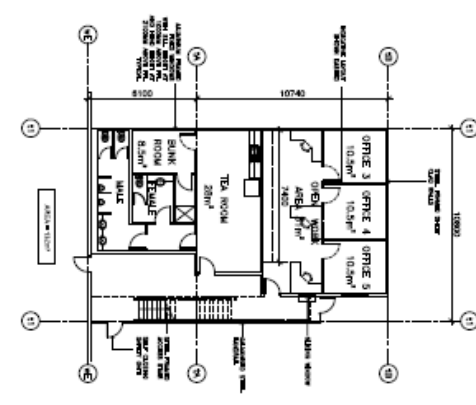
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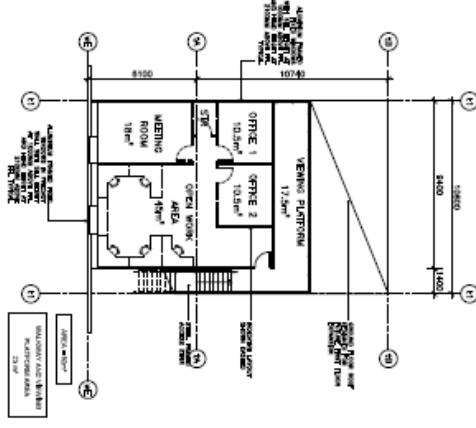
03 WAREHOUSE AMENITIES 1
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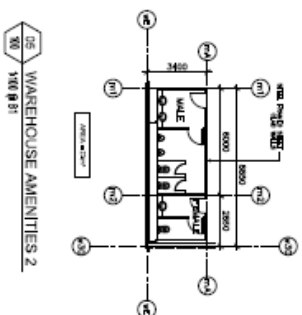
04 WAREHOUSE OFFICE AND AMENITIES
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01 GROUND FLOOR TRANSPORT AMENITIES
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02 FIRST FLOOR TRANSPORT OFFICE
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05 WAREHOUSE AMENITIES 2
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AUSTRALIA

PROPOSED INDUSTRIAL
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TRANSPORT OFFICE AND
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PK-EC3-DA-111 B

7 Planning Controls

7.1 The planning controls that relate to the proposed development are as follows:

a. State Environmental Planning Policy (Major Development) 2005

SEPP (Major Development) 2005 identifies development classified as 'regional development', requiring referral to a Joint Regional Planning Panel (JRPP) for determination on the basis of the criteria listed within Clause 13B. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value of more than \$10M in accordance with Clause 13B(1)(a) of the SEPP. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel and not by Council under Delegated Authority.

b. State Environmental Planning Policy (Western Sydney Employment Area) 2009

This SEPP primarily aims to promote economic development and the creation of employment in the Western Sydney Employment Area. The subject site is zoned IN1 – General Industrial pursuant to this SEPP, and the proposed development, being for the purpose of a warehouse and distribution facility, is consistent with the objectives of the zone and permissible with formal Development Consent. Pursuant to Clause 19 of the SEPP, the Eastern Creek Precinct Plan (Stage 3), dated 14 December 2005, is the guiding document for the development of Stage 3 and must be taken into consideration by the Consent Authority. The relevant matters for consideration raised in the Precinct Plan are discussed in detail in the assessment of key issues contained in Section 12 of this Report. The DA complies with the relevant Principle Development Standards and Miscellaneous Provisions pursuant to Parts 5 and 6 respectively of the SEPP.

c. State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to ensure that the RTA is made aware of and allowed to comment on types of development nominated as 'traffic generating development' listed in Schedule 3 of the SEPP. Schedule 3 identifies development being industry with a site area of more than 15,000sqm. The proposed development therefore triggers the Infrastructure SEPP. The DA was referred to the RTA for comment in accordance with the Infrastructure SEPP. A copy of any determination will be forwarded to the RTA in accordance with Clause 104(4) of the SEPP.

d. State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP No. 64 – Advertising and Signage regulates all signage that is not classified as 'exempt development' and aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high quality design and finish. The proposed signage does not meet the criteria for exempt development in accordance with Clause 1.8(6) of the SEPP (Exempt and Complying Development Codes) 2008. Therefore, pursuant to SEPP 64, the proposed signage constitutes Building Identification Signs, identifying the premises and its occupation by Best & Less, and must comply with the matters specified in Clause 8, including the assessment criteria listed in Schedule 1. It is considered that the proposed signage is consistent with the aims and objectives of SEPP 64 and the assessment criteria listed in Schedule 1.

e. Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River

The site is located in the South Creek catchment identified under the SREP. It is considered that the proposal does not conflict with the aims of the plan as the site stormwater management will ensure that post-development flows do not exceed pre-development flows, and water polishing will ensure any water discharged meets the relevant stormwater quality guidelines.

8 External Referrals

8.1 The subject Development Application was referred to the following public agencies as summarised in the table below.

Agency	Comments
Department of Planning (DoP)	<p>The DA was referred to the DoP on 25 November 2009 pursuant to Clauses 22 – Rainwater harvesting, 26 – Development on or in the vicinity of proposed transport infrastructure routes and 29(3) – Satisfactory arrangements for the provision of regional transport infrastructure and services of SEPP (Western Sydney Employment Area) 2009.</p> <p>Council received correspondence from the DoP, dated 14 December 2009, advising that there were no specific infrastructure requirements for rainwater harvesting in relation to Clause 22 given that a rainwater harvesting scheme for the Eastern Creek Precinct had yet to be approved by the Director-General; providing no comments in relation to Clause 26; and advising that arrangements for the provision of regional transport infrastructure and services pursuant to Clause 29(3), required prior to the determination of any DA, had yet to be entered into.</p> <p>The Department subsequently advised via letter dated 8 February 2010 that satisfactory arrangements had been made and requested a condition of consent be imposed requiring written evidence from the Department verifying the execution of satisfactory arrangements prior to the issue of the Construction Certificate. This has been conditioned for accordingly.</p>
Roads and Traffic Authority (RTA)	<p>The DA was referred to the RTA on 25 November 2009 pursuant to Clause 104 of SEPP (Infrastructure) 2007. The traffic impact of the proposed development was considered by the Sydney Regional Development Advisory Committee (RTA) on 16 December 2009 and no objections were raised as the proposal will not have a direct impact on the classified road network.</p>

9 Internal Referrals

9.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering	<p>No objections subject to the imposition of appropriate conditions of consent (Enclosure 57A on Council File JRPP-09-2804).</p>
Building	<p>No objections subject to the imposition of appropriate conditions of consent (Enclosure 12A on Council File JRPP-09-2804).</p>
Traffic	<p>The proposed development was considered by the Local Traffic Committee (comprising Council's Traffic Management Co-ordinator and representatives from the RTA and Mt Druitt Police) on 1 December 2009. No objections were raised subject to the imposition of appropriate conditions of consent requiring the installation of "No Stopping" restrictions as shown marked in red (Enclosure 26A on Council File JRPP-09-2804).</p>

Drainage	Development Services Engineers have addressed drainage issues (held at Enclosures 43A and 55A on Council File JRPP-09-2804) by recommending suitable engineering conditions of consent.
Section 94	No objections from Section 94 Co-ordinator subject to a Pre-CC condition of consent requiring payment of security in accordance with the Eastern Creek Business Park Planning Agreement entered into with Council (Enclosure 52A on Council File JRPP-09-2804).

10 Public Comment

10.1 The subject Development Application was notified to adjoining and surrounding owners and occupiers in accordance with Blacktown Development Control Plan 2006: Part K – Notification of Development Applications for a period of 14 days from 2 December to 16 December 2009. During this time no submissions were received by Council.

11 Section 79C Consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Complies
<p><i>a. the provisions of:</i></p> <p><i>(i) any environmental planning instrument (EPI)</i></p> <p><i>(iii) any development control plan</i></p> <p><i>(iiia) any planning agreement</i></p> <p><i>(iv) the regulations</i></p>	The provisions of relevant EPIs relating to the proposed development are summarised in Section 7 of this Report and have been satisfactorily addressed in Sections 8 and 12. Whilst there are no specific Development Control Plans applicable to the proposal, the SEPP 59 Eastern Creek Precinct Plan (ECP) sets out the relevant controls to be considered for development in the precinct. The requirements of the Eastern Creek Business Park Voluntary Planning Agreement between Council and Australand have been satisfactorily addressed through a condition requiring payment of security.	Yes
<i>b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	An assessment of key issues relating to the proposed development is provided in Section 12 of this Report and it is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, stormwater quality, waste management, soil and groundwater quality and the like have been satisfactorily addressed.	Yes
<i>c. the suitability of the site for the development</i>	The subject site is identified as industrial land for employment-generating purposes pursuant to SEPP (Western Sydney Employment Area) 2009. Further, matters relating to site contamination, salinity, flora and fauna, threatened species, aboriginal archaeology, stormwater drainage, cut and fill and access have previously been addressed as a part of the approval issued under	Yes

	DA-06-1992, rendering the site suitable for the proposed development.	
<i>d. any submissions made in accordance with this Act or the regulations</i>	No public submissions were made in relation to this DA.	Yes
<i>e. the public interest</i>	The proposed development is for the purpose of employment generation on land identified as employment lands under SEPP (Western Sydney Employment Area) 2009 and, accordingly, it is considered that the proposal is in the public interest.	Yes

12 Assessment

12.1 An assessment of the proposed development against the requirements of the Eastern Creek Precinct Plan (ECP) and SEPP Western Sydney Employment Area 2009 (the SEPP) is presented below. A copy of the Concept Masterplan for the precinct is provided on the following page.

12.2 General Services

In accordance with Section 3 of the ECP and Clause 25 – ‘Public Utility Infrastructure’ of the SEPP, satisfactory arrangements must be in place for the provision of public utility infrastructure. The subject site will be provisioned with services such as water and sewer, power, telecommunications and gas supply as a part of the subdivision and roads approval under DA-06-1992. A **condition** will be included in the subject DA’s consent to ensure that prior to the issue of any Occupation Certificate all the requirements of DA-06-1992 (as amended) are addressed to Council’s satisfaction. In addition to this, further **conditions** will be imposed on this consent requiring the Applicant to obtain Service Authority Clearances prior to the issue of any Construction Certificate and any Occupation Certificate.

12.3 Stormwater Management

The ECP identifies a number of drainage detention basins and riparian corridors within the greater SEPP Western Sydney Employment Area land. The subject site drains to the north-west towards the Upper Angus Creek Catchment, which will be developed as part of the subdivision on the adjoining Tesrol land to the north-west, recently approved under DA-06-3415. Whilst no permanent basins are required on the subject site, temporary detention basins are being provided in the interim under approved DA-06-1992 until the regional infrastructure is constructed. However, the temporary detention basin serving the area of land the subject of this DA has required modification from the Stormwater Concept approved under DA-06-1992 in order to accommodate the proposed warehouse facility. Council’s Drainage Section reviewed the stormwater plans and documentation prepared by Henry and Hymas and initially raised concerns with regard to the capacity of the proposed temporary on-site stormwater detention, details of the proposed stormwater quality control measures and proposed overland flows. Following receipt of additional details submitted by the Applicant on 3 March 2010, Council’s Drainage and Engineering Sections subsequently raised no objection to the proposal subject to the imposition of appropriate **conditions** of consent.

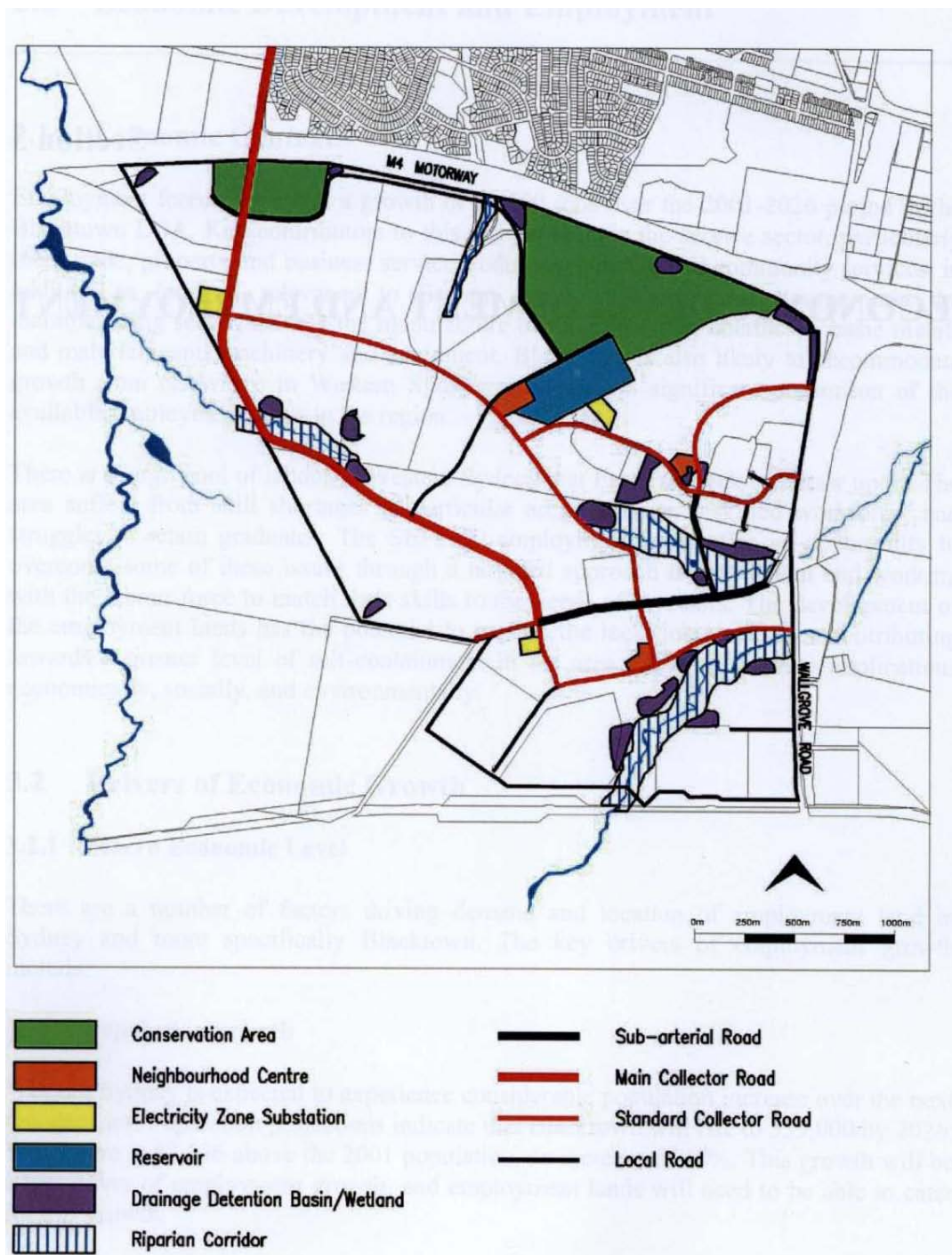


Figure 6. Extract from Precinct Plan – Figure 8. Concept Masterplan

Such conditions include:

- the Council's formal sign-off and endorsement of bio-swale landscape details, detailed stormwater plans and calculations demonstrating compliance with the relevant Council Stormwater Quality and Quantity requirements prior to the issue of any Construction Certificate;
- the installation and maintenance of suitable erosion and sediment control measures throughout the duration of works;
- the submission of relevant certificates from suitably qualified engineers certifying the proper construction of the stormwater infrastructure;
- the submission of maintenance manuals for the proposed stormwater infrastructure; and
- the imposition of Section 88B restrictions and covenants on title requiring the appropriate maintenance of the stormwater infrastructure.

12.4 **Environmental Management**

The main objective for environmental management is to include measures that will reduce waste, improve energy efficiency, conserve water and ultimately reduce the impact of the proposed development on the environment (also as required under Clause 20 of SEPP Western Sydney Employment Area 2009). As such, the following headings discuss the proposed development in terms of Ecologically Sustainable Development.

a) Water Conservation

As a part of the DA the Applicant submitted a Hydraulic Services Water Management Report, dated 11 November 2009, prepared by Steve Paul & Partners, which provides that a reduction of the potable cold water requirements can be sustained in the range of 35% to 50% during the operation of the development and recommends a 150,000L storage tank for this development. The proposed development also includes the installation of water fixtures with a minimum AAA rating and the planting of indigenous low water species. As such, it is considered that water conservation has been satisfactorily addressed. A **condition** will be imposed limiting the height of the proposed tank to no more than 5m, with details of the proposed tank to be submitted to Council prior to the issue of any Construction Certificate, so that it is not visible to the public from the street. In addition, in accordance with Clause 22 – 'Rainwater Harvesting' under SEPP Western Sydney Employment Area 2009, the DoP has advised that a rainwater harvesting scheme has not been adopted by the Director-General and, as such, there are no specific requirements in relation to regional rainwater harvesting for this proposal.

b) Energy Efficiency

The siting and use of materials for the development has been designed in a manner to improve energy efficiency. The Applicant has submitted an Energy Statement, dated 4 September 2009, prepared by Steensen Varming Australia, which assesses the energy efficiency of the proposed development. The report notes that the largest 'base building' energy consumer will be the lighting of the proposed warehouse. Therefore, in order to minimise energy consumption, the proposed roof materials will incorporate translucent sheeting to potentially provide up to 300+ lux at 1.5m above the warehouse floor. However, while optimising natural lighting is ideal, given the nature of warehouse development, which requires flexibility in racking arrangements depending on occupant requirements, the proposed development will also incorporate artificial lighting systems which meet or exceed the requirements of the Building Code of Australia Part J. In addition, the proposed development has been designed to include natural cross ventilation opportunities and fixed external shades along the eastern and western facades to minimise solar load.

c) Air Quality

As the proposed development is intended for future use as a warehouse it is considered that the building itself will create minimal impacts on air quality. The proposed development has provided bicycle racking facilities for employees in accordance with Section 10.4 of the ECPP that prescribes a rate of 1 bicycle locker or other suitable form of secure bicycle accommodation per 600sqm of office space and a **condition** will be included requiring this to be in place prior to the issue of the Occupation Certificate. In addition, given that some 156 permanent car spaces and an additional 73 provisional spaces are provided, as per Section 10.5 of ECPP, a **condition** shall be imposed requiring a copy of the Travel Demand Management Program demonstrating the promotion of transport options for visitors and employees to the Precinct to be submitted to the Department of Planning prior to the issue of the Occupation Certificate. Whilst this requirement of Section 10.5 of the Precinct Plan would seem a matter of extreme detail that may not be necessary to be considered by the DoP, it is a stated provision of the Plan which originated from the original SEPP 59 and the adoption of the Plan under that SEPP.

d) Waste

A Waste Management Plan (WMP) has been prepared and submitted as a part of the Application. The subject site was cleared of all vegetation and necessary earthworks were carried out as approved by DA-06-1992 and, as such, the proposed development will generate little waste during the construction phase. Waste generated during the operation of the proposed development will be collected by a private contractor. As such, a **condition** of consent will be included within the consent requiring compliance with the submitted WMP.

e) Contamination

Site contamination has previously been addressed under DA-06-1992, which ultimately recommended that the site was suitable for commercial/industrial uses (subject to validation). As the subdivision certificate for DA-06-1992 has yet to be registered, final validation has not been provided for the site and, as such, it is considered necessary to include a **condition** in the consent requiring that validation for the subject site be provided prior to the issue of any Construction Certificate.

f) Salinity

Salinity for the subject site has previously been addressed on the mother Subdivision Application, DA-06-1992. A **condition** will be included as a part of this consent requiring the submission, prior to the issue of any Construction Certificate, of a Salinity Management Plan (SMP), which provides suitable recommendations for the proposed development to mitigate the impacts of urban salinity, including surface water drainage and detention basins, landscaping works and building piers, footings and foundations. In addition to the above, the Environmental Consultant engaged for the project will be required to monitor the site throughout the earthworks and construction stage to ensure that all works are carried out in an appropriate manner in accordance with the SMP to be submitted, with sign-off to that effect to be submitted to Council prior to the issue of the Occupation Certificate.

g) Noise and Vibration

The subject site is part of land zoned for industrial purposes and the northernmost extent of the subject site is located approximately 900m from the Minchinbury Residential Area situated to the north of the M4 Motorway. The proposed development will not generate any offensive noise and is in keeping with similar warehouse and distribution facility developments located within the Eastern Creek Precinct. Therefore it is considered that the proposed development will not adversely impact the amenity of any residential areas.

12.5 Biodiversity and Bushfire Management

a) Flora and Fauna

Flora and Fauna has previously been considered under DA-06-1992. A Flora and Fauna Assessment of Significance (7 part test) pursuant to Section 5A of the Act prepared by Conacher Travers was submitted as a part of DA-06-1992, which found that the development was unlikely to have a significant impact on threatened species or endangered ecological communities and that no Species Impact Statement was required. In addition, the Applicant submitted sign-off from the Commonwealth (held at File Enclosure 2D of Council's File DA-06-1992) advising that the proposal does not constitute a Controlled Action. As a result of the bulk earthworks approved in DA-06-1992, all vegetation on the subject site was removed to achieve future developable building platforms. Upon site inspection it was evident that the site was clear of trees and as such is not an issue for this Application. However, it is noted that over 60.28 hectares of high quality intact Shale Plains Woodland (a derivative of Cumberland Plains Woodland) has been retained in a Conservation Area to the north-east of the subject site under DA-06-1992 in accordance with the requirements of the Eastern Creek Precinct Plan.

b) Bushfire Hazard

The proposed development is located approximately 270 metres away from the nominated Asset Protection Zones provided under DA-06-1992 along the northern boundary of adjoining proposed Lot 4 adjacent to the Conservation Area. Further, extensive site clearing of the subject site has since taken place and, as such, it is considered that the proposed development is not under any significant risk from bushfires.

12.6 Heritage

a) Non-Indigenous

The subject site is not affected by any Non-Indigenous Heritage requirements as identified in the ECPP and, as such, it is not considered to be an issue for the proposed development.

b) Indigenous

The ECPP identifies the subject land as high Aboriginal archaeological sensitivity. As a part of the previous Application for bulk earthworks and subdivision (DA-06-1992), a Section 90 Consent to Destroy with Salvage was issued by the Department of Environment and Conservation (DECCW) for the subject development site (held at Enclosure 2F on Council's File DA-06-1992). Appropriate **conditions** will be included within this consent requiring compliance with the abovementioned Section 90 Permit.

12.7 Traffic and Transport

a) Regional Road Network

The Regional Road Network has previously been considered during the development of the Eastern Creek Precinct Plan and subsequent approval of DA-06-1992 and subsequent amendments, which will ultimately create the extension of Wonderland Drive and the proposed Collector Road and Local Roads fronting, and providing access to, the subject site.

The Precinct Plan however also requires, prior to any development consent, written certification from the Director General of the Department of Planning stating that satisfactory arrangements have been made for the provision of regional transport infrastructure services. Council received the abovementioned clearance on 8 February 2010.

The Applicant intends to build only those roads approved under DA-06-1992 as shown on Dwg. No. PK-EC3-DA-001 (Issue B) but not dedicate these roads to Council for the time

being, instead relying on the temporary Right of Carriageway recently created under the linen release for DA-09-2400 over the undedicated road. Both the RTA and Council's Traffic Section (through the Local Traffic Committee) have raised no objections to the proposed development. As the proposed access to the development is reliant upon the road network approved under DA-06-1992, a **condition** will be included within this consent requiring that the works approved under DA-06-1992 are completed to Council's satisfaction prior to the issue of an Occupation Certificate.

b) Pedestrians and Cycling

Within the road reserve for the future Collector Road fronting the site (approved in DA-06-1992), provision has been made for pedestrian footpaths on both sides of the road and a shared pedestrian/cycle path on the northern side of the Collector Road. Within the proposed development, the applicant has provided shower and locker facilities to encourage future employees to walk or cycle to work. A **condition** of consent will also be included requiring that the applicant submit a plan indicating the type and location of bicycle racking prior to the issue of any Construction Certificate.

c) Parking

The development proposes a total of 156 car parking spaces (including 5 disabled spaces), with space set aside for an additional 73 provisional car spaces. In accordance with the Precinct Plan, the proposed development generates a demand for car parking spaces (including 5 disabled spaces) as shown below:

- 1 space/100m² Industrial GFA for first 7,500m² of GFA = 75 spaces
- 1 space/200m² Industrial GFA after first 7,500m² of GFA = 138 spaces
- 1 space/40m² Office GFA (1,100m²) = 28 spaces
- Total 241 spaces
- For development with over 50 car spaces, 2% of spaces as disabled spaces = 5 spaces

The proposed development provides a total of 229 car spaces. However, as a part of the Application, the Traffic Impact Report prepared by Road Delay Solutions suggests that the proposed use of the facility will only generate a demand for 156 car spaces on the basis that the proposed development will only employ around 90 people once operational. In addition, it is noted that the RTA's guidelines for traffic generating development require a total of 142 spaces, while Council's Development Control Plan 2006 would require a total of 200 car spaces. Therefore, this departure from the Eastern Creek Precinct Plan is considered reasonable in the circumstances. Further, the proposed development is considered satisfactory by Council's Traffic Section and the Local Traffic Committee subject to suitable **conditions** requiring the area of land containing the 73 provisional car spaces to remain undeveloped and clear and unobstructed at all times in the event of a change of occupier or an intensification of the proposed use that requires the additional parking provision. This can be achieved by a suitable operational **condition** on the consent and a restriction/positive covenant on title to nominate this area accordingly.

12.8 Urban Design

a) Siting and Setbacks

Front Boundary – The building front boundary setback along the entire southern frontage to the proposed Collector Road ranges from 10m at its nearest point to more than 60m at its westernmost extent. The building is setback more than 20m along the eastern and south-western road frontages to the proposed Local Roads. Thus the building and all proposed hardstand areas comply with the minimum setback requirements of 10m from a Collector Road and 5m from a Local Road. These setback areas will be heavily landscaped.

An Operational **condition** will also be included within the consent requiring that no storage of any kind will be permitted within the landscaped areas within the building setbacks.

Side Boundary – The building is setback at 3.1m from the northern side boundary and 8.7m from the western side boundary, which complies with the minimum 3m requirement. A landscape setback of approximately 2m separates the majority of the hardstand area along the eastern site boundary and the top of the proposed retaining wall running along the western boundary of the subject site.

b) Building Heights and Design

Building Height – The proposed building will be 12m in height to the top of the roofline, which is considered acceptable given that the proposal does not overshadow any adjoining properties and does not compromise significant views, vistas or the skyline. In accordance with Clause 21 – ‘Height of Buildings’ pursuant to the SEPP, it is considered that the proposed building heights will not adversely impact any residential areas and the design of the building has appropriately addressed the topography of the site.

Articulation – Articulation to the front façades of the building has been achieved by incorporating a variety of finishes, materials, setbacks and landscaping to achieve a satisfactory standard of visual interest and articulation to the future public road frontages. In this regard, it is considered that the proposed development has satisfactorily addressed the requirements of Clause 31 – ‘Design principles’ under the SEPP, which requires high quality design and a variety of external materials and finishes, consistent with the scale and character of other employment generating development in the area.

The length of the western façade has incorporated a variety of finishes and gradually increases in setback along the frontage. While the front facades incorporate loading areas with associated roller shutters, it is considered that these do not detract from the overall appearance of the development. A feature screen wall approximately 70m and 30m in length along the western and southern façades, respectively, provides visual relief along the length of the 279m western façade and 125m southern façade. At its nearest point to the street in the south-western corner of the building, a 5m high precast concrete screen wall with variable banding and feature colouring creates a dramatic focal

point. The proposed office adds interest to the northernmost extent of the western façade.

Dual Frontage – The proposed building is located on a corner lot and enjoys dual street frontages, with vehicular access points proposed from both the southern and western boundaries of the site. As described above, it is considered that the proposed building satisfactorily addresses both street frontages through suitable architectural articulation and the feature screen wall that ‘turns the corner’ to provide a focal point at the south-western corner of the building.

Water Tanks – An above ground Fire Water Tank and Pump Room has been proposed along the western boundary of the site. The Fire Tank and Pump Room will be treated with a 5m high screen wall.

c) External Building Materials and Colour

Photos of the proposed external finishes can be found at Enclosure 36A of Council’s File.

Office – The office component has been designed to incorporate a mix of finished materials including glass, concrete columns, painted precast concrete and pre-painted metal. The majority of the masonry components of the façade will be rendered in contrasting tones. The proposed office finishes are considered to be in accordance with the requirements of the Precinct Plan.

Warehouse – The warehouse component will primarily be constructed of pre-finished metal in contrasting banding. The proposed vertical banding of the colours along the facades is considered to be satisfactory and further complemented by the landscaping and cantilevered awnings.

Roofing – The roofing is proposed to be constructed of metal roof colorbond cladding at a 2° pitch and is considered to be consistent with the requirements of the Precinct Plan.

A **condition** will be included within the consent requiring that the building is constructed in accordance with finish boards held within Council’s file.

d) Ancillary Buildings, Storage and Service Areas

No ancillary buildings or storage areas (other than the Pump Room and Fire Water Tank that have previously been considered) are proposed with this development.

e) Cut and Fill

The majority of the site cut and fill works was previously considered under DA-06-1992 for the subdivision and bulk earthworks over the subject site. A finished bulk earthworks level of 82.7m with up to 5m of fill was approved on the subject site under DA-06-1992. However, some minor regrading works will be required as a part of this DA. A **condition** will be imposed requiring any proposed batters to have a slope no steeper than 3m horizontal to 1m vertical and heavily vegetated in accordance with the Precinct Plan. A **condition** of consent will be included requiring that no fill external to the subject site is to be imported to the site and any such proposal would require a separate consideration and subsequent Development Application.

A retaining wall is proposed to extend along from the northern rear site boundary. All proposed retaining walls generally comply with the requirements of the Precinct Plan with all retaining walls being 3m or less in height and any retaining walls over 3m in height are shown as being terraced with appropriate landscaping. A **condition** will be imposed requiring any proposed retaining walls visible to the public to be constructed of masonry materials, with details to be provided to Council prior to the issue of the Construction Certificate.

f) Fencing

The applicant has advised that all fencing will be in accordance with the requirements of the Precinct Plan, however a **condition** will be included within the consent requiring that all fencing along the street frontages is to be black Diplomat style Palisade fencing, whilst any fencing along the side and rear boundaries may be black plastic coated chain wire mesh in accordance with the Precinct Plan.

g) Signage and Lighting

The plans supplied with the Application demonstrate that the proposed Building Identification signage measuring 9.65m in width by 0.95m in height will be fixed to the south-western corner of the building 7.75m from ground level. The proposed signage sizes and locations do not exceed the maximum 10% of any façade as required by the Precinct Plan. The proposed signage complies with the aims and objectives of SEPP 64, including the assessment criteria included within Schedule 1. Details of the proposed lighting will be required to be submitted to Council for approval prior to the issue of any Construction Certificate via a **condition** of consent.

h) Private Open Space

An area of POS has been provided adjoining the proposed office area, being approximately 93sqm, containing dimensions of approximately 14m x 7m and fronting directly onto landscaped areas. The plans also indicated that shade sails will be erected over approximately 70% of the POS to ensure that the areas are usable in rain or high temperature weather conditions. However, the Precinct Plan also requires that the POS areas be embellished with appropriate landscaping and outdoor furniture. Therefore, a **condition** will be included within the consent requiring outdoor furniture details for the area prior to the issue of any Occupation Certificate.

i) Safety and Security

The Precinct Plan requires that the guidelines detailed within Crime Prevention Through Environmental Design (CPTED) are considered by the applicant and during the assessment process. As such the following comments are made in regard to the Application and the principles of CPTED:

Natural Surveillance

Casual surveillance has been provided to the main car parking area by having the largely glassed office component overlooking the car parking area.

Access Control

Fencing is to be provided along the boundary of the development as indicated by the Applicant. Further to this, swing gates are to be provided to restrict access to the fire truck accessway running along the rear of the site. A **condition** will be included in the consent requiring fencing details to be approved prior to the issue of any Construction Certificate to make sure that all fencing will be in accordance with the Precinct Plan.

Space Management

A **condition** will be included within the consent requiring the applicant to prepare a Site Management Plan to detail strategies to ensure site cleanliness, rapid repair of vandalism and graffiti, and removal or refurbishment of decayed physical building elements.

Worker Participation

There is no control that requires worker participation and as such it is considered that worker participation in crime prevention will ultimately have to be considered by the future user/lessee and employees.

Territorial Reinforcement

Gates, fencing and landscaping have all been utilised to clearly define entrances between the public and private domain.

13 General Comments

- 13.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development subject to the satisfactory completion of the works approved under DA-06-1992 and the provision of regional and local developer contributions subject to satisfactory arrangements made with the Department of Planning and Council, including the Stage 3 Eastern Creek Business Park Planning Agreement.
- 13.2 The proposal is consistent with the objectives of SEPP (Western Sydney Employment Area) 2009 and the IN1 – General Industrial zone and is permissible in the zone with development consent. The proposal also complies with the main essential criteria set out in the Eastern Creek Precinct Plan (Stage 3) and is considered satisfactory with regard to relevant matters such as Built Form, Access, Traffic Impact, Stormwater Drainage, Aboriginal Archaeology, ESD, Site Contamination, Salinity, Flora and Fauna, Social and Economic Impacts and the like subject to the imposition of suitable conditions of consent to satisfactorily control the development.

14 Recommendation

- a) The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 1.
- b) The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.

ELTIN MILETIC
Town Planner

PERRY BEZZINA
Acting Manager Development Services & Administration

GLENNYS JAMES
Director City Strategy & Development

Attachment 1 – Conditions of Consent

1 **ADVISORY NOTES**

1.1 **Terminology**

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 **Scope of Consent**

1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 **Other Approvals**

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.3.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:

- (a) the importation of any fill material, and
- (b) any fence, retaining wall, advertising structure or other development not being exempt development under Council's Local Environmental Plan.

1.3.3 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:

- (a) the installation of a vehicular footway crossing servicing the development.

1.4 **Services**

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

2 **GENERAL**

2.1 **Scope of Consent**

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
PK-EC3-DA-002-B Site Plan	9.11.09	1C (JRPP-09-2804/Part A)
PK-EC3-DA-100-B Warehouse Plan	9.11.09	1E (JRPP-09-2804/Part A)
PK-EC3-DA-110-B Office Plan	9.11.09	1F (JRPP-09-2804/Part A)
PK-EC3-DA-111-B Amenities Plan	9.11.09	1G (JRPP-09-2804/Part A)
PK-EC3-DA-200-B Elevations	17.12.09	36G (JRPP-09-2804/1)
PK-EC3-DA-210-B Sections	9.11.09	1I (JRPP-09-2804/Part A)
PK-EC3-DA-500-C Coloured Elevations	21.12.09	36E (JRPP-09-2804/1)
PK-EC3-DA-900-A Materials Board	21.12.09	36F (JRPP-09-2804/1)
9031-01-C Landscape Master Plan*	23.10.09	1J (JRPP-09-2804/Part A)
9031-01-C Landscape Plan 1 of 3*	9.11.09	1K (JRPP-09-2804/Part A)
9031-01-C Landscape Plan 2 of 3*	9.11.09	1L (JRPP-09-2804/Part A)
9031-01-B	9.9.09	1M (JRPP-09-2804/Part A)

Landscape Plan 3 of 3*

*As amended by Condition 3.5.1(a) & (b), which requires details of suitable planting to be provided within the proposed OSD basins and any timber edges shown within the front landscape setback to be replaced with masonry material.

- 2.1.2 This consent relates to the following reports submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Water Management report prepared by Steve Paul & Partners, dated 11 November 2009, held at enclosure 2D on Council's File JRPP-09-2804;

Energy Report prepared by Steensen Varming (Australia) Pty Ltd, dated 4 September 2009, held at enclosure 2J on Council's File JRPP-09-2804;

Waste Management Plan prepared by Australand Holdings Limited, dated 9 November 2009, held at enclosure 2E on Council's File JRPP-09-2804;

Site Salinity Assessment prepared by Environmental Investigation Services, dated November 2006, held at enclosure 2D on Council's File JRPP-09-2804. (Note Condition 4.4.1 of this Consent requires the preparation of a Salinity Management Plan that provides, in accordance with the recommendations of the EIS Salinity Report, dated November 2006, specific design recommendations for the proposed development, including surface water drainage and detention basins, landscaping works and building construction measures, to mitigate the impact of salinity).

2.2 Suburb Name

- 2.2.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: Eastern Creek

2.3 Engineering Matters

2.3.1 Definitions

- 2.3.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for the issue of the Construction Certificate.

In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier.

2.3.2 Design and Works Specification

2.3.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention Basin and Water Sensitive Urban Design General Guidelines and Checklist policy.
- (f) State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area, Employment Lands Precinct Plan, Eastern Creek Precinct, dated 14 December 2005 (Current Version).
- (g) Blacktown City Council Stormwater Quality Control Policy

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council with any application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documentations.

NOTE: Any variations from these design requirements must be separately approved by Council.

2.3.3 Payment of Engineering Fees

2.3.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.3.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.3.4 Other Fee and Bond/Securities

2.3.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

- (a) Vehicular Crossing Application and Inspection Fee: \$575.00.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

2.3.5 Other Necessary Approvals

2.3.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent"

(b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

2.4 Other Matters

- 2.4.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.4.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.4.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.
- 2.4.4 Prior to the issue of any Construction Certificate, detailed Stormwater Design and supporting calculations shall be submitted to Blacktown City Council for review and approval.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

3.2 Road Deposit/Bond

- 3.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:
- (a) Road inspection fee of \$152.00, and
 - (b) Road maintenance bond of \$5000.00

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

3.3 Eastern Creek Precinct Plan

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Eastern Creek Precinct Plan.

3.4 Services/Utilities

- 3.4.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link 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 Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

- (b) A Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

3.5 Aesthetics/Landscaping

3.5.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

(a) A detailed landscaping plan for the proposed OSD basins prepared by a suitably qualified person, which provides for suitable planting of the proposed OSD basins in order to achieve a suitable water quality treatment effect. In addition, proposed planting shall have regard to the salinity conditions of the site.

(b) Details of any retaining walls to be constructed on site as part of the development. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) where such walls are proposed to be located within a publicly visible area (such as future front building setbacks) or proposed to have a height in excess of 900mm. In this regard, proposed timber edges within the landscape setback areas shown on the approved landscaping plan shall be replaced with a suitable masonry material.

(c) Details of any proposed water tanks, including the proposed 150,000L rainwater tank and the sprinkler tank, shall be submitted to Council for approval prior to the issue of any Construction Certificate. No tanks are to be visible from the street. In this regard, the proposed tanks shall not be higher than 5m and shall be suitably screened.

(d) Details of any proposed lighting to assist in crime prevention at night shall be submitted to Council for approval prior to the issue of any Construction Certificate.

4.3.7 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours endorsed by Council as part of the subject approval process.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Developer Contributions

4.1.1 Prior to the issue of any Construction Certificate, the Applicant shall provide to Council the relevant Planning Agreement Security in accordance with Clause 15 of the Eastern Creek Business Park Planning Agreement EC3.

4.1.2 The Construction Certificate will not be released unless written evidence from the Department of Planning has been obtained indicating that satisfactory arrangements have been executed

for the provision of regional transport infrastructure in accordance with the provisions of the SEPP (Western Sydney Employment Area) 2009.

4.2 Fencing

- 4.2.1 Details of suitable fencing visible from the street (i.e. black Diplomat style Palisade fencing for fencing visible from the street) and side and rear fencing (i.e. black plastic coated chain wire mesh) in accordance with the Precinct Plan, including relevant landscaping, are to be provided to Council prior to the issue of ANY CONSTRUCTION CERTIFICATE.

4.3 Access/Parking

- 4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.3.2 A total of 229 car parking spaces (151 staff/visitor car spaces, 5 disabled car spaces and 73 provisional staff/visitor car spaces) are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

Disabled Car Space: 3.2m x 5.4m

- 4.3.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.3.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1.

4.4 Salinity

- 4.4.1 Prior to the issue of any Construction Certificate, a Salinity Management Plan (SMP), which provides suitable recommendations for the proposed development, including surface water drainage and detention basins, landscaping works, and building piers, footings and foundations, to mitigate the impacts of urban salinity shall be submitted to Council. In addition to the above, the Environmental Consultant engaged for the project will be required to monitor the site throughout the earthworks and construction stage to ensure that all works are carried out in an appropriate manner in accordance with the SMP to be submitted, with sign-off to that effect to be submitted to Council prior to the issue of the Occupation Certificate.

4.5 Site Contamination

- 4.5.1 In relation to site contamination matters, final Site Contamination Validation prepared by a suitably qualified consultant shall be submitted to Council verifying that the site is suitable for the proposed development prior to the issue of any Construction Certificate.

4.6 Other Matters

- 4.6.1 The applicant shall submit a plan indicating the type and location of bicycle racking prior to the issue of any Construction Certificate.
- 4.6.2 Details of the outdoor furniture to be provided for the private open space area shall be submitted to Council for approval prior to the issue of any Construction Certificate.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

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- (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) a combination of (a) and (b).
- 5.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:
- (a) Sections C, D, E and F
- 5.1.3 It is advised the building is the subject of an alternative solution under the performance requirements of the Building Code of Australia. In this respect, your attention is drawn to the need to ensure any associated construction certification for the development work is consistent with, and conforms to, the terms of the approved alternative solution, and does not compromise or reduce the level of fire or structural safety afforded the building.
- 5.2 **Other Matters**
- 5.2.1 A list and layout of all the required essential services proposed for this development, must accompany any Construction Certificate. The list shall describe the extent, capability and basic design of each such service.
- 5.2.2 Submit a section J report pursuant to the Building Code of Australia 2009.
- 6 **PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**
- 6.1 **Compliance with Conditions**
- 6.1.1 All conditions in the “Prior to Construction Certificate (Engineering)” Section and the relevant conditions in the “General” Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.
- 6.2 **Drainage**
- 6.2.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.
- 6.2.2 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.
- 6.2.3 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.
- 6.3 **Erosion and Sediment Control**
- 6.3.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.
- 6.4 **Temporary On-Site Detention Basin/Water Sensitive Urban Design**

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- 6.4.1 Temporary On-site detention and Water Sensitive Urban Design systems within private or common courtyard areas shall be designed so they do not impact on the amenity of the development or the use of such areas.
- 6.4.2 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the temporary on-site detention system and Water Sensitive Urban Design system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 6.4.3 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the Temporary On Site Detention system and Water Sensitive Urban Design will function hydraulically in accordance with the requirements of and Council's current development guide and Eastern Creek Precinct Plan dated 14 December, 2005 (Current Version).
- 6.4.4 Any Construction Certificate issued for or including an Temporary On-site Stormwater Detention (TOSD) System and Water Sensitive Urban Design (WSUD) must be accompanied by;
- (a) A Drainage Design Summary Sheet.
 - (b) Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
 - (c) A completed TOSD Detailed Design and Water Sensitive Urban Design Submission and Checklist.
 - (d) A complete address of Council's OSD General Guidelines and Checklist requirements.
 - (e) A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Blacktown City Council policy. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)
- 6.5 **Securities/Payments In Lieu of Works/Contributions**
- 6.5.1 Where an applicant proposed not to construct works required by this development consent it is necessary to obtain Council's approval of providing payment in lieu of works by applicant prior to the release of the Construction Certificate.
- 6.6 **Asset Management**
- 6.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.
- 6.7 **Other Approvals/Clearances/Adjoining Owners Permission.**
- 6.7.1 Sydney Water Corporation approval in the form of appropriately stamped Construction Certificate Plans is to be obtained to verify that the proposed works meets the Corporation's requirements concerning drainage connections into stormwater channels/ basins and ancillary works relating to water or sewer mains.
- 6.7.2 Written permission from the affected property owners shall be obtained to:
- (a) discharge stormwater onto adjoining land
 - (b) carry out works on adjoining land
 - (c) drain the site across adjoining land

prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council prior to the issue of any Construction Certificates.

6.8 Stormwater Quality Control (SQC) and Water Sensitive Urban Design (WSUD)

- 6.8.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's Stormwater Quality Control Policy. Details are to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the proposed WSUD will require a lodgement of a Section 96 application to Council for amendment of the consent.

6.9 Scope of Engineering Works

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

6.9.1 Road and Drainage Works

- 6.9.1.1 Inter-allotment drainage must be provided where any part of any lot does not drain to a public road. The inter-allotment drainage design must include the disposal of stormwater from upstream properties. Where inter-allotment drainage pipelines have already been constructed stormwater slope junction connection points are to be provided to serve the proposed lots. (For infill residue lots subdivision ONLY)

- 6.9.1.2 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.

- 6.9.1.3 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

6.9.1.4 Temporary On Site Detention

Temporary On-site detention of stormwater runoff from the site must be provided to achieve the following, no increase in Peak flows from the events ranging from the 2 years to 100 years ARI.

6.9.2 Vehicular Crossings

- 6.9.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing(s), with the following nominated width(s) at the property boundary in accordance with Council plan A(BS)103S.

Nominated Widths:	Proposed Road No. 1
	1 x 6.0 metres (Car Park only)
	1 x 8.0 metres (Exist)
	1 x 12 metres (Entry)
	Proposed Road No. 6
	2 x 12 metres

6.9.3 Stormwater Quality Control/Water Sensitive Urban Design

- 6.9.3.1 Stormwater Treatment Measures are required for this development. These measures must be designed, implemented and constructed in accordance with Council's Stormwater Quality Control and Water Sensitive Urban Design Policy.

6.9.3.2 A Maintenance Schedule must be provided for the stormwater treatment measures and Water Sensitive Urban Design in accordance with the requirements of Council's Stormwater Quality Control and Water Sensitive Urban Design Policy. The designer of the stormwater treatment measures and Water Sensitive Urban Design must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

6.9.4 Consistency with Approved development Plans

6.9.4.1 This involves a change to the original application plans as submitted to Council. The change must be reflected on any plans submitted to Council with any Construction Certificate relating to engineering/building works for the proposed development.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

7.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

(a) a standard flushing toilet, and

(b) connected:

- i. to a public sewer, or
- ii. if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
- iii. if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

7.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

7.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

7.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

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- 7.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 7.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 7.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

7.2 Notification to Council

- 7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

7.3 Sydney Water Authorisation

- 7.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, 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. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

7.4 Adjoining Owners

- 7.4.1 Written permission from the respective owner(s) must be obtained to:
- (a) discharge stormwater onto adjoining owner's land.
 - (b) carry out works on adjoining land.
 - (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

7.5 Construction Details

- 7.5.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

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- (a) Footing piers
 - (b) Footing system
 - (c) Floor slab
 - (d) Structural concrete
 - (g) Structural steelwork
 - (h) Retaining walls

7.6 Other Authorities

- 7.6.1 The Applicant shall comply with the requirements of Section 90 Consent to Destroy No. 2470, issued by the Department of Environment and Climate Change on 20 June 2006.

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

- 8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 8.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,
- the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
- The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 8.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 8.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 8.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

8.2 Building Code of Australia Compliance

- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of

Australia.

8.3 Surveys

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

8.4 Nuisance Control

- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

8.5 Waste Control

- 8.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

8.6 Construction Inspections

- 8.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and
- (d) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (f) Prior to covering any stormwater drainage connections; and
- (g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(g)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notice of Work Commencement

- 9.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$10,000,000.

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- 9.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

9.2 Compaction Requirements

- 9.2.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.
- 9.2.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

9.3 Maintenance of Soil Erosion Measures

- 9.3.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.3.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 9.3.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

9.4 Inspections of Works

- 9.4.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage Works (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding

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- (b) Sand Backfilling
 - (c) Final pipe inspection
 - (d) Pit bases and headwall aprons
 - (e) Pit Walls/ wingwalls/ headwalls
 - (f) Concrete pit tops
 - (g) Connection to existing system
 - (h) Tailout works
 - (i) Final Inspection

(iv) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(v) Footpath Works

- (a) Footpath trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service adjustments
- (e) Final Inspection

(vi) Construction of Temporary On-site Detention System

- (a) Steel and Formwork for tank/HED control pit
- (b) Completion of HED control pit
- (c) Pit formwork
- (d) Pipes upstream/downstream of HED control pit before backfilling
- (e) Completion of OSD system

(vii) Stormwater Quality Control/WSUD

- (a) Installation of Stormwater Quality Control devices
- (b) Final Inspection

(viii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works

(ix) CCTV Inspection of Drainage Structures (pipelines and pits)

- (a) All road drainage

(x) Final Overall Inspections

- (a) Preliminary overall final inspection

(b)Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance Certificate may be issued to include all of the above-mentioned stages of construction.

- 9.4.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 9718 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

9.5 **Public Safety**

- 9.5.1 The applicant is advised that all works undertaken in a public place are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

9.6 **Site Security**

- 9.6.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

9.7 **Other Necessary Approvals**

- 9.7.1 In relation to matters concerning the Archaeological Survey should any archaeological material be uncovered during construction activities on any location within the proposed development then all works should cease immediately and representatives of the National Parks and Wildlife Service and a member of the Western Sydney Aboriginal Stakeholders Groups is to be contacted.

9.8 **Traffic Control Plan**

- 9.8.1 Where amendments to the approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

10 **PRIOR TO OCCUPATION CERTIFICATE**

10.1 **Road Damage**

- 10.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

10.2 **Compliance with Conditions**

- 10.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 10.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the principal certifying authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

10.3 **Service Authorities**

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- 10.3.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

10.4 Temporary Facilities Removal

- 10.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 10.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 10.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 10.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 10.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

10.5 Fire Safety Certificate

- 10.5.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

10.6 Landscaping/Car Parking

- 10.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 10.6.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 10.6.3 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 10.6.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.6.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 10.6.6 All required internal roads and 156 car parking spaces (151 staff/visitor car spaces and 5 disabled car spaces) shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. Note the area of land containing the required 73 provisional car spaces shall remain undeveloped and clear and unobstructed at all times. A suitable Section 88B restriction/covenant shall be created prior to the issue of any Occupation Certificate.
- 10.6.7 No stopping signs on both sides of the extension of Wonderland Drive to the full frontage of the development including 20m east of the north-south cul-de-sac road and at the turning head of the north-south road shall be installed by the Applicant to Council's satisfaction at no

cost to Council.

10.7 Fee Payment

- 10.7.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

10.8 Engineering Matters

10.8.1 Surveys/Certificates/Works As Executed plans

- 10.8.1.1 A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. The works as executed plan must confirm that the Temporary On Site Detention system identification plate has been installed in accordance with the Blacktown City Council Guidelines.
- 10.8.1.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished floor levels for the lots have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum
- 10.8.1.3 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the temporary on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 10.8.1.4 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the temporary on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 10.8.1.5 A Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 10.8.1.6 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 10.8.1.7 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control /WSUD system will function effectively in accordance with Council's Stormwater Quality Control Policy.
- 10.8.1.8 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

10.8.2 Easements/Restrictions/Positive Covenants

- 10.8.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

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- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.
- 10.8.2.2 Restrictions and positive covenants must be provided over the temporary on-site detention storage areas and outlet works.
- 10.8.2.3 Restrictions and/ or positive covenant must be provided over the overland flow-path.
- 10.8.2.4 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.
- 10.8.3 **Dedications**
- 10.8.3.1 The final plan of subdivision under DA-06-1992 will not be released unless written evidence from the Roads and Traffic Authority has been obtained indicating that satisfactory arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.
- 10.8.4 **Inspections**
- 10.8.4.1 Any **additional** Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 10.8.5 **Relationship with other Approvals**
- 10.8.5.1 Compliance with the requirements of the following nominated approvals:
- A. Development Consent No. 06-1992 dated 27/5/09 issued by Blacktown City Council
- B. Section 96 Application No. 09-1535 dated 4/9/09 issued by Blacktown City Council
- C. Construction Certificate No. 10-44 dated 1/1/10 issued by Barker Ryan Stewart Pty Ltd.
- D. Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979 or Building Approval issued under The Local Government Act, 1993.
- The conditions contained within the above approvals shall be fully complied with in order to obtain release of the Final Plan of Subdivision/ Occupation Certificate.
- The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.
- 10.9 **Other Matters**
- 10.9.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.
- 10.9.2 Bicycle lockers or the like for the approved development shall be provided at the rate of 1 bicycle locker per 600sqm of office space prior to the issue of any Occupation Certificate.
- 10.9.3 A copy of the Travel Demand Management Program demonstrating the promotion of transport options for visitors and employees to the Precinct to the satisfaction of the

Director-General shall be submitted to Council prior to the issue of the Occupation Certificate.

10.9.4 The outdoor furniture for the private open space area shall be provided to Council's satisfaction prior to the issue of any Occupation Certificate.

10.9.5 A Site Management Plan detailing strategies to ensure site cleanliness, rapid repair of vandalism and graffiti, and removal or refurbishment of decayed physical building elements.

11 OPERATIONAL (PLANNING)

11.1 Access/Parking

11.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.

11.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

11.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

11.1.4 The area of land containing the required 73 provisional car spaces as shown on the approved plans shall remain unobstructed and clear at all times.

11.2 Specific Uses

11.2.1 The approved "warehouse" shall comply with the requirements of the following definition contained within Blacktown Local Environmental Plan 1988:

"Warehouse" means a building or place used for the storage of goods, merchandise or materials, pending their sale and distribution to persons engaged in the retail trade.

11.3 Retailing Restrictions

11.3.1 This consent does not authorise the sale or display of goods for retail to the general public.

11.4 General

11.4.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

11.4.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.

11.4.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

11.4.4 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

11.4.5 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

11.4.6 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

11.4.7 The hours of operation of the development shall not be outside of the following nominated times. Any alteration to these hours will require the separate approval of Council.

Approved hours of operation: 24 hours a day, 7 days a week.

11.4.8 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.

11.4.9 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.

11.4.10 Arrangements shall be made for an effective commercial refuse removal service.

11.5 **Landscaping**

11.5.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.