

## **Attachment 3 – Proposed Conditions of Consent - 2010SYW079 (Fitout and Signage)**

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### **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.

#### **1.2 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 removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under Council's Local Environmental Plan,

#### **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.

- 1.5 This consent authorises the use of the building for the following purposes, subject to full compliance with all other conditions of this consent:

Industrial Warehouse/Distribution facility with ancillary office for Ingram Micro and permits storage IT equipment, including laptop and desktop computers, peripheral devices, networking equipment, IT consumables and other related items.

## 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.
Site Plan- Issue B	15.11.10	23A
Sections- Issue B	15.11.10	23B
Ground Fitout Plan-		
Issue A	29.10.10	1B
Level 1 Floor Plan-		
Issue A	29.10.10	1C
Office Fitout Plans-		
Issue A	29.10.10	1D
Warehouse Office		
Fitout Plans- Issue A	29.10.10	1E
Signage Elevation-		
Issue A	29.10.10	1G
Statement of		

Environmental Effects-

10136/SEE, Final including

Appendices

3.11.10

10B

### **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 Security Lighting**

- 3.3.1 Security lighting is to be provided for externally throughout the confines of the external elements of the building and to cover all pathways and car parking areas. Details are to be shown on a lighting plan prior to the issue of any Construction Certificate.

#### **3.4 Open Space Embellishment**

- 3.4.1 The Lot 11 Precinct Plan also requires that the Open Space area be embellished with appropriate landscaping and outdoor furniture. Outdoor furniture details for the area to be provided to the certifier prior to the issue of any Construction Certificate.
- 3.4.2 The applicant shall submit a plan indicating the type and location of bicycle racking prior to issue of the construction certificate.

### **4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

#### **4.1 Building Code of Australia Compliance**

- 4.1.1 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 :

- (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).

4.1.2 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) Section C, D, and E.

4.1.3 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.

4.1.4 The addition of the structures outlined in this Development Consent will change the RIS of the base building, particularly for the warehouse portion. It should change the type of construction over the Type C, normally associated with a single storey building. This needs to be reflected in the alternative solution under the performance requirements of the Building Code of Australia.

## 4.2 **Other Matters**

4.2.1 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 **PRIOR TO DEVELOPMENT WORKS**

### 5.1 **Safety/Health/Amenity**

5.1.1 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.

5.1.2 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.

5.1.3 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.

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

**5.2 Notification to Council**

- 5.2.1 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.

**5.3 Construction Details**

- 5.3.1 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

- (a) Footing piers

- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Structural steelwork
- (f) Retaining walls

## 6 DURING CONSTRUCTION (BUILDING)

### 6.1 Safety/Health/Amenity

6.1.1 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.

6.1.2 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.

6.1.3 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.

6.1.4 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.

### 6.2 Building Code of Australia Compliance

6.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

### 6.3 Surveys

6.3.1 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.

#### **6.4 Nuisance Control**

- 6.4.1 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.
- 6.4.2 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.
- 6.4.3 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.

#### **6.5 Construction Inspections**

- 6.5.1 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.

#### **6.6 Advertising and Signage**

- 6.6.1 This consent permits the erection of the following signs identifying the business which includes:

- a) Erection of 2 wall signs identifying the business, as shown Drawing No. 3776 081 P4. The area to be occupied by the lettering measures 11.5m x 5.5m.
- b) Erection of an entry pylon directory sign identifying the street address, tenant, and property owner/manager. This sign has dimensions of 3.7m high x 2.2m wide and will be positioned on the boundary adjacent to Wonderland Drive, centrally between the two entry driveways (refer Drawing No. 3776 051 P4).

## **7 PRIOR TO OCCUPATION CERTIFICATE**

### **7.1 Road Damage**

- 7.1.1 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.

### **7.2 Compliance with Conditions**

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 An Occupation Certificate shall not be issued until such time as the Occupation certificate for the Base building has been issued.

### **7.3 Fire Safety Certificate**

- 7.3.1 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).

### **7.4 Waste Management Plan**

- 7.4.1 A comprehensive waste management plan is to be prepared by the operator Ingram Micro to make certain that all future operational aspects include thorough measures for the avoidance of waste and recovery of materials for recycling.

The standard of the waste management plan is to meet the objectives of the Lot 11 Precinct Plan.



## 8 **OPERATIONAL (PLANNING)**

- 8.1 This consent authorises the use of the building for the following purposes, subject to full compliance with all other conditions of this consent:

Industrial Warehouse/Distribution facility with ancillary office for Ingram Micro and permits storage IT equipment, including laptop and desktop computers, peripheral devices, networking equipment, IT consumables and other related items.

- 8.2 The approved office space is to be used solely in conjunction with the industrial use of the premises to which it is attached. The separate use or occupation of the approved office space is not permitted by this consent.
- 8.3 This consent does not authorise the sale or display of goods for retail to the public. In this regard no shop for the sale of any items is approved by this consent.
- 8.4 **Access/Parking**
- 8.4.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 8.4.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 8.5 No goods, materials, or trade waste are to be stored at any time outside the building other than in approved garbage receptacles.
- 8.6 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 8.7 Emission of sound from the premises shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 8.8 All landscaped areas are to be maintained in a tidy and well kept manner at all times.
- 8.9 Arrangements are to be made for a commercial refuse removal service.
- 8.10 The entrance gates to the property are to remain closed at all times when the warehouses and offices are not in operation.
- 8.11 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 8.12 No approval is given for the storage of any dangerous or hazardous goods by this consent with the exception of the fuel needed for the onsite generator. Any such use would require the separate prior approval of Council.
- 8.13 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

- 8.14 The hours of operation of the facility shall not be outside of the following nominated times.

Office: 8am until 6pm, weekdays

Warehouse: 24 hour/ 7 days a week operation in three shifts being:

Shift 1: 6am until 2pm

Shift 2: 2pm until 10pm

Shift 3: 10pm until 6am

Any alteration to these hours will require the separate approval of Council.

- 8.15 Compliance at all times with conditions of consent for JRPP-10-2248 for the warehouse and distribution facility.