

## **Attachment 2 - Proposed Conditions of Consent - 2010SYW075 (Warehouse/Distribution Centre)**

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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 Other Approvals**

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

- 1.2.2 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, and
- (c) any racking or office partitioning.

- 1.2.3 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 caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
- (b) the installation of a vehicular footway crossing servicing the development.

- 1.2.4 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

#### **1.3 Services**

- 1.3.1 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.

- 1.3.2 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.

#### **1.4 Other Matters**

- 1.4.1 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.
- 1.4.2 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.
- 1.4.3 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.

#### **1.5 Engineering Matters**

##### **1.5.1 Definitions**

- 1.5.1.1 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 Wonderland Drive and or Interchange Drive prior to 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 for any works on Wonderland Drive.

- 1.5.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

**1.5.2 Design and Works Specification**

- 1.5.2.1 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 General Guidelines and Checklist
- (f) Blacktown City Council Stormwater Quality Control and Water Sensitive Urban Design (WSUD) Policy.
- (g) SEPP 59 and Eastern Creek Precincts Planning 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.

**1.5.3 Payment of Engineering Fees**

- 1.5.3.1 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.

- 1.5.3.2 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.

#### 1.5.4 **Other Fee and Bond/Securities**

- 1.5.4.1 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: \$115- per crossing.

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

- 1.6 No subdivision is proposed as part of this development application. Any subdivision will form part as a separate application.

## 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/Site Analysis-		
Issue B	29.10.10	23A (File part 2)
Ground Floor Plan-		
Issue B	29.10.10	23C (File part 2)
Office Floor Plans-		
Issue B	29.10.10	23D (File part 2)
Elevations- Issue B	29.10.10	23E (File part 2)
Sections- Issue B	29.10.10	23F (File part 2)

## Retaining Wall & Tank

Details- Issue A            29.10.10            23H (File part 2)

## Landscaping Plans-

Issue B                      1.10.10            23I, J, K, L & M (File part 2)

## Level 1 Floor Plan-

Issue A                      14.10.10            1D (File part 1)

## Roof Plan-

Issue A                      14.10.10            1E (File part 1)

## External Finishes-

Issue A                      14.10.10            1I (File part 1)

## Statement of

## Environmental Effects

(10126/SEE) Final,

Including Appendices 1.11.10            25A (File part 3)

### **3 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

#### **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 Services/Utilities**

**3.3.1 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](http://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.

**3.4 Regional transport and infrastructure services**

**3.4.1 Pursuant to Clause 29 (arrangements for the provision of regional transport and infrastructure services) of the SEPP (Western Sydney Area) 2009 the applicant is to liaise directly with the Department of Planning to progress satisfactory arrangements for the development.**

An execution of satisfactory arrangements prior to the issue of a Construction Certificate is to be obtained from the Department of Planning and a copy forwarded to Council.

**3.5 Transport Infrastructure Deed**

**3.5.1 Transport Infrastructure Deed – Determination of Proportion of Contribution to Regional Transport Infrastructure and Services:**

- (a) The applicant, ING Real Estate must give notice to the RTA of the issue of any Construction Certificate or Subdivision Certificate issued in respect of the development on Lot 11, DP 1144025 in accordance with the signed Transport Infrastructure Contribution Deed between the RTA and ING Real Estate Interchange Park Pty Limited.
- (b) Within 30 Business days of receipt of the Notice under paragraph (a) of this subclause, the RTA must notify ING Real Estate of the proportion which will determine the amount payable under Clause 3.3 of the Transport Infrastructure Contribution Deed.

(c) Once acceptance has been achieved between the RTA and ING Real Estate as to the proportion and amount payable, ING Real Estate must make payment to the RTA the agreed amount in accordance with Clause 3, Contribution to Regional Transport Infrastructure Services, of the Transport and Infrastructure Deed.

(d) Payment must be made to the RTA and directed to:

The Land Use and Planning Manager  
PO Box 973  
PARRAMATTA NSW 2124

### **3.6 Traffic Management Plan**

3.6.1 A Construction Traffic Management Plan detailing construction of vehicle routes, number of trucks, hours of operation, access arrangements and traffic control is to be submitted to Council prior to the issue of a Construction Certificate.

### **3.7 Car parking and access**

3.7.1 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage. Note: for the proposed 4.8m long car park spaces, a 600mm overhang made be made available, kerb for overhang should not be more than 150mm high as per AS 2890.1 requirements for parking space dimensions.

3.7.2 The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

## **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, E, F and J

#### **4.2 Site Works and Drainage**

4.2.1 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

4.2.2 Should any proposed 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), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

#### **4.3 Other Matters**

4.3.1 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.

4.3.2 Submit a report from a suitably qualified person covering all relevant aspects of Section J of the BCA.

#### **4.4 Water and Utilities**

4.4.1 The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- a) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### **4.5 Design and Construction**

4.5.1 The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- a) New construction shall comply with Section 6 (BAL 19) Australian Standard AS3959 0 2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

#### **4.6 Landscaping**

4.6.1 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.



#### **4.7 Energy efficiency**

- 4.7.1 The office component of the warehouse facility shall be designed to feature an integrate a central panel where all lights are overridden by a single switch that allows the remaining staff member in the office to leave by ensuring all lights are turned off.

#### **4.8 Salinity Management Plan**

- 4.8.1 A detailed Salinity Management Plan (SMP) is to be prepared, which provides recommendations for the proposed warehouse development to reduce the impacts of urban salinity, including surface water drainage and detention basins, landscaping works and building piers, footings and foundations.

### **5 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**

#### **5.1 Compliance with Conditions**

- 5.1.1 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.
- 5.1.2 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.

#### **5.2 Road-works**

- 5.2.1 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

#### **5.3 Asset Management**

- 5.3.1 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.

#### **5.4 Stormwater Quality Control**

- 5.4.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's Stormwater Quality Control and Water Sensitive Urban Design (WSUD) Policy.

Council acknowledges the submission of the Stormwater concept plan Drawing No.10P228 sheets 1-5 issue F dated 06.12.2010 (Council File No. JRPP-10-2248).

The Construction Certificate issued in this regard must generally be in accordance with this concept.

Any variation to this proposal will require a lodgement of a Section 96 application to Council for amendment of the consent.

## **5.5 Scope of Engineering Works**

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

### **5.5.1 Road and Drainage works**

5.5.1.1 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.

5.5.1.2 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.

5.5.1.3 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.

5.5.1.4 Drainage from the site must be connected into:

(i) Council's existing drainage system. (by way of an approved stormwater pollution control device).

(ii) The existing inter-allotment drainage system nominated below.

Location of Inter-allotment Drainage System: South- eastern boundary.

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

### **5.5.2 Vehicular Crossings**

5.5.2.1 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: 20m and 8m

including delineation by a median strip (min. 3m long by 1m wide) constructed inside the property boundary, line-marking and sign-posted in accordance with AS2890.

### 5.5.3 **Footpaths**

- 5.5.3.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

### 5.5.4 **Finished Boundary Levels**

- 5.5.4.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb.

### 5.5.5 **Stormwater Quality Control**

- 5.5.5.1 Stormwater Treatment Measures are required for this development. These measures must be designed, implemented and constructed in accordance with Council's Stormwater Quality Control Policy.
- 5.5.5.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Council's Stormwater Quality Control and WSUD Policy. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.
- 5.5.5.3 The internal pipe network is to be designed in accordance with the current Council's Engineering Guide for Development to carry the 20 year ARI storm flows without surcharge.
- 5.5.5.4 A revised DRAINS electronic model must be provided and approved prior to release of the construction certificate to demonstrate that the pipe network can safely carry the 20 year ARI storm flows without surcharge. Blockage factors are to be applied to all inlet pits with lintels/grates at 0.5 for sags and 0.2 for pits on grade. For grate only inlets the blockage factor should be 0.5 minimum. In particular the existing DRAINS model is to be modified to provide substantial pit losses for the detention storage basin to supply the stormfilter to account for the weir overflow, trough collection and redirection of the flow to the pipe. Also to be included is the impact of the rainwater storage overflow levels on upstream HGL levels and on the pipes supplying roof water to the tank.
- 5.5.5.5 Details shall be provided for the safe conveyance of overland flows through the site in the 1 in 100 year ARI event, when the pipe and pit capacity is exceeded.
- 5.5.5.6 The eaves roof gutters are to be designed to collect the minimum of the 20 year ARI storm. Any box gutters are to be designed to collect the minimum of the 100 year ARI storm. Details of gutter and downpipe designs shall be provided, in particular the configuration, frequency and size of the downpipes on the northern side of the building are to be reviewed.
- 5.5.5.7 A minimum 250 m<sup>3</sup> detention tank is to be provided upstream of each of the Stormfilters to supply regulated flow to the cartridges. This storage is to be provided above the orifice centreline and below the overflow weir. The base of the tank is to be at a minimum of 2% grading back to a minimum 0.9 m wide 0.3 m deep silt trap across the full width of the basin. The orifice is to be sized to meet the design flow rate of the Stormfilter. The orifice is to have a maximum mesh screen to protect it from debris that may bypass the stormfilter in high flows. Details are to be approved prior to release of the construction certificate.
- 5.5.5.8 The gaps between the 900 mm x 900 mm access grates are to be a maximum of 6 mm for the detention tank and stormfilter tank in accordance with the

requirements of Council's Engineering Guide for Development 2005 (and as amended).

- 5.5.5.9 The base of the rainwater tank is to have a minimum grade of 1% grading back to a silt trap centrally located and away from the inlet pipes to minimise re-suspension of silt within the tank. The minimum design tank volume of 150 m<sup>3</sup> is to be provided above the pump off-take pipe and below the overflow weir. Details are to be approved prior to release of the construction certificate.
- 5.5.5.10 Prior to release of the Construction Certificate downpipe D01 is to be directed to the rainwater tank and not pit A05.
- 5.5.5.11 Prior to release of the Construction Certificate a Stormwater Management Report is to be prepared to satisfy the requirements of Council's Stormwater Quality Control Policy. The cover sheet is to be amended to reflect the latest date of review.
- 5.5.5.12 A drainage catchment plan is required to indicate what areas are draining to specific Stormwater Quality Improvement Devices.
- 5.5.5.13 Prior to release of the Construction Certificate MUSIC modelling is to be undertaken to confirm that the water quality requirements have been met. Such modelling is to be undertaken in accordance with Council's draft guidelines. In particular the model is to account for the future development and to amend the Stormfilter bypass node to indicate that the front driveway sections do not discharge across the buffer strip before leaving the site.
- 5.5.5.14 Prior to release of the construction certificate maintenance requirements are to be provided for each of the Stormwater Quality Improvement Devices including the stormfilter detention storage tank and rainwater tank. Where these devices are located in roadway/parking areas these are to include traffic management requirements.
- 5.5.5.15 All non-potable water supplies including toilet and urinal flushing, cooling tower make-up water (if required), external taps and landscape watering is to be supplied from the Rainwater tank.
- 5.5.5.16 Prior to release of the Construction Certificate an experienced hydraulic engineer is to prepare and have approved a detailed rainwater supply, pipe and fixture plan for non-potable water uses on the site. The plan is to show the rainwater pipe arrangement including pump, solenoid controlled mains bypass (no tank top up), isolation valves and an inline 200 micron filter. Rainwater warning signs are to be fitted to all external taps.
- 5.5.5.17 Prior to release of the construction certificate, where Council is not the Certifying Authority, an independent engineering consultant is to assess the final drainage plans and certify that the pipe/pit systems, DRAINS modelling and water quality requirements including MUSIC modelling meet Council's design standard and the consent conditions.

## **6 PRIOR TO DEVELOPMENT WORKS**

### **6.1 Safety/Health/Amenity**

- 6.1.1 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.

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.

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.

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) 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.

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

## 6.2 **Notification to Council**

6.2.1 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.

## 6.3 **Adjoining Owners**

6.3.1 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.

#### 6.4 **Construction Details**

6.4.1 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

### 7 **DURING CONSTRUCTION (BUILDING)**

#### 7.1 **Safety/Health/Amenity**

7.1.1 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.

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.

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) 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.

7.1.4 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.

7.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

## **7.2 Building Code of Australia Compliance**

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

## **7.3 Surveys**

7.3.1 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.

## **7.4 Nuisance Control**

7.4.1 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.

7.4.2 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.

7.4.3 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.

## **7.5 Construction Inspections**

7.5.1 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.

7.6 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.

7.7 Any bathroom or w.c windows in the external walls of the buildings shall be fitted with translucent glazing.

7.8 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

300 car parking spaces (inclusive of at least 6 disabled space) are to be provided for the entire development, with each space designated in accordance with Australian Standard 2890.1 as follows:

(i) Uncovered Carspace: 2.5m x 5.4m

(ii) Covered Carspace: 2.7m x 5.4m

(iii) Disabled Carspace: 3.2m x 5.4m

7.9 Wheel stops are to be provided to all car spaces which abut external walls.

7.10 All required internal driveways and car parking spaces are to be line-marked, appropriately signposted to indicate their intended usage, sealed with a hard standing all-weather material and maintained to a satisfactory useable standard.

7.11 All internal driveways and other paved areas are to be graded to provide continuous surface drainage flow paths to approved points of discharge.

7.12 Off street car parking is to be encouraged by the placement of prominent signs indicating its availability.

7.13 Entrance/exit points are to be clearly signposted and visible from both the street and the site at all times.



- 7.14 Access to and parking for persons with disabilities is to be provided in accordance with Australian Standard 2890.1. The disabled persons parking space is to be clearly signposted.
- 7.15 All landscaping is to be undertaken in accordance with approved plans/details. All turfed areas are to finish level with adjoining surfaces and shall fall evenly to approved points of drainage discharge.
- 7.16 Fencing across the frontage facing Wonderland Drive is to be 1.8 to 2.1 metres high see through metal palisade (diplomat style) fencing finished in a dark/subdued colour i.e. black or similar. Any other fencing to the rest of the site is to be of a 1.8m high diplomat or black PVC coated cyclone fence.
- 7.17 Any retaining walls are to be of masonry, brick and concrete material. No timber walls will be permitted on site. Any retaining walls are to be of a decorative finish and not left as plain concrete or untreated surface finish.
- 7.18 At least 1 staff open space area is to be provided for the building on the site and embellished with a minimum of 2 seats and or a picnic table with seating.
- 7.19 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Traffic Authority (RTA).
- 7.20 No site works are to encroach onto the Aboriginal Conservation Area.
- 7.21 The Aboriginal archaeological heritage area affecting PAD 1 as referred to in the Lot 11 Precinct Plan is to be protected by 2.1m high mesh fencing.
- 7.22 Any retaining walls will be up to a maximum 3m in height after which there will be a 1.5m landscape step and may incorporate a batter to greater than 1:4.

## **8 DURING CONSTRUCTION (ENGINEERING)**

### **8.1 Notice of work Commencement**

- 8.1.1 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.

### **8.2 Service Authority Approvals**

- 8.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

### **8.3 Maintenance of Soil Erosion Measures**

- 8.3.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.

8.3.2 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.

8.3.3 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.

#### 8.4 **Inspections of Works**

8.4.1 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
- (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) 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

(v) Construction of 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

(vi) Stormwater Quality Control

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

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

- (a) All road drainage

(viii) 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.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

- 8.4.2 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).

## 8.5 **Public Safety**

- 8.5.1 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.

## 8.6 **Site Security**

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

## 9 **PRIOR TO OCCUPATION CERTIFICATE**

### 9.1 **Road Damage**

- 9.1.1 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.

## 9.2 **Compliance with Conditions**

- 9.2.1 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.
- 9.2.2 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.

## 9.3 **Fire Safety Certificate**

- 9.3.1 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).

## 9.4 **Landscaping/Car Parking**

- 9.4.1 All landscaping shall be completed in accordance with approved landscaping design plan.
- 9.4.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 9.4.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

## 9.5 **Fire Safety Certificate**

- 9.5.1 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).
- 9.5.2 All internal driveways shall be appropriately illuminated by the use of external lighting or the like to provide for the safety and convenience of employees at night.
- 9.5.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

9.5.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

9.5.5 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

## **9.6 Fee Payment**

9.6.1 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.

## **9.7 Engineering Matters**

### **9.7.1 Surveys/Certificates/Works As Executed plans**

9.7.1.1 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 On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust /Council.

9.7.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

9.7.1.3 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

9.7.1.4 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.

9.7.1.5 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.

9.7.1.6 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

### **9.7.2 Easements/Restrictions/Positive Covenants**

9.7.2.1 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).

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

9.7.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.

9.7.2.3 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.

## **9.8 Other Matters**

9.8.1 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.

9.8.2 An experienced hydraulic engineer is to certify that all the requirements of the detailed plan of rainwater pipe supply have been installed and are working correctly.

9.8.3 A Positive Covenant is to be provided over the Stormwater Quality Improvement Devices and Rainwater tank in accordance with the requirements of Council's Engineering Guide for Development 2005 (and as amended).

9.8.4 A minimum 2.5 m wide drainage easement and restriction to user is to be provided on lot 11 DP 1144025 over the pipeline draining the Sydney Water land from pit K04 to A01 (extended to each boundary) in favour of Sydney Water and all upstream properties.

9.8.5 A minimum 2.5 m wide drainage easement and restriction to user is to be provided on lot 12 DP 1144025 over the pipeline draining the Sydney Water land from A01 in favour of Sydney Water until it drains through to public roadway.

9.8.6 A covenant is to be provided over the Sydney Water drainage easements ensuring that they are not responsible for maintenance of the stormwater pipelines.

9.9 The developer is to ensure any outstanding service clearances are obtained and finalised prior to release of any Occupation Certificate.

## **9.10 Interchange Park Planning Agreement**

9.10.1 Prior to the issue of the Occupation Certificate, any relevant works required by the Interchange Planning Agreement are to be completed to Council's satisfaction.

## **10 OPERATIONAL (PLANNING)**

### **10.1 Access/Parking**

10.1.1 All required off-street car parking spaces and internal roads shall be maintained to a

standard suitable for the intended purpose.

- 10.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 10.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 10.2 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 10.3 All loading and unloading operations are to take place at all times wholly within the confines of the site.
- 10.4 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.
- 10.5 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.
- 10.6 No goods, materials, or trade waste are to be stored at any time outside the building other than in approved garbage receptacles.
- 10.7 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 10.8 Emission of sound from the premises shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 10.9 All landscaped areas are to be maintained in a tidy and well kept manner at all times.
- 10.10 Arrangements are to be made for a commercial refuse removal service.
- 10.11 The entrance gates to the property are to remain closed at all times when the warehouses and offices are not in operation.
- 10.12 No approval is given for the storage of any dangerous or hazardous goods by this consent. Any such use would require the separate prior approval of Council.
- 10.13 All vehicles are to enter and leave the site in a forward direction.
- 10.14 All vehicles are to be wholly contained on site before being required to stop.

## **11 OPERATIONAL (ENVIRONMENTAL HEALTH)**

- 11.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

- 11.2 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 11.3 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 11.4 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.