



JOINT REGIONAL PLANNING PANEL REPORT

JRPP Number: 2013SYW068
DA Number: DA0337/13
Property Address: 87-91 Railway Road North MULGRAVE NSW 2756
Legal Description: Lot 201 DP: 1067862 (87 Railway Road North)
Lot 202 DP: 1067862 (91 Railway Road North)
Applicant: Endeavour Energy
Owner: Endeavour Energy
Zoning: IN1 General Industrial
Area: 16,276m²
Proposal: Joint Regional Planning Panel – Construction and operation of a depot (Endeavour Energy Field Support Centre)
Date Received: 4 July 2013
Estimated Cost: \$6,759,800.00
Exhibition Dates: Not applicable
Submissions: Not applicable
Date Formal: 17 March 2014
Relevant Issues:

- Permissibility
- Stormwater
- Access and Parking
- Jemena High Pressure Gas Pipe

Assessing Officer: Andrew Johnston – Senior Town Planner

Overview of Report

1.0 **Executive Summary**

The subject application has been submitted for the construction and operation of an Endeavour Energy field support centre at 87-91 Railway Road North, Mulgrave. The Joint Regional Planning Panel (JRPP) is the determining authority for this development on the basis that Endeavour Energy are a Crown Authority and the development has a Capital Investment Value (CIV) in excess of \$5 million.

The development is permissible as a 'depot' within the IN1 General Industrial zone, with the associated office, workshop and training facilities seen to be ancillary to this primary depot use.

The property is located within an established industrial area and the bulk, scale, height, setbacks and finishes of the buildings are considered acceptable within the context of the locality. As such the development is recommended for conditional approval.

Development Description

2.0 **Description of Proposal**

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks approval for the construction and operation of a field support centre for Endeavour Energy at 87-91 Railway Road, Mulgrave.

The proposal specifically involves the following:

- The construction of an administration building;
- The construction of a workshop;
- The construction of a covered structure (truckport) for the parking of twenty (20) heavy vehicles;
- The provision of parking areas providing forty-eight (48) staff spaces (including two [2] accessible spaces) and an additional four (4) heavy vehicle spaces;
- The provision of separate entry and exit vehicular crossings to Railway Road North and a combined entry/exit crossing to Precision Place;
- The installation of 2.4m high metal palisade fencing along the boundaries;
- The provision of a open training area; and
- The operation of the field support centre.

The administration building and workshop will generally operate between the hours of 8:00am to 6:00pm Monday to Friday. However twenty-four (24) hour trading hours, seven (7) days a week, are nominated as the field support centre may operate outside these core hours when there are power failures.

The supplied documentation indicates that approximately seventy (70) staff are to be accommodated onsite, including seventeen (17) office, administration and design staff, three (3) workshop and store staff, and fifty (50) field support staff. The field support staff are expected to spend limited time onsite.

The application meets the criteria for determination by the JRPP as Endeavour Energy are a Crown Authority and the development has a CIV in excess of \$5 million.

Background

3.1 Site and Locality Description

The subject property consists of two (2) allotments, Lots 201 and 202 in DP: 1067862, and has a combined site area of approximately 16,276m². The site is located within the southwest section of the Mulgrave Industrial Area, approximately 430m south of the Hawkesbury Valley Way overpass, 300m west of Windsor Road and directly opposite the western railway line. Access to the site is available from both Railway Road North and Precision Place.

The site is currently vacant.

The land has a slight fall to the east from the Railway Road North. Levels range from approximately 18.84m AHD to 21.54m AHD and accordingly the whole site is located above Council's adopted 1-in-100 year flood level of 17.3m AHD.

The site is burdened by easements for a high pressure gas main and stormwater.

Industrial development, such as factories and warehouses, generally dominate the locality. However rural land exists across Railway Road North and the railway line to the west. Opposite the site to the southwest is a vacant rural property at 72 Railway Road South and a poultry farm at 88 Railway Road South. The former dwelling house at 88 Railway Road South is used as an office for the poultry farm.

3.1 Application History

- The subject application was lodged with Council on 4 July 2013.

- The proposal was referred to Jemena Gas Networks for comment on 17 July 2013. Responses from Jemena Gas Networks were received on 22 and 25 July 2013.
- The application was registered with the JRPP website on 15 July 2013, with copies of the plans referred to the JRPP on 17 July 2013.
- The depot's proposed operating hours were requested of the Applicant on 24 July 2013. A response from the Applicant was provided later that day.
- Additional information regarding the disposal of stormwater and access arrangements was requested of the Applicant on 7 August 2013.
- The JRPP was briefed of the application on 22 August 2013.
- Having not received a formal response to the earlier request relating to stormwater and access arrangements, Council sent a follow-up letter on 23 September 2013.
- A Status Report on the matter was forwarded to the JRPP Panel Secretariat on 4 December 2013.
- A further follow-up email was sent to the Applicant on 19 February 2014. In their response of 20 February the Applicant requested an extension until the 14 March 2014 to address the outstanding matters. This extension was granted by Council.
- Amended stormwater plans and calculations were provided by the Applicant on 17 March 2014.
- An amended site plan that is consistent with the stormwater plans was provided on 27 March 2014.

Assessment

4.0 Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 33 – Offensive and Hazardous Industry (SEPP No. 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP No. 64)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

5.0 Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act:

EP&A Act 1979 – Section 79C(1) Assessment	
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
Clause:	Officer comments:
(a)(i) any environmental planning instrument, and	<p>Hawkesbury Local Environmental Plan 2012</p> <p>The subject property is zoned IN1 General Industrial under the HLEP 2012.</p> <p>The HLEP 2012 contains the following definition for depots:</p>

	<p><i>depot</i> means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.</p> <p>The premises is to be used by Endeavour Energy to support its field operations and for the storage of equipment, machinery and vehicles. It is accepted that the proposed field support centre satisfies the above definition of a depot.</p> <p>Depots are a permissible form of development within the IN1 General Industrial zone.</p> <p>The proposed office, workshop and training facilities support the operation of the depot and are therefore seen to be ancillary to the primary depot use.</p> <p>The development is consistent with the provisions of the HLEP 2012.</p> <p>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</p> <p>The subject land falls within the boundary of SREP No. 20. This Policy aims “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”. SREP No. 20 requires an assessment of development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.</p> <p>The property is located within an established industrial area and the development will not significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context.</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>The subject property is burdened by an easement for a high pressure gas pipeline to the northwest corner of the site. This matter is discussed in Section 5.1 of this report.</p> <p>The proposal is not defined as ‘traffic generating’ development under Section 104 and Schedule 3 of the Infrastructure SEPP.</p> <p>State Environmental Planning Policy No. 33 – Offensive and Hazardous Industry</p> <p>SEPP No. 33 defines a ‘potentially hazardous industry’ as follows:</p> <p><i>potentially hazardous industry</i> means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:</p>
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	<p style="text-align: center;"> (a) <i>to human health, life or property, or</i> (b) <i>to the biophysical environment,</i> </p> <p style="text-align: center;"><i>and includes a hazardous industry and a hazardous storage establishment.</i></p> <p>A separate transformer storage bund is to be provided to the east of the workshop. Transformer oil is a combustible liquid that is classified as a Class C1 dangerous good. Class C1 goods are not considered to be hazardous where they are stored in a separate bund and away from other flammable materials.</p> <p>Conditions are recommended requiring the bunding to be constructed in accordance with the relevant Australian Standards.</p> <p>Limited quantities of dangerous goods (fuels and paints) will be stored elsewhere within the workshop. The quantities of these dangerous goods will not exceed the thresholds detailed in the Applying SEPP No. 33 Guideline. On this basis it is considered that the use will not pose a risk to human life or property and that the development does not comprise a hazardous industry.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>Clause 7(1) of SEPP No. 55 outlines a consent authority “<i>must not consent to the carrying out of any development on land unless:</i></p> <p style="text-align: center;"> (a) <i>it has considered whether the land is contaminated, and</i> (b) <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i> (c) <i>if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.</i> </p> <p>The property is generally vacant, although the prepared plans indicate that an aboveground fuel storage tank was previously located onsite. The property is not identified as contaminated land on Council's Contaminated Lands Register.</p> <p>A soil screening report has been submitted in support of the application. Samples taken as a part of this report did not indicate elevated concentrations of contaminants. All results were found to be below the site assessment criteria.</p> <p>The subject property is zoned for industrial purposes and the land is considered suitable for the proposed depot use.</p>
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	<p>State Environmental Planning Policy No. 64 – Advertising and Signage</p> <p>Not applicable. No signage is proposed with the application.</p> <p>The installation of signage would be subject to the provisions of the Schedule 2 of the HLEP 2012, State Environmental Planning Policy (Exempt and Complying Development Codes) 2007 or require the submission of a development application.</p>
(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable.
(a)(iii) any development control plan, and	<p>Hawkesbury Development Control Plan 2002</p> <p>The proposal has been considered against the provisions of the HDCP 2002:</p> <p><u>Part A Chapter 3: Notification:</u></p> <p>The notification of the proposal was not required under Part A Chapter 3 of the HDCP 2002. In this regard it should be noted that the property does not adjoin properties that have a rural or residential zoning.</p> <p><u>Part C Chapter 1: Landscaping:</u></p> <p>A landscaping plan has been submitted to satisfy the requirements of Part C Chapter 1 of the HDCP 2002.</p> <p><u>Part C Chapter 2: Car Parking</u></p> <p>Section 2.5.3 of Part C Chapter 4 of the HDCP 2002 does not outline specific parking controls for depots, however it does require four (4) spaces for industrial developments with an area of up to 300m². A rate of one (1) space for every 90m² of gross floor area (GFA) then applies.</p> <p>Section 2.5.1 of Part C Chapter 4 of the HDCP 2002 also requires one (1) space for every 30m² of office space.</p> <p>Based on a GFA of approximately 1,350m² for the workshop and a GFA of approximately 670m² for the administration building, the HDCP 2002 requires the provision of thirty-eight (38) spaces.</p> <p>With the provision of forty-six (46) spaces the development complies with the numerical controls of Part C Chapter 4 of the HDCP 2002.</p> <p><u>Part C Chapter 3: Signage:</u></p> <p>Not applicable. No signage is proposed with the application.</p>

	<p>The installation of signage would be subject to the provisions of the Schedule 2 of the HLEP 2012, State Environmental Planning Policy (Exempt and Complying Development Codes) 2007 or require the submission of a development application.</p> <p><u>Part D Chapter 2: Industrial</u></p> <p>The proposed workshop and truckport are to have setbacks of 32m and 48m respectively to Railway Road North. The administration building is to be provided with a setback of 15m to Precision Place. The proposal therefore complies with the setback requirements of Clause 2.2(b) of Part D Chapter 2 of the HDCP 2002.</p> <p>The use of brickwork, metal cladding and metal roofing is proposed for the administration building, whilst the workshop is to be constructed of painted concrete panels and metal roofing. The use of these materials is seen to satisfy the material requirements of Section 2.4 of the HDCP 2002. The installation of black metal palisade fencing fails to strictly comply with the HDCP 2002 however this style of fencing is commonly used within the area and is characteristic of industrial development.</p> <p>The subject property is located within an industrial precinct and the bulk, scale, height, setbacks and finishes of the development are considered acceptable within the context of the locality.</p>
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	<p>These matters have been considered in the assessment of this application. Should the application be supported the EP&A Regulation 2000 outlines that the development is to:</p> <ul style="list-style-type: none"> • comply with the National Construction Code/Building Code of Australia (BCA), and • be levied against Council's S94A Development Contributions Plan (where relevant).
(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,	<p>These matters have been considered in the assessment of this application.</p> <p>The administration building and workshop will generally operate between the hours of 8:00am to 6:00pm Monday to Friday. However twenty-four (24) hour trading, seven (7) days a week, is nominated as the field support centre may operate outside these core hours in the event of power failures.</p> <p>The property is located within an established industrial area and the western railway line and two roads separate the property from rural landuses. Residential properties and zones are not located within the immediate vicinity of the property. Within the context of the locality the development is not expected to generate unreasonable amenity impacts.</p> <p>The submitted documentation indicates that approximately seventy (70) staff will operate from the field support centre, however the majority of the staff (fifty (50) staff) will generally be out in the field and are expected to spend limited time onsite.</p> <p>It is therefore considered unlikely that the proposed development will have any adverse environmental or social impacts on the locality.</p>
(c) The suitability of the site for	<p>These matters have been considered as part of the assessment</p>

development,	<p>of the development application.</p> <p>The property has levels ranging from approximately 18.84m AHD to 21.54m AHD. A floor level of 20.5m AHD is to be provided for the administration building, whilst a floor level of 20.45m AHD is to be provided for the workshop.</p> <p>The adopted 1-in-100 year flood level is 17.3m AHD and therefore the proposal is not subject to flood related planning controls.</p> <p>The development is located over two separate lots, with buildings across the boundaries. Accordingly the consolidation of the lots is recommended as a condition of consent.</p> <p>On account of the locality's industrial character, the proposed development is considered suitable within the context of the locality.</p>
(d) any submissions made in accordance with this Act or the regulations,	The notification of the proposal was not required under Part A Chapter 3 of the HDCP 2002. The property is located within an industrial zone and does not adjoin residential or rural zones.
(e) the public interest.	The proposed development is permissible within the zone and is not expected to adversely impact on the amenity of the locality or the surrounding environment. The approval of the application is therefore seen to be in the public interest.

5.1 Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure) 2007

An easement for a gas pipeline runs through the subject property. This gas pipeline, which is operated by Jemena Gas Networks, is located to the northwestern corner of the property and has a width of 24.385m. This pipeline forms a part of the Moomba to Sydney Pipeline System, which is covered by Clause 55(2)(b)(iii) of the Infrastructure SEPP.

Section 55(1) of the Infrastructure SEPP applies to development within the vicinity of gas pipelines. This clause states:

- (1) *Before determining an application (or any application for modification of a consent) for development adjacent to a gas pipeline corridor, the consent authority must:*
 - (a) *be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development or modification to which the application relates have been identified, and*
 - (b) *take those risks into consideration.*

As a consequence the proposal was referred to Jemena Gas Networks for comment. Comments received from Jemena Gas Networks outline that they raise no objection to the proposal subject to the imposition of conditions.

6.0 Referrals

6.1 Internal

Engineering – Council's Development Engineer has reviewed stormwater, access, manoeuvring and parking for the development. With the receipt of amended plans no objection to the proposal has been raised subject to the imposition of conditions.

The original plans showed the southern driveway to the site coinciding with a sag pit in Railway Road North. The driveway has now been relocated a couple of metres to the south so the driveway is avoided.

The heavy vehicle driveways to Railway Road North do not comply with the width requirements of AS2890.2. However, it is noted that they are to support one way traffic only, the site is not accessible to the general public and a separate car parking area has access from Precision Place. For these reasons no objection is raised to this non-compliance with the Standard.

Building – The Building and Development Officer has raised no objection to the proposal.

Environment and Health – The Environmental Health Coordinator has raised no objection to the proposal subject to the imposition of conditions.

Infrastructure – Council's Trade Waste Technical Officer has raised no objection to the proposal. No head works contributions are applicable for the development.

6.2 External

Jemena Gas Networks – See Section 5.1 of this report.

7.0 Crown Development

The application has been submitted by Endeavour Energy. Endeavour Energy is a State-owned corporation and is taken to be a public authority under Clause 226(1)(a) of EP&A Regulation. Accordingly the proposal is defined as Crown Development.

The prepared conditions have been referred to the Applicant for review in accordance with Section 89(1)(b) of the EP&A Act. The Applicant is supportive of the prepared conditions.

The obtainment of a construction certificate is not required for Crown development.

Financial Implications

Based on the supplied estimated value-of-works of \$6,759,800.00 a Section 94A Development Contribution of \$67,598.00 would ordinarily apply. However, Planning Circular No. D6 outlines that contributions must be justified in a Council plan. In the absence of a reference to Crown developments in Council's Section 94A Development Contributions Plan, and the Circular's commentary regarding contributions for off-site works, the imposition of a contribution is not recommended in this instance.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The

proposed development is permissible and is compatible with the industrial character of the locality. The proposal is therefore recommended for conditional approval.

Recommendation

That the Joint Regional Planning Panel (JRPP) as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0337/13 for the construction and operation of a depot on Lots 201 and 202 DP: 1067862, collectively known as 87-91 Railway Road North, Mulgrave, subject to the following conditions:

Development Description: Depot – Construction and operation of a depot.

General Conditions

1. The development shall take place in accordance with the following approved plans, specifications and documentation:

- A010 Rev 'B' prepared by Brewster Murray and dated 26 March 2014;
- A020 Rev 'B' prepared by Brewster Murray and dated 26 March 2014;
- DA-03/E prepared by Brewster Murray and dated May 2013;
- DA-04/D prepared by Brewster Murray and dated May 2013;
- DA-05/E prepared by Brewster Murray and dated May 2013;
- DA-07 prepared by Brewster Murray and dated May 2013;
- 2368-3.1 prepared by Precinct Landscapes and dated 1 May 2013;
- C01 Rev 'C' prepared by Dennis Bunt Consulting Engineers and dated 13 March 2013;
- C02 Rev 'C' prepared by Dennis Bunt Consulting Engineers and dated 13 March 2013;
- C03 Rev 'C' prepared by Dennis Bunt Consulting Engineers and dated 13 March 2013; and
- C04 Rev 'C' prepared by Dennis Bunt Consulting Engineers and dated 13 March 2013

... except as modified by the conditions of this consent.

2. The development shall comply with the provisions of the National Construction Code/Building Code of Australia (BCA).
3. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
4. This development falls within the Sewerage Scheme, controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

The applicant should consult with Council's Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

Prior to Certification of Crown Building Works

5. Trade waste details are to be submitted to and approved by Hawkesbury City Council's Waste Management Branch prior to the certification of the Crown building works.
6. Jemena Asset Management Pty Ltd, on behalf of Jemena Gas Networks, advise that a high pressure Trunk Main is located within 87 Railway Road North (Lot 201 DP: 1067862).

Details of Jemena's assets are as follows:

Northern Trunk Main DN 500 High Pressure Pipeline (Licence 7) located in a 24.385 wide easement.

The DN 500 high pressure gas main is designed, constructed and operated in accordance with Australia Standard AS2885 'Pipelines – Gas and liquid petroleum'. AS2885 requires the preparation of a Safety Management Study (SMS) where development may result in a change in land use or change risk exposure to the pipeline.

The SMS required under AS2885 is a formal process to ensure that all relevant risk issues are properly addressed for the continuous safe operation of the pipeline in the changed environment. No construction activities are permitted until such time that the design and construction has been reviewed, assessed and accepted by Jemena.

Jemena may be contacted on (02) 9397 9000 or enquiries.nsw@jemena.com.au to arrange for this review.

All costs associated with the risk assessment will be borne by the Applicant and/or landowner.

The Crown building works are not to be certified until written confirmation of the acceptability of the development is received from Jemena.

7. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

Prior to Commencement of Works

8. Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979* – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to Council prior to the commencement of works.
9. At least two (2) days prior to the commencement of works, the Applicant shall advise Council of their intention to commence work. The Applicant shall advise Council of

the name, address and number of the primary contact for this development prior to the commencement of work.

10. A sign displaying the following information is to be erected adjacent to each access point and is to be easily seen from the public road:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including twenty-four [24] hour seven [7] days a week emergency numbers).
 - (d) The name and contact number of the person certifying the works.

The sign is to be maintained for the duration of the works.

During Construction

11. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.
12. Toilet facilities shall be provided for workers throughout the course of building operations. Such facilities are to be provided within the vicinity of the development site.
13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
14. The construction site shall be secured at all times against the unauthorised entry of persons or vehicles.
15. The site shall be kept clean and tidy during construction and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) The site shall be secured to prevent the depositing of any unauthorised material.
 - (b) Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
 - (c) Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
 - (d) All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
 - (e) Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

- (f) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (g) Building operations shall be undertaken only within the site.
16. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

17. The buildings shall be set out by a Registered Surveyor. The Survey Certificate of the buildings showing the position of the external walls and floor levels under construction and in compliance with the approved plans shall be obtained at an early stage of construction. Any easements must be shown on the Survey Certificate.
18. Any wash bay areas are to be bunded/graded so as to direct water/waste to a collection pit, which then discharges to the Council's sewer system.
19. All floors within the workshop shall be sealed to enable containment of spills/leaks.
20. All entrances and exits to the workshop are to be bunded.
21. Bunding is to be designed and installed in accordance with:
- Office of Environment and Heritage (OEH) – 'Storing and Handling of Liquids: Environmental Protection Participant's Manual (2007)';
 - Department of Environment and Conservation Guidelines 'Surface water management on the covered forecourt areas of service stations';
 - Australian Standard 1940:2004 'The storage and handling of flammable and combustible liquids'; and
 - Australian Standard/New Zealand Standard 4681:2000 'The storage and handling of Class 9 (miscellaneous) dangerous goods and articles'.
22. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
23. Disabled parking shall be provided in accordance with AS2890.6:2009.

24. Heavy duty layback and footway vehicular crossings shall be constructed for the development in accordance with the approved plans. The crossings shall be constructed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
25. On-site detention shall be provided to maintain a stormwater discharges from site from the 1 in 100 year ARI storm to the 1 in 20 year ARI storm post-development flows.
26. The construction of a concrete lined surcharge flow path in accordance with the positive covenant burdening Lot 202 is required .
27. All necessary works are to be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
28. The connection of the site drainage to the existing Council pit in Precision Place is to be inspected by Council under the provisions of Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993. Inspection fees will be charged in accordance with Council's standard fees and charges. Confirmation that works are satisfactory is required prior to the issue of the use/occupation of the buildings.
29. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

Prior to Use

30. Registration of a plan of survey consolidating the site into a single allotment is required. Documentary evidence is to be submitted prior to use/occupation of the buildings.
31. A Compliance Certificate from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the reticulated sewerage system is required to be submitted.
32. A Compliance Certificate from Hawkesbury City Council's Building & Development Branch confirming completion of internal and external drainage must be obtained.
33. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
34. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
35. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.

The owner shall enter a positive covenant with Council which provides the following:

- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
- (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
- (c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

- 36. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Detention (OSD) of the stormwater system in relation to the approved design is required.
- 37. Works-As-Executed drawings for the On Site Detention of Stormwater System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes,
 - (b) Surface levels of pits and surrounding ground levels,
 - (c) Levels of surrounding kerb,
 - (d) Floor levels of buildings,
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation.
- 38. A full set of final construction plans (including building and civil works) shall be submitted to Hawkesbury City Council prior to the use/occupation of the buildings.
- 39. A copy of the Final Fire Safety Certificate for the buildings is to be provided to Hawkesbury City Council for its records.

Ongoing Operation

- 40. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that the relevant fire safety measures have:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the Final Fire Safety Certificate.
- 41. All vehicles must enter and exit the property in a forward direction.
- 42. All vehicles being loaded or unloaded shall stand entirely within the property.
- 43. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 44. Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

45. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
46. In accordance with the requirements of Part 5.7 of the 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.
47. All mechanical repairs shall be conducted within the workshop.
48. Vehicles and equipment shall only be washed/hosed down/degreased/steam cleaned within a roofed wash bay that drains to the sewer system in accordance with Council requirements.
49. The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of:
 - NSW WorkCover; and
 - Office of Environment and Heritage (OEH) – ‘Storing and Handling of Liquids: Environmental Protection Participant’s Manual (2007)’.
50. All chemicals, materials and liquid storage containers (including but not limited to 44 gallon drums, 1000 litre plastic bulk storage containers) associated with the use of the site, including empty containers, shall be stored in a bunded area.
51. All waste shall be stored in a designated area and suitably disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council’s waste collection services.
52. No contaminated waste water or liquid waste shall be discharged into Council’s stormwater system.

The reasons for the imposition of these conditions are those matters in 79(c)(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

Advisory Notes

- This consent operates from the *consent date* shown on the top of this notice and will lapse unless the development is commenced within five (5) years from this date.
- The drainage plans approved with the development application are not approved for construction.

An Engineering Design Certificate and Construction Compliance Certificate will be required for the on-site stormwater detention system. This can be issued by Council or an appropriately qualified private certifier.

- The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- No signage has been approved with this consent.

The installation of signage would be subject to the 'exempt development' provisions of Schedule 2 of the Hawkesbury Local Environmental Plan 2012, State Environmental Planning Policy (Exempt and Complying Development Codes) 2007 or require the submission of a development application.

- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to undertake work in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The applicant is advised to consult with:
 - Sydney Water;
 - the relevant electricity supply authority;
 - the relevant gas supply authority; and
 - the local telecommunications carrier

... regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works.

