

# LIVERPOOL CITY COUNCIL

## JOINT REGIONAL PLANNING PANEL - ASSESSMENT REPORT

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<b>JRPP Reference Number</b>	2013SYW114
<b>Development Application Number</b>	DA-594/2013
<b>Proposed Development</b>	<b>Industrial Development in two stages:</b>  <b>Stage 1: Concept Masterplan for the industrial estate; and</b> <b>Stage 2: Construction of industrial warehouse building, car parking, landscaping, driveway and road.</b>  (The proposal is identified as Nominated Integrated Development pursuant to Section 91 of the Water Management Act 2000 - NSW Office of Water)
<b>Property Description</b>	Lot 21 DP 1180366 & Lot 204 DP 1090110 Beech Road, Casula NSW 2170
<b>Applicant</b>	AMP Capital Pty Ltd
<b>Land Owner</b>	AMP Crossroads Pty Ltd
<b>Cost of Work</b>	\$26,166,168
<b>Recommendation</b>	Approval subject to conditions

### EXECUTIVE SUMMARY

#### 1.1 Reasons for the Report

The proposal has a capital investment value of \$26,166,168. Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the proposal exceeds the threshold for General Development and therefore is referred to the Joint Regional Planning Panel for determination.

This report summarises the key issues in consideration of the proposal in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

#### 1.2. The Proposal

Council is in receipt of a development application proposing industrial development in two stages being:

Stage 1: Concept Masterplan for the entire industrial estate on lots 21 and 204; and  
Stage 2: Construction of the first development stage on lot 204.

The Stage 1 Masterplan component of the application seeks approval for:

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- A Concept Masterplan comprising seven warehouses and ancillary office space of varying areas that would (apart from the development on Lot 204) be subject to future DA approvals;
- Total floor space of 76,733m<sup>2</sup> of warehouse and office space;
- On grade parking with sufficient spaces to accommodate the occupation of each warehouse;
- Regrading of the site to accommodate the buildings and the associated stormwater drainage;
- Site landscaping; and
- Narrowing of the private access way / road number 5 (Creekside Place).

The Stage 2 component of the application seeks approval for the construction of a warehouse building on Lot 204, DP 1090110 of approximately 30,950m<sup>2</sup> of industrial floor space and 1,667m<sup>2</sup> of office floor space, associated car parking and landscaping.

#### **1.3 The Site**

The site comprises Lot 21 DP 1180366 and Lot 204 DP 1090110, Beech Road, Casula and has an area of approximately 17.6 hectares. The land is approximately 6km south west of the Liverpool CBD.



Figure 1 - Subject property shown highlighted



#### 1.4 The issues

In accordance with the Liverpool Local Environmental Plan 2008 the development as proposed is defined as a “warehouse or distribution centre” which are permitted with consent in the IN3 Heavy Industrial zone applying to the property.

The key issue is the one objection received related to noise impacts on the occupants of neighbouring residential areas in the Campbelltown LGA particularly from additional truck traffic on Campbelltown Road exacerbating existing perceived noise impacts.

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**1.5 Exhibition of the proposal**

The proposal was advertised in accordance with the Environmental Planning and Assessment Regulations 2000 for thirty (30) days from 10 July 2013 to 9 August 2013. Properties within a 200 metre radius were notified. Council received one submission objecting to the proposed development. The proposal was readvertised from 11 December 2013 to 14 January 2014. No additional objections were received apart from the original objector resubmitting their earlier objection.

**1.6 Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. The potential noise impact of the development is not considered sufficient to warrant refusal of the application. Based on the assessment of the application, it is thus recommended that the proposal be approved, subject to the attached conditions of consent.

**2. SITE DESCRIPTION AND LOCALITY**

**2.1 The Site**

The site comprises Lot 21 DP 1180366 and Lot 204 DP 1090110, Beech Road, Casula and has an area of approximately 17.6 hectares. The land is approximately 6km south west of the Liverpool CBD.

The site is owned by AMP Crossroads Pty Ltd as Trustee for the AMP Crossroads Trust. The owner also owns adjoining land, comprising the bulky goods / homemaker centre.

The site is bounded by Maxwells Creek to the west, Campbelltown Road to the southeast and retail properties to the north. Beech Road runs north/south between the two lots. A road, currently known as Creekside Place or "Road No. 5", is located within the Lot 21, dividing it into a northern and southern portion. Public access to Creekside Place is currently prevented as it is private land and is barricaded off at the Beech Road roundabout.

The site is cleared land that has been levelled and regraded to facilitate future development. The land generally slopes towards the west and northwest towards Maxwells Creek. Lot 204 currently has small land depression containing water and a stand of trees in the eastern portion of the lot. There are some trees along the site boundaries, particularly to the west as part of the Maxwells Creek riparian corridor.

A large pylon sign is located on site at the corner of Beech Road and Campbelltown Road.

A 10m wide buffer runs along the boundaries of Camden Valley Way, Campbelltown Road and the M5. Maintenance of landscape buffers is to be in accordance with a Vegetation Management Plan.

The immediately surrounding development is predominately bulky goods in nature. To the north and north west of the site are the existing Crossroads Homemakers Centre, Flower Power recently opened Costco. Rural residential land uses are to the south of Campbelltown Road.

To the west of the site is the M5 Motorway and Tree Valley golf course and the developing Edmondson Park urban release area.

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To the east of the site across Campbelltown Road is a Caltex service station and rural residential land. Further to the east is a developing residential estate within the Campbelltown local government area.

### 3. DETAILS OF THE PROPOSAL

The applicant is seeking to develop the subject site as a large industrial warehouse development over the two allotments.

The applicant is not seeking at this time any approval for a land subdivision as part of the current proposal, however a number of specialist reports reference the re-subdivision of Lot 21 into Lot 211 and 212.

The proposed industrial development across the site is in the form of multiple warehouses, that presents a degree of flexibility to future prospective tenants and speculative basis.

The proposed building envelopes, access and car parking layout are intended to be adaptable and appeal to a wide scope of future tenants. The end design would be dependent on market requirements and individual tenant needs.

At this stage, the applicant / owner is not proposing to subdivide land but may choose to do so in the future when the end tenants are known or secured.

The proposal is consistent in principle with the approved 1998 master plan for the site.

In accordance with Clause 83B of the Environmental Planning and Assessment Act 1979, a Staged Development Application (concept plan / masterplan approval) is sought for the entire development. Given the unknown nature and detail of the future tenants of the overall development, the applicant considers that a staged development approach is appropriate.

The master plan approval sets out the uses as well as building envelopes, logic/functionality of the development such as access, general layout as well as the future staging. The first stage of the site's development is also sought on Lot 204 incorporating the detailed design and use of the warehouse. The subsequent stages will form a series of future development applications when the detailed design is known and end tenants are secured.

The proposal also includes an amendment to the approved and constructed road layout through the proposed narrowing of Creekside Place and retention as a dedicated private road.

#### **Stage 1: Master plan concept.**

Approval is sought for the overall master plan concept for the site comprising 76,733m<sup>2</sup> of warehouse and office floor space and 602 car spaces and comprising:

Lot 21 (northern section to the south of Costco): large warehouse building with ancillary office of 23,468m<sup>2</sup> in size, split into two warehouse tenancies of:

- Warehouse 1: 13,659m<sup>2</sup> warehouse and 611m<sup>2</sup> of office space (14,270m<sup>2</sup> in total)
- Warehouse 2: 8,713m<sup>2</sup> warehouse and 485m<sup>2</sup> of office space (9,198m<sup>2</sup> in total)
- 193 car parking spaces (the site has capacity for additional car parking if required by the future tenant)

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Lot 21 (southern section): large warehouse building, with ancillary office space of 20,648m<sup>2</sup> in size, split into two warehouse tenancies of:

- Warehouse 1: 4,596m<sup>2</sup> warehouse and 351m<sup>2</sup> of office space (4,947m<sup>2</sup> in total)
- Warehouse 2: 10,925m<sup>2</sup> warehouse and 524m<sup>2</sup> of office space (11,449m<sup>2</sup> in total)
- Warehouse 3 (to the southern side of the transmission easement): 3,987m<sup>2</sup> warehouse and 265m<sup>2</sup> of office space (4,252m<sup>2</sup> in total)
- 171 car parking spaces (the site has capacity for additional car parking if required by the future tenant)
- Use of all buildings on the site as a warehouse or distribution centre.
- Amendment to the approved road layout by the deletion of the cul de sac turning head known as Creekside Place and narrowing of a portion of the road. It is proposed that the public local road terminate at the junction of Beech Road, as currently occurs, and the private road to the southern corner of Lot 21 be retained and modified.
- Site landscaping around the site boundaries, along Beech Road and throughout the car park.
- Site civil works.

The future stage(s) of development will comprise the detailed design and use for the warehouse buildings and associated works on Lot 21 and will form separate future Development Applications. The remaining warehouses may develop in any order depending on market demands.

#### **Stage 2: Detailed approval for development of Lot 204.**

Lot 204: one large warehouse building, with ancillary office of 32,617m<sup>2</sup> in size, split into two warehouse tenancies of:

- Warehouse 1: 18,694m<sup>2</sup> warehouse and 1,031m<sup>2</sup> of office space (19,725m<sup>2</sup> in total).
- Warehouse 2: 12,256m<sup>2</sup> warehouse and 636m<sup>2</sup> of office space (12,892m<sup>2</sup> in total).
- 238 car parking spaces (capacity for an additional 150-200 car spaces if required by the future tenant).
- The actual split of tenancies may vary according to the specific tenant requirements.

The building has a ridgeline height of 13.7metres and 10.6m building wall height.

The following external finishes are proposed:

- Colorbond wall, roof and awnings
- Powder coated steel louvres on the east and western elevations
- Precast concrete wall panels
- Powder coated aluminium framed windows and entry doors

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**Access, Parking and Servicing**

Although a total of 238 car parking spaces are proposed to service Stage 2, the site has the capacity of which an additional 150-200 car spaces can be sourced by future tenants to the east of the warehouse.

Access to Warehouse buildings 1 and 2 is via Beech Road to the north of the site. A total of four access driveways are proposed along Beech Road, including separate entry and exit points for each warehouse facility.

Warehouse 1 is proposed to accommodate 13 loading docks along its northern façade, to enable a variety of vehicles, including B-doubles, semi-trailers and rigid trucks to access each of the loading docks.

Warehouse 2 is proposed to accommodate 7 loading docks along its northern façade, to enable a variety of vehicles, including B-doubles, semi-trailers and rigid trucks to access each of the loading docks. Two of these loading docks will be a recessed into the building.

**Operational Details**

Although a future tenant has not been secured approval is being sought for core hours of operation that are consistent with the recently opened Costco development. The proposed hours are:

- Monday to Sunday: the core business hours will be 7am to 9pm (for the main office) however as the use is a warehouse and distribution use, it is likely that warehouse operations will commence in the early hours of the morning, 7 days a week.
- Deliveries and stacking operations: 7 days, 24 hours a day.

Should a future tenant require a change of hours, a Section 96 application would need to be submitted to Council for approval.

**Landscaping**

The landscaping for the site has been broken into three distinct precincts:

- Precinct 1 (Campbelltown Road): Woodland Buffer Planting:  
  
Supplementary tree and shrub planting of Cumberland Plain Woodland species comprising a mix of native Eucalypt species will be used. The planting will be bounded on all sides by chain wire fencing with access gates from Lot 204.
- Precinct 2 (internal road / south western boundary of Lot 204): Formal Entry Road Planting:

The planting of smaller Eucalypt planting to the embankment between Beech Rd and Lot 204 will help to produce some intermediate level screening of the warehouse building on Lot 204.

A combination of the Eucalyptus trees will create visual interest and an overall hierarchy of tree planting heights.

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- Precinct 3 (Beech road/northern boundary of Lot 204): Informal Beech Road Planting:

A height hierarchy of mature tree species and proposed tree sizes will similarly create intermediate level screening to the warehouse of Lot 204.

The concept of large trees in grass with native grasses/ low shrub planting and smaller trees will also provide visual interest to the street. Landscaping is also proposed in the car park to the south of the warehouse building.

**Civil works – Drainage**

- The pavement stormwater drainage will be split into two separate systems to convey roof drainage and pavement surface drainage. This allows for separate treatment levels for the differing expected levels of contamination.
- On site detention is provided for with the use of a combination of gross pollutant traps (GPT) and oil and silt arrestors on the external stormwater drainage systems to achieve the required water quality.



**Figure 2 – Masterplan**

**DESCRIPTION OF APPROVED DEVELOPMENT ON SITE:**

The existing approved Masterplan for the site (DA No. 180/98) approved 11 August 1998 included consent for the following development:

- 165,000m<sup>2</sup> warehousing/industrial development.
- 55,000m<sup>2</sup> bulky goods.



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- 20,000m<sup>2</sup> “associated uses”, including a service station, food outlets, 100 room hotel, recreation facilities and other amenities.

Condition 3 of that consent imposes a requirement for Section 94 contributions. The associated and agreed works in kind associated with the site's development have been delivered to Council's satisfaction.

Condition 4 of the consent states:

*“4. Consent is granted for a masterplan only. Development on specific site(s) within the area of the masterplan is subject to separate development application(s).”*

Condition 47 and Conditions 50-53 of the consent also required that roads and traffic works be undertaken to support the development. This included the following:

- All roads on the plan marked “180/98A”.
- Construction of Camden Valley Way / Beech Road intersection to form a four way signalised intersection, with protected right turn bay facilities.
- Various works along Campbelltown Road.
- The Masterplan also indicates frontages to roads where direct access to the site is restricted.

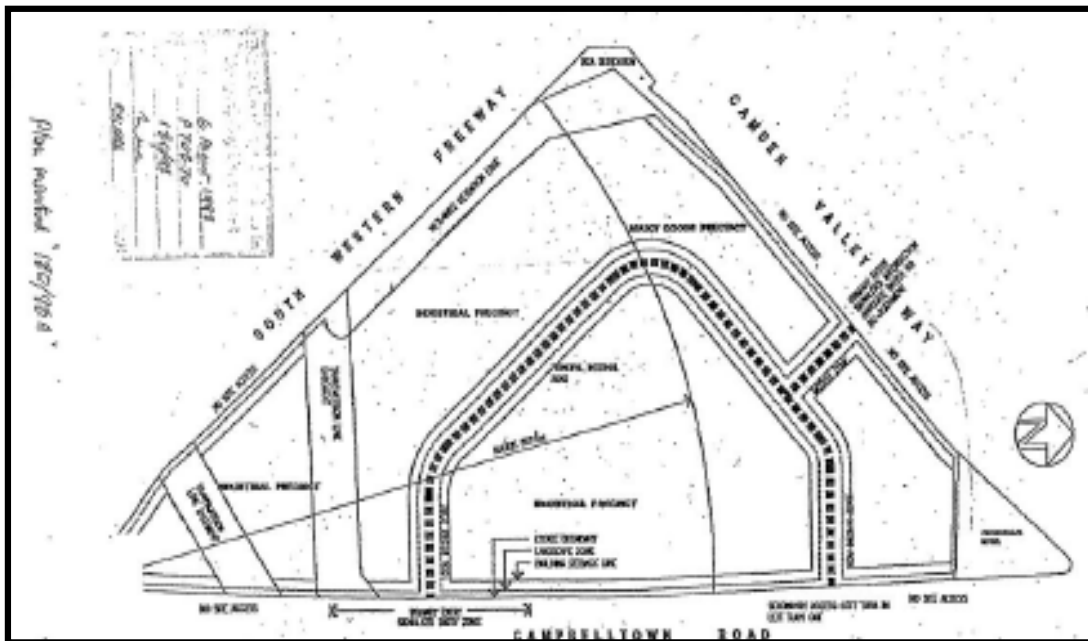


Figure 3 - Original Masterplan Approval (DA180/98)

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An additional development application was approved by Council on 21 December 1999 for the "Construction of Stage 2 Roads and Associated services (including stormwater) and cut and filling to final levels" (DA 1190/00). This ultimately resulted in the roads in their current location.

Condition 2 of this consent required that it be read in conjunction with the Masterplan consent of 1998 (180/98), and therefore this essentially became an amendment to the Masterplan consent insofar as the road layout plan.

The traffic works described above including all intersections have been constructed and site levelled and prepared for future industrial development. The roadworks are reflected in the updated plan included below

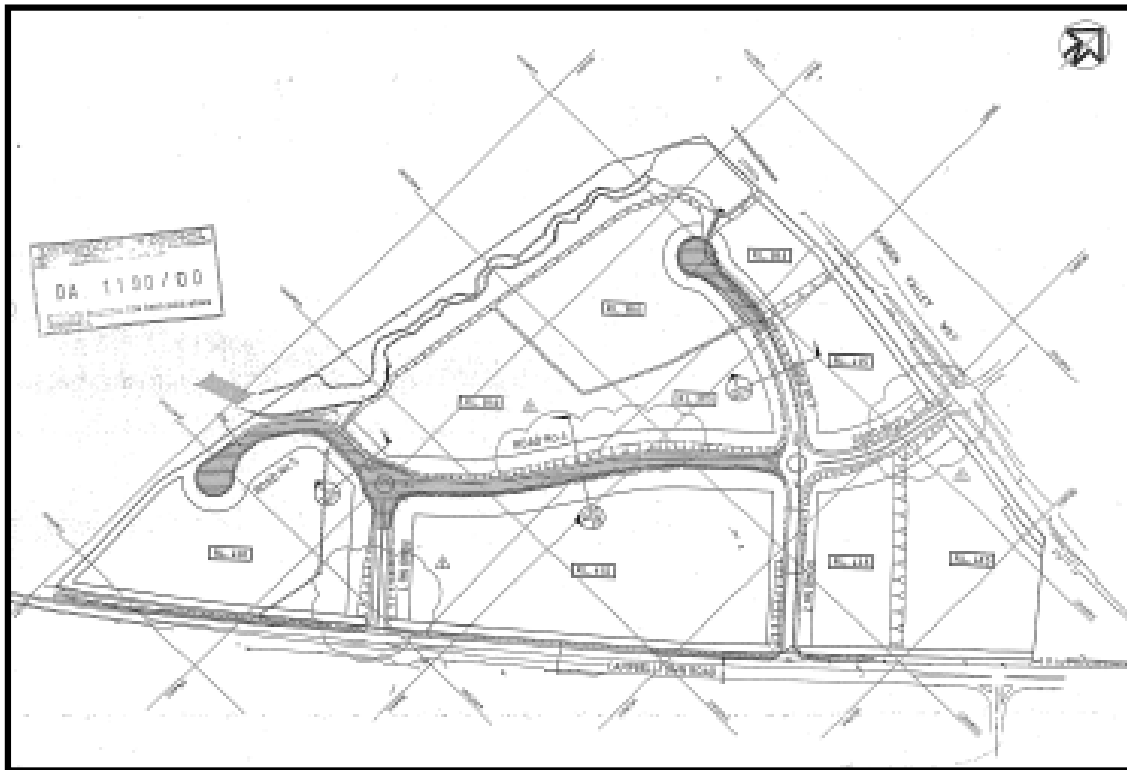


Figure 4 - Current approved road layout

The existing Crossroads Homemaker Centre now accommodates approximately 50,286m<sup>2</sup> of bulky goods development to the north of the site exclusive of the Costco development, which has a floor space of 13,604m<sup>2</sup> and 701 car parking spaces.

4. STATUTORY ASSESSMENT

Summary of Relevant Planning Controls:

The following controls apply to the site:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land

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- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008 Parts 1.1, 1.2 and 7 (Development in Industrial Areas)

**5. ASSESSMENT**

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation as follows:

**5.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument**

**State Environmental Planning Policy (Infrastructure) 2007**

Developments listed in Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP) are to be referred to the Roads and Maritime Services (RMS). Schedule 3 lists categories and sizes or capacity of developments which both have site access to a classified road (or within 90m). Certain characteristics of developments trigger referral to RMS for comment, such as:

- Area used exclusively for parking or any other development having ancillary parking accommodation containing 50 or more motor vehicles.
- Industry of 5000m<sup>2</sup> in size.

As the proposed facility contains 76,733m<sup>2</sup> of GFA and 602 car parking spaces, the proposal was referred to the Sydney Regional Development Planning Advisory Committee (SRDAC) under the SEPP. The comments of the SRDAC are reproduced elsewhere in this report.

Under the provisions of clause 45 of the SEPP the proposal was also referred to Transgrid. The proposed development on lot 204 is clear of the Transmission line easement traversing the site. The proposed masterplan for lot 21 precludes building development in the transmission easement. Any individual development applications for lot 21 will be under the provisions of Clause 45 of the SEPP and require Council to refer the matter to the relevant electricity authority (Transgrid).

**State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 introduces state wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed in accordance with certain standards and requirements.

The likely site contamination for the whole industrial estate was assessed and addressed as part of original site master plan in 1998. Notwithstanding this a Phase 1 Environmental Site Assessment (ESA) of the site was undertaken by Douglas Partners. This report determined that the site had a generally low potential for contamination and therefore the land is suitable for the future commercial/industrial use, subject to some targeted groundwater investigation down gradient of the offsite service station and some targeted soil sampling.

Although the likelihood for contamination is unlikely, additional testing as part of a Phase 2 Environmental Site Assessment was carried out.

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The Phase 2 Environmental Site Assessment concludes that some signs of dumping were observed, including general rubbish and a small number of fly-tipped stockpiles of soil and building rubble, including fibre cement.

The dumped rubbish and fibre cement should be removed from the site as the first stage of site clearance and preparation works. This should be conducted by an appropriately licensed asbestos contractor, and it is recommended that the ground surface is cleared by an Occupational Hygienist prior to commencement of earthworks. All disposals of wastes must be conducted in accordance with the Protection of the Environment Operations Act (NSW) 1997.

The groundwater investigation results indicated the presence of low levels of petroleum-related contaminants in the well closest to the service station, indicating that the service station may be impacting groundwater quality at the site. However, given the low detected concentrations and as the site was not considered to be the source of the contamination, the detected contamination was not considered to impact on the suitability of the site for the proposed commercial land use.

Overall the available information indicates that the site has a generally low potential for contamination, with no contamination detected in the subsurface during this investigation. The site is therefore considered to be compatible with the proposed commercial land use.

Notwithstanding the low risk of contamination, as with all filling of unknown origin, inclusions of asbestos containing materials or other contaminants may be present between test locations. It was recommended that an Unexpected Finds Protocol be included in the site management plan for construction works at the site. The purpose of the Unexpected Finds Protocol will be to set out a clear procedure for managing any unexpected finds, such as fibre cement, which may be encountered during site preparation.

**Greater Metropolitan Regional Environmental Plan (GMREP) No. 2 – Georges River Catchment**

The GMREP is a deemed SEPP that applies to part of the Liverpool LGA. The aim of this plan is to protect the environment of the Georges River system by ensuring that the impacts of future land uses are considered in a regional context.

The principles in Part 2 and the planning requirements in Part 3 require consideration prior to Council determining a Development Application.

The proposal meets the general and specific principles of the GMREP as follows:

- The site is currently cleared, filled and vacant land. The development of the site allows a good opportunity to improve the site by incorporating methods to treat and improve the quality of runoff to Maxwells Creek.
- The likely impacts of the development have been considered as part of the DA preparation and specifically addressed.
- The proposed development will not have a detrimental impact on the Georges River and its catchment.

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- Matters such as acid sulphate soils, bank disturbance, flooding, industrial discharge, land degradation, onsite sewage management, river related uses, sewer overflows, urban/stormwater runoff, urban development areas, vegetated buffer areas, water quality and river flows and wetlands have been considered in the design of the development and addressed where relevant in the associated reports that form part of the DA submission such as the civil statement.

Clause 21 relates to vegetated buffer areas and contains a provision that a 40m wide buffer should be provided from the edge of development to the top of bank of the watercourse. This is applicable to land that has not been previously developed or cleared. Therefore although there is no significant development on site, the land has been cleared and roads constructed and therefore, this provision does not apply to the site.

Further a significant landscaped buffer exists to the west of the site and is fenced from the development site, with its own title created (i.e. Lot 105) as a condition of the earlier approval and the riparian zone is therefore managed accordingly. The proposal will not result in any adverse impact to the existing riparian corridor or the established vegetation buffer on the adjoining land.

**LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008:**

**(i) Permissibility**

The subject land is zoned IN3 Heavy Industrial under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development on Lot 204 can be defined as "warehouse or distribution centre. Under this zoning the use is permissible subject to Council's consent.

*"warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made."*

**(ii) Objectives of the zone**

The objectives of the IN3 Heavy Industrial zone are:

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.

The proposed use is considered consistent with the objectives of the IN3 zone.

The site is a suitable distance from more sensitive land uses, and is separated from these uses by major roads, any impacts on surrounding land uses will be minimised. The proposal will result in a significant number of employment opportunities.

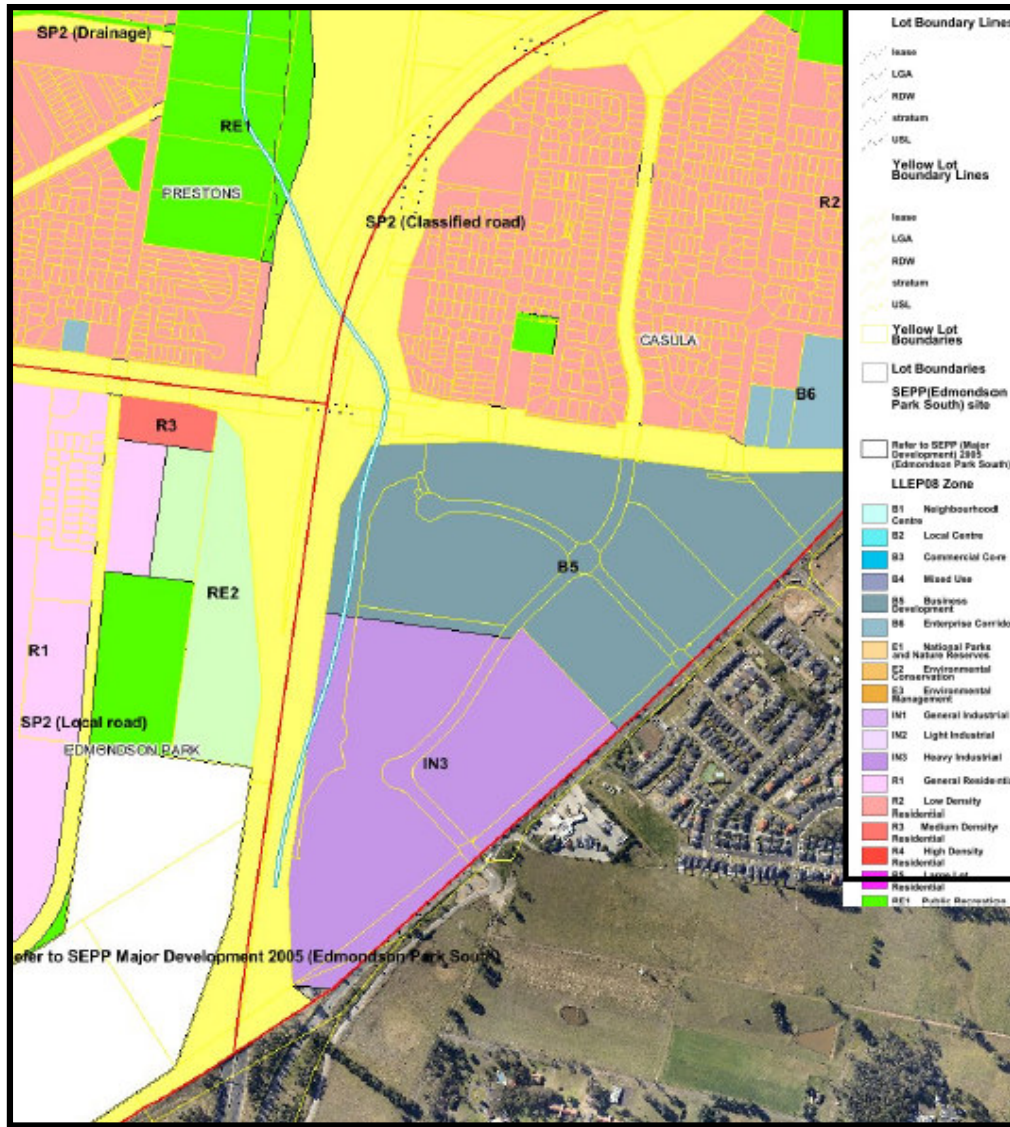


Figure 5 - Zoning of Locality

(iii) Principal Development Standards

**Clause 4.3 Height of buildings**

The maximum height permitted on Lot 204 is 18 metres and 30 metres on Lot 21. The proposal does not exceed the maximum height of 18m and 30m respectively.

**Clause 4.4 – Maximum FSR**

Maximum FSR for the site is 0.75:1. The proposed FSR of Lot 204 is 0.54:1 (where the site area is 60,689m<sup>2</sup> and proposed GFA is 32,617m<sup>2</sup>). The proposed FSR of Lot 21 is 0.38:1 (where the site area is 116,174m<sup>2</sup> and proposed GFA is 44,116m<sup>2</sup>).

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**Clause 5.9 Preservation of trees and vegetation**

The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation. The works resulting from the proposed amendments do not result in any significant loss of additional vegetation.

**General Provisions**

**Clause 7.6 Environmentally significant land**

(1) *The objectives of this clause are as follows:*

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,*
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,*
- (c) to protect rare and threatened native flora and native fauna,*
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.*

(2) *Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant:*

- (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,*
- (b) the importance of the vegetation in that particular location to native fauna,*
- (c) the sensitivity of the land and the effect of clearing vegetation,*
- (d) the relative stability of the bed and banks of any water body that may be affected by the development, whether on the site, upstream or downstream,*
- (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),*
- (f) the effect of the development on public access to, and use of, any water body and its foreshores.*

The land to the west of Lot 21 along Maxwells Creek forms part of a vegetation buffer and has a Vegetation Management Plan in place. The development proposal does not hinder or is not detrimental to this land. A Vegetation Management Plan will be conditioned in any approval for the vegetation established in the buffer strip alongside Campbelltown Road.

Therefore in respect to the provisions of Clause 7.6 (1) and (2) (a) it is considered that the proposed development will not adversely impact on any environmentally significant land

**Clause 7.8 Development on flood prone land**

The objectives of this clause are:

- (a) to maintain the existing flood regime and flow conveyance capacity, and*
- (b) to avoid significant adverse impacts on flood behaviour, and*
- (c) to limit uses to those compatible with flow conveyance function and flood hazard, and*
- (d) to minimise the risk to human life and damage to property from flooding.*

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The site is adjacent to Maxwells Creek and a small portion of lot 21 is identified as being affected by the 1% AEP flood. No building work is however proposed in this area and the objectives are considered to have been met.

#### LIVERPOOL CONTRIBUTIONS PLAN 2009

The Liverpool Contributions Plan, 2009 identifies the site as forming part of the Established Areas Catchment. The plan does not levy Section 94 Contributions for commercial developments in this catchment. As such, there is no Section 94 Contribution applicable to this development. Further, a significant amount of works in kind were undertaken as part of the original site master plan and are evident on the site in the form of road construction, creek realignment and the like.

#### 5.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

No applicable draft planning instruments apply to the proposal.

#### 5.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

#### LIVERPOOL DEVELOPMENT CONTROL PLAN 2008

The proposed development is subject to Liverpool Development Control Plan (LDCP) 2008, and Part 1.1 and 1.2 General Controls for Developments and specifically Part 7 – Development in Industrial Areas.

The relevant provisions of the DCP are addressed below

<b>PART 1.1 – GENERAL CONTROLS FOR ALL DEVELOPMENT</b>		
<b>DCP Requirement</b>	<b>Provided</b>	<b>Compliance</b>
3: Landscaping and incorporation of existing trees	The site was cleared of vegetation several years ago when the extension of Beech Road and the benching of the lots were undertaken. Thus the majority of the site is devoid of any significant vegetation with the exception of the western section that abuts Maxwells Creek and a small stand of trees that is located on the eastern portion of Lot 204.	Yes. The proposal will not result in any adverse impact to the existing riparian corridor or the established vegetated buffer on the adjoining land
4: Bushland and Fauna Habitat Preservation	Lot 21 is adjacent to bushland and environmentally significant land. In accordance with the DCP, a Vegetation Management Plan has previously been prepared for the bushland/riparian zone and ensures that the natural assets, biodiversity and natural ecology is protected, conserved and managed through the development of the land	Yes. This vegetation is located on an adjacent lot and is fenced off and inaccessible from Lot 21. A VMP will be required as a condition of approval for the vegetated buffer strip alongside



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		Campbelltown Road.
5: Bushfire risk	Part of the land is identified as bushfire affected. A bushfire hazard assessment was undertaken and submitted	Yes.
6: Water Cycle Management	No adverse impacts on stormwater runoff, appropriate drainage is planned for, to minimise erosions and sedimentation from entering waterways and to enhance the quality of natural water bodies. Stormwater drainage concept plan and soil and sedimentation plan submitted.	Yes.
7 – Development near creeks and rivers	GTA's received from Office of Water. No actual development occurring in close proximity to adjoining Maxwells Creek.	Yes.
8 – Erosion and Sediment Control	Erosion and Sediment Control Plan submitted.	Yes.
9 – Flooding Risk	The civil statement includes an assessment of the flood risk. The area proposed for development is not flood affected.	Yes.
10 – Contaminated Land Risk	A Phase 1 report is submitted with the DA submission and has concluded that the land is suitable for the development.	Yes.
11 – Salinity Risk	The submitted Geotechnical report includes an assessment on the salinity risk.	Yes.
12 – Acid Sulphate risk	Council's mapping does not indicate the site as containing acid sulphate soils.	Yes.
<b>PART 1.2 – ADDITIONAL GENERAL CONTROLS FOR DEVELOPMENT</b>		
<b>2. Car Parking and Access</b>		
2.1 Overall Design considerations	The design of the internal road and subdivision is not proposed to be altered, with the exception of the narrowing of Creekside Place. Council's engineers have assessed	Yes.

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	this proposed change and deemed it acceptable.	
2.2 Car parking provision and service facilities by land use: 1 per 75m <sup>2</sup> for warehouse & 1 per 35m <sup>2</sup> for office	602 car spaces are proposed across the site. 238 car spaces are proposed on Lot 204 (with the capacity for an additional 150-200 car spaces if required by the future tenant on the eastern side of the complex). Under the LDCEP 459 spaces are required. Future DAs relevant to Lot 21 will be assessed at DA stage re adequate car parking spaces.	No. Whilst Council's DCP requirements are not met RMS requirements for car parking are met with the ability for Council to require additional spaces to be provided to the east of the warehouse. Council's Traffic engineers consider the level of parking provision is satisfactory.
2.3 Car parking design	The proposal on Lot 204 is satisfactory and future DAs will be required to comply with the relevant standards/dimensions	Yes.
2.4 Internal driveways	No internal driveways are proposed. The internal road, Beech Road, is a public road. Creekside Place is a private road and will meet the relevant standards. Adequate loading and servicing facilities are provided on site.	Yes.
2.5 Driveway Crossings	The proposal on Lot 204 is satisfactory and future DAs will be required to comply with the relevant the DCP provisions	Yes.
2.6 Pavement requirements	The proposal on Lot 204 is satisfactory and future DAs will be required to comply with the relevant DCP provisions	Yes.
2.7 Transport Impact Provision of a transport management plan required.	A traffic report prepared by CBHK is provided with the application assessing the appropriateness of the proposal.	Yes.
4. Water Conservation	Civil drawings and design statement are provided with the DA submission relevant to the whole site and Lot 204. The detailed design, prior to the issue of a CC will review the water conservation measures in the DCP. Future DAs will be required to comply with the DCP provisions	Yes.
5. Energy Conservation	The detailed design, prior to the issue of a CC will review the water conservation measures in the DCP. Future DAs will ensure	Yes.

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	they comply with the DCP provisions	
7. Waste Disposal and Re-use Facilities	The land is cleared, level and prepared for the proposed development. There are no buildings on site or demolition sought as part of the application. A waste management plan is submitted with the application.	Yes.
8. Outdoor Advertising and Signage	Signage does not form part of the DA submission. Future DAs will be required.	Yes.
<b>PART 7 – DEVELOPMENT IN INDUSTRIAL ZONES</b>		
<b>Development adjacent to classified roads - Primary setback 18metres</b>	The overall proposal is set back a minimum of 18 metres from Campbelltown Road and exceeds this setback at the northern portion of Lot 204.	Yes.
Secondary setback 15metres	The proposed warehouses are setback in excess of 15m from Beech Road.	Yes.
<b>All other street frontages</b>  Primary setback - 10 metres	The site is setback in excess of 10m from Beech Road.	Yes.
Secondary setback - 5 metres	The proposal complies with all setbacks along each primary and secondary frontage, when considering the concept and Lot 204. A covenant is also placed on the land's title requiring a landscaped buffer.	Yes.
Landscaped Area - A minimum of 10% of the site is to be landscaped at ground level.	In respect of the masterplan 12.1% of the total 116,174m <sup>2</sup> site area is landscaped. In respect of Lot 204 11.9% of the total lot area of 60,689m <sup>2</sup> is landscaped	Yes.
A minimum width of landscaping along the primary setback of 10m.	In respect of the masterplan a 10m landscaped setback is proposed along Campbelltown road, the primary setback of the estate. In respect of Lot 204 a 10m landscaped setback to Beech Road is proposed	Yes.
A minimum width of landscaping along the secondary setback of 5m.	In respect of the masterplan significant landscaping is proposed along the eastern, southern and western boundary of lot 21. In respect of Lot 204 landscaped setback of 10m is proposed on the eastern, western and	Yes.

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	southern boundary. The northern boundary adjoins the homemaker centre	
<p><b>6. Building Design, Streetscape &amp; Layout Facade Treatment</b></p> <p>The facades to a development must adopt a contemporary architectural appearance. The street facade of a development on a corner allotment must incorporate architectural corner features to add visual interest to the streetscape.</p>	<p>In respect of the Masterplan can comply at each future DA for the detailed design.</p> <p>In respect of Lot 204 the architectural drawings propose a mixture of materials and finishes to break up the façade and provide a contemporary appearance</p>	Yes.
<p><b>Materials &amp; Colours</b></p> <p>Glazing shall not exceed reflectivity of 20%.</p>	The proposal can comply and will be conditioned in any approval.	Yes.
<p>A development must use:</p> <p>Quality materials such as brick, glass and steel to construct the facades to a development.</p>	A mixture of materials and finishes to break up the façade and provide a contemporary appearance is proposed. Can be conditioned for future stages of Masterplan	Yes.
Masonry materials to construct a factory unit within a building, and all internal dividing walls separating the factory units.	The internal tenancy divisions are able to comply with the DCP requirements.	Yes.
<p><b>Building design</b></p> <p>The front door to a building should face the street. The administration office or showroom must be located at the front of the building.</p>	All proposed offices and warehouses either front the internal road, Beech Road or Campbelltown Road.	Yes.
Driveways must provide adequate sight distance for the safety of pedestrians using the footpath area.	Adequate sight lines are planned for as part of the design. Importantly it is not envisaged that high pedestrian traffic is expected throughout the estate.	Yes.
Blank walls in general that address street frontages or public open space are discouraged.	Landscaping is proposed along the site boundaries and along the internal road to assist in screening and breaking up large expanses of wall.	Yes.

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<p>Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p>		
<p><b>7. Landscaping and Fencing</b></p>	<p>A landscape plan and design statement is submitted with the DA submission and responds to the DCP requirements.</p>	<p>Yes.</p>
<p><b>8. Car Parking &amp; Access</b></p> <p>The layout of driveways to loading docks must enable heavy vehicles to:</p> <ul style="list-style-type: none"> <li>• Enter and exit the site in a forward direction.</li> <li>• Park within designated loading areas.</li> <li>• When possible, loading docks are to be located in areas that:</li> <li>• Are not exposed to public streets</li> <li>• Are generally separate from and do not interfere with car parking area</li> </ul> <p>Car parking areas are to be landscaped to provide shade and reduce the visual impact of parked cars and include a 2.5m wide landscape bay between every 6 - 8 car spaces.</p>	<p>All trucks can enter and exit in a forward direction and have a dedicated loading area to the west of the warehouse building.</p> <p>The loading docks are located away from Campbelltown Road, however as the docks front Beech Road, significant vegetation is located along this frontage to screen the loading dock.</p> <p>A substantial landscaped setback is proposed along the lot boundaries and along Beech Road screening and softening the warehouse, car park and loading activities.</p> <p>The proposal does not comply with this requirement</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes</p> <p>No, however along the site boundaries adequate landscaping is provided.</p>
<p><b>9. Amenity and Environmental Impact</b></p> <p>External Industrial Activities</p> <p>External processes in an industrial area &amp; storage of materials will not be</p>	<p>The warehousing and distribution processes of the use will be wholly contained within the warehouse buildings. No storage or loading</p>	<p>Yes.</p>

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permitted along a classified road frontage or a road frontage opposite a residential area.	areas are proposed along Campbelltown Road and the M5.	
Noise	An acoustic statement has been submitted. The statement indicates that the end development has the ability to comply with the relevant acoustic standards for operational and noise standards and has used various assumptions, such as operating hours etc that will need to be re-visited when the end tenant is known.	Yes.
Hours of operation - Development which would have an adverse impact on residential land will be limited to 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday and no work to be undertaken on Sundays.	The development is unlikely to have an adverse impact on residential land given its separation distance. Each future DA will apply for the operational hours consistent with a warehouse and distribution use in an industrial estate.	Yes.

#### Conclusion

The proposed amended development generally satisfies the requirements of Liverpool Development Control Plan 2008.

#### (iiia) Any Planning Agreement

No planning agreement relates to the site or proposed development.

#### 5.4 Section 79C(1)(a)(iv) – The Regulations

No additional items for consideration.

#### 5.5 Section 79C(1)(b) – The Likely Impacts of the Development

As the development is not proposing to disturb the watercourse adjoining the site or the vegetation on the site it is considered that the development will have minimal impact on the natural environment. The proposed buildings are consistent and compatible with the existing and likely future buildings on the greater Crossroads site. The development will generate local economic activity and employment.

#### 5.6 Section 79C(1)(c) – The Suitability of the Site for the Development

The site is suitable for the various components of the development. The zoning of the site permits the development. The development is adequately separated from residential properties and will not have unacceptable noise impacts.

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The site forms part of a previous approval that identified the site for industrial development. The industrial estate is suitably sited amongst similar and compatible large warehouse built forms, especially to the north.

The proposed use is consistent with the future strategic use of the land and approved under the previous master plan development approval applicable to the site, providing a significant employment generating development.

Adequate car parking is able to be provided on site to cater for staff and visitors to the site.

The development will not have any significant adverse environmental impacts.

The proposal will provide a benefit to the local and regional economy through provision of a warehouse and distribution hub generating local employment.

#### 5.7 Section 79C(1)(d) – Any submissions made in relation to the Development

##### (a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Building	Approval subject to conditions
Engineer	Approval subject to conditions
Traffic	Approval subject to conditions
Landscaping	Approval subject to conditions
Health	Approval subject to conditions
Flooding	Approval subject to conditions

##### (b) External Referrals

DEPARTMENT	COMMENTS
NSW Office of Water	No objection subject to compliance with the General Terms of Approval issued by the Office of Water.
Transgrid	Comments not received at time of finalisation of this report. No electricity easements cross lot 204 however easements traverse lot 21. A standard condition has been imposed on the draft consent. Buildings are located clear of easements. Separate development applications are required for any development on lot 21 and these will be referred to Transgrid under the provisions of the SEPP (Infrastructure) 2007.

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<b>Roads and Maritime Services</b>	<p>The RMS supplied the following comments:</p> <ol style="list-style-type: none"><li>1. Lot 204 and proposed Lot 21 are affected by the proposed upgrade of Campbelltown Road as shown on the attached approved concept road design plan (see below). Any new buildings or structures shall be erected clear of the land required for road widening.</li><li>2. It should be noted that the traffic modelling results indicate that the current configuration of the Campbelltown Road and Beech Road intersection will operate at Level of Service (LoS) E with the development in the PM peak period with the Beech Road West approach operating at LoS F.</li><li>3. The post development storm water discharge from the subject site into RMS drainage system should not exceed the pre-development discharge.</li></ol> <p>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.</p> <p>Details should be forwarded to:</p> <p>The Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124</p> <p>A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.</p> <ol style="list-style-type: none"><li>4. 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, AS 2890.2-2002 for heavy vehicle usage and AS2890.6:2009 for people with disabilities.</li><li>5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.</li><li>6. All works / regulatory signposting associated with the proposed development are to be at no cost to RMS.</li></ol>
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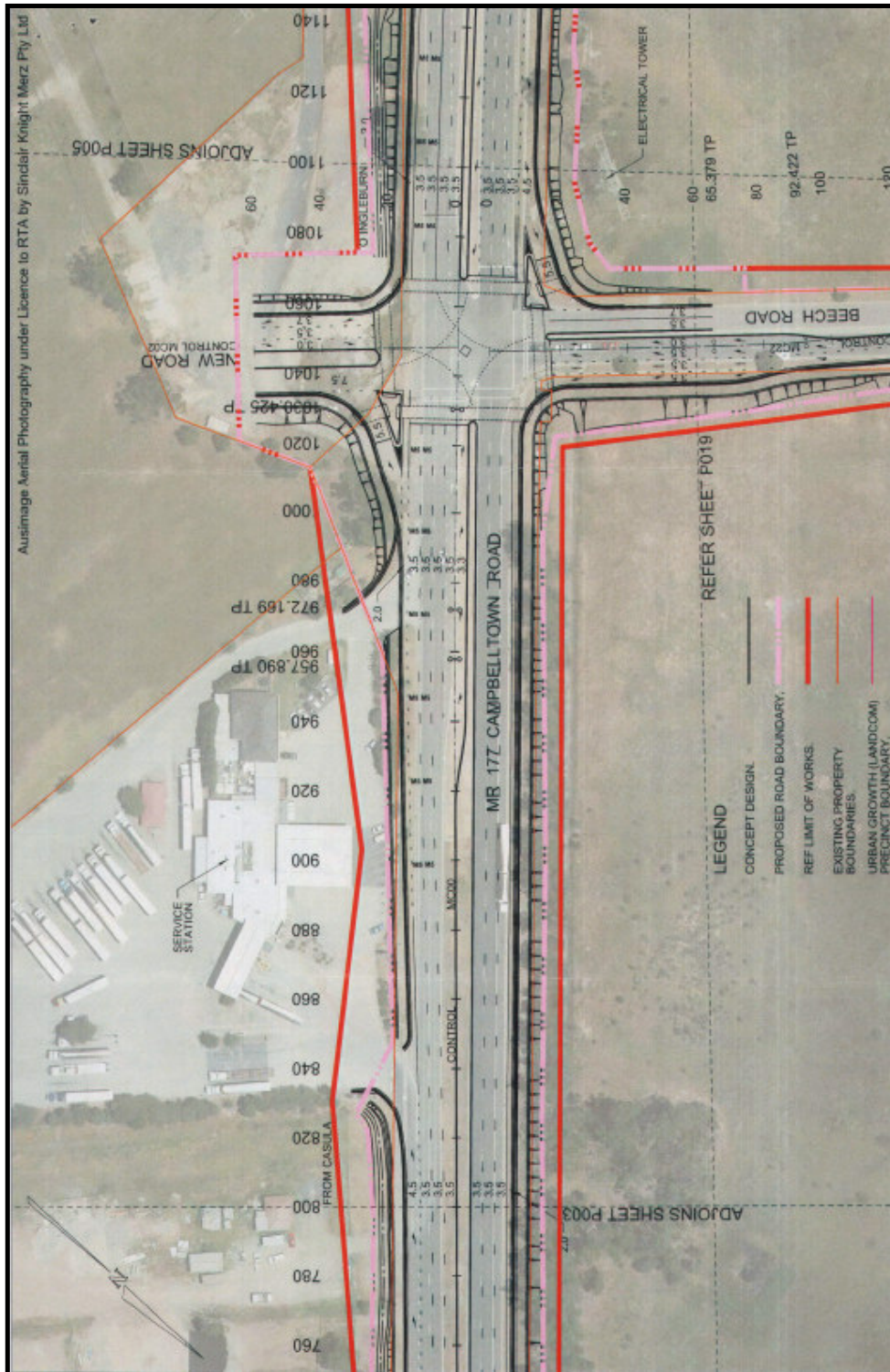


Figure 7 - Plan of proposed upgrade of Campbelltown Road by RMS

**(c) Community Consultation**

One (1) written submission (lodged twice in response to the two separate advertising periods) objecting to the proposed development was received.



**Figure 8 - Location of objector shown orange and edged red**

The following issue was raised in the objection:

**ISSUE 1: Noise impacts on residential properties.**

The development and its operation will have adverse noise impacts on neighbouring residential areas in Glenfield.

The objector resides in Matilda Lane Glenfield two streets eastwards of Campbelltown Road in the Mirvac estate. The estate was constructed in 2010.

The submission contends that the vehicle noise controls on Campbelltown Road that currently consist of a 2.7m standard wooden fence are considered insufficient for the amount of heavy vehicle traffic that uses Campbelltown Road. This is also exacerbated by the heavy vehicles that use compression brakes to enter Uncle Leo's truck stop. Campbelltown Road south from the Crossroads has a downward gradient.

Given the industrial warehouse nature of DA-594/2013 the objector believes that the amount of heavy vehicles that will enter and exit the site via Campbelltown Road will increase significantly.

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The subsequent noise impacts for residents living along Campbelltown Road will also increase as many of these vehicles are also likely to use their compression brakes to stop at this access point.

The objector suggests that heavy vehicle noise controls along Campbelltown Road be investigated and implemented to limit the noise impacts of the future heavy vehicle traffic that will use the industrial estate via the Campbelltown entrance point. These could include but are not be limited to:

1. RMS Noise Detection Cameras
2. RMS Noise Signage on Campbelltown Road
3. More appropriate noise barriers along Campbelltown Road next to residential estates
4. Reduction of the speed limit on Campbelltown Road next to residential estates

Also given the close location to a residential estate it is also requested that controls be placed in any areas within the master plan that may have open exposure where noise may carry across a distance. Controls on operating hours times to minimise noise impacts for surrounding residents during times when people are sleeping is also requested.

#### Comments

The proposed development utilises an existing main road with existing known and projected traffic volumes. The design of the relatively recent neighbouring residential subdivision and its acoustic protection measures regarding road noise were matters for consideration when the subdivision was assessed by Campbelltown City Council.

If the subdivision and individual dwellings are not achieving required acoustic measures this is a compliance matter for Campbelltown City Council. Noise impacts generated by the proposed development are relevant for consideration in assessing the current application. The existing noise issues from a main road for a residential area are however not considered directly relevant to the consideration of the current application.

Acoustic Reports prepared by AECOM for both the Masterplan and the second stage of development have been submitted with the application. Operational noise was modelled using typical worst case warehouse operations with all sites operating simultaneously for the entire day and night period. The acoustic assessment indicates that the development will comply with the requisite noise criteria with the exception of the existing dwelling house located within the 24 hour truck stop opposite. Under worse case meteorological conditions, with no additional mitigation measures, a potential night time exceedance of up 2 dB(A) is possible.

Council's Environmental Health officer has assessed the application raises no objections subject to standard conditions of consent. Thus based on the assessment the noise impacts the proposed development is considered acceptable.

It is recommended that Campbelltown City Council be advised of the objector's concerns that the acoustic measures provided to the subdivision on the eastern side of Campbelltown Road may be inadequate.

It is also recommended that in addition to standard noise conditions the following special conditions be imposed.

1. All truck drivers are to receive training and instructions in minimising the noise impacts

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of operating their vehicles.

2. A register for complaints by neighbours and action taken is to be kept for the site operation and made available to Council for perusal if requested.
3. A 24 hour contact phone number is to be made available for receipt of any complaints.
4. Subject to traffic committee approval signage instructing truck drivers to exercise noise minimising vehicle operation is to be installed on Campbelltown Road.
5. Vehicle pavement finishes are to be chosen to minimise tyre noise.
6. No external public address system is to be used on site.

The following summarises the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

#### **(e) The public interest**

The public interest is taken to include the facilitation of developments in a manner that does not adversely impact on local neighbourhood amenity so that developments that benefit the broader community can be undertaken on an environmentally sustainable basis.

The development will generate significant local employment, which will benefit the community.

The issues raised in the objections with respect to this proposal have been suitably addressed throughout this report. It is considered that the proposed development is in the public interest.

#### **6. CONCLUSION**

The proposed development generally complies with the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008 Parts 1.1, 1.2 and 7.

The main issues relate to traffic and noise generation.

It is considered that the noise impacts of the development as proposed are acceptable. The development is considered an acceptable distance from neighbouring residential areas.

Overall, the development is compatible with the developing industrial character of the immediate area and can be conditioned and controlled to minimise any impacts.

#### **7. RECOMMENDATION**

That:

1. The Joint Regional Planning Panel approves DA-594/2013 proposing industrial development in two stages being:

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- Stage 1: Concept Masterplan for the entire industrial estate on lots 21 and 204;  
and
  - Stage 2: Construction of the first development stage on lot 204.
2. Campbelltown City Council is advised of the objector's concerns that the acoustic measures provided to the subdivision on the eastern side of Campbelltown Road are inadequate.
  3. Those who made a submission with regard to the proposed development are notified in writing of the JRPP's decision.

## ATTACHMENT – DEVELOPMENT CONSENT CONDITIONS

### CONDITIONS:

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

#### A. THE DEVELOPMENT

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

##### GENERAL

1. Development must be carried out generally in accordance with Development Application received 6 June 2013 and the following plans as marked and stamped DA-594/2013:
  - a. Architectural Drawings prepared by MBMO and identified as:
    - (i) DA-00 Cover Sheet - Revision D
    - (ii) DA-01 Overall Masterplan - Revision G
    - (iii) DA-02 Lot 204 - Revision H
    - (iv) DA-03 WH1 Ground plan - Revision E
    - (v) DA-04 WH1 Level 1 - Revision D
    - (vi) DA-05 WH1 Roof Plan - Revision D
    - (vii) DA-06 WH1 Sections - Revision E
    - (viii) DA-07 WH1 Elevations - Revision E
    - (ix) DA-08 WH1 Office Plan - Revision D
    - (x) DA-09 WH1 Office Elevations Revision C
    - (xi) DA-10 WH2 Ground Plan Revision E
    - (xii) DA-11 WH2 Level 1 – Revision D
    - (xiii) DA-12 WH2 Roof Plan – Revision D
    - (xiv) DA-13 WH2 Sections – Revision D
    - (xv) DA-14 WH2 Elevations – Revision D
    - (xvi) DA-15 WH2 Office Plan – Revision D
    - (xvii) DA-16WH2 Office Elevations – Revision D
    - (xviii) DA-17 Lot 21 (211) – Revision E
    - (xix) DA-18 Lot 21 (212) - Revision E
  - b. Landscape Drawings identified as:
    - (i) SS12-2557-000-A Cover Sheet - Revision 01
    - (ii) SS12-2557-101-A Landscape Plan - Revision 01
    - (iii) SS12-2557-102-A Sections - Revision 01
    - (iv) SS12-2557-C100 A Landscape Plan - Revision 01
    - (v) Lot 204 Concept Design Report - Revision 01
    - (vi) Landscape Masterplan DA - Revision 01
  - c. Civil engineering drawings prepared by AECOM and identified as:
    - (i) 60275825-drg-C-0001 – Cover sheet and Drawing List - Revision 01

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- (ii) 60275825-drg-C-0100 – General Arrangement Plan - Revision 01
- (iii) 60275825-drg-C-0150 – Typical Site Sections - Revision 01
- (iv) 60275825-drg-C-0300 – Drainage Plan - Revision 01
- (v) 60275825-drg-C-0050 – Sediment and Erosion Plan - Revision 01
- (vi) 60275825-drg-C-0051 – Sediment and Erosion Details - Revision 01

except where modified by the undermentioned conditions.

2. Consent is granted only for the following:

Stage 1: Concept Masterplan for Industrial Estate; and

Stage 2: Construction Industrial Warehouse Building, Car Parking, Landscaping, Driveway and Road.

Development on specific site(s) within the area of the Masterplan other than on lot 204 is subject to separate development application(s).

#### **EXTERNAL APPEARANCE**

The following conditions have been imposed to provide for a satisfactory appearance of the development.

3. Any external glazing is not to have a reflectivity of greater than 20%.

#### **LIGHTING**

4. All external lighting is to incorporate full cut off shielding and directional glare shielding as necessary so as to minimise light pollution and glare nuisance to adjoining property occupiers and road users.
5. Any signage if illuminated is to be internally illuminated, non-flashing and of an intensity the does not create any glare nuisance to neighbouring properties or road users.

#### **NATIONAL CONSTRUCTION CODE**

6. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. 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 complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

#### **DISABLED ACCESS**

7. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code.

### **B. OPERATIONAL MATTERS**

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**These conditions pertain to the use of the site and have been imposed to ensure that the development and its operations do not interfere with the amenity of the surrounding area.**

#### COMPLIANCE WITH OTHER ACTS

8. Use and occupation of the premises must be carried out at all times without nuisance and in particular so as not to breach the provisions of the Protection of the Environment Operations Act 1997. The operation and use of any machinery, plant and/or equipment within, on or in connection with the operation and use of the premises to be carried out so as not cause:
  - (a) Transmission of vibration to any place of different occupancy
  - (b) An Offensive Noise, as defined in the Protection of the Environment Operations Act 1997.
9. The development, including all civil works, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA. 1998).

#### GENERAL TERMS OF APPROVAL

10. The General Terms of Approval issued by NSW Office of Water, dated 23 August 2013 are to be complied with. A copy of the General Terms of Approval is attached to this decision notice.

#### SITE MANAGEMENT

11. Advertising matter must not be erected, painted or displayed without the prior approval of Council.
12. Waste bins must be stored in designated garbage/trade refuse areas that must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas or obstructing the exit of the building.
13. Letterboxes are to be provided and are to meet the requirements of Australia Post.
14. No washing of trucks or trailers is to occur on site except in approved wash bays.

#### THE ENVIRONMENT

The following conditions have been imposed to protect the environment:

15. The development, including construction, must not result in any increase in sediment deposition into any water body, wetland, bushland or Environmentally Significant Land.

#### WASTE STORAGE AND DISPOSAL

The following conditions have been imposed to ensure that the development provides adequate waste storage disposal facilities;



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16. All waste materials generated as a result of the development are to be disposed of at a facility licensed to receive such waste.

#### **ACOUSTIC MEASURES**

17. All drainage grates within parking and driveway areas are to be mechanically fastened in place through flexible rubber bushes.

18. All truck drivers are to receive training and instructions in minimising the noise impacts of operating their vehicles.

19. A register for complaints by neighbours and action taken is to be kept for the site operation and made available to Council for perusal if requested.

20. A 24 hour contact phone number is to be made available for receipt of any complaints.

21. Subject to traffic committee approval signage instructing truck drivers to exercise noise minimising vehicle operation is to be installed on Campbelltown Road.

22. Vehicle pavement finishes are to be chosen to minimise tyre noise.

23. No external public address system is to be used on site.

#### **HOURS OF OPERATION**

24. The facility may operate 24 hours a day 7 days a week.

25. Any garbage trucks servicing the site are restricted to daylight hours.

### **C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications that accompany the Construction Certificate;**

#### **CONTROLLED ACTIVITY APPROVAL**

26. Prior to the issue of the Construction Certificate for the works affected under the Water Management Act, evidence of a Controlled Activity Approval (CAA) is to be provided to Council in accordance with the Office of Water's requirements.

#### **TRAFFIC**

27. The approval of the Roads and Maritime Services (RMS) is to be obtained for the use of B-Double vehicles to and from the site.

28. A car parking and swept path analysis of the longest vehicle servicing the development is to be submitted to Council for approval.

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29. A linemarking and signposting plan is to be submitted to Council for approval.

#### PLANS

30. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier and must satisfy the following requirements:

- i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
- ii. All proposed road and drainage works must adequately match existing infrastructure
- ii. Council's Trunk Drainage Scheme(s),
- iii. Council's Development Control Plans.

31. The certifying authority must advise the Council, in writing of the name and contractor licence number of the licensee who has contracted to do or intends to do the work. If these arrangements are changed or if a contract is entered into for the work to be done by a different licensee, the consent authority is to be immediately informed.

#### VEGETATION MANAGEMENT PLAN

32. A Vegetation Management Plan is to be prepared for the existing vegetation located along the eastern boundary of the site to Campbelltown Road. The plan is to be submitted to Council for approval.

#### DESIGN OF THE DEVELOPMENT

33. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

34. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Engineering Construction Certificate (for any on-site detention, interallotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

35. All roads are to be designed to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into their roads or swales, as appropriate, connecting into the major trunk drainage system.

36. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the PCA.

37. The applicant is to provide a road lighting design plan for the development with due consideration given to all areas operating characteristics, proposed traffic management devices and intersections including all works within the road reserve and adjoining public

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spaces. The applicant shall request from Council's Transport Planning Section, the appropriate lighting subcategories required for the development. The lighting subcategory provided to the applicant from Council will be consistent with the requirements of Australian Standard AS/NZS 1158 – Road Lighting.

The design shall be prepared by a level 3 service provider (listing of accredited providers may be obtained from the Ministry of Energy and Utilities, telephone 9901 8816).

On completion of the road lighting design plans, the plans and a schedule of annual charges shall be forwarded to Council's Transport Planning Section for their acceptance of the ongoing maintenance charges. These plans shall include a statement by the designer certifying that the design meets Council's specification and all requirements of AS/NZS 1158. CC's for the development shall not be issued prior to Council providing this letter of acceptance.

This letter of acceptance and approved plans shall then be submitted to Endeavour Energy for their approval and certification for connection to their public lighting network.

An Occupation Certificate shall not be issued prior to Council receiving a compliance certificate from Endeavour Energy stating that the applicant has made the necessary arrangements with Endeavour Energy for the provision of the approved public lighting works.

38. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
39. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
40. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.
41. Retaining walls shall be designed in such a way to ensure that upstream overland flows are not obstructed.

#### **DISABLED ACCESS**

The following condition has been imposed to ensure adequate provision is made for disabled access associated with the development;

42. Access, parking and facilities for disabled persons to be provided in accordance with the provisions of the Building Code of Australia 1996 as amended.

#### **PROVISION OF SERVICES**

The following documentary evidence is to be obtained prior to the issue of any Construction Certificate, whether by Council or an accredited certifier;

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43. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing 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.

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

44. A written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **ELECTRICITY INFRASTRUCTURE AND SAFETY**

45. The development and all associated construction work is to comply with the requirements of Endeavour Energy / Transgrid regarding safety clearances from electricity assets and infrastructure of the two authorities.

#### **DRAINAGE**

46. An agreement in writing from the adjoining owners stating that approval is given for the disposal of any downstream drainage and the battering of any cut or filled areas onto their property shall be submitted to Council where such drainage disposal or battering is required.
47. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the plans approved as part of this development application.
48. A stormwater drainage plan, including hydraulic calculations based on a 1 in 10 year storm (ARI), is required. The plan must show how the stormwater generated by this site and other interallotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms that exceed the capacity of the underground pipe system.

49. Alterations to the natural surface contours or absorption characteristics must not impede, increase or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
50. Devices are to be installed on all main stormwater discharge lines, for the purpose of emergency containment of pollutants eg. fire water, chemicals and oils.

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**EROSION & SEDIMENT CONTROL**

51. Erosion and sediment control measures shall be designed in accordance with the requirements of the Department of Housing 1998 manual "Managing Urban Stormwater – Soils & Construction" and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.

**SALINITY**

52. All building materials utilised below dampcourse level or water proof membranes are to be resistant to damage from salt damp. Dampcourses and water proof membranes are to have a high resistance to construction damage, are to be themselves resistant to damage from salt damp and are not to be bridged in any manner by porous materials.

53. Any site drainage or landscaping works are not to result in the significant mobilisation of soil salts on or off the site.

**TRAFFIC & PARKING**

54. The car parking area must have parking designed in accordance with Australian Standard 2890.1.2004 Parking Facilities – Off Street Car Parking.

55. Adequate car parking including one accessible parking space for visitors and drivers must be provided on site for this development.

56. All vehicles entering and exiting at the property boundary must be driven in the forward direction.

57. Appropriate level of lighting must be provided at all the vehicular entry and exit locations.

58. Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvrings and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.

59. The loading and/or unloading of all goods and materials used in conjunction with the development must take place only on the land.

60. All vehicular crossings as shown on the stamped approved plans must be constructed:

- for the full width of the footpath; and
- by Council's authorised contractors at the developer's expense.

61. Any existing vehicular crossings rendered unnecessary by this development must be removed and restored at the developer's expense.

62. Any structure adjacent to the driveway exit eg letterbox shall not be greater than 1.2 m in height, to allow sight distance for motorists exiting the property.

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63. The applicant must obtain a Section 138 Consent from Council prior to undertaking any works within the road reserve in accordance with the Roads and Maritime Services' Publication 'Traffic Control at Work Sites'.
64. All works within the road reserve are to be at the applicants cost and all signage is to be in accordance with the Roads and Maritime Services' Traffic Control at Worksites Manual and the Roads and Traffic Authority's Interim Guide to Signs and Markings.
65. Any advertising signs, or structures, will conform to the Roads and Maritime Services' Policy on advertisements in "Signs and Markings" Manual Section 3.6 and Council's relevant DCP.
66. If a Works Zone is required application must be made to Councils Transport Planning Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place application to have these moved will need to be made.
67. Application must be made to Councils Transport Planning Section for any Road Closures. The application is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information.
68. Notice must be given to Council's Transport Planning Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control plan, prepared by an accredited practitioner must be submitted for approval, 48 hour prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
69. The entry driveway is to be widened to allow safe vehicle entry as stated in the traffic report that accompanied the development application.
70. The layout of the proposed car parking areas associated with the subject development, including driveways, aisle widths, grades, parking bay dimensions, and sight distance requirements are to be in accordance with AS 2890.1-2004 and AS 2890.2 -2002.
71. All works / regulatory signposting associated with the proposed development are to be at no cost to the RMS.
72. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS.

#### **FIRE SAFETY MEASURES**

The following conditions have been imposed to ensure that adequate fire safety measures are provided.

73. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the construction certificate and submitted to Council, in compliance with the provisions of the Environmental Planning and Assessment Act (Regulations) 2000.

#### **DILAPIDATION**

74. A detailed dilapidation report must be submitted to Council prior to the Issue of a

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Construction Certificate showing all aspects of the adjoining infrastructure including concrete paths, kerbs, fences etc.

#### **D. PRIOR TO ANY WORK COMMENCING ON THE SITE**

**The following conditions are to be complied with prior to any work commencing on the site.**

##### **CONSTRUCTION CERTIFICATES**

75. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Act and a copy registered with Council.
76. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
77. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
78. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

##### **NOTIFICATION**

79. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A (4) of the Act.
80. The Principal Certifier shall advise Council, of the date it is intended to commence the work that is the subject of the "complying development" certificate by completing a "Notice of Commencement of Building or Subdivision Work" form available from Council's front counter. A minimum period of two (2) working days, notification shall be given.
81. The certifying authority must advise Council, in writing of the name and contractor licence number of the licensee who has contracted to do or intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

##### **PERMIT TO CARRY OUT WORKS**

82. A separate application for a permit to carry out works must be issued by Council to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993.

##### **EROSION & SEDIMENT CONTROL**

83. Before commencement of any works requiring the removal of any ground cover, suitable soil

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erosion protection measures must be implemented in accordance with Council design and construction specifications and in accordance with the Managing Urban Stormwater Soils and Construction, also known as the Blue Book produced by the NSW Department of Housing guidelines produced. Such measures may include but need not be limited to sediment traps or ponds, diversion banks and silt fencing. All exposed areas of soil must be turfed or seeded and mulched immediately following completion of earthworks.

#### SITE FACILITIES

84. Access to the site is to be provided only via the all-weather driveway on the property and is not to be provided from any other site, in accordance with Council's sedimentation and erosion policy.
85. Adequate refuse disposal methods and builders storage facilities are to be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
86. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
  - (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - (c) be a temporary chemical closet approved under the Local Government Act 1993.

#### SITE NOTICE BOARD

87. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign must state:
  - (a) Unauthorised entry to the premises is prohibited, and
  - (b) The name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours.

#### NOTIFICATION OF SERVICE PROVIDERS

88. Construction Certificate plans as submitted to Council are to be approved by Sydney Water, to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

### E. DURING CONSTRUCTION WORKS

**The following conditions are to be complied with whilst works occurring on the site;**

#### LANDFILL

89. Where site filling is necessary, it must be carried out in accordance with Council's Construction Specification (as amended), AS3798 Guidelines for Earthworks for Commercial and Residential Development (as amended) and approved drawings by the



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accredited certifiers. A minimum of 95% standard compaction must be achieved and certified by a suitably qualified geotechnical engineering consultant. Testing is to be in accordance with Council specifications for "Construction of Subdivisional Roads and Drainage Works".

90. All land where filling in excess of 300mm depth has taken place is to be tested and certified in accordance with Council's Policy for filling by a reputable soil testing authority acceptable to Council.

91. Land fill materials must satisfy the following requirements:

- be Virgin Natural Excavated Material (VENM)
- be free of slag, hazardous, contaminated, putrescible, toxic or radio-active matter
- be free of industrial waste and building debris

#### HOURS OF OPERATION

92. Construction/civil works are only permitted on the site between the hours of 7am to 6pm Monday to Friday and, 8am to 1pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

93. Deliveries shall occur only between the hours of 7am and 7pm, Monday to Friday and, between 7am and 7pm on Saturday, and shall not occur at any time on Sundays or Public Holidays.

94. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

95. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

96. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

#### DEMOLITION

97. Prior to any demolition of any existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

#### BUILDING WORK

98. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by

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the appropriate person in accordance with EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:

- (a) after excavation for, and before the placement of, any footings, and
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development

#### SITE CONTAMINATION

99. All dumped rubbish and fibre cement on the site is to be removed from the site as the first stage of site clearance and preparation works. This is to be conducted by an appropriately licensed asbestos contractor, and the ground surface is to be cleared by an Occupational Hygienist prior to commencement of earthworks. All disposal of wastes must be conducted in accordance with the Protection of the Environment Operations Act (NSW) 1997

100. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:

- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination; or
- (b) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material.

101. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:

- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
- (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
- (c) The results of any chemical testing of fill material.

#### AIR QUALITY AND EROSION CONTROL

102. Dust screens are to be erected around the perimeter of the subject land during land clearing, excavation and construction and until such time as the soil is stabilised.

103. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots Council may direct that such work is not to proceed.

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#### **WATER QUALITY**

104. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and shall have measures in place in accordance with the approved Soil and Water Management Plan.
105. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of landscaping.

#### **SITE MAINTENANCE/RESPONSIBILITIES & POLLUTION CONTROL DURING SITE WORKS**

106. Wastewater from the washing of concrete forms or trucks is not to enter the stormwater drainage system.
107. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
108. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
109. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such adjoining property.
110. All demolition work to be carried out in accordance with the requirements of Australian Standard 2601-1991.
111. Dangerous or hazardous material must be removed and disposed of by qualified persons.

#### **VEGETATION**

112. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
113. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
114. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
115. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.

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116. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

#### **POLLUTION CONTROL**

117. Wastewater from the washing of concrete forms or trucks shall not to enter the stormwater drainage system.
118. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
119. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
120. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
121. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner that will prevent its mobilisation.

#### **GENERAL SITE WORKS**

122. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
123. The property must be secured outside the operating hours to prevent unauthorised tipping.
124. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such adjoining property.
125. Alterations to the natural surface contours or surface absorption characteristics must not impede, increase or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
126. The following compliance certificates will be required to be submitted. The list is indicative only. Other compliance certificates may be required for "one off" components not covered by this list. All compliance certificates are to be submitted by the accredited certifier for the development.
- (a) Pipework:
    - Trench Excavation (Line, Grade, Location)
    - Bedding (Type, compaction)
    - Pipework (before backfill)
    - Backfill (compaction)
  - (b) Stormwater Pits:
    - Pit Base
    - Walls
    - Lintel sizes

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(c) Final inspection

127. The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours boundary fences and does not cause nuisance or flooding of those areas for storm events less than a 1% AEP.

**F. PRIOR TO OCCUPATION OF THE BUILDING/PREMISES**

**The following conditions are to be complied with prior to the occupation of the building;  
GENERAL**

128. The premises must not be occupied until an occupation certificate is issued by the Principal Certifying Authority (P.C.A.). Copies of all documents relied upon for the issue at the occupation certificate must be attached to the occupation certificate and registered with Council. These documents shall include surveyor reports and compliance certificate.
129. A final fire or interim safety certificate is to be attached to any Occupation Certificate, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
130. Prior to the issue of any Occupation Certificate, a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed drainage system. The plan must include:
- Location and surface levels of all pits.
  - Invert levels of the internal drainage line
  - Finished floor levels of all structures and car park areas
  - The work-as-executed plan information should be shown on a copy of the approved civil works drawings.
131. Prior to the issue of a Occupation Certificate, all stormwater drainage pipes within the proposed road reserve must be inspected using CCTV camera by an experienced operator. Inspections are to be in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Viewing and assessing of the video footage is to be undertaken by the Consulting Engineer and a certified report including the video footage is to be prepared and submitted to Council. Any defects found in the lines will need to be rectified to satisfaction of Council.
132. Two (2) copies, both marked in red of a "Work as Executed" drawing must be submitted to and approved by Council indentifying all features of the physical work as set out in Council's specification.
133. Appropriate level of street lighting at all the vehicular entry and exit locations must be implemented.
134. All required traffic facilities are to be implemented:
135. Appropriate level of street lighting is provided in front of the entry and exit access point
136. Suitable concrete vehicular footpath crossings must be provided at the entrance to and

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exit from the property. These crossings must be constructed in accordance with Council's standard requirements for heavy-duty industrial vehicular footpath crossing crossings. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc.

137. Access driveway and adequate turning paths for articulated heavy vehicles must be provided in accordance with Australian Standard AS2890.2-2002 Parking Facilities - Off Street Commercial Vehicle Facilities.
138. The applicant shall arrange for the construction of a 1.2 metre wide by 75mm deep concrete footpath paving together with associated turfing adjustments along the full frontage of the site in Council's road pedestrian way. The construction shall only be carried out to plans and specifications approved by Council and via Roads Act Permit to Carry Out Works. This footpath construction shall be completed (or bonded by agreement with Council) prior to the Issue of the OC by the PCA for building works.
139. A maintenance bond in the form of a bank guarantee or cash bond (Amount to be advised) shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. Council will hold the bond for a minimum period of 6 months from the date of Council's acceptance of final works.

#### **FIRE SAFETY**

140. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
141. Annual Fire Safety Statement - The owner of the building must issue an annual fire safety statement in respect of each essential fire safety measure in the building premises and cause a copy of that certificate to be given to Council within 14 days of its receipt by the owner.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
  - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
  - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

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The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner and as well cause a further copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building.