

## FINAL CONDITIONS OF CONSENT

### CONDITIONS:

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

### A. THE DEVELOPMENT

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

#### Plans

Plan Name	Plan Number	Issue	Date	Prepared By
Master Plan-Ground	4429_DA-01	D	17.02.16	Nettletontribe
Site Plan – Roof	4429_DA-02	C	17.06.16	Nettletontribe
Ground Floor Plan	4429_DA-11	D	17.02.16	Nettletontribe
Roof Plan	4429_DA-12	C	17.02.16	Nettletontribe
Ground & Level 1 Plan	4429_DA-16	A	07.04.15	Nettletontribe
Ground & Level 1 Plan	4429_DA-17	A	07.04.15	Nettletontribe
Overall Building Elevations	4429_DA-20	A	07.04.15	Nettletontribe
Building Elevations – Building 1	4429_DA-21	A	07.04.15	Nettletontribe
Building Elevations – Building 2	4429_DA-22	A	07.04.15	Nettletontribe
Building Elevations – Building 3	4429_DA-23	A	07.04.15	Nettletontribe
Coloured Elevations – Building 4	4429_DA-24	A	07.04.15	Nettletontribe
Site Sections	4429_DA-31	A	07.04.15	Nettletontribe
Perspectives – Sheet 1	4429_DA-51	A	07.04.15	Nettletontribe

Perspectives Sheet 2	–	4429_DA-52	A	07.04.15	Nettletontribe
Perspectives Sheet 3	–	4429_DA-53	A	07.04.15	Nettletontribe
Perspectives Sheet 4	–	4429_DA-54	A	07.04.15	Nettletontribe
Perspectives Sheet 5	–	4429_DA-55	A	07.04.15	Nettletontribe
Erosion & Sediment Control Plan Sheet 1		ES.1.01	B	26.02.15	MPN Consulting
Erosion & Sediment Control Plan Sheet 2		ES.1.02	B	26.02.15	MPN Consulting
Erosion & Sediment Control details		ES.2.01	A	Undated	MPN Consulting
Landscape Master Plan		LP01	B	27.02.15	Site Design + Studios
Landscape Plan		LP02	B	27.02.15	Site Design + Studios
Landscape Plan		LP03	B	27.02.15	Site Design + Studios
Landscape Plan		LP04	B	27.02.15	Site Design + Studios
Landscape Plan		LP05	B	27.02.15	Site Design + Studios
Landscape Plan		LP06	B	27.02.15	Site Design + Studios
Earthworks in Q100 Flood Zone		DA.01	A	26.02.15	MPN Consulting
Schematic Stormwater Drainage Plan Sheet 1		DA.02	A	26.02.15	MPN Consulting
Schematic Stormwater Drainage Plan Sheet 2		DA.03	B	24.03.15	MPN Consulting
Schematic Stormwater Drainage Details Sheet 1		DA.04	A	26.02.15	MPN Consulting
Schematic Stormwater Drainage Details Sheet 2		DA.05	A	26.02.15	MPN Consulting
Schematic		DA.06	A	26.02.15	MPN Consulting

Stormwater Drainage Details Sheet 3				
Schematic Stormwater Drainage Details Sheet 4	DA.07	A	26.02.15	MPN Consulting
Schematic Stormwater Longitudinal Section Sheet 1	DA.08	A	26.02.15	MPM Consulting
Schematic Stormwater Longitudinal Section Sheet 2	DA.09	A	26.02.15	MPM Consulting
Schematic Stormwater Longitudinal Section Sheet 3	DA.10	A	26.02.15	MPM Consulting
Schematic Stormwater Drainage Catchment Plan	DA.11	B	24.03.15	MPM Consulting

## Reports

Report Name	Reference	Date	Prepared By
Traffic Report	9472	April 2015	Colston Budd Hunt & Kafes Pty Ltd
Supplementary Traffic Report	SK/9472/sk	6 October 2015	Colston Budd Hunt & Kafes Pty Ltd
BCA Assessment Report	140588	8 April 2014	Blackett Maguire + Goldsmith
Bushfire Protection Assessment	A15009B	March 2015	Travers Bushfire & Ecology
Fire Safety Strategy	20060_FSS_01	16 April 2015	Raw Fire - Fire Safety Engineering
Noise Impact Assessment	20150487.1/2304A/R1/BW	23/04/2015	Acoustic Logic
Stormwater Management Plan	6617	16 June 2015	MPN Consulting
Industrial Area Vegetation Management Plan	A15009V	March 2015	Travers Bushfire & Ecology

except where modified by the undermentioned conditions.

### **General Terms of Approval**

2. All General Terms of Approval issued by the NSW Department of Primary Industries Office of Water shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 25 June 2015. A copy of the General Terms of Approval are attached to this decision notice.
3. All General Terms of Approval issued by the NSW Rural Fire Service shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 17 September 2015. A copy of the General Terms of Approval are attached to this decision notice.
4. All General Terms of Approval issued by the NSW Roads and Maritime Services shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 3 June 2015. A copy of the General Terms of Approval are attached to this decision notice.

### **Voluntary Planning Agreement**

5. All works listed in Schedule 3, of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council (Document No. 65 35 4369 JRT) or any subsequent amendments to the abovementioned Voluntary Planning Agreement, must be completed prior to the issue of any Occupation Certificate.
6. The development shall be undertaken in accordance with any applicable terms and conditions of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council (Document No. 65 35 4369 JRT) or any subsequent amendments to the abovementioned Voluntary Planning Agreement.
7. Any works undertaken pursuant to Schedule 3, Part 1 – Works, Item Nos. 2 and 3, as detailed within the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council (Document No. 65 35 4369 JRT), or any subsequent amendments to the above-mentioned Voluntary Planning Agreement must be undertaken in accordance with the Vegetation Management Plan , prepared by Travers Bushfire Ecology, reference A14149, dated October 2015.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:**

### **Provision of Services**

8. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and

developing" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA.

9. 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 must be submitted to the PCA.
10. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
  - The requirements of the Telecommunications Act 1997:
  - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

### **Fee Payments**

11. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

12. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with

payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

### **Site Development Work**

13. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
14. 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).

### **Notification**

15. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who 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.

### **Fire Safety Measures**

16. 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 CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.
17. The schedule must distinguish between the measures that are currently implemented in the building premises; and
  - (a) The measures that are to be proposed to be implemented in the building premises; and
  - (b) The minimum standard of performance for each measure.

### **Recommendations of Acoustic Report**

18. The recommendations provided in the approved acoustic report, prepared by Acoustic Logic, with reference number 20150487.1/2304A/R1/BW, dated 23/04/2015 shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

### **Landscape Plan**

19. Prior to the issue of any Construction Certificate an amended landscape plan is to be provided for the review of Council's Heritage Officer. The amended plan is to incorporate

additional trees along the Governor Macquarie Drive boundary within the subject site (Lot 42 DP1201607). The vegetation should be dense to create a landscaped buffer between the site and the Warwick Farm Racecourse.

### **S138 Roads Act – Minor Works in the public road**

20. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

#### **Note:**

1. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

### **Retaining Walls on Boundary**

21. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

### **Stormwater Concept Plan**

22. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by MPN Consulting Pty Ltd, reference number 6617, revision B, dated 24.03.15.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

### **Water Quality**

23. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

### **Access, Car Parking and Manoeuvring – General**

24. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

### **Required Documentation**

25. Prior to the issue of a Construction Certificate written evidence of;
- a. Section 73 Certificate from Sydney Water for the provision of water and waste water, and
  - b. Notification of Arrangement for the development from Endeavour Energy, and
  - c. Confirmation of arrangement of telecommunications infrastructure from the telecommunications provider.

### **Internal Road Design**

26. Internal private roads and car parks must have street lighting designed in accordance with AS 1158.
27. Internal private roads and car parks are to be paved, drained and linemarked.
28. A geotechnical report is to be completed for the design of all internal roads and car park pavements based on the expected traffic loadings for this development.



### **Flood Storage Volume**

29. There shall be no net loss of floodplain storage volume below the 1% AEP flood. The flood compensatory excavation works shall be undertaken as indicated in the stormwater management report by MPN Consulting Pty Ltd (Stormwater Management Plan, Industrial Warehouse Development, 200 Governor Macquarie Drive, Warwick Farm, MPN Reference No. 6617, Version: C, dated: 16 June 2015) and the Drawing Nos. DA.12 & DA.13, Job No. 6617, Issue: A, dated: 16/06/2015. Survey plan by a registered surveyor showing finished surface levels at flood compensatory areas along with necessary calculations shall be submitted to confirm that there is no net loss of flood storage by the works undertaken.

### **Flood Levels**

30. Non habitable and general industrial floor levels shall be no less than the 1% AEP flood.
31. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard.
32. The level of the car parking shall be no lower than the 5% AEP flood.
33. Barriers shall be provided for car parking area below the 1% AEP flood to prevent floating vehicles from leaving the site during a 1% AEP flood.

### **Fencing Design**

34. Fencing within the 1% AEP flood extent shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
35. Fencing within the 1% AEP flood extent shall be constructed to withstand the force of floodwaters or collapse in a controlled manner so as not to obstruct the flow of water, become unsafe during times of flood or become moving debris.

### **Traffic**

36. The traffic signal intersection concept plan from SIDRA traffic modelling is to be incorporated in the proposed access arrangements from Governor Macquarie Drive.

The concept design is to incorporate dedication of approximately 25m of the proposed access road from the proposed traffic signals into the development as a public road. This is required for RMS to maintain the proposed traffic control signals at the Governor Macquarie Drive intersection.

37. A detailed design of proposed car parking spaces and the access arrangement in accordance with AS: 2890.1, A.S. 2890.2, A.S. 2890.6, AUSTRROADS Guide and Council's DCP is to be submitted to Traffic and Transport Section for review.
38. Detailed design of the internal road system is to be submitted for review by Development Engineering. The design to show the tuning paths of the longest vehicles expected to service the development.
39. A design plan showing proposed street lights along the internal road is to be submitted to the Traffic & Transport Section for review.

40. 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 and the RMS for determination prior to the issue of a construction certificate.

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:**

### **Construction Certificates**

41. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
42. 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.
43. 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.

### **Notification/Principal Certifying Authority**

44. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
45. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.
46. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
- (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
  - (b) The notice shall be given seven (7) days prior to the commencement of work.
47. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.

### **Facilities**

48. 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*.

### **Construction Requirements**

49. 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.
50. 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.
51. 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.

### **Site Facilities**

52. Adequate refuse disposal methods and builders storage facilities shall 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.

### **Site Notice Board**

53. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
  - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) Unauthorised entry to the premises is prohibited.

### **Notification of Service Providers**

54. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

### **Waste Classification**

55. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act 1997, POEO Waste Regulation 2014 and NSW EPA 'Waste Classification Guideline' (dated November 2014). The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

### **Environmental Management**

56. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
  - (b) Measures to suppress odours and dust emissions;
  - (c) Minimal impact to Water, Air and Land;
  - (d) Waste;
  - (e) Soil and sediment control measures;
  - (f) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
  - (g) Environmental objectives and control strategies
  - (h) Environmental monitoring and reporting plan; and
  - (i) Community consultation
57. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

58. An approved Traffic Control Plan is to be implemented to Council's satisfaction. This includes any temporary closures for delivery of materials, concrete pours etc.

### **Dilapidation report**

59. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Governor Macquarie Drive is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

### **Vegetation Management Plan**

60. Implementation of works outlined in the approved Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015, as they relate to Lot 42 only shall be initiated prior to commencement of any site works. The Vegetation Management Plan, as it relates to Lot 42 shall be implemented by person or persons with appropriate knowledge, qualifications and experience in current best practices of indigenous vegetation rehabilitation and management.

**Note:** "Initiated" means all works, processes and procedures prior to works commencing that are to be in place or commenced as stipulated in the above-mentioned VMP are to be in place or have commenced.

### **Traffic**

61. A notice must be given to Council's Development Engineering Section, Traffic and Transport unit for any interruption to pedestrian or vehicular traffic within the road reserve caused by the construction of this development.
62. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times. A Traffic Control Plan is to be submitted for approval and implementation. This includes any temporary closures for delivery of materials, concrete pours etc.

**Note:**

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

## **D. DURING CONSTRUCTION**

**The following conditions are to be complied with or addressed during construction:**

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

### **Hours of Construction Work and Deliveries**

64. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 3:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Security Fence**

65. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

### **Disabled Access**

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

### **General Site Works**

67. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
68. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
69. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
70. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2014.
71. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

### **Car Parking Areas**

72. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked

and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

73. Directional signage indicating the location of customer parking, "in" and "out" crossings and directional arrows are to be provided in accordance with the approved plans.

### **Traffic Management**

74. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
75. If a works zone is required, an application must be made to Council's 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, an application to have the restrictions moved, will need to be made.
76. 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 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
77. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Waste Management Plan**

78. A Waste Management Plan is to be submitted to and approved by the Principal Certifying Authority must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

### **Vegetation**

79. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.

80. Monitoring of the progress of plantings and fauna protection works on Lot 42 is to be undertaken in accordance with section 4 of the Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference: A15009V dated March 2015.
81. Clearing of bushland in addition to any clearing approved for this development application, whether it be removal of trees, groundcover or understorey, requires development consent.
82. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
83. 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.
84. 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.
85. 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.

#### **Landscaping Works**

86. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
87. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

#### **Fencing**

88. Any gate associated with a front fence shall swing inwards from the property.
89. A permanent fence shall be constructed to protect, conserve and prevent access to the bushland onsite as indicated on the approved plans. The fence shall provide access for fire fighting vehicles and be maintained in good condition at all times.

#### **Contamination**

90. The development, including all civil works and demolition, 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).
91. 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 as per the NSW EPA Waste Classification Guidelines (dated November 2014), or
  - (b) clearly indicate the legal property description of the fill material source site;



- (c) provide a classification of the fill material to be imported to the site in accordance with the NSW EPA Waste Classification Guidelines (dated November 2014).
- (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
- (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

92. 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.

#### **Site Remediation Works**

93. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

#### **Air Quality**

- 94. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
- 95. 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 the PCA may direct that such work is not to proceed.
- 96. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
- 97. Gaseous emissions from the development shall comply with the requirements of the POEO Act and Regulations there under. Processes producing airborne particulate matter shall incorporate a suitable dust collection system.
- 98. All woodworking machines shall be fitted with a approved dust collection system and no sawdust or off-cuts shall be burnt on the premises.

#### **Erosion Control**

- 99. 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.

100. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
101. 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 which will prevent its mobilisation.

#### **Water Quality**

102. 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 there shall be measures in place in accordance with the approved erosion and sediment control plan.

#### **Pollution Control**

103. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
104. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

#### **Erosion and sediment control**

105. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

#### **Drainage Connection**

106. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

#### **Major Filling/ Earthworks**

107. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

#### **Vegetation Management Plan**

108. The approved Vegetation Management Plan prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015 shall be implemented, to the extent that it relates to Lot 42 and all such works on Lot 42 the subject of the Vegetation Management Plan carried out.

### **Traffic**

109. Detailed design of a concept design of a traffic control signals is to be submitted to the RMS and Council for approval.

## **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:**

### **Certificates**

110. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
111. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
112. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
113. 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.
114. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

### **Display of Street Numbers**

115. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

### **Landscaping**

116. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

### **Recommendations of Acoustic Report**

117. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:

- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report prepared by Acoustic Logic, with reference number 20150487.1/2304A/R1/BW, dated 23/04/2015 and that all recommendations have been adopted.

### **Vegetation Maintenance Period**

118. The approved Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference A15009V dated March 2015 shall be implemented to the extent that it relates to Lot 42 and all such works on Lot 42 the subject of the Vegetation Management Plan carried out.

The dense shade cloth affixed to a 1.8m high chain link fence surrounding the southern-eastern boundary identified in clause 3.7 Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference A15009V dated March 2015, is to remain in place until such time that the planted row of *Casuarina glauca* recommended post construction are of a sufficient height to provide suitable protection for the powerful owl community. This is to form part of the annual monitoring report. When it is determined that the *Casuarina glauca* have grown to a sufficient height to protect the Powerful Owl, the dense shade cloth is to be removed.

### **Liverpool City Council clearance – Roads Act/ Local Government Act**

119. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

### **Works as executed – General**

120. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

### **Stormwater Compliance**

121. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:
- a) Stormwater pre-treatment system/s
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

#### **Restriction as to User and Positive Covenant**

122. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

a) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

#### **Rectification of Damage**

123. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Governor Macquarie Drive will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

#### **Linemarking & Signage**

124. Prior to the issue of an Occupation Certificate, linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

Allow eight (8) weeks for approval by the Local Traffic Committee

#### **Directional signage**

125. Prior to the issue of an Occupation Certificate directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

#### **Dilapidation Report**

126. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

#### **Easements and Restrictions**

127. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that all works, easements and restrictions as required by DA-233/2015 have been completed.

### **Flood Evacuation Plan**

128. A flood evacuation plan shall be developed and maintained, including suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood. The evacuation plan shall be consistent with adopted flood evacuation strategy/plan for the catchment area.

### **Traffic**

129. Four lane road widening of GMD and the Governor Macquarie Drive/Munday Street intersection upgrade to traffic control signals as contained in the VPA for the ATC land rezoning are to be completed prior to occupation.
130. Roadworks in Governor Macquarie Drive and the installation of the proposed traffic signals are to be completed prior to occupation.

### **Voluntary Planning Agreement**

131. Prior to the issue of an Occupation Certificate, the traffic improvement works required for Munday Street as part of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council (Document No. 65 35 4369 JRT) or any subsequent amendments to the abovementioned Voluntary Planning Agreement must be completed.

### **Provision of Services**

132. Prior to the issue of an Occupation Certificate written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- The requirements of the Telecommunications Act 1997:
  - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

## **F. CONDITIONS RELATING TO USE**

**The following conditions relate to the ongoing use of the premises:**

### **Hours of Operation**

133. The property may be used for the purpose approved for 24 hours a day, 7 days a week. These operating hours are applicable only for a trial period lasting 12 months from the date of the first occupants utilising any of the warehouses. Council's Manager, Development Assessment is to be provided with written correspondence advising of the date of the first occupants having moved in. The trial period may only be extended beyond 12 months if a further Section 96 modification is lodged and the modification is approved. The determination

of any future modification will depend upon the performance of the operations over the trial period and additional information in relation to amenity impacts on current and future residents in the locality.

Should no future application be lodged prior to the cessation of the 12 month period, or should no approval be given to the extension of the trial period, then the hours of operation will be limited to 7:00am to 6:00pm Monday to Friday and 7:00am to 12:00pm on Saturday and no work to be undertaken on Sundays.

#### **Offensive Noise - Acoustic Report**

134. The proposed use of the premises and/or equipment installed must have operational noise levels in accordance with the NSW Environmental Protection Authority (EPA) Industrial Noise Policy (INP) and the NSW Road Noise Policy (RNP).

#### **Waste Storage Area**

135. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
136. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

#### **Car Parking/Loading**

137. A total of 345 off street car parking spaces must be provided in accordance with Council's relevant development control plan. All disabled of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
138. All parking areas shown on the approved plans must be used solely for this purpose.
139. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
140. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

#### **Vegetation Maintenance Period**

141. A monitoring report shall be submitted to Council following completion of the primary planting on Lot 42 the subject of the Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference; A15009V dated March 2015. Following the planting phase and submission of the first monitoring report, a minimum two year maintenance period relating to the works the subject of the approved Vegetation Management Plan shall be undertaken. Monitoring reports shall be submitted to Council at 6 monthly intervals following planting.

### **Bio retention Basins**

142. During occupation the bioretention basins are to be maintained at all times in accordance with the "Bioretention Basin Maintenance Checklist" prepared by MPN Consulting Pty Ltd as part of the Stormwater Management Plan revision B dated 25 March 2015.

### **Landscape Maintenance**

143. Some trees/plants shown in the planting scheme are likely to have a short life cycle. Accordingly, all soft landscaping areas are to be maintained at regular intervals of not more than 3 months. Maintenance shall include the replacement of any dead or dying plants/trees, weeding, pruning, topping up of mulched areas and watering as required.

### **Storage of Materials**

144. There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard which may cause pollution or be potentially hazardous during any flood.

### **Traffic**

145. The internal road, car parking signs and line markings are to be maintained to Council's satisfaction.



## G. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) In accordance with Section 98 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- h) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- i) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- j) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- k) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- l) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- m) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- o) 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 an adjoining property.

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**ATTACHMENT 2: GENERAL TERMS OF APPROVAL NSW OFFICE OF WATER**



**Department of  
Primary Industries**  
Office of Water

Contact: Mohammed Ismail  
Phone: 02 8838 7535  
Fax: 02 9895 7501  
Email: [mohammed.ismail@dpi.nsw.gov.au](mailto:mohammed.ismail@dpi.nsw.gov.au)  
Our ref: 10 ERM2015/0409  
Our file:  
Your ref: DA2015/333

The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Attention: George Nehme

25 June 2015

Dear Sir

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA2015/333**

**Description of proposed activity: Construction & use of 4 warehouse facilities associated internal access roads and car parking**

**Site location: 200 Governor Macquarie Drive Warwick Farm**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website: [www.water.nsw.gov.au](http://www.water.nsw.gov.au) go to [Water licensing](#) > [Approvals](#) > Controlled activities.

The Office of Water requests that Council **provide a copy of this letter to the applicant.**

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



**Mohammed Ismail**  
Water Regulation Officer  
NSW Department of Primary Industries  
Office of Water  
Water Regulatory Operations, Water Regulation Unit

# General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the Water Management Act 2000

Number	Condition
Site Address:	200 Governor Macquarie Drive Warwick Farm
DA Number:	DA2015/333
LGA:	Liverpool City Council
<b>Plans, standards and guidelines</b>	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/333 and provided by Council.  Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of:  (i) Soil and Water Management Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a>  (i) Outlet structures
5	The consent holder must  (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
<b>Rehabilitation and maintenance</b>	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
<b>Reporting requirements</b>	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Macquarie Tower 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | I e  
water.enquiries@dpi.nsw.gov.au | ABN 72 189 919 072  
Template Ref: CAA004, Version 1.0 (March 2015)

Number	Condition
<b>Disposal</b>	
9	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water
<b>Drainage and Stormwater</b>	
10	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water
<b>Erosion control</b>	
11	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
12	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
13	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
<b>River bed and bank protection</b>	
14	The consent holder must establish a riparian corridor along Georges River in accordance with a plan approved by the NSW Office of Water.
<b>END OF CONDITIONS</b>	

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**ATTACHMENT 3: GENERAL TERMS OF APPROVAL NSW RURAL FIRE SERVICE**





## NSW RURAL FIRE SERVICE



The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Your reference: DA-333/2015  
Our reference: D15/2651  
DA15090498427 KV  
17 September 2015

**Attention:** George Nehme

Dear Sir/Madam,

**Proposal for the construction of warehouses at Governor Macquarie Drive Warwick Farm**

Reference is made to Council's correspondence dated 01 September 2015 seeking advice regarding bush fire protection in relation to the above application in accordance with Section 79BA of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal and raises no objections subject to compliance with the recommendations in the *Bushfire Protection Assessment* prepared by Travers bushfire & ecology referenced A15009B and dated March 2015. The proposed bush fire protection measures are considered to provide reasonable protection to the proposed facility with regard to bush fire prone vegetation located to the east and south of the subject site.

If you have any queries regarding this advice, please contact Kalpana Varghese, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

  
Jason Maslen  
A/Team Leader, Development Assessment and Planning  
Customer Service Centre East

**Postal address**  
NSW Rural Fire Service  
Records Management  
Locked Bag 17  
GRANVILLE NSW 2141

**Street address**  
NSW Rural Fire Service  
Glendenning Customer Service Centre  
42 Lamb Street  
GLENDENNING NSW 2761

**T** 1300 NSW RFS  
**F** (02) 8741 5433  
**E** [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

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**ATTACHMENT 4: GENERAL TERMS OF APPROVAL NSW ROADS AND MARITIME  
SERVICES**



3 June 2015

Our Reference: SYD15/00608 (A9306001)  
Council Ref: DA-333/2015

The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Attention: George Nehme

Dear Sir/Madam,

CONSTRUCTION AND USE OF FOUR (4) WAREHOUSE FACILITIES AND ASSOCIATED  
INTERNAL ACCESS ROADS AT LOT 41 DP 1201607, LOT 42 DP 1201607 AND LOT 43 DP  
1201607200

Reference is made to Council's letter dated 11 May 2015, regarding the abovementioned  
Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment  
in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the submitted documentation and raises no objection to the  
Application. Roads and Maritime has the following comments for Council's consideration in the  
determination of the application:

1. The layout of the proposed car parking areas associated with the subject development  
(including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths,  
and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 –  
2002 for heavy vehicle usage.
2. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject  
site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In  
this regard, a plan shall be submitted to Council for approval, which shows that the proposed  
development complies with this requirement.
3. 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.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact  
Hans Pilly Mootanah on telephone 8849 2076 or by email at [Development.sydney@rms.nsw.gov.au](mailto:Development.sydney@rms.nsw.gov.au)

Yours sincerely,

Pahee Rathan  
Senior Land Use Planner  
Network and Safety Section