**DRAFT CONDITIONS OF CONSENT**

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**DEVELOPMENT APPLICATION NO. 93.1/2019**

**SYDNEY WESTERN CITY PLANNING PANEL NO. 2019WC1022**

**PROPERTY:**

**LOT 20 DP 1246626, NO. 224-398 BURLEY ROAD, HORSLEY PARK.**

**DESCRIPTION OF DEVELOPMENT:**

**CONSTRUCTION OF AN INDUSTRIAL COMPLEX OF FOUR (4) INDUSTRIAL WAREHOUSE BUILDINGS, CONSTRUCTION AND FITOUT OF A MASONRY PLANT AND ASSOCIATED SITE WORKS, SIGNAGE AND SUBDIVISION**

**APPROVED PLANS**

1**. Compliance with Plans**

The development shall take place in accordance with the approved;

* Stormwater concept drainage plan as prepared by at&l, job number 18-563, issue A, sheet number C1001 – C1020, C1025, C1030-C1033, C1035 – C1040, C1045, C1046, C1050 – C1052, C1055 dated 8 March 2019,

except as modified in red by Council and/or any conditions of this consent.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifier. The Certifier can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.**

2**. Long Service Levy Fee**

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifier.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

3**. Landscape Plans Certified by Landscape Architect**

Prior to the issue of a Construction Certificate, a landscape plan prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council’s Landscape Policy shall be submitted to the Certifier.

Landscape plans shall contain the following information:

a. Outline of the proposed building;

b. Existing trees (height and location);

c. Trees to be removed;

d. Proposed planting (quantity, species, and expected mature height);

e. Proposed earth mounding;

f. Paths and paving (location and materials);

g. The method of planting and the proposed maintenance program; and

h. Details of lighting, fencing, seating and paving, where relevant.

The landscaping shall be of a scale that will match the scale of the development. Landscaping shall be designed to complement and enhance the development and where applicable, screen such features as open storage areas, carparks, loading docks and garbage storage areas.

4**. Stormwater Drainage Certificate**

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that:

a. Satisfactory arrangements have been made for the disposal of stormwater;

b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;

c. The piped drainage system has been designed to an Average Recurrence Interval of not less than that in accordance with Council’s Stormwater Management Policy 2017.

**Note**: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

1. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
2. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

5**. On-site Detention Design Certificate**

Prior to the issue of an Engineering Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with Council’s Stormwater Management Policy 2017. In particular, the certification shall ensure the on-site detention system has been designed:

* + 1. To restrict the total discharge from the site to current site discharge for all storms up to and including the 100 year storm events (Urban Zone only);
    2. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140 L/s/ha (Urban Zone only).
    3. To restrict the peak discharge from the site for all storm durations to 78 L/s/ha (Rural Zone only).

**Note**: If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations 0in the form of ILSAX/DRAINS input and output files and details as specified in Council’s OSD handbook shall be submitted to the Council.

**Note**: Where Fairfield City Council is nominated to issue a Construction Certificate for on site detention, the following details will be required:

* 1. Full details, as per Council's Stormwater Management Policy, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.
  2. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot

6**. Vehicular Crossing Application**

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a heavy industrial type crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

7**. Section 7.12 Levy Development Contributions**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 7.12 Levy Contributions shall be submitted to the Certifier.

The Section 7.12 Levy as determined at the date of this consent is **$558,395.82.**

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

8**. Sydney Water Consent**

The plans must be assessed by Sydney Water Tap in to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site <https://tap-in.sydneywater.com.au> for:

* See the Building plan approvals section on the Tap in site, and
* Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

9**. Final Stormwater Drainage Plan**

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant’s qualifications shall be included on the stormwater plan.

The final plan shall be in accordance with:

* 1. *the abovementioned stormwater concept plan and shall comply with*
  2. *Fairfield City Council’s Stormwater Management Policy 2017,*
  3. *AS 3500,*
  4. *the BASIX certificate*

and conditions of this consent.

1. All new commercial and industrial buildings require 80% of the roof area drain to a rainwater tank with a capacity of 3,000 litres per 100m2 of roof area of the development as per Council’s requirements for water conservation in Chapter 5 of Council’s Stormwater Management Policy. In this regard, the Stormwater Design Plans shall be amended to include details of rainwater tanks.
2. Subsoil drainage shall be provided in the basin to prevent the basin remaining saturated during prolonged wet weather periods.
3. The base of the OSD basin shall have a minimum 1% slope to the discharge control pit.
4. Pool-type fencing including a self-closing gate shall be provided around the OSD basin to protect pedestrians and vehicles. An access ramp shall be provided for small utility vehicles to enter and exit the basin for maintenance purposes.
5. The base of the OSD basin shall be graded a minimum 1% fall towards the control pit.

10. **Contaminated Land Management**

Prior to the issuance of a Construction Certificate, a site auditor accredited by the EPA under the Contaminated Land Management Act 1997 must be engaged. The site auditor is to provide a section A site audit statement (SAS) and accompanying site audit report certifying suitability of the land for the proposed land use.

(Note: By engaging a site auditor to provide a section A SAS, the site auditor will review the adequacy of the investigations, unexpected finds protocol, any remedial works or management plan required and confirm suitability of the land use.)

11. **Traffic Engineer’s Comments**

* Access driveways and internal layout shall be designed for the largest vehicle which is anticipated to use the site and shall be determined based on swept path analysis. Minimum design for access driveway to cater for heavy rigid vehicles and articulated vehicles shall be based on AS 2890.2:2002 and swept path analysis;
* The maximum grades of the manoeuvring areas shall comply with AS/NZS 2890.1:2004 for parking facilities Part 1: Off-street car parking and AS 2890.2:2009 – Parking facilities Part 2: Off-street commercial facilities;
* All car parking spaces (dimensions of the parking spaces and aisle widths) shall be designed in accordance with the requirement of AS/NZS 2890.1:2004;
* All accessible spaces and shared areas shall comply with the requirement of AS/NZS 2890.6:2009;
* Parking spaces shall be located at least 300 mm clear of obstructions higher than 150 mm such as walls, fences and columns;
* Entry and exit driveways to and from the car parking and truck parking areas shall be clearly identified by signs and line markings. Line markings shall be installed to clarify the direction of travel within the site;
* The proposed access roads for fire trucks shall comply with the requirement of AS 2890.2:2002 in regard to the road width, sight distance, grades and levels;
* The hardstand area and loading docks shall be designed to accommodate the largest design vehicle, which is likely to service the site and to comply with AS 2890.2:2002. The dimensions of the proposed loading docks shall comply with Table 4.1 (service bay dimensions) of AS 2890.2:2002;
* Appropriate traffic calming devices shall be installed to minimise potential conflicts between vehicles and pedestrians using the site;
* A construction traffic management plan shall be submitted to Council and RMS for assessment prior to the issuing of an Occupation Certificate; and

12. **Sydney Water Comments**

Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in TM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

*The Sydney Water* Tap in TM *online self-service replaces our Quick Check Agents as of 30 November 2015.*

The Tap in TM service provides 24/7 access to a range of services, including:

* Building plans approvals
* Connection and disconnection approvals
* Diagrams
* Trade waste approvals
* Pressure information
* Water metre installations
* Pressure boosting and pump approvals
* Changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water’s Tap in TM online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Requirements for Business Customers for Commercial and Industrial Property Developments.

13. **RMS Comments**

The following conditions have been applied by the RMS;

1. Roads and Maritime (RMS) has a plan to upgrade subject section of Old Wallgrove Road with a sign posted speed limit of 70km/hr (design speed is 80km/h). The New Estate Road should be connected with Old Wallgrove Road for left in/left out (LILO) movements only via a deceleration lane.
2. The above deceleration lane along Old Wallgrove Road shall be designed in accordance with AUSTROADS and other Australian Codes of Practice and endorsed by a suitably qualified practitioner.
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 for approval prior to the issue of a Construction Certificate.

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifier can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.**

1**. Construction Certificate Required**

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifier.

Enquiries regarding the issue of a Construction Certificate can be made to Council’s Customer Service Centre on 9725 0222.

2**. Appointment of a Principal Certifier**

Prior to the commencement of any construction works, the person having benefit of a Development Consent, must:

a. appoint a Principal Certifier; and

b. notify Council of the appointment.

3**. Notify Council of Intention to Commence Works**

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

4**. Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.12 of the Fairfield City Wide DCP 2013** shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property.  Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

**Note**: On the spot penalties up to $1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

5**. Toilet Facility**

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

6**. Required Signage**

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

* The name, address and telephone number of the principal Certifier for the work; and
* The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
* Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

7. **Natural Resources’ Conditions**

The following conditions have been applied by Council’s Natural Resources

* The clearing area should be clearly demarcated and signed, where appropriate, to ensure no vegetation beyond these boundaries is removed. Clearing works and equipment should be excluded from areas outside the focus area. Site inductions should be provided by the project manager to ensure all site workers and visitors are aware of any no-access areas.
* Potential impacts to flora and fauna occurring in the construction phase that can be managed include: run-off, sedimentation, erosion and pollution. To reduce sedimentation on the construction site, erosion control measures should be implemented. This includes minimising the amount of exposed soils on the site at any given time.
* Sediment fences should be established around the perimeter of the focus area to prevent the impacts of sedimentation on the adjoining vegetation.
* Pre-clearing surveys should be undertaken by a suitably qualified ecologist.
* To minimise impacts to native fauna species, clearing should be undertaken in the following two-stage process under the supervision of a suitably qualified ecologist:
* The initial phase of clearing will involve clearing around identified habitat features and leaving the features overnight;
* The second stage will involve clearing of the habitat features left overnight followed by an inspection.
* An ecologist should investigate all fallen trees for the presence of hollows not detected prior to clearing. Inspections should be undertaken of these hollows for native fauna.
* An ecologist should be present while clearing to rescue animals injured during the clearance operation. Provisions will be made to protect any native fauna during clearing activities by the following means:
* All persons working on the vegetation clearing will be briefed about the possible fauna present and should avoid injuring any present;
* Animals disturbed or dislodged during the clearance but not injured should be assisted to move to the adjacent bushland; and
* If animals are injured during the vegetation clearance, appropriate steps will be taken to humanely treat the animal (either taken to the nearest veterinary clinic for treatment, or if the animal is unlikely to survive, it will be humanely euthanized).
* Priority weed species occurring within the subject site should be managed in order to prevent further spread.

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate by the Principal Certifier.**

8**. Occupation Certificate Required**

Prior to the commencement of any use and/or occupation of the subject development (whole or part), an Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifier must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate.

9**. Works-As-Executed Plans for Stormwater Drainage**

Prior to the issue of an Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifier.

10**. On Site Detention – Works-As-Executed**

On completion of the drainage works and prior to the issue of an Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

* 1. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
  2. Location and surface levels of all drainage pits, weir levels and dimensions.
  3. Invert levels of - the internal drainage lines.

- orifice plates.

- outlet control pit.

* 1. Finished floor levels of structures such as units and garages.
  2. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
  3. Verification that a trash screen is installed.
  4. Location and levels of any overland flow paths through the site.
  5. Details of any variations made from approved plans.

11**. Registration of Restriction and Covenant over OSD System**

Prior to the issue of an Occupation Certificate, proof of the creation of a ‘Restriction on Use of Land’ and ‘Positive Covenant’ over the on-site detention system in accordance with Council’s Stormwater Management Policy.

12**. On-Site Detention – Certification of Works**

A Certificate shall be issued to the Principal Certifier upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

* 1. That the on-site detention system will function in accordance with the approved drainage design.
  2. Any variations from the approved drainage design.
  3. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

13**. Interim Fire Safety Certificate**

Prior to the issue of an Occupation Certificate a fire safety certificate shall be submitted to and approved by the Principal Certifier.

**Note**: An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

14**. Adjustments to Public Utilities**

Prior to the issue of an Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

15**. Environmental Reports Certification**

Prior to the issue of an Occupation Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved by Fairfield City Council’s Environmental Health Officer and the following reports have been completed:

1. Environmental Impact Statement (EIS), prepared by URBIS.
2. Noise Impact Assessment (Ref. No. 191015\_Rep\_Rev4), prepared by Benbow Environmental, dated May 2019
3. Air Quality Assessment (Ref. No. OCT18180.4), prepared by Airlabs Environmental Pty ltd, dated 03 July 2019.

16**. Building in Saline Environments**

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate (Interim or Final), documentary evidence shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with Fairfield City Council’s ‘Building in Saline Environments Policy’.

17**. OSD – Marker Plate**

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required.

The wording is to consist of:-

**THIS IS AN ON-SITE DETENTION STRUCTURE**

**DO NOT TAMPER WITH,**

**CONTACT FAIRFIELD CITY COUNCIL PRIOR**

**TO ANY PROPOSED WORKS IN THIS AREA**

The marker plate is to be attached prior to occupation of the proposed development.

18. **Traffic Conditions**

The following conditions have been applied by Council’s Traffic Branch:

* A loading management plan showing how the potential conflicts between heavy vehicles using the site will be managed shall be submitted to Council for assessment;
* No Stopping restrictions shall be installed at the cul-de-sac end of Estate Road to assist with the movements of heavy vehicle into and out of the Estate Road;

19. **Sydney Water Servicing**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.comau](http://www.sydneywater.comau) > Plumbing, Building and Developing > Land Development or Telephone 13 20 92.

20. **Trade Wastewater Requirements**

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water’s sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water’s Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for industrial operations, the wastewater may discharge into a sewerage area tat is subject to wastewater reuse. Find out from Businesss Customer Services if this is applicable to your development.

**GENERAL CONDITIONS**

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifier can either be Fairfield City Council or an accredited certifier.

21**. Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

a. complying with the deemed-to-satisfy provisions; or

b. formulating an alternative solution which:

i. complies with the performance requirements; or

ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or

c. a combination of (a) and (b).

22**. Administration Fee for the Lodgement of Certificates**

Where a Principal Certifier has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates and Occupation Certificates.

23**. Demolition, Building and other Works**

When demolition, building and other works are being undertaken on site:

a. A trade waste service must be provided so as to ensure that all debris and waste material is removed from the site; and

b. Plant equipment, fencing or other materials of any kind must not be placed or stored upon any public footpath or roadway; and

c. Such works must only be carried out within the following hours:

Monday - Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones.

No work shall be carried out on Sundays or public holidays. Except that,

Building works in a IN1 zone may be carried out within the following hours:

Monday - Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. No work may be carried out on Sundays or public holidays.

**Note:** *Council may issue a penalty infringement notice for the amount imposed under the Environmental Planning and Assessment Act 1979, for any non-compliance with this Development Consent.*

24**. Hoarding / Fencing**

During construction, a hoarding or site safety fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, overhead protection is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

25**. Method of Stormwater Drainage**

The stormwater drainage generated from the development shall be directed to the proposed OSD system in the approved stormwater concept drainage plan.

**Note**: Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

**Note**: If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the converter to be 10mm above the invert of the gutter.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

26**. Encroachment of Easements**

* + 1. This consent does not authorise the encroachment or overhang of any stormwater drainage easement. Any encroachment of other easements must be separately approved by the relevant service authority and evidence of any consent shall be submitted to the Certifying Authority.
    2. The structures shall not exert any loads on the utilities within the easements. Maintenance works may be required on the utilities and therefore the structures shall be designed such that a trench can be excavated to enable replacement of the existing utilities without affecting the stability of the structure.

27**. Critical Stage Inspections**

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Clause 162A of the Environmental Planning and Assessment Regulation 2000.

**Note:** Fines may be imposed if you fail to request the Certifying Authority to undertake the required mandatory inspections.

28**. Driveway Gradient**

1. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
2. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

29**. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

a. All vehicular entries and exits shall be made in a forward direction.

b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

c. No articulated vehicles shall be used for the servicing or operations of this development.

d. All deliveries to the premises shall be made to the rear service lane/loading bay/s provided.

e. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

30. **Use of Site**

* All vehicles must enter and exit the site in a forward direction. Heavy vehicles reversing into, within and out of the site must be under the supervision of a Roads and Maritime Services (RMS) Accredited Traffic Controller;
* Service vehicles shall only undertake loading and unloading activities from the designated loading areas and shall not park at locations where they will obstruct the flow of traffic into, within and out of the site;
* Where the width of the driveway cannot satisfy the simultaneous movements of a 25m/26m B-Double vehicle and another vehicle due to the turning path radius of the B-Double vehicle, 25m/26m B-Double vehicles entering and exiting the site shall be managed by a RMS Accredited Traffic controller. Otherwise, appropriate access management be in place to minimise potential conflicts between 25m/26m B-Double vehicles and other vehicles;
* The emergency use driveway along Old Wallgrove Road should be locked at all times unless an emergency situation, and should not be used for general traffic.
* All vehicles are to enter and leave the site in a forward direction and all vehicles are to be wholly contained on site before being required to stop.

31. **Hardstand Area and Loading Docks**

Hardstand area and loading docks shall operate independently of the car parking areas. Where necessary, physical barriers shall be installed to separate heavy vehicles from passenger vehicles.

32. **Backflow Prevention Requirements**

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water’s supply must install a testable Backflow Prevention Containment Device appropriate to the property’s hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property’s required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

33. **Asset Protection Zones**

At the commencement of building works and in perpetuity, the property around the proposed works to a distance of 10 metres, or to the property boundary (whichever comes first), shall be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

34. **Water and Utilities**

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

* Water, electricity and gas are to comply with the requirements of Section 4.1.3 of ‘Planning for Bush Fire Protection 2006’.

35. **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

* Public road access shall comply with Section 4.1.3(1) of ‘Planning for Bush Fire Protection 2006’.

36. **Design and Construction**

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

* The proposed construction shall be constructed from non-combustible materials.
* The proposed works shall also be afforded ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

37. **Landscaping**

Landscaping to the site is to comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection 2006’

Should you wish to discuss this matter please contact Luc Roberts on 1300 NSW RFS.

38. **Use of the Premises**

The use of the premises shall comply with the following requirements:

1. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
2. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
3. The use of the premises is not to interfere with the amenity of the residential area.

39**. Wheel Wash Facility**

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the issuance of CC. Any direction of Council with regard to cleansing trucks or the clean-up of road pavements adjoining the site shall be complied with immediately.

40**. Unreasonable Noise and Vibration**

The proposed warehouses and masonry pant, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council’s satisfaction.

41**. Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard *4282\_1997 Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

42**. Odours Complaint**

An odour impact assessment shall be submitted to Council if any complaints are lodged with Council in relation to the emissions generated from the operation of the site and/or businesses. The report must be prepared by a suitably qualified environmental consultant and include modelling of the odour impact on the nearest affected receptor (e.g. residents/property occupants). Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 2015: The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings and AS 1668.2 – 2015: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

43**. Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids shall be stored in accordance with AS 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

44**. Storage of Hazardous Chemicals**

Should any ‘hazardous chemicals’ proposed to be stored on the premises exceed the manifest quantity as prescribed in Schedule 11 of the Work Health Safety Regulation 2011, Notification of schedule 11 hazardous chemicals is required to be submitted to SafeWork NSW.

45**. Waste Receipts**

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such records are to be made available to Council’s Officers, upon request.

46**. Environmental Management Plan**

An Environmental Management Plan shall be prepared for the site. The Plan shall be carried out by a suitably qualified environment consultant. The EMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures.

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47**. NSW Protection of the Environment Operations Act 1997**

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997.* All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

48. **Unexpected Finds Protocol**

An ‘Unexpected Finds Protocol’ for the assessment/management of any contamination discovered during the course of remediation, demolition and construction works shall be prepared prior to any works on site. The ‘Unexpected Finds Protocol’ shall be submitted to Council for review prior to the issuance of a CC.