

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 63-3-2004

(FILE NO. S04/00645 PT 1)

**EARTHWORKS, RETAINING WALLS, ERECTION OF OFFICE/WAREHOUSE
BUILDING ON LOTS 204, 205 & 209 DP 1030744, SITE 1A BATU WARGUN
DRIVE, GREYSTANES**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 7 of State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) to ensure that measures are put in place to manage environmental impacts arising from the development,
- (2) to minimise the impacts of construction activity on the locality, and
- (3) to protect Prospect Hill and its curtilage from the impacts of construction activity.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	Macquarie Goodman Management Pty Ltd c/o- BDO Property Pty Ltd, Level 6, 432 Kent St, Sydney
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 63-3-2004
On land comprising:	Lots 204, 205 & 209 DP 1030744, Site 1A Batu Wargun Drive, Greystanes
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$10,000,000
Type of development:	State Significant Development
S.119 Public inquiry held:	No
BCA building class:	Class 7b (Warehouse), Class 5 (Office)
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulation or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 63-3-2004

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Macquarie Goodman Management Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Holroyd City Council.

DA No. 63-3-2004 means the development application and supporting documentation submitted by the applicant on 15 March 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

EPA means the Environment Protection Authority.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Precinct Plan means the Greystanes Estate – Employment Lands Precinct Plan prepared by ERM and dated June 2001.

Regulation means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 63-3-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- (1) bulk earthworks; and
- (2) construction of an office/warehouse building with associated retaining walls, car parking and landscaping to be used for warehousing, packaging, processing, distribution and administration.

A2 *Development in Accordance with Plans*

The development shall be generally in accordance with development application number DA No. 63-3-2004 submitted by the applicant on 15 March 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled <i>Greystanes Park East, Site 1A Warehouse & Office Development</i> prepared by <i>Integrated Site Design</i>, dated <i>March 2004</i>			
Architectural (or Design) Drawings prepared by <i>Walker Corporation Pty Ltd</i>			
Drawing No.	Revision	Name of Plan	Date
3M-G-DA-00	E	Location Plan	11 Mar 2004
3M-G-CD-001	G	Site Plan	28.06.04
3M-G-DA-05	E	Shadow Diagram	11 Mar 2004
3M-G-CD-100	H	Warehouse Floor Plan	28.06.04
3M-G-CD-110	F	Office Floor Plans	28.06.04
3M-G-CD-002	E	Carpark Setout Plan	28.06.04
3M-G-CD-005	E	Gatehouse Details	28.06.04
3M-G-CD-107	D	DG Store & Batt. Recharge Floor Plan	28.06.04
3M-G-CD-115	E	Despatch Office Plan	28.06.04
3M-G-CD-120	G	Roof Plan	28.06.04
3M-G-CD-200	H	Elevations 1	28.06.04
3M-G-CD-201	G	Elevations 2	28.06.04
3M-G-CD-210	F	Sections	11.03.04

3M-G-EXTFIN	-	External Finishes	Not dated
Landscape Drawings prepared by <i>James Pfeiffer Landscape Architects</i>			
Drawing No.	Revision	Name of Plan	Date
04-009-01	-	Site 1A Greystanes Park East - Landscape Concept Plan	09.03.04
04-020-02	-	Greystanes Park East - Landscape Concept Plan	13.07.04
Civil Works Drawings prepared by <i>Costin Roe Consulting Pty Ltd</i>			
Drawing No.	Revision	Name of Plan	Date
C07314.01-C02	C	Site 1A – Retaining Walls Plan	11.03.04
C07314.01-C08	B	Site 1A – Finished Levels Plan	12.03.04
C07314.01-C09	B	Site 1A – Bulk Earthworks Levels Plan	12.03.04
C07314.01-C10	A	Site 1A – Stormwater Concept Plan	11.03.04
C07314.01--C11	A	Site 1A – Soil and Water Management Plan	11.03.04

A3 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

A4 Developer Contributions

The Applicant shall make all relevant contributions in accordance with the Developer Agreement between the Applicant (Macquarie Goodman Management Pty Ltd) and the Consent Authority (Minister for Infrastructure and Planning) dated 23 August 2002.

A5 Compliance with DA 61-3-2002

The applicant shall comply with all relevant conditions of DA 61-3-2002, approved on 4 July 2002 by the then Minister for Planning, except where amended by this consent.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Elevations and Screening Concept

Prior to the issue of the Construction Certificate, the applicant shall submit the following:

- (1) final design details of the proposed northern, eastern and southern elevations, including materials, colours and finishes, demonstrating a high architectural quality, for the approval of the Director, and
- (2) a concept plan for the screening proposal required under condition F2 detailing the general location and extent of the proposed screens within the subject site, and how they shall enhance relevant elevations of the building as required in (1) above.

B2 *Reflectivity*

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B3 *Metal Roofing*

Metal roofing shall have a finish which will not give rise to solar flaring or excessive glare when viewed from adjacent sites including open space areas.

B4 *Water Storage Tank and Pump House*

As far as practicable, the height of the water storage tank and pump house shall not exceed the height of the top of the adjacent retaining wall to the "Restricted Zone".

B5 *Treatment of Vehicular Entry*

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and all service ducts and pipes that are visible shall be integrated into the site design. Details shall be submitted to and approved by the Director prior to the issue of a Construction Certificate.

External Lighting**B6 *Compliance***

All external lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282:1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B7 *Design*

External lighting shall be functional to allow the safe movement of vehicles, people and equipment at night; and be designed to minimise the spill light above the horizontal to reduce the impact on adjacent properties. Luminaries shall utilise energy efficient lamps and control equipment to minimise power consumption. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Traffic, Parking and Access**B8 *Vehicular access points***

The entry and exit vehicular access points shall be designed for B-Double (25.0m) movements in accordance with AUSTROADS – Design Vehicle and Turning Path templates

and relevant RTA Guidelines. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B9 Design of heavy vehicle access driveway

The design of the heavy vehicle access driveway shall comply with Australian Standards AS2890.1 and AS2890.2. All heavy vehicles entering the site must be contained wholly within the site before being required to stop. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B10 Works in public roads

Where relevant, appropriate approvals shall be obtained from Council for any road and drainage works to be carried out within public roads reserves. Payment of the relevant fee/s shall be made to Council for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.

B11 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1:1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be line marked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2:1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (4) All truck and vehicle parking including employee, service and visitor parking generated by operations at the site shall be accommodated on site and shall not overflow onto local streets.

B12 Traffic Control Devices

In order to ensure that vehicles exit the site in a safe manner, appropriate signage shall be installed and shall be clearly visible at the upper threshold of the driveway. Details of the type, location and operation of the signage are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B13 Total Number of Car Spaces

A maximum of 82 on-site car parking spaces are approved.

B14 Number of Car Spaces for Disabled Persons

The applicant shall provide parking spaces for people with disabilities at a rate of 1 disabled parking space per 100 car parking spaces. These spaces shall be provided as close as is practicable to building entrances. The path of travel from disabled spaces to building entrances shall not exceed 1:14.

B15 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy, including to the recreation area. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B16 On site parking for service vehicles

Parking for service vehicles shall be provided within the on-site car parking areas.

B17 Number of Bicycle Spaces

A minimum of 5 bicycle spaces are to be provided for the development. Details of the location and total number of bicycle spaces shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B18 Shuttle bus

To address access to the site by means other than by private car and to reduce car parking demand on-site prior to the implementation of the transitway, the applicant shall consider, in consultation with adjoining landowners, the joint operation or sharing of a shuttle bus service for employees to Blacktown Station.

Waste Management**B19 Area designated for waste collection**

An area designated for waste collection shall be provided on site adjacent to the building and shall be appropriately screened. The overall height of external storage in this area shall not exceed RL 100.0. Details shall be provided in the Waste Management Plan required under condition B20.

B20 Waste Management Plan

A Waste Management Plan is to be prepared and submitted to the PCA, for approval, prior to the commencement of work on site. The Waste Management Plan is to be in accordance with Holroyd Development Control Plan No. 35 - Guidelines for Planning for Less Waste. The PCA is required to complete the "Planning for Less Waste Checklist" and must submit the completed checklist and copy of the Waste Management Plan to Holroyd City Council for approval prior to the Construction Certificate being issued by the PCA. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

B21 Approvals

The applicant shall ensure that all relevant waste-related approvals for the management and the disposal of waste are obtained, under the *Protection of the Environment Operations Act 1997*, prior to the commencement of any works.

Earthworks

B22 Filling of land

All filling of land shall comply with the Earthworks Procedures set out in Section 7.6 of the "Greystanes Estate - Employment Lands Precinct Plan".

B23 Work as Executed Plan

A Work as Executed Plan of finished levels, prepared and signed by a practising Civil Engineer or Registered Surveyor, shall be submitted to the PCA at the completion of works. A copy is to be provided to the Department.

B24 Disposal of excavated material

Any excavated material not used on the site as fill is to be disposed of in accordance with the requirements of the Protection of the Environment Act 1997 and its regulations

Erosion and Sediment Control

B25 Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan must be prepared by an appropriately qualified professional and submitted to and approved by the PCA. The Plan must address all relevant conditions of this consent. All erosion and sediment control measures shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements, where available. It shall also address conditions 24, 25, 26, 27, 28, 30 of DA 61-3-2002. A copy of the approved plan shall be submitted to the Department.

B26 Visual inspections

The Erosion and Sediment Control Plan shall provide for visual inspections of all erosion and sediment controls on a regular basis and following any rainfall event.

Salinity

B27 Subsurface Drainage and Maintenance Plan

Prior to the issue of a Construction Certificate, the Applicant shall prepare in consultation with the Department a Subsurface Drainage and Maintenance Plan for retaining walls and areas beneath building platforms, in accordance with condition 44 of DA 61-3-2002. The Plan shall address measures to prevent the ponding of water at the base of cuts and shall also include a water quality monitoring component which clearly demonstrates how the collected flows will be tested and treated (in accordance with current water quality standards), including dissolved salts, prior to discharge.

B28 Management measures

The following management measures shall be undertaken to minimise salinity related impacts at the site:

- the use of salt resistant building materials and techniques;
- salt tolerant vegetation (using local provenance Cumberland Plain Woodland species); and
- surface water management (ie, minimising irrigation and infiltration).

B29 Building techniques

The following building techniques shall be adopted as a precaution against future salinity issues at the site:

- provision of a sand layer under the ground floor slabs;
- provision of a 0.2mm polythene membrane to be laid over the sand layer with all joints appropriately lapped and sealed, with the membrane extending up the slab edges as required;
- exposed concrete cast against ground footings is to be constructed with 25MPa concrete with 80mm cover to reinforcement; and
- reinforced concrete ground floor slabs are to be constructed with 40MPa concrete and galvanised reinforcement (fibres) is to be used if considered necessary by a structural engineer.

B30 Retaining walls

Where retaining walls are to be constructed they should have a layer of free draining material and agricultural drains, connected to the stormwater system, behind the walls to ensure that there is no impediment of groundwater flows.

Stormwater and site drainage

B31 Collection of stormwater

All stormwater on site not collected by the rainwater tank shall be collected and conveyed to the underground stormwater system.

B32 Overland flow

Overland flow up to the 1 in 100 year flow must be accepted at the upstream boundary and conveyed through the site and shall include catch drains at the toe of the batters adjoining the eastern and southern boundaries of the property. Full details of the hydraulic evaluation of the overland flow shall be prepared by a practising Civil Engineer and shall be in accordance with the relevant standards and specifications of Holroyd City Council. Details are to be submitted to the PCA for approval prior to the issue of a Construction Certificate.

B33 Pollution control devices

Pollution control devices shall be installed on the site, in accordance with the requirements of the Upper Parramatta River Stormwater Management Plan. The devices shall treat at least a 1 in 3 month ARI storm peak flow and control the following pollutants, as set out in Table 18b of the 1999 Stormwater Management Plan and repeated in Table 19 of the 2003 updated Plan:

- | | | |
|-------------------|---|---|
| • litter | - | 95% of particles 3.0mm or greater |
| • coarse sediment | - | 86% of particles with a median diameter of 0.25mm |
| • oil and grease | - | up to 97% |

The device will be of sufficient size to meet the pollution retention criteria for fine particulates, hydrocarbons and litter, as set out in Table 18b of the 1999 Stormwater Management Plan and repeated in Table 19 of the 2003 updated Plan. The applicant shall demonstrate to the PCA that the device is of sufficient size.

B34 Maintenance and replacement

The maintenance and replacement of the pollution control device/s required in condition B33 shall be the total responsibility of the property owner.

B35 Vehicular crossing

The vehicular crossings shall be shown with straight sides. Generally the crossings shall be perpendicular to the line of the kerb and gutter; however, splays that widen the crossing at the kerb line will be permitted (maximum 2 metres). Crossings that are proposed at existing gully pit locations will require the following works:

- (a) existing pits shall be reconstructed into the layback. The lintels shall be removed and V-type grates shall be constructed into the layback. A new gully pit shall be constructed upstream of the layback. The new gully pit shall be in accordance with Council's standard detail SD 8010.

B36 Maintenance and replacement

The drainage pit in Batu Wargun Drive, positioned in the driveway to the underground carpark, shall be relocated clear of the driveway.

Water and Energy Efficiency

B37 Building design

Prior to the issue of a Construction Certificate pertaining to works on the office building, the Applicant shall demonstrate to the satisfaction of the PCA that all efforts have been made to achieve a minimum 4 star rating under the Australian Building Greenhouse Rating for the office building, via the following process:

- (a) The building design shall be subject to an independent energy assessment following the guidelines of the Sustainable Energy Authority's current version of the document Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review;
- (b) If the independent energy review identifies conditions required for the achievement of the required rating or recommendations for performance improvement generally, the Applicant is required to demonstrate to the satisfaction of the Director that all reasonable efforts have been made to comply with such conditions and recommendations

B38 Water saving and reuse measures

The applicant shall, as far as practicable, implement water saving and reuse measures on-site to reduce water consumption and promote energy efficiency.

B39 Rainwater tanks

A rainwater tank shall be installed on the site. The design and installation of rainwater tanks on site shall comply with Council's Rainwater Tank Policy. Water captured within the rainwater tank shall be used for irrigation purposes, as described in condition B44.

Engineering

B40 Works within public property

All engineering works to be carried out within public property shall be designed and undertaken in accordance with the relevant provisions of Council's Specification for Subdivisions and Developments (Current Version), except as otherwise authorised by this consent.

Landscaping

B41 Revegetation works

Revegetation works should allow for at least 3 shrub/groundcover species per tree planted.

B42 Local species

All species used in landscaping shall generally occur locally and be propagated from the local botanical provenance.

B43 Species diversity

Measures shall be implemented to recreate a Cumberland Plain Woodland community (indicative of pre-European vegetation assemblage), including adequate planting of groundcover species and the use of local endemic species rather than species not found on the Cumberland Plain. Any species that are likely to exhibit invasive characteristics upon the subject site shall not be used in site landscaping.

B44 Irrigation

To assist in the management of urban salinity in the local area and to contribute to water sensitive urban design goals for Western Sydney, a "smart" irrigation system shall be installed on the site to prevent unnecessary watering of vegetated areas (that is, automatic sprinklers should not activate during rain or at times of adequate soil moisture and irrigation periods should be appropriate for the species being watered).

B45 Safety and security

To enhance traffic safety and security, landscaping in the vicinity of the entrance driveway shall allow appropriate vehicle sight lines and allow surveillance of the street.

B46 Maintenance

All landscaping on the site shall be maintained in an 'as approved' condition at all times.

Compliance

B47 Compliance Report

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Principal Certifying Authority

C1 Appointment of PCA

Prior to the commencement of works, the applicant must appoint a PCA who will be responsible for ensuring that all works are carried out in accordance with approved plans and specifications.

Excavation Works

C2 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C3 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C4 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be prepared and submitted to the Department. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,

-
- (2) contact details of site manager,
 - (3) traffic management:
 - ingress and egress of vehicles to the site,
 - loading and unloading, including construction zones,
 - predicted traffic volumes, types and routes,
 - pedestrian and traffic management methods, in accordance with Australian Standards.
 - (4) noise and vibration management (see also C6 below),
 - (5) waste management (see also C7 below),
 - (6) erosion and sediment control (see also B25), and
 - (7) management of impacts of construction activity on Prospect Hill and its curtilage.

The Applicant shall submit a copy of the approved plan to Council.

C6 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Director. The Plan shall address, but not be limited to, the following matters:

- (1) identification of the specific activities that will be carried out and associated noise sources,
- (2) identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) the construction noise objective specified in the conditions of this consent,
- (4) the construction vibration criteria specified in the conditions of this consent,
- (5) determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) noise and vibration monitoring, reporting and response procedures,
- (7) assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction,
- (9) justification of any proposed activities outside the construction hours specified in the conditions of this consent,
- (10) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,

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- (11) procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
 - (12) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to Council.

C7 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant policy. The Applicant shall submit a copy of the plan to the Department and Council.

C8 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C9 Other signage

Appropriate advisory and regulatory sign posting (eg. parking restriction signage, pedestrian crossing signs, warning signs) is to be installed prior to commencement of construction and shall remain in place during construction.

Erosion and Sediment Control

C10 Installation and stabilisation

All erosion and sediment control works for construction works shall be installed and stabilised prior to the commencement of relevant works.

Services

C11 Existing pipelines and easements

Prior to the commencement of works, the applicant shall consult with and obtain clearance from Sydney Water regarding existing pipelines and easements that may be affected by the development.

C12 Trade wastewater

Prior to the commencement of any works relating to any trade wastewater pre-treatment system, the applicant shall obtain a Trade Waste agreement from Sydney Water to discharge wastewater to the sewer.

C13 Alteration/removal of services

The applicant shall arrange with the relevant utility/authority for the alteration or removal of any affected services in connection with the development. Any such work shall be carried out at the applicant's cost.

C14 Road opening permit

The applicant is to submit an application for a road-opening permit when the drainage connection into Council's system is within the road reserve. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) are required within the road reserve.

Sydney Water

C15 Building plan approval

The approved plans must be submitted to a Sydney Water Quick Check agent of Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details, please refer to the website www.sydneywater.com.au, see Your Business, then Building & Developing, then Building & Renovating, or telephone 13 20 92.

The PCA must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

Compliance

C16 Compliance Report

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART D—DURING CONSTRUCTION

Erosion and Sediment Control

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. All stormwater pollution control devices shall be regularly inspected during construction by a suitably qualified Civil Engineer to confirm compliance with this condition.

D2 Stockpiling of material

Any material that is stockpiled on site shall be adequately stabilised to prevent erosion or dispersal of the material.

D3 Turfed areas

All turfed areas shall be finished level with adjoining surfaces and fall evenly to approved points of drainage discharge.

Stormwater Management

D4 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the stormwater system unless separate prior approval is given in writing by Council.

D5 Stormwater Pollution Devices

The stormwater pollution device(s) shall be inspected during construction by the Council or a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- a) initial inspection to discuss concept and site conditions/constraints prior to commencement of the stormwater pollution device(s);
- b) final inspection.

NB. Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Structural Works

D6 Setting out of Structures

The building shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management

D7 Approved Plans to be on-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D8 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;

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- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D9 *Hours of construction*

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D10 *Dust Control Measures*

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (2) Covers are to be adequately secured,
- (3) Cleaning of footpaths must be carried out regularly,
- (4) Roadways must be kept clean,
- (5) Gates are closed between vehicle movements,
- (6) Gates are fitted with shade cloth,
- (7) The site is hosed down when necessary, and
- (8) Wheel washes shall be installed for all vehicles exiting the site.

D11 *Traffic management*

The cost of all traffic management works during excavation shall be borne by the applicant.

D12 *Truck movements*

- (1) No trucks associated with the implementation of this consent are permitted to park or stand on public roadways.
- (2) All trucks leaving the site are to be appropriately covered to ensure spillage of debris on to public roads does not occur.
- (3) All trucks departing from the site, having had access to unpaved areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on public roads.

D13 *Pedestrian movement*

Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS 1742.3, "Part 3 – Traffic control devices for works on roads".

D14 *Footpath*

Any damage made to the existing footpath to Batu Wargun Drive during construction works shall be made good, to the satisfaction of Council and at full cost to the Applicant.

Noise and Vibration

D15 *Construction Noise Objective*

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) not more than 20dB(A) for a construction period of four weeks and under;
- (2) not more than 10dB(A) for a construction period of greater than four weeks and not exceeding 26 weeks; and
- (3) not more than 5dB(A) for a construction period greater than 26 weeks.

Background noise levels are those identified in Appendix 3 of the Statement of Environmental Effects, being the Acoustic Report prepared by Richard Heggie & Associates and dated 11 March 2004. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D16 *Noise and Vibration*

All works must be carried out so as to avoid unreasonable noise or vibration and cause minimal interference to adjoining or nearby residents and employees.

D17 *Environment Protection Authority*

All work must comply with the EPA's Noise Control Manual.

D18 *Monthly monitoring*

Monthly monitoring of noise and vibration levels at nearby industrial and residential receivers shall be undertaken by an appropriately qualified professional for the duration of construction activity. Monitoring must be undertaken during approved construction hours and shall assess compliance with Condition D9. The results of the monitoring must be made available to the Department upon request.

Heritage and Archaeology**D19 *Impact of Below Ground (Sub-surface) Works – Aboriginal Relics***

If any Aboriginal archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the applicant shall contact the NSW Heritage Office. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can be considered in that area. The applicant shall comply with any request made by the Department of Environment and Conservation to cease work for the purposes of archaeological recording.

D20 *Restricted zone*

No construction or building works shall encroach upon or impact on the Restricted Zone to which a Section 88B Instrument applies without the approval of the Heritage Office.

Protection of Trees**D21 *Street Trees***

All street trees shall be protected at all times during construction. Any tree on the footpath which is damaged or removed during construction, shall be replaced to the satisfaction of Council.

Compliance**D22 *Compliance Report***

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

There are no conditions of consent relevant to this section.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

F1 Issue of Certificate

An Occupation Certificate must be obtained from the PCA and a copy furnished to the Department and to Council prior to the commencement of use of the building.

Screening Plan

F2 Design Details

Final design details of a screening plan aimed at demonstrating a high urban design outcome including landscape quality and visual character, that is integrated with the built environment of the subject site and generally based on the concept plan required under condition B1 shall be submitted to and approved by the Director prior to the issue of an Occupation Certificate. Design details shall include the following: location, extent, dimensions, materials, colours, finishes and displays of the screens, as well as landscaping, and any proposed signage. The display of signage shall be limited in number and location and shall be determined at the time the plan is submitted to the Department for approval.

NB. Assessment of the abovementioned details for the subject site shall be conducted at the same time that similar details for other sites within the Northern Employment Lands are assessed to achieve consistency.

Engineering

F3 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F4 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

F5 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;

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- (3) The development consent and any relevant modifications; and,
 - (4) Any dispensation granted by the New South Wales Fire Brigade.

F6 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F7 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.

Stormwater and Drainage

F8 Positive Covenant and Restriction as to User

Prior to the issue of an Occupation Certificate, documents giving effect to the creation of a Positive Covenant and Restriction as to User over pollution control devices shall be registered on the title of the property. The wording of the terms of the Positive Covenant and Restriction as to User shall be in accordance with Holroyd City Council's standard wording. The documents prepared shall be submitted to Holroyd Council prior to registration with Land and Property Information.

F9 Maintenance Schedule

A maintenance schedule for the pollution control device including a sketch plan of the components and its location shall be submitted and attached as an appendix to the Positive Covenant.

F10 Approved plan

A copy of the approved plan of the stormwater pollution device showing work as executed details shall be submitted to Holroyd City Council.

F11 Compliance certificate - stormwater

A compliance certificate for the stormwater pollution device stating that the device has been installed to operate in accordance with the approved drawings and the conditions of this consent shall be issued to the PCA prior to the issue of Occupation Certificate.

F12 Compliance certificate – driveways and footpath paving

A compliance certificate for the construction of driveways and footpath paving shall be obtained from Holroyd City Council and be submitted to the PCA prior to the issue of Occupation Certificate.

Sydney Water**F13 Compliance certificate**

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development.

Storage of dangerous goods**F14 Certification**

The applicant shall obtain all of the necessary certificates from the Workcover Authority under the Dangerous Goods Act 1975, the NSW Fire Brigade, and any other relevant authority, for the storage of dangerous goods on the subject site.

PART G—POST OCCUPATION**Fire Safety****G1 Annual Fire Safety Certification**

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Traffic, Parking and Access**G2 Loading and Unloading**

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G3 *Unobstructed Driveways and Parking Areas*

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G4 *Vehicular Access*

Signs shall be exhibited in a prominent location on the site advising that all vehicles entering or leaving the site are to be driven in a forward direction at all times.

G5 *Public Way to be Unobstructed*

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

G6 *Noise Control – Plant and Machinery*

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

Signage

G7 *Directional and safety signage, and road markings*

Clear, legible and appropriately located signage and road markings shall be provided on site to ensure the safe circulation and parking of vehicles. The vehicle entry and exit from the public road shall be clearly identified to avoid confusion with vehicle entrances on adjoining sites.

G8 *Corporate signage*

The two (2) business identification signs at the western and eastern ends of the northern elevation (as shown on drawing 3M-G-DA-200) shall be restricted to the following maximum dimensions:

Northern elevation:

- Western end: 12 metres x 2 metres
- Eastern end: 4.6 metres x 2.2 metres

The sign at the southern end of the eastern elevation is not approved.

If the signs are to be illuminated, the illumination shall comply with Holroyd City Council's requirements.

G9 *Other signage*

Separate approvals are required for any other signage not shown on the DA drawings or not required by this consent with the exception of any signage referred to in condition F2.

Note: for any signage subject to a separate approval, the Department will advise as to whether a new Development Application or a section 96 application for modification of consent is required.

G10 *Restricted Zone*

The applicant shall contribute to the preparation of a Conservation Management Plan for the curtilage area for Prospect Hill at the eastern part of the site, shown as the “Restricted Zone” in the DA drawings. The Plan shall be prepared in consultation with adjoining landowners, Holroyd City Council and other relevant agencies, where appropriate and shall require the approval of the Heritage Council. The Plan shall be consistent with the Northern Employment Lands Precinct Plan and shall address the appropriate treatment, revegetation and future use of the “Restricted Zone” and its integration with neighbouring land set aside for the same purposes as part of the open space network identified in the Precinct Plan. The Plan shall identify and address the implementation of the works to be undertaken in the “Restricted Zone”.

The applicant shall provide evidence to the Department of its involvement in the preparation of the Conservation Management Plan and that it will abide by the directions and/or recommendations of the Plan.

Note: Works within the “restricted zone” require the approval of the heritage council and would also require a separate development application to be lodged.

Consolidation Plan

G11 Registration of Consolidation Plan

The applicant shall ensure that the consolidation plan of lots 204 & 205 in DP 1030744, lot 409 in DP 1040113 and Lot 305 in DP 1035614 is registered with the Land Titles Office and shall provide documentary evidence to the Department immediately following registration.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN3 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN4 Movement of Trucks Transporting Waste Material

The applicant shall notify the Roads and Traffic Authority’s Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN5 *Construction Inspections*

Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.
