

19 April 2016

Kate MacDonald  
Team Leader Industry Assessments  
Department of Planning and Environment  
GPO Box 39  
**SYDNEY NSW 2001**

Attention: Deana Burn

Dear Ms MacDonald

**Re: Exhibition of State Significant Development Application for Warehouse and Distribution Centre, Prestons (SSD 7155)**

I write in response to your letter received by Council on 9 March 2016 in relation to the exhibition of the State Significant Development Application for Warehouse and Distribution Centre, Prestons (SSD 7155).

Council acknowledges that the site is part of the Prestons industrial estate and welcomes the proposal to develop the site. The site is appropriately zoned for the proposed use and the proposal adheres to the Height of Building requirement for the site specified in Liverpool Local Environmental Plan (LLEP) 2008. No floor space ratio control applies to the site.

Council has considered the Environmental Impact Statement (EIS) and supporting documentation lodged in support of the application and makes comments as follows in relation to the proposed development:

1. Interface with Kurrajong Road

Section 8 of Part 7 of Liverpool Development Control Plan (LDCP) 2008 specifies development controls for the interface of industrial development with Kurrajong Road. Controls 2-5 of the portion of the section titled "Traffic and Site Access adjacent to Kurrajong Road, Prestons", specify the requirement for the development of a Kurrajong Road service road, which is to provide for light vehicle access. The architectural plans supplied by the applicant do not show the required service road, but instead provide for a 20 metre wide landscaped setback interfacing Kurrajong Road.

Council supports the proposed variation with the following provisos:

- That the proposed landscaping be modified such that it provide opportunity for surveillance of the street in accordance with the requirements of section 7 of Part 7 of LDCP 2008; and
- That consideration be given to providing an avenue for passive surveillance of Kurrajong Road from the development, possibly by relocating the proposed office for warehouse 5 to the rear of the site.



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2. Proposal for a Voluntary Planning Agreement (VPA)

The applicant has proposed terms of a VPA with Council, seeking a discount on developer contributions specified in the development contributions plan applying to the site. It is noted that the site has a large easement through it. However the proposed development makes use of the easement for car parking, driveways, truck turning area, hardstand and landscaping. While this should be considered efficient use of the site, it is unreasonable to consider that the site is burdened in such a way that the easement is unusable and that its area should be excluded from calculations for contributions.

Accordingly contributions should be calculated on the total site area. The submission makes reference to the contribution rates as at the June 2015 quarter. Contribution rates should be calculated as at the current quarter, being the December 2015. The rates are provided in the appendix.

The contributions to be imposed on the development exceed any works to be funded by contributions. As a result there is no reason for Council to enter a VPA with the developer.

With regard to a works in kind agreement, it is noted that construction of drainage culverts F9 – F8 and F7 is currently valued at \$1,591,534. The applicant has estimated this cost at over \$3 million. Council cannot credit works at a greater value than that allowed in the development contribution plan.

In addition, the applicant has identified minor works to the Bernera Road, Yarrunga Street intersection as part of the scope of works to be paid by developer contributions. Works along Bernera Road have already been carried out and funded by contributions. Any additional roadworks would be directly at the cost of the developer under S80A of the EP&A Act 1979. These works would not be funded by contributions or considered an offset against contributions.

The half-road reconstruction (including street lighting) along the Yarrunga Street frontage is not in the contributions plan. These roadworks would be directly at the cost of the developer under S80A of the EP&A Act 1979. These works would not be funded by contributions or considered an offset against contributions.

3. Stormwater Management Strategy

The proposed stormwater management strategy involves collection and discharge of stormwater runoff from the upper (southern) catchment area via a combination of trunk drainage culverts and overland flows across the proposed development. The proposed drainage system will end at the existing culvert under Bernera Road. A small portion of the discharged flows will be conveyed via the existing culvert under Bernera Road with the remaining major flows being overtopped on to the Bernera Road over a short width of the road as point discharge.

Council considers that the proposed discharge of stormwater runoff onto Bernera Road will damage the road structure and would have adverse flooding impacts on private properties. Council's concern has been raised with the applicant and it was agreed that necessary design modification will be undertaken.

Council recommends that the discharge of flows on to Bernera Road be regulated in a controlled manner to ensure existing flow conditions, including flood levels, velocities and the extent of flooding, are not increased. Council has provided the flood model developed for catchment to the applicant's engineers for the preparation of a flood impact assessment.

Following receipt of a satisfactory stormwater drainage strategy, Council will recommend appropriate development controls for the proposal.

4. European and Aboriginal Heritage

With regard to the remnants of the Benera Homestead (Item 59 in Council's schedule of heritage items) located on Lot 34 DP 2359, Council acknowledges that the building was destroyed by fire and that there are limited in-ground remains of the building. Council agrees with the recommendations of the archaeological report detailed in Section 15 of the EIS and recommends that any final consent for the proposal be conditioned in accordance with the recommendation.

With regard to Aboriginal and Cultural Heritage of the site, Council refers to the Assessment Report provided by Mary Dallas Consulting Archaeologists. Council agrees with recommendation 1, 2 and 3 regarding the preservation in perpetuity of the Prestons Creek bank site.

Council refers to its letter to the consulting archaeologists dated 20 November 2015, wherein it was stated that,

*Further to the recommendations specified in the report it is also suggested that:*

- 1. Ongoing monitoring and inspections should be conducted while the development is taking place to ensure all relevant Acts and registration processes are followed.*
- 2. Any artefacts recovered during the development should be appropriately recorded and reported to Council for reporting purposes and national Parks and Wildlife should be notified accordingly.*
- 3. Registered Aboriginal parties should be notified and a care plan should be implemented to determine whether the artefacts should be relocated, should that be the choice of the parties involved.*

While it is noted that the archaeological report regards these conditions as unnecessary, Council nevertheless recommends that they be incorporated into the conditions of any consent, replacing recommendations 4 and 5 proposed by the applicant.

5. Environmental Health

The Operational Waste Management Plan prepared by Waste Audit and Consultancy Services dated October 2015 indicates that waste storage areas will be located outside the premises. Council believes that the waste storage areas should be located within the building or constructed as a separate fully-enclosed waste storage area at the premises.

To comply with these requirements, it is recommended that the applicant be requested to amend the proposal such that the waste storage area is fully enclosed and provided with a concrete floor, and concrete or cement rendered walls coved to the floor. The room shall be mechanically ventilated and have a floor waste which is to consist of a removable basket within a fixed basket arrestor. The door to the waste room must be tight-fitting and self-closing.

The Environmental Impact Statement prepared by Urbis Pty Ltd dated March 2016 also indicates that the hardstand area will be utilised by the waste truck and service vehicles (tyres and fuel). The design and construction requirements for tyre storage and fuel dispensing facilities are not detailed comprehensively within the application. It is also unclear whether any additional mechanical repairs would be undertaken at the site as, these activities are not detailed within the acoustic assessment. For this reason, Council strongly recommends that the premises is not approved for automotive fuel dispensing, mechanical repairs, servicing, motor vehicle body repairs or spray-painting.

Recommended conditions of consent are detailed in the appendix.

6. Land and Development Engineering

Council's land and development engineering unit notes agreement with the applicant on the required treatment of the half road to be developed at Yarrunga Street in front of the subject site. It is recommended that the half road is to be developed at the applicant's expense as follows:

- Construction of a 6.5m pavement from centreline to face of kerb;
- Construction of a 3.5m verge with 1.5m footpath located centrally; and
- The section of road between the two entry driveways off Yarrunga Road will require an additional 3.5m pavement construction on the northern side to accommodate right-turning (heavy vehicle) movements. This is to minimise pavement failure on what is currently a rural road pavement with little or no pavement structure.

Details of the required construction have been provided to the applicant. Further recommended conditions of consent are detailed in the appendix.

7. Traffic, access and parking

*Traffic generation and impact*

The development is seeking principal vehicular accesses off Yarrunga Street and Bernera Road. The EIS is accompanied by a Traffic Impact Assessment (TIA) prepared by *Transport and Traffic Planning Associates*. The TIA in its current form is not supported by Council. It is recommended that issues raised below are addressed prior to determination of the development.

The TIA has appropriately estimated, in accordance with the RMS Guide to Traffic Generating Development – Technical Direction, that the proposed development will be expected to generate a peak hour traffic volume of 258 veh/hr with a corresponding daily traffic volume of 2320 vpd. The TIA includes SIDRA intersection performance analysis on the nearby major intersections – including that of Bernera Road/Yarrunga Street/Yato Road; Bernera Road/Kurrajong Road; Camden Valley Way/Bernera Road; Bernera Road/M7; and Jedda Road /M7.

The forecast traffic distribution, indicates that the largest traffic impact will be on the Bernera Road/Yarrunga Street/Yato Road intersection. That intersection is signalised with two traffic lanes in each direction for the northbound and southbound traffic and two eastbound and westbound traffic lanes including a dedicated right turn bay in Yato Street. The TIA is proposing a northbound high angle left turn from Bernera Road into Yarrunga Road.

The TIA indicates that the intersection would be expected to operate with an acceptable level of service under current traffic conditions. This is because the assessment has not taken into consideration the traffic impact of other approved or proposed developments in the local area and associated future traffic conditions.

Council has received representations from operators of major developments in the Prestons Industrial Area including Aldi, requesting that cumulative traffic impacts should be appropriately addressed in the assessment of the subject application. To ensure that the Bernera Road/Yarrunga Street/Yato Road intersection would operate with acceptable traffic conditions, Council recommends that the intersection be upgraded to provide a dedicated right-turn bay from Bernera Road to Yarrunga Street and a high

angle left turn bay from Yarrunga Street into Bernera Road and from Bernera Road into Yarrunga Street.

As noted above, works along Bernera Road have already been carried out and funded by developer contributions. These additional roadworks would be at the cost of the developer under S80A of the EP&A Act 1979. These works would not be funded by contributions or considered an offset against contributions.

It is requested that a drawing showing the proposed upgrading works is submitted to Council for review prior to determination of the application.

#### *Vehicular access*

The proposed vehicular access arrangement to the development comprises of:

- 2 ingress/egress driveways off Yarrunga Street for combined truck/light vehicle access;
- 2 additional combined ingress/egress driveways off Yarrunga Street for light vehicles only;
- An ingress/egress driveway off Bernera Street for light vehicles (with a proposed 900mm median island); and
- An ingress/egress driveway off Bernera Street for truck access (with a proposed 900mm median island).

*Access off Yarrunga Street* – The eastern most heavy vehicle driveway, closest to Bernera Road, could affect the performance of the Bernera Road/Yarrunga Street/Yato Road intersection, and through traffic along Yarrunga Road, if right turn movements are permitted. To minimise this impact, it is recommended that the driveway include a 900mm median island in Yarrunga Street to restrict turning movements to left in/left out. The second heavy vehicle access off Yarrunga Street is acceptable.

Council would like to eliminate unnecessary driveway access to Yarrunga Street and is concerned that the light vehicle driveway closet to Private Access Road 1 may cause interference. Council therefore recommends that the two proposed light vehicle driveways to the west of the Yarrunga Street frontage are consolidated into one that is situated in the middle of the proposed staff/visitor carpark.

*Access off Bernera Road* - The proposed vehicular access arrangement off Bernera Road, without deceleration lanes, would have significant impact on through-traffic along Bernera Road. Additionally, the development of two driveways off Bernera Road will increase traffic conflicts along the section of the road fronting the development site, and is not in accordance with the requirements of Section 8 of Part 7 of LDCP 2008.

It is recommended that the applicant be asked to redesign access provisions from Benera Road. Council would consider provision of a single (heavy vehicle) driveway off Bernera Road acceptable, but only if a deceleration lane is also provided at the applicant's expense. In preference to a second driveway on Benera Road, Council would consider the provision of a single driveway for light vehicles off Kurrajong Road.

It is also recommended that the applicant be requested to submit the revised vehicular access arrangement as described above to Council for review prior to the determination of the application. The access arrangement should demonstrate that the proposed heavy-vehicle driveways can accommodate the longest vehicle (including articulated vehicles and B-Double vehicles) expected to service the development.

***Car Parking Provision***

The applicant is proposing 715 car parking spaces, based on car parking provision for similar large warehouse development in Prestons. The car parking provision is considered appropriate. However the development is not proposing formal truck parking, but notes that hard stand areas will be available if required for truck parking.

To minimise the impact of truck parking, it is recommended that "No Parking" signs are installed along all the sections of Bernera Road, Yarrunga Street and Kurrajong Road fronting the development site.

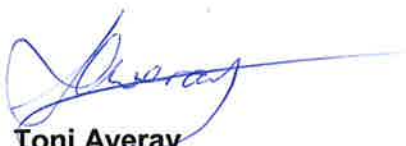
Design of the car parking spaces shall be in accordance with AS 2890 and Parts 1 & 7 of LDCP 2008.

**Conclusion**

Thank you for your consideration of these issues. Council would be pleased to discuss these matters further if required.

Should you require any further information on this matter, please contact Graham Matthews, Senior Strategic Planner, on 9821 9156.

Yours sincerely



**Toni Averay**  
Director Planning and Growth





## Appendix

### *Recommended conditions for Significant Development Application for Warehouse and Distribution Centre, Prestons (SSD 7155)*

Council recommends that the following conditions of consent be incorporated in any consent granted for Significant Development Application for Warehouse and Distribution Centre, Prestons (SSD 7155). These proposed conditions are provided in addition and are complementary to Council's detailed submission.

#### 1. Development Contributions

Contribution rates should be calculated as at the current quarter, being the December 2015. Accordingly the following contributions should be imposed on any consent:

<u>Facilities</u>	<u>Amount</u> <u>(\$)</u>	<u>Job No.</u>
<b>Liverpool Contributions Plan 2009</b>		
District Transport - Land	\$300,927	GL.10000001865.10055
District Transport - Works	\$754,661	GL.10000001865.10055
Local Transport		
West of M7 - Works	\$171,088	GL.10000001865.10077
West of M7 - Land	\$187,147	GL.10000001865.10077
District Drainage - Land	\$1,569,297	GL.10000001866.10076
District Drainage - Works	\$414,829	GL.10000001866.10076
Local Drainage		
West of M7 - Land	\$422,168	GL.10000001866.10075
West of M7 - Works	\$1,483,542	GL.10000001866.10075
Administration	\$63,279	GL.10000001872.10081
Professional Fees	\$131,245	GL.10000001872.10080
<b><u>TOTAL</u></b>	<b><u>\$5,498,184</u></b>	

#### 2. Environmental Health

Council recommends that the following environmental health conditions be incorporated into any consent for the proposal:

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - Environmental Impact Statement Prestons Warehouse and Distribution Centre, SSD-7155 prepared by Urbis Pty Ltd dated March 2016 including Appendices A-Z; and
  - Acoustic Environmental Impact Assessment, Prestons Warehouse and Industrial Estate- Bernera Road and Yarrunga Street (Project Number: 20151316.1, Document Reference: 20151316.1/2202A/R5/JD, Rev. 5) prepared by Acoustic Logic Consultancy Pty Ltd dated 22 February 2016.

## **Prior to the Issue of the Construction Certificate**

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

### **Recommendations of Acoustic Report**

3. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

4. Mechanical Plant

Mechanical plant shall be selected in consultation with a suitably qualified and experienced acoustic consultant to ensure compliance with the 'Acoustic Environmental Impact Assessment, Prestons Warehouse and Industrial Estate- Bernera Road and Yarrunga Street' (Project Number: 20151316.1, Document Reference: 20151316.1/2202A/R5/JD, Rev. 5) prepared by Acoustic Logic Consultancy Pty Ltd dated 22 February 2016.

## **During Construction**

5. Prior to the commencement of Construction, the Applicant must ensure that the following is available for the life of the Development:
  - (a) a postal address to which written complaints may be sent;
  - (b) an email address to which electronic complaints may be transmitted; and
  - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

## **Waste Classification**

6. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of the Environment Operations (POEO) Act 1997 and NSW Environment Protection Authority (EPA) Waste Classification Guidelines. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act 1997 provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the NSW EPA.
7. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
  - (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and

(c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

8. Hours of Construction Work and Deliveries (as amended)

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1.00pm on Saturday. No work is permitted on Sundays or Public Holidays;

9. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009 and assessment criteria defined within Acoustic Environmental Impact Assessment, Prestons Warehouse and Industrial Estate- Bernera Road and Yarrunga Street (Project Number: 20151316.1, Document Reference: 20151316.1/2202A/R5/JD, Rev. 5) prepared by Acoustic Logic Consultancy Pty Ltd dated 22 February 2016.

10. A noise monitoring program shall be carried out for the duration of construction works by a suitably qualified and experienced acoustic consultant in accordance with the Acoustic Environmental Impact Assessment, Prestons Warehouse and Industrial Estate- Bernera Road and Yarrunga Street (Project Number: 20151316.1, Document Reference: 20151316.1/2202A/R5/JD, Rev. 5) prepared by Acoustic Logic Consultancy Pty Ltd dated 22 February 2016.

The results of any monitoring must be recorded and maintained in a legible form and made available to the Consent Authority and Liverpool City Council. Within three months of the commencement of construction activities, an acoustic report shall be prepared and submitted to the Consent Authority and Liverpool City Council for review. The report shall include but not be limited to the following information:

- a) Noise measurements taken at the nearest noise sensitive locations as indicated in the Acoustic Environmental Impact Assessment, Prestons Warehouse and Industrial Estate- Bernera Road and Yarrunga Street (Project Number: 20151316.1, Document Reference: 20151316.1/2202A/R5/JD, Rev. 5) prepared by Acoustic Logic Consultancy Pty Ltd dated 22 February 2016;
- b) Verification that noise levels at the nearest potentially affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the development;
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria; and

Following written approval from the Consent Authority, any recommendations provided under point d) above shall be implemented fully.

11. The applicant shall undertake all reasonable and feasible measures to ensure compliance with the noise assessment criteria. In the event that the noise monitoring program indicates non-conformity, the Applicant must investigate and propose mitigation and management measures to achieve compliance with the noise limits. The acoustic assessment must be undertaken in accordance with all relevant policies and procedures.

#### **Demolition work**

12. All demolition work is to be carried out in accordance with the requirements of AS 2601-2001. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.
13. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
14. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.
15. **Waste Management Plan**  
The Waste Management Plan submitted to and approved by the consent authority must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of the Consent Authority, Council or any other authorised officer.
16. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy No. 55- Remediation of Land and Managing Land Contamination- Planning Guidelines (Planning NSW/EPA 1998).
17. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
  - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide the Consent Authority, Council with a validation certificate verifying the material to be used is free of contaminants and fit for purpose regarding use in residential, commercial or industrial settings.

18. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
  - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
  - (c) The results of any chemical testing of fill material.
19. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to the Consent Authority, Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.
20. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition and construction works.
21. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
22. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
23. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
24. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
25. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
26. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

#### **Pollution Control**

27. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form work, concrete trucks and the like shall not be

performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

28. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated spoil material.
29. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

### **Prior to Issue of Occupation Certificate**

#### *Recommendations of Acoustic Report*

30. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
  - a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.
31. Trading shall not commence until an OC has been issued by the PCA

### **Conditions Relating to Use**

#### *Goods in Building*

32. All materials and goods associated with the use shall be contained within the building at all times.
33. All solid and liquid waste is to be removed from the site by a registered waste contractor.
34. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
35. All solid waste stored on site is to be covered at all times.

#### *Waste Storage Area*

36. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building and must not leave the site onto neighbouring public or private properties.
37. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
38. Any bin bays must be: (as amended)
  - (a) Provided with mechanical ventilation;
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to

prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;

- (c) Provided with sufficient light to permit usage at night;
  - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
  - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
    - Garbage is to be placed wholly within the garbage bins provided;
    - Only recyclable materials are to be placed within the recycling bins;
    - The area is to be kept tidy;
39. The hours of operation for the premises are 24 hours a day, 7 days a week.

Waste collection is restricted to Monday to Friday, 7.00am to 10.00pm

### **Noise**

40. No persons, such as those commonly known as 'spruikers' shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.
41. Any alarm installed on the site is to be 'silent back to base' type.
42. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
  - (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
  - (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

43. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

### **Environment**

#### **44. No Mechanical Repairs/Panel Beating/Spray Painting**

The subject premise has **not** been approved for mechanical repairs, automotive servicing, panel beating or spray-painting. It is **prohibited** to undertake such activities without separate written development consent being obtained from Council.

#### **45. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.**

#### **46. No burning of any materials shall be carried out on the site.**

#### **47. Any public address system or sound amplifying equipment shall be installed as to not emit an offensive noise as defined by the Protection of the Environment Operations Act 1997.**

#### **48. Use of the Premises**

- a) The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b) The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- c) The use of the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*.
- d) The use of the premises is not to interfere with the amenity of the residential area.



49. 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.

50. 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 record shall be made available to the Consent Authority and Liverpool City Council's Officers, upon request.

51. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

52. Waste and recyclable material generated from the operations of the development shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.

53. Unreasonable Noise and Vibration

The industry, including but not limited to the operation of vehicles, mechanical plant and equipment, 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, particularly from machinery, plant, 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 the Consent Authority and/or Council, cause to be carried out, an acoustic investigation by an appropriate acoustic 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 to the Consent Authority and Council's satisfaction.

54. All activities and operations 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*.

55. A Complaints Handling Register is to be prepared for the operation of the warehouse facility. The Complaints Register is to be kept by the operator or other suitable staff members and is to include the following:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);

- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.
- (g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection on request of the Consent Authority and Liverpool City Council.

### 3. Land and Development Engineering

Council recommends that the following engineering conditions be incorporated into any consent for the proposed development:

#### **General**

- E101 All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

#### **Prior to the Issue of a Construction Certificate**

- E206 All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

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

- E208 Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Half Road Construction including kerb and gutter and drainage works in Yarrunga Road and the construction of a median island on Bernera Road limiting access to "Left-In & Left-Out" to the development site.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

**Note:** Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

- E211 Prior to the issue of a Section 138 Roads Act Approval the Certifying Authority shall ensure that the Yarrunga Road have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria: add table

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	Design ESA
Yarrunga Road	10.05 (half width)	6.5 and variable up to 10m where required	3.5m	1.5m	1 x 10 <sup>7</sup>

- E212 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

- E214 A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by by Costin Roe Consulting, reference C08753.11, Issue C, dated 21.01.16.

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

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

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

- E218 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system

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

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

E219 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

E221 Prior to the issue of any Construction Certificate a performance bond is to be lodged with Liverpool City Council for half road construction on Yarrunga Road.

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's **Land Development Section** for further information relating to bond requirements.

### ***Special Condition***

- A concrete median island will be required on Bernera Road, limiting access to the development site to "Left-In, Left-Out". A Section 138 Roads Act Approval will be required for works within the road reserve. Engineering plans with the proposed works shall be submitted with the application for a Section 138 Roads Act Approval.

### **Prior to the Commencement of Works**

E301 Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

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

E302 Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

**Note:**

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

E303 Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Yarrunga Road, Bernera Road and Kurrajong Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

**Requirements during Construction**

E401 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised

E402 Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

E403 Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

E404 All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

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

**Prior to the issue of an Occupation Certificate**

E501 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

E504 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works

d) Flood control works

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.
- Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

E505 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works
- d) Flood control works

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

E506 Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Yarrunga Road, Bernera Road And Kurrajong Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

E507 Prior to the issue of an Occupation Certificate a 6 x 6m splay corner at the intersection of Yarrunga Road and Bernera Road is to be dedicated as road to Liverpool City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority. The dedication of road and subsequent registration shall be at no cost to Council.

E508 Prior to the issue of an Occupation, the installation of regulatory / advisory linemarking and signage plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

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

E509 Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that heavy vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The heavy vehicular access is to be used for egress purposes only and appropriately signposted "No Entry".

E510 Prior to the issue of an Occupation Certificate directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

E514 Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Liverpool City Council for Road and drainage works in Yarrunga Road, Bernera Road and Kurrajong Road.

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

E515 Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority: *Nominate*

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
- e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:

- Compaction reports for road pavement construction
- Compaction reports for bulk earthworks and lot regrading.
- Soil classification for all residential lots
- Statement of Compliance

h) Structural Engineer's construction certification of all structures

- E528 Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on Yarrunga Road, Bernera Road and Kurrajong Road frontages.
- E529 Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
- E530 A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a Subdivision Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.