

Your ref: SSD12_5705
File: 12/19185-1
30 January 2013

Ms Heather Warton
Director Metropolitan and Regional Projects North
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Sarah Waterworth

Dear Ms Warton,

**TOLL IPEC Freight Transport Warehouse and Distribution Centre (SSD12_5705)
Bungarribee Industrial Estate, Eastern Creek, Blacktown Local Government Area**

Reference is made to your letter dated 10 December 2012 providing Council the opportunity to comment and include advice on recommended conditions of consent for the abovementioned State Significant Development (SSD).


Please be advised that Council has undertaken a review of the DA and accompanying Environmental Impact Statement (EIS) prepared by Urbis, and in principle raises no objection to the proposal, subject to appropriate conditions being imposed on any consent granted.

To ensure that a high standard of development is produced, and that the development operates in a manner that will have no adverse impact on the surroundings, it is requested that consideration be given to the recommended conditions listed in Attachment A to this letter.

Please note that a deferred commencement condition has been recommended to allow the quadripartite Planning Agreement which applies to the subject land to be executed. As outlined in Council's letter dated 30 November 2012, Clause 27 of State Environmental Planning Policy (Major Development) 2005 requires that satisfactory arrangements are in place in relation to developer contributions prior to consent being granted for any proposed development within the Huntingwood West Precinct. As such, it is recommended that this condition be imposed to ensure that the quadripartite Planning Agreement is executed prior to the consent becoming operational.

Should you have any enquiries or wish to discuss this matter further, please do not hesitate to contact Judith Portelli, Manager Development Services on 9839 6000.

Yours faithfully,



Glennys James
Director City Strategy and Development

ATTACHMENT A

Conditions of consent – TOLL IPEC Bungarribee Industrial Estate, Eastern Creek

1 DEFERRED COMMENCEMENT MATTERS

1.1 Quadripartite Planning Agreement

- 1.1.1 Clause 27 of State Environmental Planning Policy (Major Development) 2005 requires that satisfactory arrangements are in place in relation to developer contributions prior to consent being granted for any proposed development within the Huntingwood West Precinct.

This development consent must therefore not operate until such time as the quadripartite Planning Agreement which applies to the land know as Lots 30-33, DP1161771, Lot 34, DP 1169557, Lots 5 & 6, DP 1127100 and Lot 1, DP 1103025 is executed.

The above matter must be completed within 5 years from the date of this consent or this consent shall lapse.

2 GENERAL MATTERS

2.1 Other Approvals

- 2.1.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

- 2.1.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:

- (a) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under Council's Local Environmental Plan.

- 2.1.3 No general advertising is permitted by this consent.

- 2.1.4 An engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for all works on Brabham Drive, Eastern Creek prior to the issue of the Construction Certificate. Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Brabham Drive, Eastern Creek.

2.2 Design and Works Specification

- 2.2.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification – Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version)

- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council Stormwater Quality Control Policy – Part R

Design plans, calculation and other supporting documentation prepared in accordance with the above requirements must be submitted to Council with any application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval. Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documentations. Note: Any variations from these design requirements must be separately approved by Council.

2.3 Fees

- 2.3.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$169.00
- (b) Administration fee of \$90.00, and
- (c) Road maintenance bond of \$5,000.00

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works. The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

3 PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

3.1 Consolidation of Lots

- 3.1.1 The lots (Lots 30, 31 and Part Lot 33 in DP 1161771) shall be consolidated into one title which shall be registered with Land Property Information.

3.2 Services/Utilities

- 3.2.1 The following documentary evidence shall accompany any Construction Certificate:
 - (a) A Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
 - (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

3.3 Waste Management

- 3.3.1 The submitted Waste Management Plan (WMP) (Appendix O of the Environmental Assessment Report prepared by Urbis dated December 2012) does not comply with Council's Site Waste Management and Minimisation Development Control Plan given that all waste is nominated as being disposed to landfill. The WMP must be amended to demonstrate and achieve a diversion in the amount of waste going to landfill.

3.4 Landscaping and Fencing

- 3.4.1 A detailed landscaping plan is to be prepared generally in accordance with the *Landscape Report and accompanying Landscape Concept Package prepared by Site Image Landscape Architects dated December 2012*. In this regard, suitable ground covers, shrubs and trees must be nominated which complement the height, scale, design and function of the approved development. Suitable buffer/screen planting must be provided adjacent to the Park Edge Road, the M4 road corridor, and fronting William Dean Street. In particular, tall tree planting is to be undertaken along the southern boundary addressing the M4 Motorway. The selected tree species must have a potential height of 15m and must be spaced at 10m centres. Suitable screen planting must also be provided to ensure that all maintenance/service facilities, the pump room and the sprinkler tanks are suitably screened from any public road or place.
- 3.4.2 All screening details are to be submitted prior to release of a Construction Certificate. The screening structure located adjacent to the 2 sprinkler tanks must be a minimum of 500mm higher than the overall height of the tanks to ensure that the tanks are not visible from William Dean Street.
- 3.4.3 All fencing details are to be submitted prior to release of a Construction Certificate. The proposed fencing is to comply with the Huntingwood West Employment Lands Development Design Controls. 2.1m high black palisade fencing, however, must be provided along the boundary of any public road.

3.5 Signage

- 3.5.1 In accordance with point 4.6.9 Appendix D of the Environmental Assessment Report, all directional signage is to be detailed prior to release of a Construction Certificate to ensure safety is maintained within the site. Entrance/exit points are to be clearly signposted and visible from the street and the site at all times. Off-street car parking shall also be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability. In this regard, appropriate signage should direct motorists to the Park Edge Road entrance.

3.6 Building Code of Australia Compliance

- 3.6.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community.

A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Sections C, D, E, F and J

3.7 Traffic Matters

- 3.7.1 In accordance with the submitted Traffic Impact Assessment (Ref: 12.368r02v1 prepared by Traffix) a detailed Construction Management Plan (CTMP) is to be submitted to Council prior to the issue of a Construction Certificate. The CTMP shall be prepared to the satisfaction of Council and the RMS.

Where amendments to an approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

3.8 Drainage

- 3.8.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.
- 3.8.2 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.
- 3.8.3 Where the internal driveway cannot be drained to an internal pit, a grated drain shall be provided at the property boundary.
- 3.8.4 A DRAINS electronic model must be provided and approved to demonstrate that the internal pipe network can safely carry the 20 year ARI storm flows without surcharge. Blockage factors should be applied to all inlet pits with lintels/grates at 0.5 for sags and 0.2 for pits on grade. For grate only inlets the blockage factor should be 0.5 minimum.
- 3.8.5 The Hydraulic Engineer is to certify that provision has been made for the safe conveyance of overland flows within the site in the 1 in 100 year ARI event for flows from Huntingwood Drive when the pipe and pit capacity is exceeded assuming the pipes through the site are 50% blocked and a minimum Mannings n of 0.025.
- 3.8.6 The floor levels of the buildings adjacent to the overland flow path from Huntingwood Drive are to be a minimum of 0.3 m above the peak 1 in 100 year ARI flow level.
- 3.8.7 The Hydraulic Engineer is to certify that a minimum of 80% of the non-potable water use for the proposed new development is to be met through rainwater. Non-potable use is to include all truck washing, toilet flushing and landscape watering within the new development. The actual rainwater tank size is to be increased above that determined in MUSIC, to include the volume above the overflow pipe and that below the mains water make up level.
- 3.8.8 An experienced hydraulic engineer registered with NPER is to prepare and have approved a detailed Rainwater Reuse Supply, Pipe and Fixture Plan for non-potable water uses on the site. The plan is to show the rainwater pipe arrangement including first flush or pre-treatment system, pump, mains water direct tank top up (no solenoid controlled mains bypass), isolation valves, flow meters for the pump outflow and mains water top up, automatic timer for landscape watering, an inline filter and indicate that all Sydney Water requirements have been satisfied. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.
- 3.8.9 A Maintenance Schedule is to be prepared for each Stormwater Quality Improvement Device including the Rainwater tank.

- 3.8.10 In Appendix K_WSUD Letter by AECOM the removal rates for GPTs on page 4 needs to be revised for TP such that the 30% removal only applies to concentrations greater than 0.5 mg/L and the MUSIC model rerun. It must also be noted that these removal rates only apply to vortex type GPTs.
- 3.8.11 The Ecosol GPTs proposed use direct filtration and are not vortex style. These units will not achieve the removal rates nominated. The Ecosol GPTs must be replaced with Vortex style GPTs.
- 3.8.12 In Appendix S section 6.1 of the CIVIL ENGINEERING REPORT FOR DEVELOPMENT APPLICATION PROPOSED DEVELOPMENT: FREIGHT TRANSPORT, WAREHOUSE & DISTRIBUTION FACILITY FOR TOLL IPEC prepared by Costin Roe Consulting Rev C is to be revised to include the correct parameters from Part R of DCP 2006 which are:
- | | |
|--------------------|-----|
| Gross Pollutants | 90% |
| TSS | 85% |
| TP | 65% |
| TN | 45% |
| Total Hydrocarbons | 90% |
- 3.8.13 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's Stormwater Quality Control Policy. Details are to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the proposed GPT's (Vortex style) will require a lodgement of a Section 96 application to Council for amendment of the consent.
- 3.8.14 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Council's Stormwater Quality Control Policy. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

3.9 **Engineering Matters**

- 3.9.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.
- 3.9.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.
- 3.9.3 All development shall be kept clear of the drainage easement(s) on the land, and no alteration to the existing surface levels within the easement(s) is to be made. Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at (a) the depth of the invert of the existing pipeline, and/or (b) the depth of the invert of the proposed pipeline. Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NPER) shall certify that this condition has been satisfied.

4 PRIOR TO DEVELOPMENT WORKS

4.1 Construction Details

- 4.1.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Structural steelwork
- (f) Retaining walls

4.2 Notice of work Commencement

- 4.2.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.

5 DURING CONSTRUCTION

5.1 Nuisance Control

- 5.1.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 5.1.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays. Construction work on all buildings shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

5.2 Waste Control

- 5.2.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

5.3 Inspections of Works

- 5.3.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

- (i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(v) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service Adjustments
- (e) Final Inspection

(vi) Stormwater Quality Control & Rainwater Tank

- (a) Installation of Stormwater Quality Control devices
- (b) Final Inspection

(vii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works

(viii) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

- 5.3.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

5.4 Compliance with Reports

- 5.4.1 The recommendations provided in the *Noise Impact Assessment, prepared by SLR dated 27 November 2012*, sections 3.4.2 Noise Management Zone and 3.4.3 Noise Affection Zone shall be implemented.
- 5.4.2 The recommendations provided in the *Air Quality Assessment, prepared by SLR dated 27 November 2012*, sections 7.1 Dust Management and 7.2 Dust Mitigation shall be implemented.

6 PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

6.1 Fire Safety Certificate

- 6.1.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

6.2 Retaining Walls

- 6.2.1 All proposed retaining walls shall be in maximum 2 metres high sections and stepped with 1 metre wide minimum planting bays to be landscaped. Masonry retaining walls (i.e. no timber walls) are to be provided where such walls are located within a publicly visible area (i.e. viewed from a public road or place) or are proposed to have a height in excess of 900mm.

6.3 Access/Parking

- 6.3.1 A minimum of 700 car parking spaces, including 14 disabled spaces, are to be provided on site. All internal roads, circulation areas, loading areas, access and parking bays are to comply with AS2890.1:2004 and AS2890.2:2002, or their latest versions. Two designated bicycle parking areas are also to be provided as nominated on the approved plans.

6.4 Easements/Restrictions/Positive Covenants

- 6.4.1 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.
- 6.4.2 A Positive Covenant and Restrictions for overland flow is to be provided over the full width of the overland flow extents in the peak 1 in 100 year ARI event including any pipes used to channel such flows in accordance with the requirements of the Council's Engineering Guide for Development 2005 (and as amended). The Positive Covenant must be registered with Land & Property Information.
- 6.4.3 A registered surveyor is to certify that the finished habitable floor levels for the buildings adjacent to the overland flow path from Huntingwood Drive are a minimum of 0.3 m above the peak 1 in 100 year ARI flow level.
- 6.4.4 An accredited plumber or experienced hydraulic engineer is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Rainwater Supply, Pipe and Fixture Plan have been installed and are working correctly.
- 6.4.5 The Hydraulic Engineer is to certify that all the requirements of the approved drainage plan have been undertaken including the installation of the proprietary water quality devices have been installed as per the manufacturer's recommendations and that all the signage and warning notices have been installed.
- 6.4.6 Written evidence is to be provided that the owner/developer has entered into and prepaid a minimum 2 year maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Gross Pollutant Traps.

6.5 Relationship with other Approvals

- 6.5.1 The proposed development must comply with the requirements of the following nominated approvals:
 - (a) MP 06_0203;
 - (b) MP 08_0055;
 - (c) MP 08_0225;
 - (d) Any subsequent amendments made to the above determinations.

7 OPERATIONAL MATTERS

7.1 Access & Parking

- 7.1.1 The proponent is to ensure that:
 - (a) All required off-street car parking spaces and internal roads are maintained to a standard suitable for the intended purpose;
 - (b) All loading and unloading operations take place at all times wholly within the confines of the site;
 - (c) All vehicles enter and exit the site in a forward direction at all times;
 - (d) Vehicles are wholly contained on site before being required to stop;
 - (e) All parking generated by the project is accommodated on site, and that no vehicles associated with the project parks on the public road system at any time; and
 - (f) The project does not result in any vehicles queuing on the public road network.

7.2 Signage

- 7.2.1 The approved signage must not be further illuminated without the separate consent of Council.

7.3 Environmental Management/Bunding

- 7.3.1 All vehicle washing, engine degreasing and steam cleaning shall be conducted in the dedicated vehicle wash bays connected to the sewer.
- 7.3.2 Bunding is to be designed and installed in accordance with:
- Department of Environment and Conservation Guidelines - *Technical BU Bunding and Spill Management*;
 - Department of Environment and Conservation Guidelines "Surface water management on the covered forecourt areas of service stations";
 - Australian Standard 1940-1993: *The storage and handling of flammable and combustible liquids*; and
 - Australian Standard/New Zealand Standard 4681:2000: *The storage and handling of Class 9 (miscellaneous) dangerous goods and articles*.
- 7.3.3 The banded storage areas shall be maintained in such condition to ensure that all spillage or leakage is retained within the bund, until disposed of by means that do not pollute waters or land.
- 7.3.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 7.3.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 7.3.6 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

7.4 Dangerous Goods

- 7.4.1 The recommendations provided in the *Dangerous Goods Report, prepared by One Group ID dated 28 November 2012*, section 5 Issues and Recommendations shall be implemented.