

DEVELOPMENT APPLICATION – NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979

Sections 4.16, 4.17 & 4.19

Applicant: Marsden Park Developments Pty Ltd

Development Application No. DA-22-01698

PAN No. 283672

Property Description: Lot 2 DP 1254181 & Lot 313 DP 1213756 & Lot 6 DP 1210172 & Lot 7 DP 1210172

Description: Subdivision of the land into 3 development lots and 2 residue lots and the construction of a warehouse and distribution facility with ancillary office and associated earthworks, car parking, landscaping and signage on 1 of the development lots. The proposed hours of operation are 24 hours, 7 days per week.

Determination: **Approved, subject to deferred commencement conditions**

Determination Date: 23 June 2023 under delegated authority by Director City Planning and Development

Consent to Operate From: -

Consent to Lapse On: -

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date of this notification.

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination.

Division 8.2 does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4.2 in respect of Crown applications. For further information please contact Jared Spies

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

Date: 23 June 2023

1 DEFERRED COMMENCEMENT MATTERS

- 1.1 The applicant must lodge a Planning Proposal to amend the existing zone boundaries to align with the approved property boundaries in this consent and submit the evidence of its submission to Council.
- 1.2 All of the requirements listed in the above condition must be completed within 12 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

2 ADVISORY NOTES

2.1 Terminology

- 2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

2.2 Scope of Consent

- 2.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 The applicant's attention is drawn to the need to obtain separate appropriate 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, and
 - (b) the installation of vehicular footway crossings servicing the development, and
 - (c) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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2.3.3 Should any Aboriginal archaeological objects, sites or Potential Archaeological Deposits (PADs) be identified and/or uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects, sites or PADs on the site must not continue until the Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal archaeology must be managed in accordance with the National Parks and Wildlife Act 1974.

2.3.4 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

2.4 Services

2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, 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. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

2.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

2.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

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contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

2.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

2.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

2.5 Identification Survey

2.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

2.6 Road Damage

2.6.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

2.7 Payment of Engineering Fees

2.7.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the 'Prior to Construction Certificate/Subdivision Works Certificate please:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

2.8 Other Matters

2.8.1 The plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

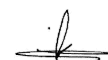
3 GENERAL

These conditions are imposed for the following reasons:

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3.1 Scope of Consent

- 3.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing Title.	Drawing No.	Revision	Dated
PLAN OF SUBDIVISION OF LOT 313 IN DP 1213756 & LOT 3008 IN UNREGISTERED DP 1272401 & LOT 4 IN UNREGISTERED DP 1271323	Sheet 1 of 1	-	20.10.2022
COVER SHEET	1220028_A001	C	15.11.2022
SITE ANALYSIS	1220028_A002	C	15.11.2022
SITE PLAN	1220028_A003	G	15.11.2022
SIGNAGE PLAN	1220028_A004	C	15.11.2022
PERSPECTIVES	1220028_A005	A	15.11.2022
WAREHOUSE PLAN	1220028_A101	D	15.11.2022
ROOF PLAN	1220028_A102	C	15.11.2022
OFFICE FLOOR PLANS	1220028_A103	E	15.11.2022
DOCK OFFICE PLAN	1220028_A105	F	15.11.2022
WAREHOUSE ELEVATIONS 01	1220028_A201	C	15.11.2022
OFFICE ELEVATIONS	1220028_A203	C	15.11.2022
DOCK OFFICE ELEVATIONS	1220028_A204	C	15.11.2022
WAREHOUSE SECTIONS	1220028_A301	C	15.11.2022
OFFICE SECTIONS	1220028_A302	C	15.11.2022
DOCK OFFICE SECTIONS	1220028_A303	D	15.11.2022
COVER SHEET	DA-LA-0000	B	19.11.2022
LANDSCAPE SPECIFICATION & QUALITY CONTROL	DA-LA-0001	B	19.11.2022
LANDSCAPE PLAN	DA-LA-1001	B	19.11.2022
LANDSCAPE PLAN	DA-LA-1002	B	19.11.2022
LANDSCAPE PLAN	DA-LA-1003	B	19.11.2022
LANDSCAPE PLAN	DA-LA-1004	B	19.11.2022
LANDSCAPE DETAILS	DA-LA-2001	B	19.11.2022
LANDSCAPE DETAILS	DA-LA-2002	B	19.11.2022

* Unless modified by any condition of this consent.

- 3.1.2 This consent authorises the use of the completed approved building for the following purposes, subject to full compliance with all other conditions of this

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consent:

Warehouse and distribution facility.

3.2 Services

- 3.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

3.3 Suburb Name

- 3.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: Marsden Park

3.4 Engineering Matters

3.4.1 Design and Works Specification

- 3.4.1.1 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) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

Design plans, calculations and other supporting documentations 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 documents.

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NOTE: Any variations from these design requirements must be separately approved by Council.

- 3.4.1.2 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

3.5 **Drainage**

- 3.5.1 Each year the registered proprietor/owner's corporation is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse from the rainwater tank. Based on modelling it is agreed that for non-potable reuse that the rainwater tank is achieving a minimum 80% reuse with a minimum reuse supplied of 1.01 ML/yr.
- 3.5.2 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer WSUD@blacktown.nsw.gov.au.
- 3.5.3 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the entire site in for the duration of the development:

Required percentage reductions in post development average annual load of pollutants:

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

3.5.4 **Other Necessary Approvals**


- 3.5.4.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing

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- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

3.5.5 Subdivision

- 3.5.5.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and issue the Subdivision Certificate.

3.6 Other Matters

- 3.6.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.
- 3.6.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

4 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

4.1 DA Plan Consistency

- 4.1.1 A Construction Certificate or Subdivision Works Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

4.2 Footpath/Road Condition Assessment Fee

- 4.2.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's Goods and Services Pricing Schedule.

Council will undertake an initial inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant, which will be charged in accordance with Council's current Goods and Services Pricing Schedule in effect at the time of the work.

4.3 Services/Utilities


- 4.3.1 The following documentary evidence shall accompany any Construction Certificate:
- (a) A Notification of Requirements from Sydney Water
 - (b) Method of Supply from a recognised energy provider
 - (c) Application with Telstra or any other recognised communication carrier

4.4 Salinity

These conditions are imposed for the following reasons:

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- 4.4.1 The recommendations of the Salinity Investigation and Management Plan prepared by Douglas Partners dated November 2022 are to be identified on the construction certificate plans and implemented during construction.

5 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

5.1 Section 7.11 Contributions under Section 7.17 Directions

- 5.1.1 Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 11 May 2023. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

Contribution Item	Amount
Stormwater Quantity	\$4,619,474.00
Stormwater Quality	\$281,486.00
Traffic Management	\$1,506,241.00
Total	\$6,407,201.00

The contribution(s) will be indexed according to index specified in the contributions plan.

Copies of the following relevant contributions plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au

Section 7.11 Contributions Plan No. 21 – Marsden Park.

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

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Developable area: 7.6960 hectares

5.2 Aesthetics/Landscaping

- 5.2.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.

5.3 Fencing

- 5.3.1 Details of the fencing style, including relevant landscaping are to be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

5.4 Access/Parking

- 5.4.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

- 5.4.2 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

- 5.4.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.

- 5.4.4 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

- 5.4.5 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.

- 5.4.6 A minimum of 140 car parking spaces are to be provided on site including 134 permanently line marked parking spaces and 6 provisional car parking spaces. The car parking spaces are to be designed having minimum internal clear dimensions in accordance with the relevant Australian Standard as follows:

Car Space: 2.5m x 5.4m

Disabled Car Space: 2.4m x 5.4m with a shared area of 2.4m x 5.4m

- 5.4.7 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

- 5.4.8 Wheel stops are to be provided for any car parking space which adjoins another

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space or where the car parking space adjoins a wall, fence or path.

- 5.4.9 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 5.4.10 Clear signage for Visitor Car parking directions, and signage for Disabled vehicle spaces is required.

5.5 Transport for NSW

- 5.5.1 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- 5.5.2 Sight distances from the proposed vehicular crossings to vehicles on Astoria Street are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists
- 5.5.3 All vehicles are to enter and leave the site in a forward direction
- 5.5.4 All vehicles are to be wholly contained on site before being required to stop.

5.6 Special Infrastructure Contributions

- 5.6.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information: Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

5.7 Plant and Equipment

- 5.7.1 The plans are to illustrate that all building plant, equipment and services including air conditioning systems, basement vents, and substations, etc. are appropriately located and treated so as not to be visually prominent and not to adversely impact on the units and communal open spaces with regard to visual, acoustic and odour impacts.

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6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 Building Code of Australia Compliance

6.1.1 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. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

6.2 Site Works and Drainage

6.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

6.2.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

6.2.3 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

7 PRIOR TO CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

7.1 General

7.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate or Subdivision Works Certificate can be issued.

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- 7.1.2 Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

For temporary OSD and WSUD located on privately owned land, the registration of all associated easements/restrictions and positive covenants of said infrastructure is required prior to any building works construction certificate being issued.

- 7.1.3 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	TRIM reference
Costin Roe Consulting	C014846.00	DA10	As listed on DA10 (total 18 sheets)	D (07.03.23)	D23/184488

The following items are required to be addressed on the Construction Certificate plans:

- Detail confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, and filtration unit in accordance with Council's Engineering Guide for Development 2005.
- The stormfilter chamber volumes shall be sized in accordance with Council WSUD developer handbook section 12.11. the volume shall not be oversized or undersized.
- All proposed stormwater pipes shall have a 1% minimum fall gravity grade.
- Catchment F2 shall be modelled as a bypass area to the filtration unit as per the designed layout. All water quality targets shall not be altered.

7.1.4 Section 7.11 (Engineering)

Prior to the issue of any Subdivision Works Certificate or Construction Certificate, obtain written concurrence from Council's Manager Asset Design that the proposed design is consistent with adjoining S7.11 works.


7.2 Subdivision Works/Construction Certificate Requirements

These conditions are imposed for the following reasons:

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7.2.1 Under the *Environmental Planning and Assessment Act 1979* a Subdivision Works/Construction Certificate is required. These works include but are not limited to the following:

- Road and drainage construction
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)
- Path Paving (within a subdivision)

The above requirements are further outlined in this section of the consent..

7.3 Roads Act Requirements

7.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Vehicular crossings
- Path Paving

The above requirements are further outlined in this section of the consent.

7.4 Other Engineering Requirements

7.4.1 If the estimated cost is \$250,000 or greater proof of long service levy payment is required.

7.4.2 Any ancillary works undertaken shall be at no cost to Council.

7.4.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

7.4.4 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

7.4.5 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.


7.5 Roads

7.5.1 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 7.5.2 Indicate the replacement the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

7.6 Drainage

- 7.6.1 Provide inter-allotment drainage lines for lots that do not drain directly to a public road. The design shall include pipeline long-sections and identify location and levels of services.

- 7.6.2 Footings adjacent to easements shall not place a load on the pipe within the easement. Footings shall be:

- (a) at the depth of the invert of the existing pipeline,
- (b) at the depth of the invert of any proposed pipeline
- (c) designed and certified by a practising NER structural engineer to ensure the above is satisfied

All development shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.

- 7.6.3 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

7.7 Erosion and Sediment Control

- 7.7.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

7.8 Earthworks

- 7.8.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

- 7.8.2 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

7.9 Stormwater Quality Control

- 7.9.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

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- 7.9.2 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.
- 7.9.3 A Chartered Engineer, registered with NER, is to certify that the water from the rainwater Tank used for irrigation and toilet flushing after application of all necessary treatment meets the criteria for the appropriate level in table 6.4 of Managing Urban Stormwater: harvesting and reuse by the Department of Environment and Conservation NSW Dec 2006 and is of a standard appropriate for its intended use. Where UV disinfection is required, a designer experienced in the use of UV treatment, is to provide details of the system arrangement. The arrangement is to include the size and configuration of UV lamps required, level of filtration as pre-treatment, together with design flowrate. Provide maintenance details.
- 7.9.4 The proposed 80 kL rainwater tank, 33 Ocean guards, and 42x690 ZPG filters shall not be replaced with other product or smaller size unit.
- 7.9.5 Provide details for permanent coloured interpretive signage minimum A2 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail are to be generally in accordance with Section 14 of Council's WSUD developer handbook and be approved by Council.
- 7.9.6 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses. Such use includes landscape watering, washdown and all toilet flushing and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
- a) A first flush or pre-treatment system
 - b) A pump with isolation valves
 - c) A solenoid-controlled mains water bypass
 - d) Flow meters on the solenoid-controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse
 - e) An inline filter and preferably an automatic backwash inline filter
 - f) A control panel with warning light to indicate pump failure.
 - g) Provide external taps at a rate of one tap for each 100 m² of landscape area evenly spread across the site for landscape watering or wash down and to be supplied from the rainwater tank. Some taps shall be located closer to parking areas to allow for car washdown.
 - h) Connection of all proposed toilets to the rainwater tank.
 - j) Providing a minimum rainwater tank size of 80 kL below overflow, servicing all toilets and landscaping/washdown.
 - k) Ensuring all the rainwater reuse pipes and taps are coloured purple.

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- l) Rainwater warning signs are fitted to all external taps using rainwater
- m) All rainwater reuse taps are to be lockable or have removable handles.

7.9.7 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings or other requirements are:

- a) 4 star dual-flush toilets;
- b) 3 star showerheads;
- c) 5 star taps (for all taps other than bath outlets and garden taps);
- d) 3 star water efficient washing machines and dishwashers are to be specified.

7.10 Vehicular Crossings

7.10.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

7.11 Footpaths

7.11.1 Path paving s to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018 and as follows:

Street Name	Side	Paving Width	Length
Astoria Street	North Side (subject site)	1.5m	Full site frontage

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Environmental Health Matters

8.1.1 A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.

8.1.2 Construction Environmental Management Plan to include at minimum: noise and vibration control, proposed schedule of works and hours of works, sediment and erosion control, dust control, salinity management plan, proposed means of controlling any activity that could potentially cause a pollution incident as defined by POEO.


8.1.3 The recommendations made in Preliminary Site Investigation (Contamination) (ref: 218165.01) prepared by Douglas Partners, dated November 2022 are to be implemented and include :

- o A permanent system of monitoring wells are installed along the boundary of

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the site as part of an ongoing monitoring plan as an additional formal contingency to monitor the potential risk of landfill gas migration. The monitoring data must be assessed in accordance with NSW EPA Assessment and Management of Hazardous Ground Gases (NSW EPA, 2020) to evaluate whether any mitigations are necessary under current conditions.

8.1.4 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 *National Environment Protection (Assessment of Site Contamination Measure)* as amended 2013
- NSW Environment Protection Authority's *Waste Classification Guidelines*

9 PRIOR TO DEVELOPMENT WORKS

9.1 Safety/Health/Amenity

9.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or

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- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

9.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

9.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

9.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

9.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

9.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

9.2 Notification to Council

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

9.3 Sydney Water Authorisation

- 9.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, 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. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

10 DURING CONSTRUCTION (BUILDING)

10.1 Safety/Health/Amenity

- 10.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 10.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place,

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

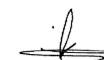
- 10.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 10.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 10.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 10.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 10.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 10.2 **Building Code of Australia Compliance**
- 10.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 10.3 **Nuisance Control**
- 10.3.1 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.
- 10.3.2 The hours of any offensive noise-generating development works shall be limited to

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between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

10.4 Waste Control

- 10.4.1 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.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notification of Works

- 11.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 11.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

11.2 Insurances

- 11.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000 Indemnity and Workers Compensation.

11.3 Service Authority Approvals

- 11.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

11.4 Boundary Levels

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 11.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

11.5 Soil Erosion and Sediment Control Measures

- 11.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 11.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

11.6 Filling of Land and Compaction Requirements

- 11.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 11.6.2 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 11.6.3 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 11.6.4 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.

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11.6.5 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.

11.6.6 Trucks transporting cut and fill must have their loads covered and provisions of “shaker pads” and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.

11.7 Filling in Contaminated Land

11.7.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.

11.7.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

11.7.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

11.8 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

11.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

11.9 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

11.9.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* or *Local Government Act 1993* must be made by Council's Development Overseers.

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Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

11.10 Public Safety

- 11.10.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

11.11 Site Security

- 11.11.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.


11.12 Traffic Control

- 11.12.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 11.12.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 11.12.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 11.12.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 11.12.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic*

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Control at Work Sites manual and shall be submitted to Council prior to implementation.

11.13 Other Matters

- 11.13.1 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to certify that all toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.

12 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

12.1 Environmental Health Matters

- 12.1.1 The recommendations made in the Report on Salinity Investigation and Management Plan (ref: 218165.00) prepared by Douglas Partners, dated November 2022, be implemented.
- 12.1.2 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.
- 12.1.3 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" dated March 2008.
- 12.1.4 An unexpected finds policy (UFP) should be prepared and implemented for the proposed site redevelopment works.
- 12.1.5 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's *Waste Classification Guidelines* (2014).

13 PRIOR TO OCCUPATION CERTIFICATE

13.1 Road Damage

- 13.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

13.2 Compliance with Conditions

- 13.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent,

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other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

13.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the *Environmental Planning and Assessment Act 1979*.

13.2.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

13.3 Fire Safety Certificate

13.3.1 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).

13.4 Fee Payment

13.4.1 Any fee payable to Council as part of a Construction, Subdivision Works, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

13.5 Services/Utilities

13.5.1 The following documentary evidence shall accompany any Occupation Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link 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. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Occupation Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.
- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that

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arrangements have been made for the provision of services to the development.

- 13.5.2 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

13.6 Temporary Facilities Removal

- 13.6.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.6.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.6.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 13.6.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.6.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

13.7 Landscaping / Car Parking

- 13.7.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 13.7.2 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks and be finished in anti-graffiti paint. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.
- 13.7.3 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.7.4 A minimum of 140 car parking spaces are to be provided on site including 134 permanently line marked parking spaces and 6 provisional car parking spaces.

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- 13.7.5 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 13.7.6 Vandal proof and security lighting, CCTV and security measures are to be provided in accordance with the approved details submitted as part of the Construction Certificate.
- 13.7.7 All power boards should be housed within a locked cabinet to restrict tampering with the power supply. The lock set must be approved by the electricity authority.
- 13.7.8 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 13.7.9 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 13.7.10 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 13.7.11 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public or drainage reserves.

13.8 Graffiti Management Plan

- 13.8.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:
 - (a) Methods to minimise the potential for graffiti;
 - (b) Management/notification procedures for the "early" removal of graffiti;
 - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
 - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.
 - (e) All walls / fencing are to be finished in anti – graffiti paint.

13.9 Plan of Management

- 13.9.1 A Plan of Management shall be prepared for the site and a copy provided to Council. The Plan of Management is to manage hours of operation, noise, loitering, anti-social behaviour, rubbish collection, theft, safety and security for staff and outline incident management process.

13.10 Lighting

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 13.10.1 All lighting is to comply with relevant Australian Standards to ensure no spillage of light affecting the amenity of adjoining residential properties.

13.11 Environmental Health Matters

- 13.11.1 The recommendations made in Preliminary Site Investigation (Contamination) (ref: 218165.01) prepared by Douglas Partners, dated November 2022 are to be implemented and include:

- o A permanent system of monitoring wells are installed along the boundary of the site as part of an ongoing monitoring plan as an additional formal contingency to monitor the potential risk of landfill gas migration. The monitoring data must be assessed in accordance with NSW EPA Assessment and Management of Hazardous Ground Gases (NSW EPA, 2020) to evaluate whether any mitigations are necessary under current conditions.

13.12 Engineering Matters

13.12.1 Surveys/Certificates/Works As Executed plans

- 13.12.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

- 13.12.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).

- 13.12.1.3 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

- 13.12.1.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

14.14.1.14 (Drainage branch condition)

- (i) A Chartered Civil Engineer registered with NER, is to certify that:
 - a) All the requirements of the approved drainage plans have been undertaken;
 - b) The installation of 33 Ocean guards, and 42x690 ZPG filters.
 - c) A minimum 80m3 below overflow single rainwater tank has been provided collecting roof water from a minimum 4170 m2 of roof area.
 - d) The interpretative water quality sign is correctly installed.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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e) All (other) signage and warning notices have been correctly installed.

(ii) A plumber licensed with NSW Fair Trading, or experienced chartered hydraulic engineer, is to certify that:

a) All the requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed to the required locations.

b) The pumps, alarms and all other systems are working correctly.

c) The flow meters have been installed on the pumps outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse.

d) The initial flow meters readings are detailed in the certificate.

e) All toilets and landscaping taps are supplied by 80 kL rainwater tank.

f) External taps at a rate of one tap for each 100 m² of landscape area evenly spread across the site for landscape watering or washdown. Some taps shall be located closer to parking areas to allow for car washdown.

g) The water from two toilets and two external taps have been tested to show no chlorine residual.

h) Rainwater warning signs are fitted to all external taps using rainwater.

i) All rainwater reuse taps are either locked, or have removable handles with handles removed.

j) A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at

WSUD@blacktown.nsw.gov.au

(iii) A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings or other requirements are:

a) 4 star dual-flush toilets;

b) 3 star showerheads;

c) 5 star taps (for all taps other than bath outlets and garden taps);

d) 3 star Water efficient washing machines and dishwashers have been used.

13.12.2 Easements/Restrictions/Positive Covenants

13.12.2.1 Any covenant(s) easement(s) or restriction(s) required by this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Land Registry Services (LRS).

13.12.2.2 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

These conditions are imposed for the following reasons:

(a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.

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13.12.2.3 A positive covenant shall be registered on the lot that the western residue part of the lot shall have provision for on-lot water quality and water conservation in accordance with the applicable controls in Part J of Blacktown DCP 2015. The items that are to be covered by instruments are 80KI Rainwater tank, 42x690 ZPG filters, and 33 Oceanguard baskets

13.12.2.4 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

13.12.2.5 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

13.12.3 Bonds/Securities/Payments in Lieu of Works

13.12.3.1 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

13.12.4 Inspections

13.12.4.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

13.13 Water Sensitive Urban Design Management

13.13.1 Prior to the issue of the Occupation certificate, the applicant shall submit to Council documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD system installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans.

13.13.2 Prior to the issue of the Occupation certificate, the Applicant shall provide a Maintenance schedule for the WSUD system installed on the property. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council for approval.

13.13.3 Prior to the issue of the Occupation certificate, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD system installed on the property. The Positive covenant and Restriction on the use of land is to be accordance with Appendix F of Council's Engineering Guide for

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Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate.

14 PRIOR TO SUBDIVISION CERTIFICATE

14.1 Site Access

- 14.1.1 All lots shall have access from a dedicated public road. In this regard, all proposed roads shall be dedicated as public road free of cost to Council.
- 14.1.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on a future public road. Any proposal to locate a proposed substation or other utility installation on a future public road shall be negotiated with and fully endorsed by the relevant Council Directorates.

14.2 Easements/Restrictions

- 14.2.1 In the event that subdivision precedes construction of buildings on any of the lots, Council will require the lodgement of a Section 88B Instrument to ensure that development proceeds in accordance with this consent. The restriction should contain a provision that it may not be extinguished or altered except with the consent of the Council of the City of Blacktown.

14.3 Road Damage

- 14.3.1 The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of the development works be met in full by the applicant/developer.

14.4 Security

- 14.4.1 An acceptable security (bond) guaranteeing the future completion of the road sealing works shall be lodged with Council. The bond amount is to be calculated at the asphaltic contribution rate current at the time and is to be accompanied by Council's standard Deed of Agreements for Bonds.

14.5 Asset Management

- 14.5.1 The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

14.6 Consent Compliance

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 14.6.1 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

14.7 Additional Inspections

- 14.7.1 Any additional Council inspection services provided beyond the scope of any Compliance Certificate or inspection package and required to verify full compliance with the terms of this consent, will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule and shall be paid to Council.

14.8 Fee Payment

- 14.8.1 Any fee payable to Council as part of any Construction, Compliance or Subdivision Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

14.9 Engineering Matters

14.9.1 Surveys/Certificates/Works As Executed plans

- 14.9.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).

- 14.9.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).

- 14.9.1.3 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

- 14.9.1.4 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

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14.9.1.5 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height
- b) Non-standard stormwater pits

14.9.1.6 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).

14.9.2 Easements/Restrictions/Positive Covenants

14.9.2.1 Any covenant, easement or restriction created as a result of this consent must be in accordance with the following:

- (c) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (d) The standard format for easements and restrictions as accepted by NSW Land Registry Services (LRS).

14.9.2.2 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

14.9.2.3 A Restriction as to User over residue lots shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

No further development of the lot burdened is to take place unless it is approved by Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill and the payment of Section 7.11 Contributions.

NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

14.9.2.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

14.9.3 Bonds/Securities/Payments in Lieu of Works

14.9.3.1 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

14.9.4 Inspections

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 14.9.4.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

14.10 Salinity

- 14.10.1 Prior to the issue of the Subdivision Certificate, certification from a suitably qualified consultant is to be provided to Council confirming the relevant salinity management measures were implemented during the development works.

14.11 Site Contamination

- 14.11.1 Prior to the issue of the Subdivision Certificate, an EPA recognised accredited geoscientist is to validate the site as suitable for industrial development in accordance with the criteria set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

14.12 Environmental Health Matters

- 14.12.1 The recommendations made in Preliminary Site Investigation (Contamination) (ref: 218165.01) prepared by Douglas Partners, dated November 2022 are to be implemented and include:

- NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020)
- NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
- NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
- NSW Environment Protection Authority's Waste Classification Guidelines.

- 14.12.2 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).

- 14.12.3 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" dated March 2008.

14.13 Special Infrastructure Contribution

- 14.13.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the

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date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Subdivision Certificate is issued in relation to any part of the development to which this consent relates.

More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/abid/75/quage/en-US/Default.aspx>

14.14 Final Plans

14.14.1 The final plan of subdivision is to be submitted electronically in PDF format and the appropriate application fee paid. The subdivision certificate will not be released until all conditions of this determination have been complied with.

14.14.2 Where any permanent control marks are placed in accordance with the Survey Practice Regulation 1990 in the preparation of the plan, 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision.

14.15 Service Authority Approvals

14.15.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Subdivision Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link 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 Principal Certifying Authority prior to the release of the plan of subdivision.
- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (c) 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.

15 OPERATIONAL

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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15.1 Access/Parking

- 15.1.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 15.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land within the designated loading areas.
- 15.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.6-2009.

15.2 Landscaping

- 15.2.1 All landscaped areas provided in accordance with the approved landscaping design shall be maintained at all times in a suitable manner.
- 15.2.2 Regular maintenance and up-keep of the site must therefore be undertaken to the site to ensure that sightlines are kept free from obstructions.
- 15.2.3 The management of vegetation, gardens, planter boxes, communal areas and other similar areas is to be maintained in perpetuity and incorporated within the Plan of Management for the site and implemented once the development is occupied.

15.3 Waste

- 15.3.1 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.3.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan.

15.4 Use of Premises

- 15.4.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 15.4.2 The development shall not be used or converted for use for any purpose other than that:

(a) Granted consent by Council's Notice of Determination, or

(b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

15.5 General

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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- 15.5.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 15.5.2 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 15.5.3 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 15.5.4 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.
- 15.5.5 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 15.5.6 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.5.7 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 15.5.8 No goods, materials or trade wastes are to be stored at any time outside the buildings on the internal vehicular driveways, car parking areas, landscaping areas or footpaths.
- 15.5.9 Arrangements shall be made for an effective commercial refuse removal service.

15.6 Graffiti Removal

- 15.6.1 Removal of any graffiti, visible from any public road or place, is the responsibility of the property owner/s. All graffiti must be removed no later than 48 hours after detection.

15.7 Signage

- 15.7.1 The approved signage must not have or incorporate any of the following:

- (a) flashing lights;
- (b) electronically changeable or variable messages;
- (c) animated displays, moving parts of simulated movements;
- (d) complex displays that hold motorists attention;
- (e) a method or level of illumination that distracts or dazzles;
- (f) displays resembling or imitating road traffic signs or signals;
- (g) instructions to passing traffic (i.e. 'Halt', 'Stop' or the like); or
- (h) glossy paints or luminous colours

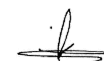
- 15.7.2 At no time shall any signage approved as part of this consent be used for general

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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CHIEF EXECUTIVE OFFICER

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advertising purposes.

15.8 Crime Prevention Through Environmental Design

- 15.8.1 Vandal proof and security lighting, CCTV and security measures endorsed by this consent shall be met and maintained at all times.


15.9 Environmental Health Matters

- 15.9.1 A post commissioning report must be produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the proposed development operating to validate the Environmental Noise Impact Assessments findings. The report is to be submitted to Council to review.
- 15.9.2 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.
- 15.9.3 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.
- 15.9.4 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.
- 15.9.5 The Applicant shall enter into a Maintenance Agreement with a maintenance contractor for the WSUD system installed on the property. The Maintenance Agreement is to be in accordance with the Maintenance schedule approved by Council. The maintenance contractor is to possess the qualifications and licences, if any, required to undertake the maintenance works in accordance with Council and New South Wales policy and legislation. The Maintenance Agreement must be maintained for the life of the development. The Applicant shall submit a copy of the executed Maintenance agreement to Council for approval. The Maintenance Agreement can be replaced with an alternative Maintenance Agreement of the same or better standard. In the event that the Applicant enters into a replacement Maintenance Agreement the Applicant must, as soon as practically possible, forward a copy to Council.

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