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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: **FDC CONSTRUCTION & FITOUT
PTY LTD**
22-24 JUNCTION STREET
FOREST LODGE 2037

Determination Number: 11-158

DRAFT

Property Description: LOT 8 DP656981, GREAT WESTERN HIGHWAY, MINCHINBURY
LOT 2 DP846791, GREAT WESTERN HIGHWAY, MINCHINBURY
LOT 14 DP1112732, GREAT WESTERN HIGHWAY, MINCHINBURY
LOT 4 DP255015, GREAT WESTERN HIGHWAY, MINCHINBURY
LOT 11 DP1132763, JOHN HINES AVENUE, MINCHINBURY

Development: Construction of a Home Improvement Store, ancillary office, car parking, signage and landscaping.

Determination: *Pursuant to Clause 80(1) of the Act Council advises that the Development Application has been determined by:*

- **Sydney West Joint Regional Planning Panel**

Right of Appeal

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Note: This Consent is generally valid for a period of five years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

RON MOORE
GENERAL MANAGER

Per

Date

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

- 1.2.1 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.

1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
 - (b) the installation of a vehicular footway crossing servicing the development.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 Services

- 1.4.1 The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the

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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 and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. 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.

1.4.2 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.

1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.5 **Other Matters.**

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

2 **GENERAL**

2.1 **Scope of Consent**

2.1.1 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 No.	Dated	Councils File Enclosure No.
Site Plan prepared by Leffler Simes Architects Drawing No. DA01 Revision E	4/7/2011	59E
Floor Plan prepared by Leffler Simes Architects Drawing No. DA02 Revision A	1/2/2011	1C
Roof Plan prepared by Leffler Simes Architects Drawing No. DA03 Revision A	1/2/2011	1D
Elevations prepared by Leffler Simes Architects Drawing No. DA04 Revision B	24/2/2011	22E
Elevations prepared by Leffler Simes Architects Drawing No. DA05 Revision B	24/2/2011	22F
Sections prepared by Leffler Simes Architects Drawing No. DA06 Revision A	1/2/2011	1G
Landscape Plan prepared by Leffler Simes Architects Drawing No. 1011112-01 Revision C	January 2011	79a
Signage details prepared by Leffler Simes Architects Drawing No. DA01 E*	December 2010	59b

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* Unless modified by conditions of this consent.

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

Bulky goods warehouse

2.2 **Services**

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

2.3 **Suburb Name**

- 2.3.1 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: Minchinbury

2.4 **Engineering Matters**

2.4.1 **Definitions**

- 2.4.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued prior to the issue of the Construction Certificate.

In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

Private certification of works on existing public roads or reserves or any land under the care and control of Council is not permitted. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works outside the property boundary ie Great Western Hwy, Carlisle, Kippist and John Hines Avenues.

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2.4.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

2.4.1.3 **ROADS ACT ONLY** Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

2.4.2 **Design and Works Specification**

2.4.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On-Site Stormwater Detention Handbook Third Edition December 1999.
- (g) Blacktown City Council Stormwater Quality Control and WSUD Policy.

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 documentations.

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

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2.4.3 Payment of Engineering Fees

- 2.4.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 2.4.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 2.4.3.3 The payment of the following fee to Council's Development Services Unit pursuant to Section 608 of the Local Government Act 1993 and/or Section 223 of the Roads Act 1993. The fee is subject to periodic review and may vary at the actual time of payment.

Engineering Inspection fee for stormwater connection to an existing pit, turfing, path paving etc.

The above fee may not be applicable or could be reduced if an Construction Certificate for the engineering works is required as per conditions of this Consent and Council is requested to issue that Certificate.

- 2.4.3.4 Fees are required to be paid to Council's Development Services Unit pursuant to Section 223 of the Roads Act 1993 for;

(a) The checking of engineering drawings for the Great Western Hwy, Carlisle Avenue, Kippist Avenue and John Hines Avenues and the issue of an Engineering Approval pursuant to the Roads Act 1993.

(b) All construction inspections for the works approved by (a) above. The required fee will be determined upon submission of the relevant plans to Council. This fee is subject to periodic review and may vary at the actual time of payment.

2.4.4 Other Fee and Bond/Securities

- 2.4.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

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(a) Vehicular Crossing Application and Inspection Fee: \$500.00
\$125 per crossing.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

2.4.4.2 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions.

2.4.4.3 Prior to release of any bond securities held by Council for civil engineering works payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

2.4.4.4 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers

2.4.5 Other Necessary Approvals

2.4.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

2.5 Other Matters

2.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

2.5.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

2.5.3 All works / regulatory signposting associated with the proposed development are to be at no cost to the RTA.

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3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 A Construction 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.

3.2 Road Deposit/Bond

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

- (a) Road inspection fee of \$152.00 and
- (b) Road maintenance bond of \$5000.00.

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

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

3.3 Lot Registration and Consolidation of Lots

- 3.3.1 The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with Land Property Information.

3.4 Services/Utilities

- 3.4.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A Notification of Arrangement" Certificate from Endeavour Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

3.5 Salinity

- 3.5.1 Prior to the issue of any Construction Certificate, a site specific Salinity Investigation and Management Plan, prepared in accordance with the Department of Land and

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Water Conservation's (DLWC) publication 'Site Investigations for Urban Salinity' and WSROC Western Sydney Salinity Code of Practice publications, shall be submitted to Council for approval. This report is to include salinity mitigation measures for Bulk Earthworks, services, stormwater drainage infrastructure, landscaping and future building construction to be incorporated as a part of the Construction Certificate design.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

- 4.1.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) 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.

Contribution Item	Base Amount	Relevant C.P.	Base Date
(i) Trunk Drainage	\$299,631	No. 1	June 2010
(ii) Flood Mitigation	\$2,463	No. 1	June 2010

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

S.94 CP No. 1 - 1980s Release Areas

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or 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 94 Contribution(s) will be adjusted accordingly.

Developable Area: 3.3844HA (being part lot 112 – lease area)

4.2 Access/Parking

- 4.2.1 The internal driveway and parking areas are to be designed in accordance with

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Australian Standard 2890.1.

- 4.2.2 On-site visitor car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

Disabled Car Space: 3.2m x 5.4m

- 4.2.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1.

4.3 Other

- 4.3.1 The applicant is required to submit an amended landscaping plan to ensure consistency with the approved development plans. The revised plan shall indicate the location of the footpath to be constructed along Great Western Highway. In addition the plan shall ensure all landscaping works are located on the development site. The plan shall be submitted and approved by Council prior to the issue of the engineering construction certificate.

- 4.3.2 The design of the car parking area, aisle widths, driveway widths, manoeuvring areas, sight distances, disabled parking spaces, loading area are to conform to AS2890.1-2004 and AS 2890.2-2002.

- 4.3.3 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) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.

- 4.3.4 A site contamination validation report prepared by a suitably qualified environmental consultant is to be submitted confirming that the site has been remediated to a standard suitable for a bulk goods retail centre.

- 4.3.5 The applicant is to submit a revised pylon sign detail for the Business Identification sign which reduces the height from 12m to 10m.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 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 :

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- (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).

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

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

5.2 Site Works and Drainage

5.2.1 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.

5.3 Other Matters

5.3.1 A list and layout of all the required essential services proposed for this development, must accompany any Construction Certificate. The list shall describe the extent, capability and basic design of each such service.

5.3.2 The applicant is to submit a fire safety study to ensure that fire resistant materials are used in the construction of the premises and the building meets the fire ratings as per the Building Code of Australia.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

6.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.

6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

6.2 Road-works

6.2.1 The applicant is to comply with the RTA's In-Principle Approved Plan No. SKI.02 Rev.3 Job. No. 11146.

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- 6.2.2 Detailed engineering plans and traffic signal plans are to be submitted to the RTA for approval prior to construction.
- 6.2.3 The applicant is requested to enter into a Works Authorisation Deed (WAD) for the proposed intersection and deceleration lane works. This WAD is to be executed prior to the RTA's assessment of the detailed civil design plans.
- 6.2.4 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Construction Certificate for Engineering works.
- 6.2.5 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.
- 6.2.6 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RTA) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.
- 6.2.7 Dedication at no cost to Council of 8m x 8m industrial splay corner on allotments at each street intersection. Road design plans are to reflect the need for this dedication.
- 6.2.8 Dedication of land at no cost to Council is required to maintain the footway area in the Great Western Highway following the road widening and required slip lane.
- 6.2.9 Written evidence shall be obtained from the Roads and Traffic Authority indicating compliance with its requirements in relation to the slip lane construction fronting the Great Western Highway, including the payment of any supervision fees.
- 6.2.10 The northern access at the bend on John Hines Avenue shall be restricted to left in / left out only to ensure road safety and maintaining traffic flow along John Hines Avenue. This would require a median on the bend to physically prevent any right turn in / out of the driveway. The length and width of the proposed median island requires the approval of the Local Traffic Committee. Details are to be submitted and approved prior to the release of the Construction Certificate.
- 6.2.11 The proposed road works shall be designed to meet the RTA's requirements, and endorsed by a suitability qualified practitioner. Design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. Certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the

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Principal Certifying Authority and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the development prior the commencement of works.

- 6.2.12 The proposed deceleration lane shall be dedicated as public road, at no cost to the RTA.
- 6.2.13 Any realignment boundary to facilitate a footway resulting from the proposed road works must be dedicated as road at no cost to the RTA. The developer may be required to enter into a Works Authorisation Deed (WAD) for the above mentioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.
- 6.2.14 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- 6.2.15 The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted for approval, which shows that the proposed development complies with this requirement.

6.3 Drainage

6.4 Erosion and Sediment Control

- 6.4.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

6.5 On-Site Detention

- 6.5.1 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 6.5.2 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.
- 6.5.3 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by;

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- a. A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, current version.
- b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
- c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
- d. A complete address of Council's OSD General Guidelines and Checklist requirements.
- e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

6.6 Compaction Requirements

6.6.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.

- (i) Submission of compaction certificates for fill within road reserves.
- (ii) Submission of compaction certificates for road subgrade.
- (iii) Submission of compaction certificates for road pavement materials.
- (iv) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A Restriction as to User with Council's standard wording must be placed on filled lots.
- (v) Certificates from road material suppliers.

6.7 Asset Management

6.7.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

6.8 Other Approvals/Clearances/Adjoining Owners Permission.

6.8.1 Written evidence shall be obtained from the Roads & Traffic Authority indicating compliance with its requirements, including the payment of any necessary supervision fees. A copy of any such permission shall accompany any Construction Certificate.

6.9 Ancillary Works

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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6.9.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) the relocation of above ground power and telephone services.
- (c) the matching of new infrastructure into existing or future designed infrastructure.

6.10 Street Furniture

6.10.1 A notation is to be placed on the Engineering Construction Plans "that all light poles street name poles and bus shelters in this subdivision will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications"

6.11 Scope of Engineering Works

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

6.11.1 Road and Drainage works

6.11.1.1 The construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathways, cycleways, concrete path paving and any other ancillary work necessary to make this construction effective.

6.11.1.2 Proposed new road(s) must be constructed generally as follows:

Name	Width (m)	Length (m)	Formation (m)	Traffic Loading N(E.S.A.)
Great Western Hwy (Slip Lane entry)	As required by the RTA and Council			1x10(7)
John Hines Avenue	21.5	260	4.5-13.5-3.5	1x10(7)

Note: The northern bend of **John Hines Avenue** requires a median to physically prevent any right in/out of the proposed driveway. The width and length of the proposed median island requires the approval of the Local Traffic Committee.

6.11.1.3 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.

6.11.1.4 Construction of driveways as reciprocal rights of way/ access roads as per the following schedule:

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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Type
Right of Way

Lots Favoured
112

Overall Width Formation
13 metre wide

reinforced concrete pavement shall be structurally designed to traffic loading of N(E.S.A) 5x10⁴.

NOTE - A restriction as to user for "Maintenance and Repair of Shared Access" is to be placed over the nominated lots. The restriction is to be in accordance with Blacktown City Council's recitals for Terms of Easements and Restrictions (Current Version).

6.11.1.5 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.

6.11.1.6 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

6.11.2 On-Site Stormwater Detention System

6.11.2.1 On-Site Detention

(A) On-site detention of stormwater runoff from the site must be provided to achieve the following nominated permissible site discharge and site storage capacity for the following percentages of site area draining to the system. (Absolute minimum site draining area is 80%)

Nominated Discharge PSD: 147 l/s/ha for 100%; 101 l/s/ha for 90%; 56 l/s/ha for 80%.

Nominated Storage SSR: 264cu.m/ha for 100%; 301cu.m/ha for 90%; 473cu.m/ha for 80%.

Intermediate values can be interpolated linearly for PSD and a fair curve through the 3 values for SSR.

Council electronic OSD calculation spreadsheet is available for calculating the above parameters. This electronic spreadsheet can be obtained upon request from Council Development Services Unit.

(B) Council acknowledges the submission of the On-site Stormwater Detention concept plan prepared by Mepstead & Associates P/L Reference No., numbered 1564 sheets 1-6 dated 22.08.11 (Council File No.JRPP-11-158 Enclosure No. 73a). The Construction Certificate issued in this regard must generally be in accordance with this concept.

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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This plan is considered sufficient in detail for the purpose of issuing Consent the final plan however will need to vary from this concept as follows:-

- (i) The plans indicate that OSD tank 2 was designed to receive all the roof water. To ensure that during a 100 year storm event roof water does not overflow and fill the other two OSD systems, Council require the roof gutter system to cater for the 100 year storm event. This shall be indicated on the plans.
 - (ii) The detention tanks & grates shall be designed and constructed to comply with Council's standards.
- (C) Any variation to the following design parameters of the above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;
- (i) location of storage area
 - (ii) alteration of the type of storage - i.e changing from above ground to below ground storage
 - (iii) location of discharge outlet from the system.
- (D) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of Council's Policy.
- (E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.
- (F) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

NOTE: Council has preference for a fully above ground On-site Stormwater Detention system. This type of system would significantly reduce confined space issues and may have cost saving advantages in comparison with a below ground storage system.

6.12 Stormwater Quality Control

- 6.12.0.1 Stormwater Treatment Measures are required for this development. These measures must be designed, implemented and constructed in accordance with Council's Stormwater Quality Control Policy.
- 6.12.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's Stormwater Quality Control Policy. Details are to be included with the plans and specifications accompanying any Construction Certificate.

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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Note : The proposed GPT's do not comply with Council's stormwater quality policy. Prior to the release of a Construction Certificate the plans are to detail the GPT's to be either a CDS with oil baffle, **Humeceptor** or **Rocla First Defence**.

Any variation to these will require a lodgement of a Section 96 application to Council for amendment of the consent.

- 6.12.1.1 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Council's Stormwater Quality Control Policy. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.
- 6.12.1.2 Prior to the release of a Construction Certificate the plans are to be submitted and approved by Council, that show how the roof gutter drainage system discharges to the OSD system and the two 20kL rainwater tanks, and must also include a first flush device. The gutters must have a design capacity for the 100 year storm event.
- 6.12.1.3 Prior the release of a Construction Certificate the plans are to show that the overflow from the Rainwater tanks discharged into the OSD system.
- 6.12.1.4 Manufacturer's Certification is to be provided to Council prior to the issue of a Construction Certificate for any works other than bulk earthworks, confirming that the proposed treatment device;
- Meets Council's requirements for the removal of Total Suspended Solids.
 - Will work hydraulically in the proposed location shown on the drainage plan.
 - Provide details of the device including numbers and specifications for the treatment elements.
- 6.12.1.5 Prior to release of the construction certificate maintenance requirements are to be provided for each of the Stormwater Quality Improvement Devices

6.12.2 **Vehicular Crossings**

- 6.12.2.1 Construction of Council's standard commercial and industrial vehicular footway crossings, with the following nominated widths at the property boundary in accordance with Council plan A(BS)103S.

Nominated Widths:	John Hines Avenue	10m each.
	Carlisle Avenue	6 - 1 - 6 m

Note: The landscaping, medians, fences & structures shall be contained wholly within the site.

- 6.12.2.2 Construction of Council's standard commercial and industrial vehicular footway crossing at the Great Western Hwy and Carlisle Avenue shall be in accordance with Council plan A(BS)103S and the RTA.

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Note: Priority shall be provided for pedestrian thoroughfare.
Landscaping, medians, fences & structures etc. shall be inside the property boundary.

6.12.3 Filling of Land

- 6.12.3.1 Batters are not to exceed a grade or slope of 5 metres horizontal to 1 metre vertical. These are to have topsoil placed on them and vegetated to ensure control of sediment and erosion. No filling including fill batters are to be placed on the drainage reserve area. The fill batters are to be suitably designed to protect them from erosion from the channel.

6.12.4 Footpaths

- 6.12.4.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

- 6.12.4.2 The construction of path paving is to be provided to the following nominated street(s)/road(s):

Name	Side	Paving Width (m)	Length
Great Western Hwy	South	3.0	Full Frontage
Carlisle Avenue	Western	3.0	Full Frontage
John Hines Avenue	Both	2.5	Full Frontage
Kippist Avenue	North	2.5	Full Frontage

- 6.12.4.3 Cycle pathways and associated facilities are to be provided along Great Western Hwy John Hines and Carlisle Avenue. These facilities are to include the provision of barrier fencing (including handrails) with all works to be in accordance with Council's standards. Details including a line marking and sign posting are to be included in the Construction Certificate.

- 6.12.5 All cycleways and shared cycleways /pedestrian paths are to be linemarked and sign posted in accordance with the requirements of Part 6A (Pedestrian and Cyclist Paths) of the Austroads "Guide to Road Design" and the RTA 's NSW Bicycle Guidelines -November 2003.

6.12.6 Finished Boundary Levels

- 6.12.6.1 Finished levels of all internal works at the road boundary of the property must be:

Fixed by Council's Manager Investigation and Design who can be contacted on 9839 6000.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

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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7.1 Environmental Management

- 7.1.1 Submit to Council an acoustic report that assesses the noise impacts associated with the proposed construction of this development upon surrounding premises. The report is to take into consideration the Environment Protection Authority's document *NSW Industrial Noise Policy* and provide recommendations to mitigate the emission of offensive noise from the proposed development. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the *Association of Australian Acoustic Consultants*.

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

- 8.1.1 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, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

- 8.1.2 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
- (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.

- 8.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be

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- (b) obstructed or rendered inconvenient, or
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.

- 8.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 8.1.5 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.
- 8.1.6 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 8.1.7 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.

8.2 Notification to Council

- 8.2.1 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.
- 8.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

8.3 Sydney Water Authorisation

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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- 8.3.1 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 Customer Centre or Quick Check Agent, 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 Quick Check Agent details, 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.

8.4 Roads and Traffic Authority

- 8.4.1 Written evidence shall be obtained from the Roads & Traffic Authority indicating compliance with its requirements, including the payment of any necessary works supervision fees. A copy of such approval shall be lodged with Council.

8.5 Construction Details

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

Nominated Component

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

8.6 Other

- 8.6.1 Council should ensure that the post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.

Should the post – development discharge exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the

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commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- 8.6.2 The design and construction of the gutter crossing at the entry on Carlisle Avenue shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta.

Detailed design plans of the proposed gutter crossings are to be submitted to the RTA for approval prior to the commencement of any road works.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

- 8.6.3 A layback is to be provided in the kerb at the gate at the entrance to the loading dock for use of emergency vehicles only and parking is to be prohibited and enforced by the installation of appropriate sign posting at the restricted entry point.

9 DURING CONSTRUCTION (BUILDING)

9.1 Safety/Health/Amenity

- 9.1.1 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.

- 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:

- (c) the name, address and telephone number of the principal certifying authority for the work, and
- (d) 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
- (e) stating that unauthorised entry to the work site is prohibited.

- 9.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be

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- (b) obstructed or rendered inconvenient, or
involves the enclosure of a public place,

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.

- 9.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

9.2 Building Code of Australia Compliance

- 9.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

9.3 Surveys

- 9.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

- 9.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

9.4 Nuisance Control

- 9.4.1 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.

- 9.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

- 9.4.3 Any objectionable noise, vibration and concussion as a result of construction works including excavation, construction activities including delivery of material to and from the site is to meet the DECCW 2009 Construction Noise Guidelines.

- 9.4.4 Construction work on all buildings (except that on single dwelling houses and associated structures on the on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

9.5 Waste Control

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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- 9.5.1 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.

9.6 Construction Inspections

- 9.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and
- (d) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (f) Prior to covering any stormwater drainage connections; and
- (g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(g)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notice of work Commencement

- 10.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$10,000,000.

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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- 10.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

10.2 Service Authority Approvals

- 10.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

10.3 Boundary Levels

- 10.3.1 Any construction at the property boundary, including fences and driveways shall not be carried out until alignment levels have been fixed.

10.4 Compaction Requirements

- 10.4.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.

- 10.4.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

- 10.4.3 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- (e) Compliance Certificates from road material suppliers.

10.5 Maintenance of Soil Erosion Measures

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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- 10.5.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.5.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 10.5.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

10.6 Filling of Land & Compaction

- 10.6.1 Land shall be filled where necessary. All fill including existing fill must be compacted in accordance with the Council's "Works Specification - Civil (Current Version)". A compaction certificate is to be obtained from a practising Civil Engineer verifying that the correct compaction requirements have been met.
- 10.6.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Council's "Works Specification - Civil (Current Version)".
- 10.6.3 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 10.6.4 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 10.6.5 Trucks transporting fill must have their loads covered
- 10.6.6 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- 10.6.7 Only clean fill shall be deposited 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.

10.7 Inspections of Works

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

- (i) Soil Erosion and Sediment Control

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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- (a) Implementation of erosion and sediment control
 - (b) Revegetation of disturbed areas
 - (c) Construction of major controls
 - (d) Removal of sediment basins/ fencing etc.
 - (e) Internal sediment/ pollution control devices
 - (f) Final Inspection
- (ii) Traffic Control
 - (a) Implementation of traffic control
 - (b) Maintenance of traffic control during works
 - (c) Removal of traffic control
- (iii) Construction of Drainage works (including inter-allotment)
 - (a) Pipes before backfilling including trench excavation and bedding
 - (b) Sand Backfilling
 - (c) Final pipe inspection
 - (d) Pit bases and headwall aprons
 - (e) Pit Walls/ wingwalls/ headwalls
 - (f) Concrete pit tops
 - (g) Connection to existing system
 - (h) Tailout works
 - (i) Final Inspection
- (iv) Construction of Road Pavement
 - (a) Boxing out
 - (b) Sub-grade roller test
 - (c) Subsoil drainage
 - (d) Sandstone roller test layer 1
 - (e) Sandstone roller test layer 2
 - (f) Kerb pre-laying
 - (g) Kerb during laying including provision of roof-water outlets
 - (h) Sandstone depth
 - (i) Pavement profiles
 - (j) DGB depths and roller tests
 - (k) Wearing Course
 - (l) Kerb final
 - (m) Concrete tests
 - (n) Formwork concrete pavements
 - (o) Final inspection
- (v) Provision of Street Furniture
 - (a) Street Furniture (including street signs guideposts guardrail etc)
 - (b) Erection of fencing adjoining public/ drainage reserves

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- (vi) Footpath Works
 - (a) Footpath Trimming and/or turfing (to ensure 4% fall)
 - (b) Pathway construction (cycle/ link pathways)
 - (c) Path-paving construction
 - (d) Service Adjustments
 - (e) Final Inspection
- (vii) Construction of on-site detention system
 - (a) Steel and Formwork for tank/ HED control pit
 - (b) Completion of HED control pit
 - (c) Pit formwork
 - (d) Pipes upstream/ downstream of HED control pit before backfilling
 - (e) Completion of OSD system
- (viii) Stormwater Quality Control
 - (a) Installation of Stormwater Quality Control devices
 - (b) Final Inspection
- (ix) Traffic Control
 - (a) Implementation of traffic control
 - (b) Maintenance of traffic control during works
- (x) CCTV Inspection of Drainage Structures (pipelines and pits)
 - (a) All road drainage
- (xi) Final overall Inspections
 - (a) Preliminary overall final inspection
 - (b) Overall final inspection

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

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

10.7.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 9718 between 7am - 8am and 12.30pm - 1.30pm. A site

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inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

10.8 Public Safety

- 10.8.1 The applicant is advised that all works undertaken in a public place 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.

10.9 Site Security

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

10.10 Powder Coated Furniture

- 10.10.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

10.11 Other

- 10.11.1 A Road occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on the Great Western Highway during construction activities.
- 10.11.2 Any redundant driveways shall be removed and replaced with kerb and gutter to match existing.
- 10.11.3 The layout of the proposed carparking areas associated with the subject development (including driveway grades turning paths, site distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.2-2002 for heavy vehicle usage.
- 10.11.4 (i) The 'left-in' access point from the GWH is to be used only by customers of the hardware store.
- (ii) This entry is to be designed to cater for the largest light vehicle (including emergency vehicles) which is anticipated to enter the site at this access point.

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(iii) This access is to be clearly delineated by line marking, kerb, gutter, layback treatments and sign posting to ensure that all vehicles proceed only to the general carparking area on entering the property.

- 10.11.4 The applicant is to construct the duplicated right turn bay, 75 metres long at the southern approach to the Carlisle Avenue and Great Western Highway intersection shall be constructed in accordance with the RTA's requirements. The existing median is to be reduced in width and provided with an appropriate median barrier treatment such as an Elsholz or TRIEF kerb treatment with pedestrian fencing above, to accommodate the additional lane.

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

11.1 Premises Construction

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

- 11.1.2 During works if any contaminates are located, all works shall cease and the site must be remediated in accordance with the Site Audit Statement prepared by Johnstone Environment associated with DA-98-1375 and SEPP 55 – Remediation of Land. Prior to works recommencing a validation report shall be carried out in accordance with:

- NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (1997)
- NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995)
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992)

11.2 Salinity and Aggressive Soil Management

- 11.2.1 The salinity management measures required by Condition 3.5 of this Consent are to be implemented during construction to Council's satisfaction.

- 11.2.2 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks Salinity Investigation demonstrating that the site is suitable for the residential development and providing building construction measures to mitigate the effects of aggressive soils and salinity to form the basis of Section 88B restrictions on title.

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12 **PRIOR TO OCCUPATION CERTIFICATE**

12.1 **Road Damage**

- 12.1.1 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.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

12.2 **Compliance with Conditions**

- 12.2.1 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, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 12.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the principal certifying authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.
- 12.2.3 A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

12.3 **Service Authorities**

- 12.3.1 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.
- 12.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

12.4 **Temporary Facilities Removal**

- 12.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 12.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 12.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion

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Control Policy shall be provided.

12.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.

12.4.5 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.

12.5 Fire Safety Certificate

12.5.1 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).

12.6 Landscaping/Car Parking

12.6.1 All landscaping and fencing 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.

12.6.2 The internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of customers and staff.

12.6.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

12.6.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

12.6.5 Signs shall be erected wholly within private property and shall not encroach or overhang into the road reserve.

12.6.6 A total of 387 on grade carparking spaces are to be provided for customers and staff including disabled and truck/trailer spaces.

12.6.7 A separate application for any on site signage (other than that specified in the submitted plans). shall be lodged with Council specifying content, height and colours to be used.

12.6.8 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

12.6.9 Staff parking shall be nominated on site and be located the furthest from the main

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entrance to the home improvement store.

12.7 Salinity

- 12.7.1 A suitably qualified geotechnical consultant is to sign off that the work measures required to be implemented by the approved Salinity Investigation and Management Plan have been undertaken in accordance with the WSROC guidelines.

12.7.2 Inspection of Work

- 12.7.2.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a CCTV in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of VHS video tape or DVD of the inspection video, a hard copy printout of the SEWRAT (or equivalent) report, and a CCTV certified statement in accordance with section 6.8 of Council's Works Specification Civil and that any defects identified by this inspection have been rectified.

- 12.7.3 All cycleways and shared cycleways /pedestrian paths are to be linemarked and sign posted in accordance with the requirements of Part 6A (Pedestrian and Cyclist Paths) of the Austroads "Guide to Road Design" and the RTA 's NSW Bicycle Guidelines -November 2003. Where a construction certificate is being issued for a cycle way or a shared path please ensure that a line marking and sign posting plan is included in the Construction Certificate plans.

12.8 Fee Payment

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

12.9 Engineering Matters

12.9.1 Surveys/Certificates/Works As Executed plans

- 12.9.1.1 A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust /Council.

- 12.9.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

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- 12.9.1.3 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 12.9.1.4 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.
- 12.9.1.5 Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works supervision fees.
- 12.9.1.6 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):
- (a) Submission of compaction certificates for fill within road reserves.
 - (b) Submission of compaction certificates for road sub-grade.
 - (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
 - (d) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - (e) Compliance Certificates from road material suppliers.
- 12.9.1.7 All road stormwater drainage structures (pipelines and pits) must be inspected by a CCTV in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of VHS video tape or DVD of the inspection video, a hard copy printout of the SEWRAT (or equivalent) report, and a CCTV certified statement in accordance with section 6.8 of Council's Works Specification Civil and that any defects identified by this inspection have been rectified.
- 12.9.1.8 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.
- 12.9.2 **Easements/Restrictions/Positive Covenants**
- 12.9.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

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- (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 Lands Title Office.
- 12.9.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.
- 12.9.2.3 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.
- 12.9.2.4 Prior to Occupation a Positive Covenant is to be provided over the Stormwater Quality Improvement Devices in accordance with the requirements with Council's Engineering Guide for Development 2005.
- 12.9.2.5 The creation of a reciprocal rights of way over the access to the following nominated lot(s) with the following nominated width under Section 88B of the Conveyancing Act 1919.

Carlisle Avenue

Nominated Lot(s): 112

Nominated Width (m): 6-1-6

Note: The landscaping, medians, fences & structures shall be contained wholly within the site.

A restriction as to user for "Maintenance and Repair of the Shared Access" is to be in accordance with Blacktown City Council recitals for terms of Easements and Restrictions (Current Version).

- 12.9.2.6 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.

12.9.3 Dedications

- 12.9.3.1 Dedication at no cost to Council of 8m x 8m industrial splay corners on allotments at each street intersection.

- 12.9.3.2 The land required for road widening in connection with the required slip lane and footway area in the Great Western Highway is to be dedicated at no cost to Council.

- 12.9.3.3 The final plan of subdivision will not be released unless written evidence from the Roads and Traffic Authority has been obtained indicating that satisfactory

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arrangements have been made by the applicant/developer for the payment of a contribution towards the cost of the arterial road network.

- 12.9.3.4 All works/regulatory signposting associated with the proposal are to be at no cost to the RTA

12.9.4 Bonds/Securities/Payments in Lieu of Works

- 12.9.4.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

- 12.9.4.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least six months.

- a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

12.9.5 Inspections

- 12.9.5.1 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.

12.9.6 Relationship with other Approvals

- 12.9.6.1 Compliance with the requirements of the following nominated applications:

- A. Development Consent No.10-2765 issued by Blacktown City Council

The conditions contained within the above approvals shall be fully complied with in order to obtain release of the Final Plan of Subdivision/ Occupation Certificate.

The authorised person signing the linen plan shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporate in the development. A copy of each required Compliance certificate shall be lodged with Council.

12.10 Other

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12.9 The construction of John Hines Avenue shall be completed prior to the occupation of the premises.

12.9.1 If not already in place, full time "No Stopping" restrictions are to be implemented along the full Great Western Highway and Carlisle Avenue frontages to the development site. Prior to the installation of the parking restrictions, the application is to contact the RTA's Traffic Management Services on phone (02) 8849 2294 for a works instruction.

12.9.2. Any proposed landscaping and / or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths along the Great Western Highway and Carlisle Avenue.

13 **OPERATIONAL (PLANNING)**

13.1 **Access/Parking**

13.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.

13.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

13.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

13.2 **Retailing Restrictions**

13.2.1 The retail use of the land is to be limited to large items which comply with the requirements of the following definition of "bulky goods" as contained in Blacktown Local Environmental Plan 1998:

"Bulky Goods" means large goods which, in the opinion of Council, are of such a size or shape as to require:

- (a) a large area for handling, storage or display; and
- (b) easy and direct vehicular access to the site on or from which the goods are sold to enable the goods to be collected by customers after sale, but does not include clothing, food and beverages or fresh produce.

13.3 **General**

13.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

13.3.2 Should an intruder alarm be installed on the land it shall be fitted with a timing

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device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

- 13.3.3 The hours of operation of the development shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved hours of operation: 6:00am to 10:00pm Monday to Friday
6:00am to 7:00pm Saturday and Sunday

13.4 Landscaping

- 13.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

13.5 Use of Premises

- 13.5.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

13.6 Emergency Procedures

- 13.6.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

13.7 Other

- 13.7.1 Appropriate way finding signage including entry and exit signage shall be implemented by the developer of the site to ensure that access points are clearly defined.

- 13.7.2 All vehicles must enter and exit the site in a forward direction.

- 13.7.3 All vehicles are to wholly contained on site before being required to stop.

- 13.7.4 The proposed signs must not have / use:

- Flashing lights;
- Electronically changeable messages;
- Animated display, moving parts or simulated movement;
- Complex displays that hold a driver's attention beyond "glance appreciation";
- Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as "halt" or "stop"; and
- a method of illumination that distracts or dazzles.

- 13.7.5 The gate at the entrance to the loading dock is to be for emergency use only and is

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to be kept locked at all times.

- 13.7.6 All heavy vehicles accessing the loading dock are to enter via the access point on John Hines Avenue.
- 13.7.7 There is to be no vehicular movements from the 'left-in' deceleration lane on the GWH to any land at the western side of the development or the driveway of the loading dock area for the hardware store.
- 13.7.5 A separate Development Application for the adjoining site will be required to address access arrangements between the two sites.
- 13.7.6. A separate development application is required to be lodged for the fit out of the cafe. The cafe is required to comply with the requirements of:
- Food Act 2003 and Regulations
 - Australian Standard 4674-2004 Design, construction and fit out of food premises.

14 OPERATIONAL (ENVIRONMENTAL HEALTH)

14.1 Environmental Management

- 14.1.1 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.
- 14.1.2 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.
- 14.1.3 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.

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