

SECTION 34 AGREEMENT

COURT DETAILS

Court	Land and Environment Court of New South Wales
Class	1
Case number	10830 of 2011

TITLE OF PROCEEDINGS

Applicant	Fabcot Pty Ltd
Respondent	Blacktown City Council

FILING DETAILS

Filed for	All parties
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SECTION 34 AGREEMENT

- A. The parties have reached an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
- B. The terms of the decision are as follows:
1. The Applicant is granted leave to rely upon the amended development application.
 2. The Applicant is to pay the Respondent's costs that were incurred in respect of the assessment of the revised plans which are agreed in the amount of [\$x]. \$40,000
 3. The Appeal is upheld.
 4. Development application (JRPP-11-605) for the proposed staged retail development at 217 Railway Terrace, Schofields (contained in Lot 23 DP 26987) is approved subject to the conditions set out in Annexure "A".
- C. Pursuant to section 34(3)(a) of the *Land and Environment Court Act 1979* the parties request the Commissioner to dispose of these proceedings in accordance with the terms of the decision set out in paragraph B above.

Dated: ~~January 2012~~

2 February 2012

SIGNATURE

Signature of legal representative

Capacity

Date of signature

Solicitor for the Applicant

2 February 2012

by on behalf of her
employed solicitor
Mia Margaret
Green

SIGNATURE

Signature of legal representative

Capacity

Date of signature

Solicitor for the Respondent

2/2/12

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Pursuant under the Environmental Planning and Assessment Act 1979 Section 81(1)(a)

Development Application Number: JRPP-11-605

Development Description: Demolition of existing structures and construction of a staged retail development including supermarket, liquor shop and specialty shops with associated parking and signage pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979 (NSW)*

Premises: Lot 23 DP 26987(No.217) Railway Terrace, Schofields

Determination: Conditional development consent granted subject to the conditions imposed below

Date of Determination:

Consent Granted to Operate From:

Consent to Lapse on:

1 ADVISORY NOTES

1.1 Disability Discrimination Act

- 1.1.1 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.

1.2 Other Approvals

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

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008.

1.3 Services

- 1.3.1 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 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.

- 1.3.2 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.
- 1.3.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.4 Demolition

1.4.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- a. NSW WorkCover Authority (Ph: 13 10 50) – "Short Guide to Working with Asbestos",
- b. NSW Department of Environment and Conservation (Ph: 9995-5000) – "A Guide to Keep Your Family Safe from Lead", "A Renovators Guide to the Dangers of Lead",
- c. "Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (1988),
- d. Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- e. Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications), and
- f. Australian Standard 2601-2001 – The Demolition of Structures.

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 and unless amended by any other condition of this consent:

Drawing No.	Description	Dated
08060 SK13.01S	Stage 1 Main Floor Plan Stage 1A	25 January 2012
08060 SK13.02Q	Stage 1 Undercroft and Stage 2 Shops Plan	20 January 2012
08060 SK13.03K	Overall Concept Main Floor Plan	24 January 2012
08060 SK13.04G	Overall Concept Undercroft Plan	9 January 2012
08060 SK13.05L	Elevations	22 December 2011
08060 SK13.06B	Stage 1 Main Floor Plan Stage 1B	25 February 2012
X10150 – Sheet 01 Rev3	Stage 1A South Schofields Woolworths Access	24 January 2011
X10150 – Sheet 02 Rev4	Stage 1B South Schofields Woolworths Access	12 January 2011
X10150 – Sheet 03 Rev 3	Stage 2 South Schofields Woolworths Access	10 January 2012
08060 DA1.02C	Demolition Plan	21 October 2010
08060 DA1.09C	Survey Plan	21 October 2010

The following amendments are to be incorporated into the approved plans for submission with the Construction Certificate:

Plan No. SK13.02 – Stage 1 Undercroft: The footpath shall extend between the front of the shops and the street kerb to provide a width capable of being used for outdoor seating.

Plan No. SK13.01 – Stage 1 Main Floor. The final landscaping plan submitted with the Construction Certificate shall show planting shown along the site edge near the rail line shall

be increased to provide 6 street trees of a height and spread capable of providing enclosure to the site edge and improving the amenity of the road and footpath.

Plan No. SK13.01 – Stage 1 Main Floor. The final landscaping plan submitted with the Construction Certificate shall show trees to the diamonds between the spaces within the at-grade car park.

Plan No. SK13.03 – Overall Concept. The final landscaping plan submitted with the Construction Certificate shall show the embellishment of the small green space near the car park entry opposite the station. In particular, the area shall feature additional landscaping and an artwork or other visual marker so that the landscape design outcome includes trees, underplanting and a sculpture.

Plan No. SK13.05 – Elevations. The blank fibre cement panels fronting the Main Street and the loading dock roller door shall be provided with decorative features to provide interest to those elements. Details shall be discussed with Council for submission prior to the issue of the Occupation Certificate.

NB. This consent does not authorise the construction of any works detailed as 'Future Stage(s)' 'Stage 2' or 'Overall Concept' on the submitted plans. These works are required to be considered as part of a separate Development Application.

2.2 Engineering Matters

2.2.1 Definitions

- 2.2.1.1 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 for roadworks in Railway Terrace 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.

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Railway Terrace.

- 2.2.1.2 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications.

2.2.2 Design and Works Specification

2.2.2.1 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 Growth Centres Precincts Development Control Plan 2010 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 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 documents.

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

2.2.3 Payment of Engineering Fees

2.2.3.1 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.

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.

2.2.3.2 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 half road reconstruction of Railway Terrace 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.

2.2.4 Other Fee and Bond/Securities

2.2.4.1 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.

2.2.4.2 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.

2.2.5 Other Necessary Approvals

2.2.5.1 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.

2.2.6 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.

2.2.7 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.

2.3 Signage

2.3.1 This consent does not approve the construction of any pylon sign. Only signage identified on the approved building elevations are approved by this consent.

3 PRIOR TO DEMOLITION WORKS

3.1 Safety/Health/Amenity

3.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

3.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

3.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or 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.

- 3.1.4 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.

- 3.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

3.2 **Tree Protection**

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

4 **DURING DEMOLITION WORKS**

4.1 **Safety/Health/Amenity**

- 4.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.

- 4.1.2 A sign shall be maintained in a prominent position on the land indicating the name

of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

- 4.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 4.1.4 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.
- 4.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 4.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 4.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 4.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 4.1.9 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 4.1.10 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 4.1.11 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 4.1.12 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

4.2 Tree Protection

- 4.2.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.

5 COMPLETION OF DEMOLITION WORKS

5.1 Final Inspection

- 5.1.1 A final inspection of the demolition works is required to ascertain compliance with the relevant conditions of this consent prior to the release of the road damage deposit.

5.2 Hazardous Materials and Waste

- 5.2.1 A clearance certificate prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the demolition contractor who holds a Demolition Licence and Class 2 Bonded Asbestos Licence issued by the NSW WorkCover Authority under the provisions of the Occupational Health and Safety Act 2000 (and any relevant Regulation there under) shall be obtained. The report must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence. A copy of the clearance certificate is to be lodged with Council.

6 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

6.2 Road Deposit/Bond

- 6.2.1 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 \$157.00,
- (b) Road maintenance bond of \$5,000.00 and
- (c) Administration fee of \$82.00

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.

- 6.2.2 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.

Vehicular Crossing Application and Inspection Fee: \$125.00

6.3 Services/Utilities

- 6.3.1 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.

7 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

7.2 Section 94 Contributions

- 7.2.1 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 either by Council or any accredited certifier, whichever occurs first.

Contribution Item	Base Amount	Relevant C.P.	Base Date
(i) Stormwater Quantity	\$583,979	CP No.20	1.12.10
(ii) Stormwater Quality	\$33,715	CP No.20	1.12.10
(iii) Traffic Management	\$208,294	CP No.20	1.12.10

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. 20 – Riverstone and Alex Avenue Precincts

The Section 94 Contribution(s) have been based on the total developable area nominated below. Should the final plan of survey indicate any change in the total developable area, the Section 94 Contribution(s) will be adjusted accordingly.

Developable Area: 1.4671ha
(Gross Developable Area [2.051ha] – adjustments [0.5839ha] = 1.4671ha)

- 7.2.2 Any Compliance Certificate issued for the payment of Section 94 Contributions shall be accompanied by a letter from Council acknowledging that the correct Section 94 Contributions have been paid for that particular development or stage of development.

7.3 Aesthetics/Landscaping

- 7.3.1 Council is particularly concerned about the appearance of the development. Accordingly, the following additional information is required to be submitted for Council's separate approval prior to the issue of any Construction Certificate for the approved development:

- (a) Details of all retaining walls to be constructed on site as part of the development. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) where such walls are proposed to be located within a publicly visible area (such as future front building setbacks) or proposed to have a height in excess of 900mm.
- (b) A Landscaping Plan which provides for inclusion of landscape bays and street tree planting in accordance with Figure 3-6: Typical local street as shown in the Blacktown City Council Growth Centres Precinct Development Control Plan 2010: Alex Avenue Precinct; and
- (c) A Landscaping Plan which details the tree shading in the supermarket ground car park for Stage 1 including number, size and species of trees and is to reflect the position of the larger trees identified on the *Stage 1 Main Floor Plan SK13.01 Revision S* and any smaller trees that are to be located at intervals in diamond shaped structures between the larger trees.

7.3.2 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.

7.4 Fencing

7.4.1 The area of land zoned RE1 within the subject site (to the east), shall be secured with appropriate fencing to protect the site from illegal dumping.

Details of the fencing shall be submitted for Council's separate approval prior to the release of any Construction Certificate.

7.5 Access/Parking/Loading

7.5.1 The quantum of off-street car parking spaces shall meet Blacktown City Council Growth Centre Precincts Development Control Plan 2010. The internal roads and parking areas are to be designed in accordance with Australian Standards 2890.1-2004, 2890.6-2009 & AS2890.2-2002. The minimum disabled parking provision of 2% shall be provided.

7.5.2 All car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1-2004 & 2890.6-2009 with all visitor customer spaces being at least 2.6m wide.

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

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

7.5.5 Electronic copies of detailed swept path tests shall be provided of all loading docks for the DESIGN maximum length truck employing either the AUTOTURN or AUTOTRACK program. The swept path diagrams shall show the full path for entering and exiting vehicles including details of the swept path needs at driveways. Appropriate travel speeds shall be used within the external public streets and within the car park as part of the model inputs.

7.5.6 The number of on-site loading docks and dimensions thereof shall be justified by

the proponent together with a loading dock management plan that details the number of daily truck deliveries by truck size by tenancy by time of day & day of week.

7.6 Other Authorities

- 7.6.1 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 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Growth Centres Commission before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

7.7 Site Contamination

- 7.7.1 In relation to site contamination matters, the submitted Phase 1 Environmental Site Assessment Report prepared by Geo-Logix dated August 2010 has identified that the site is potentially contaminated from the presence of asbestos related building products and the previous uses of the site. In this regard a Phase 2 Environmental Investigation of the site is required to assess the suitability of the site for a commercial use. This Phase 2 Environmental Investigation shall provide a more detailed assessment involving sampling by a suitably qualified environmental consultant in accordance with relevant EPA guidelines and standards which shall be submitted for Council's separate approval prior to the release of any Construction Certificate.

Should any remediation works be required in accordance with the relevant legislation or guidelines, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to Council for approval. Final validation of the site for every aspect of these works shall be submitted to Council or an accredited certifier prior to the issue of a Construction Certificate.

7.8 Adjoining Owners Consent

- 7.8.1 Please submit written owners consent from all affected property owners should the development impact upon any neighbouring property as a result of any construction works including under-pinning, footings, etc.

7.9 RailCorp Condition

- 7.9.1 Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

7.10 Traffic Management

- 7.10.1 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 by the Principal Certifying Authority.

- 7.10.2 A Demolition 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 and/or any works being undertaken on-site.
- 7.10.3 The applicant shall be responsible for all public utility adjustments/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 7.10.4 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) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- 7.10.5 All works/regulatory signposting associated with the proposed development are to be at no cost to Council or the RMS.
- 7.10.6 The applicant shall demonstrate that the proposed setbacks to the development takes into account the ultimate road widening of Railway Terrace to four lanes and any additional road geometry requirements. The access arrangements for Stage 1 of the development are as follows:

Stage 1A (Pelican Road open)

- Car park access from Railway Terrace at northern boundary of site with left in/right in and left out (with separate left and right turn lanes on Railway Terrace);
- Service access via a driveway along the southern boundary connecting to the Pelican Road/Railway Terrace roundabout (with raised pedestrian crossings across the driveway and pedestrian fencing to direct pedestrians to cross Railway Terrace south of the roundabout as suggested by RMS);
- Marked pedestrian crossing on Railway Terrace (south of roundabout) to connect site with station.

Stage1B (Pelican Road closed)

- Car park access from Railway Terrace at northern boundary of site with left in/right in and left out (with separate left and right turn lanes on Railway Terrace);
- Construction of part of Main Street along the southern boundary connecting to the Pelican Road/Railway Terrace roundabout. This would provide access to the customer car park and service area (with a raised pedestrian crossing across Main Street and pedestrian fencing to direct pedestrians to cross Railway Terrace south of the roundabout as suggested by RMS);
- Marked pedestrian crossing on Railway Terrace (south of roundabout) to connect site with station.

[Advisory note on agreed future vehicular access arrangements for Stage 2 (Main Street constructed)

- Car park access from Railway Terrace at northern boundary of site with left in/ left out (with separate left lane until Railway Terrace widened to four lanes)

as suggested by RMS. As advised RMS will not require separate LT lane once Railway Terrace is widened to 4 lanes;

- Service and car park access via Park Road (road on eastern boundary) with basement parking and internal connections between at grade and basement car parks;

- No access from Main Street;

It is agreed that traffic signals are an appropriate long term treatment for the intersection of Main Street and Railway Terrace. However, currently traffic signals are not identified in the DCP or within a Section 94 Plan. The proposed Woolworths development has been set back on the Railway Terrace frontage to allow Railway Terrace to be widened to 4 lanes (as requested by RMS) and this would allow for traffic signals at the intersection with Main Street.

It is agreed between representatives of RMS, Council and Woolworths that the best way to deal with the future signals is for an advisory note to be included in the Stage 1 approval to note that for Stage 2 a contribution to traffic signals at the intersection of Main Street/Railway Terrace may be required.]

7.10.7 Plans shall be submitted to Council demonstrating that the swept paths of heavy vehicles do not cross to the other side of the local road on Main Street and the road along the eastern elevation of the development for both the interim arrangement of the single lane access to the loading dock and the ultimate road configuration as identified in the Alex Avenue Precinct Plan.

7.10.8 A loading dock Management Plan shall be prepared by the applicant to address the single lane circulation of two-way traffic to and from the loading dock to the local street at the southern side of the development for the interim arrangement and for the operation of the loading dock once the local street network has been completed and is operational.

7.10.9 An independent Road Safety Audit for the detailed design stage of the vehicular, servicing & pedestrian access planning be submitted prior to granting of the Construction Certificate.

7.11 NSW Transport Construction Authority Matters

7.11.1 The applicant shall ensure that the street lights installed as part of the Schofields Station bus interchange to provide for the safety of pedestrian/vehicle movements will not be impacted upon as part of the development works.

7.12 Salinity

7.12.1 To ensure that the development has no adverse effects or is not adversely affected by soil salinity, the following documentation shall be submitted prior to the release of any Construction Certificate:

(a) A Salinity Report is to be submitted which is to outline site specific salinity conditions, to a depth level appropriate for the footings and excavation levels proposed relating to the development.

(b) A Salinity Management Plan (SMP) is to be prepared for the site, using the

- 7.10.2 A Demolition 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 and/or any works being undertaken on-site.
- 7.10.3 The applicant shall be responsible for all public utility adjustments/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 7.10.4 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) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- 7.10.5 All works/regulatory signposting associated with the proposed development are to be at no cost to Council or the RMS.
- 7.10.6 The applicant shall demonstrate that the proposed setbacks to the development takes into account the ultimate road widening of Railway Terrace to four lanes and any additional road geometry requirements. The access arrangements for Stage 1 of the development are as follows:

Stage 1A (Pelican Road open)

- Car park access from Railway Terrace at northern boundary of site with left in/right in and left out (with separate left and right turn lanes on Railway Terrace);
- Service access via a driveway along the southern boundary connecting to the Pelican Road/Railway Terrace roundabout (with raised pedestrian crossings across the driveway and pedestrian fencing to direct pedestrians to cross Railway Terrace south of the roundabout as suggested by RMS);
- Marked pedestrian crossing on Railway Terrace (south of roundabout) to connect site with station.

Stage 1B (Pelican Road closed)

- Car park access from Railway Terrace at northern boundary of site with left in/right in and left out (with separate left and right turn lanes on Railway Terrace);
- Construction of part of Main Street along the southern boundary connecting to the Pelican Road/Railway Terrace roundabout. This would provide access to the customer car park and service area (with a raised pedestrian crossing across Main Street and pedestrian fencing to direct pedestrians to cross Railway Terrace south of the roundabout as suggested by RMS);
- Marked pedestrian crossing on Railway Terrace (south of roundabout) to connect site with station.

[Advisory note on agreed future vehicular access arrangements for Stage 2 (Main Street constructed)]

- Car park access from Railway Terrace at northern boundary of site with left in/ left out (with separate left lane until Railway Terrace widened to four lanes)

as suggested by RMS. As advised RMS will not require separate LT lane once Railway Terrace is widened to 4 lanes;

- Service and car park access via Park Road (road on eastern boundary) with basement parking and internal connections between at grade and basement car parks;

- No access from Main Street;

It is agreed that traffic signals are an appropriate long term treatment for the intersection of Main Street and Railway Terrace. However, currently traffic signals are not identified in the DCP or within a Section 94 Plan. The proposed Woolworths development has been set back on the Railway Terrace frontage to allow Railway Terrace to be widened to 4 lanes (as requested by RMS) and this would allow for traffic signals at the intersection with Main Street.

It is agreed between representatives of RMS, Council and Woolworths that the best way to deal with the future signals is for an advisory note to be included in the Stage 1 approval to note that for Stage 2 a contribution to traffic signals at the intersection of Main Street/Railway Terrace may be required.]

7.10.7 Plans shall be submitted to Council demonstrating that the swept paths of heavy vehicles do not cross to the other side of the local road on Main Street and the road along the eastern elevation of the development for both the interim arrangement of the single lane access to the loading dock and the ultimate road configuration as identified in the Alex Avenue Precinct Plan.

7.10.8 A loading dock Management Plan shall be prepared by the applicant to address the single lane circulation of two-way traffic to and from the loading dock to the local street at the southern side of the development for the interim arrangement and for the operation of the loading dock once the local street network has been completed and is operational.

7.10.9 An independent Road Safety Audit for the detailed design stage of the vehicular, servicing & pedestrian access planning be submitted prior to granting of the Construction Certificate.

7.11 NSW Transport Construction Authority Matters

7.11.1 The applicant shall ensure that the street lights installed as part of the Schofields Station bus interchange to provide for the safety of pedestrian/vehicle movements will not be impacted upon as part of the development works.

7.12 Salinity

7.12.1 To ensure that the development has no adverse effects or is not adversely affected by soil salinity, the following documentation shall be submitted prior to the release of any Construction Certificate:

(a) A Salinity Report is to be submitted which is to outline site specific salinity conditions, to a depth level appropriate for the footings and excavation levels proposed relating to the development.

(b) A Salinity Management Plan (SMP) is to be prepared for the site, using the

results from the Salinity Report and Geotechnical Investigations to make a series of recommendations/strategies as to how the development can be carried out to minimise the effects of salinity.

(c) An appropriately qualified consultant shall review the construction certificate plans to ensure that it will be constructed to a standard to withstand the saline conditions of the site and that the recommendations outlined within the SMP have been implemented within the construction details.

8 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

8.1 Building Code of Australia Compliance

8.1.1 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).

8.1.2 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) Part C, D, E, F and J

8.2 Site Works and Drainage

8.2.1 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.

8.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

8.2.3 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.

8.2.4 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.

9 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

9.1 Compliance with Conditions

- 9.1.1 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.
- 9.1.2 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.

9.2 Road-works

- 9.2.1 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.
- 9.2.2 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 RMS Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RMS accredited.

9.3 Erosion and Sediment Control

- 9.3.1 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.

9.4 Compaction Requirements

- 9.4.1 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.

9.5 Securities/Payments In Lieu of Works/Contributions

- 9.5.1 Where an applicant proposed not to construct works required by this development consent it is necessary to obtain Council's approval of providing payment in lieu of works by applicant prior to the release of the Construction Certificate.

9.6 Asset Management

- 9.6.1 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.

9.7 Other Approvals/Clearances/Adjoining Owners Permission.

- 9.7.1 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.

- 9.7.2 Written permission from the affected property owners shall be obtained to:

- (a) where stormwater flows increase over existing, discharge stormwater onto adjoining land
- (b) carry out works on adjoining land
- (c) drain the site across adjoining land

prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council prior to the issue of any Construction Certificates.

9.8 Tree Preservation

- 9.8.1 A tree retention plan shall be included with any Construction Certificate indicating:

- (a) the trees to be retained.
- (b) all areas left undisturbed and to be cordoned off from construction works.

9.9 Ancillary Works

- 9.9.1 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.

9.10 Street Furniture

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

9.11 Scope of Engineering Works

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

9.11.1 Road and Drainage works

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

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

- i. Railway Terrace. The existing road is to be reconstructed for the full frontage of the site (including the required deceleration lane & associated works plus pedestrian access / control works between the site and Schofields Railway Station / Bus Interchange) for its full width in accordance with the Stage 1A & 1B plans. The works to include all linemarking, signposting and pedestrian control facilities. The formation is to include a minimum 3m wide footway adjacent to the site, with all of the works contained within a width that facilitates an ultimate carriageway that allows for two travel lanes in each direction (with or without a median).
- ii. Main Street. Shall be fully constructed generally in accordance with the Stage 1A & 1B plans such that it allows for the provision of the road reserve width of 21.5m with a minimum 4.75m wide footways / verges on both sides of the carriageway. Note should the interim design be dedicated to Council as public road it will only be accepted by Council where there is sufficient turning paths at intersections and entrances and an area for turning is provided at the termination of any constructed road. Where temporary arrangements are dedicated as public road, Council will require bonds to cover removal of any temporary works and reinstatement to a standard acceptable to Council
- iii. The road located to the east of the site (Eastern or Park Road) shall be fully constructed within the area of the subject site. The formation is subject to confirmation by Council, with a minimum 4.75m footpath / verge along the development frontage (ideal width of 5.25m) and a carriageway width of at least 14.4m for a bus route, increasing to 15.4m if an on-road bicycle lane is required. Note should the interim design be dedicated to Council as public road it will only be accepted by Council where there is sufficient turning paths at intersections and entrances and an area for turning is provided at the termination of any constructed road. Where temporary arrangements are dedicated as public road, Council will require bonds to cover removal of any temporary works and reinstatement to a standard acceptable to Council.

- iv. The traffic loading for pavement design of all roads will be a minimum of 1x10(6)E.S.A.s or as determined by Council.

9.11.2 Vehicular Crossings

- 9.11.2.1 Construction of Council's standard commercial and industrial vehicular footway crossings in accordance with Council plan A(BS)103S and to a width in accordance with the RMS Guide to Traffic Generating Developments.

9.11.3 Footpaths

- 9.11.3.1 Construction of segmental block path paving (65mm thick clay paver) for the full width of the footway area over the full frontage of the site. Any street trees are to be planted in suitable grates or bays. Please contact Council's Development Services Engineers for details of type and colour of pavers to be laid.

9.11.4 Finished Boundary Levels

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

9.12 Drainage

- 9.12.1 The stormwater concept plan, shall demonstrate how the site drainage will work hydraulically not only in future reference of the trunk drainage system, but also in the interim where future drainage works have not been undertaken on both adjoining properties. The interim drainage concept shall be supported with calculations, a DRAINS model and MUSIC model.

- 9.12.2 The following drainage plan revisions are to be made, submitted and approved by Council;

- i. A catchment plan is required to be submitted and approved by Council that details the extent of areas draining to the proposed road drainage system and the site. The road drainage system is to be configured to allow for possible development scenarios generally based on the existing topography and to minimise outlets to the trunk drainage channel proposed in Council's Section 94 Contribution Plan No 20.
- ii. There shall only be one point of discharge for stormwater from the development into the existing water course, not two as shown on the submitted plans. The proposed 825mm diameter pipe is to be extended along Road Two to join the proposed discharge point to the North.
- iii. Details of the Bioretention basins must include dimensions, sections and requirements in relation to lining and tanking for the proposed basement car park. The key design criteria and filter media requirement should be shown on the plans.
- iv. Details of the temporary detention basin are required, this shall include storage capacity, cross-sections and orifice diameter(s). Calculations are required to show that the post developed flows are less than existing flows for the basin, from 1 in 1 year to 1 in 100 year ARI events. Further details of the basin's location on the site are to be submitted to Council prior to the issue of the Construction Certificate. Provision is to be made for all the new roads, verges

and front dedication to be considered as bypass. The swale and conservation area behind can be excluded from the calculations.

- v. The location of the detention tank is to be clearly shown on the revised drainage plan.
- vi. The Rainwater tank shall be clearly marked on the plans, and details of the tank such as above or below ground, levels and the location. The area draining to the tank is to be clearly shown, a minimum of 80% of non-potable uses is to be met through rainwater, to comply with Council's DCP Part R. The rainwater tank is currently located in two different areas and discharges to two different locations in the submitted MUSIC and DRAINS models.

Note: A number of other revisions will be required to be made to the MUSIC and DRAINS models. Those matters shall be discussed with Council's Development Services Engineer prior to submission to Council.

- 9.12.3 Details of the Stormwater 360 Stormfilter are required to demonstrate how the device will operate effectively in relation to storage depths in the proposed location. The units have relatively low treatable flow rates and details need to be provided to show how the overflows from these devices are captured and conveyed to the Council road drainage system. The proposed location of these devices is at the driveway where there will be a high traffic and heavy vehicle movements, certification is required from the manufacturer that the devices will be structurally suitable and not impact the treatment effectiveness.
- 9.12.4 The Stormwater 360 Stormfilter have not been approved for use in Blacktown. Details of Council's requirements are available upon request, however even if this information can be provided it may take some time for this to be reviewed.
- 9.12.5 The Operation and maintenance plans are required for Bioretention, Rainwater Tank, Detention Basin and any other approved devices. The plan shall include inspection and cleaning frequencies, and cleaning and disposal methods. The plan must comply with Council's DCP Part R.
- 9.12.6 A water quality catchment plan is required quantifying and showing the area draining to each device, excluding road, rear drainage and conservation areas.
- 9.12.7 An experienced plumber/engineer is to prepare and have approved a detailed Rainwater Reuse Supply, Pipe and Fixture Plan for non-potable water uses on the site. All public and staff toilet flushing, loading bay washing and landscape watering is to be met through rainwater. The plan is to show the rainwater pipe arrangement including first flush system, pump, solenoid controlled mains bypass or direct tank top up, flow meters, isolation valves, an inline filter and indicate that all Sydney Water requirements have been satisfied. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.
- 9.12.8 An NPER registered structural engineer is to structurally certify the proposed retaining walls.
- 9.12.9 Details of the trunk drainage swale, including long sections, cross sections and landscaping plan shall be submitted and approved by Council.
- 9.12.10 Manufacturer's Certification is to be provided to Council for any works other than bulk earthworks, confirming that the proposed treatment device;

- Meets the requirements as detailed in MUSIC.
- Will work hydraulically in the proposed location shown on the drainage plan

9.12.11 Where Council is not the Certifying Authority, an independent engineering consultant is to assess the final drainage plans and certify that the pipe/pit systems, DRAINS and water quality requirements including MUSIC modelling meet Council's Engineering Guide for Development 2005 design standard and the consent conditions.

9.12.12 Where drainage involves the provision of drains across land owned by others, evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.

10 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

10.1 Food Premises

10.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;

- o Food Act 2003 and Regulations there under.
- o Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

10.2 Environmental Management

10.2.1 An acoustical assessment shall be submitted to Council for consideration. The assessment shall address the following to Council and RailCorp's satisfaction:

- Potential noise impacts associated with the proposed staged retail development on the surrounding low density housing (i.e. air conditioners, mechanical plants, traffic noise and hours of operation).
- Compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".
-

11 PRIOR TO DEVELOPMENT WORKS

11.1 Safety/Health/Amenity

11.1.1 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.

11.1.2 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.

11.1.3 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 and maintained 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.

11.1.4 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.

11.1.5 A single vehicle/plant access to the land shall be provided and maintain during works 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.

11.1.6 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.

11.1.7 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.

11.2 Notification to Council

- 11.2.1 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.
- 11.2.2 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.

11.3 Tree Protection

- 11.3.1 Any tree not indicated on the approved Development Application plans as being removed or greater than 3m from the building perimeter shall be effectively protected against damage.

11.4 Sydney Water Authorisation

- 11.4.1 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.

11.5 NSW Roads and Maritime Services

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

11.6 Adjoining Owners

- 11.6.1 Written permission from the respective owner(s) must be obtained to:
 - (a) discharge stormwater onto adjoining owner's land.
 - (b) carry out works on adjoining land.
 - (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

11.7 Construction Details

- 11.7.1 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) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

12 DURING CONSTRUCTION (BUILDING)

12.1 Safety/Health/Amenity

- 12.1.1 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.
- 12.1.2 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.
- 12.1.3 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.
- 12.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 12.1.5 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.
- 12.1.6 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.

12.1.7 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.

12.2 Surveys

12.2.1 The building 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.

12.2.2 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.

12.3 Nuisance Control

12.3.1 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.

12.3.2 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.

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

12.4 Stormwater Drainage

12.4.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

12.5 Waste Control

12.5.1 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.

12.6 Construction Inspections

12.6.1 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.

12.7 Site Cut and Fill levels

The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans.

Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

12.8 Site Contamination

- 12.8.1 Should any contaminated material be unearthed during the construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy.

13 DURING CONSTRUCTION (ENGINEERING)

13.1 Compaction Requirements

- 13.1.1 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.

13.1.2 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.

13.2 Tree Protection

13.2.1 Prior to the commencement of any earthworks, and after the road centrelines have been pegged and/or permanently marked, the site shall be inspected by Council's representative or an appropriately accredited private certifier and the applicant's representative to identify and appropriately mark:-

- (i) The trees to be retained.
- (ii) All areas to be left undisturbed and cordoned off.

13.3 Maintenance of Soil Erosion Measures

13.3.1 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.

13.3.2 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.

13.4 Filling of Land & Compaction

13.4.1 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.

13.4.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

13.4.3 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

13.4.4 Site filling 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.

- 13.4.5 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. Any fill material imported to the site shall be certified at the source by a suitable qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel.
- 13.4.6 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.
- 13.4.7 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.
- 13.4.8 During the course of engineering works to be undertaken on site, the following conditions shall be complied with at all times:
- (a) All truck movements shall be by truck or by "truck and dog trailer" not exceeding a length of 19m. No B-Doubles will be permitted to transport fill material on Blacktown City Council roads.
 - (b) All truck movements in the Blacktown LGA must be on designated heavy vehicle roads, as listed in the RMS's road register (see the RMS's website for regular updates) and as agreed to by Council.
 - (c) All truck operators are to minimise revs/noise levels when driving through residential areas/school zones to minimise the impact on the amenity of the area.
 - (d) All trucks shall not exceed a speed of 40km/h along any internal haul roads.
- 13.5 **Inspections of Works**
- 13.5.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -
- (i) Soil Erosion and Sediment Control
 - (a) Implementation of erosion and sediment control
 - (b) Revegetation of disturbed areas
 - (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
 - (d) Removal of sediment basins/ fencing etc.
 - (e) Internal sediment/ pollution control devices
 - (f) Final Inspection
 - (ii) Traffic Control
 - (a) Implementation of traffic control
 - (b) Maintenance of traffic control during works
 - (c) Removal of traffic control

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

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

(iv) 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

(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) 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.

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

13.6 Public Safety

- 13.6.1 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.

13.7 Site Security

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

13.8 Drainage

- 13.8.1 Prior to pouring of the floor slab, a registered surveyor is to certify that minimum floor level of RL 28.1m AHD has been achieved.

14 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

14.1 Food Premises

- 14.1.1 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 14.1.2 The food preparation areas shall be constructed so as to comply with the requirements of;
- The Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
 - Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

14.2 **Acoustic Matters**

- 14.2.1 The recommendations of the submitted Acoustic Report shall be implemented.

15 **PRIOR TO OCCUPATION CERTIFICATE**

15.1 **Road Damage**

- 15.1.1 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.

15.2 **Compliance with Conditions**

- 15.2.1 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.
- 15.2.2 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.

15.3 **Service Authorities**

- 15.3.1 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.
- 15.3.2 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. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

15.4 Fire Safety Certificate

15.4.1 An interim or 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).

15.4.2 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).

15.5 Food Premises

15.5.1 The premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.

15.6 Fee Payment

15.6.1 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.

15.7 Engineering Matters

15.7.1 Surveys/Certificates/Works As Executed plans

15.7.1.1 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.

15.7.1.2 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.

15.7.1.3 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.

15.7.1.4 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.

15.7.1.5 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.

15.7.2 Easements/Restrictions/Positive Covenants

15.7.2.1 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 generally be in accordance with the following and agreed :

- (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.

15.7.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.

15.7.2.3 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.

15.7.2.4 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.

15.7.3 Dedications

15.7.3.1 Dedication at no cost to Council of required splay corners on allotments at each street intersection to accommodate the proposed roundabouts and/ or traffic control signals, and the dedication at no cost to Council of any required road widening in Railway Terrace.

15.7.3.2 The applicant is to contact the Roads and Maritime Services regarding arrangements for the acquisition of that portion of the site required for arterial road widening. Written evidence of such arrangements having been made is to be submitted with or prior to the Occupation Certificate application.

15.7.3 Bonds/Securities/Payments in Lieu of Works

15.7.3A.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.

15.7.3A.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 twelve 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.

15.7.4 Inspections

15.7.4.1 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.

15.7.5 Inspection of Work

15.7.5.1 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.

15.6 Drainage

15.6.1 A Positive Covenant is to be provided over the On-Site Detention Tank, Rainwater tanks and Stormwater Quality Improvement Devices in accordance with the requirements in Council's Engineering Guide for Development 2005.

15.6.2 An accredited plumber or experienced hydraulic engineer is to certify that all the toilets on the ground floor are being supplied by rainwater and that all the requirements of the detailed Rainwater Supply, Pipe and Fixture Plan have been installed and are working correctly

15.6.3 A Registered Surveyor is to certify that the minimum finished floor of RL 31.55m AHD has been achieved.

16 OPERATIONAL (PLANNING)

Hours of Operation

16.1.1 The operating hours for the development will be 6am to midnight daily 7 days per week.

16.1.2 Deliveries to the development are to occur between the hours of 6am and midnight 7

days per week.

Access/Parking

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

16.3 General

- 16.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 16.3.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 16.3.3 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.
- 16.3.4 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal roads, car parking area, landscaping or footpaths, other than in approved garbage receptacles.
- 16.3.5 The area of the land zoned RE1 within the subject site to the east shall be secured and kept in a neat and tidy manner at all times until subdivided by the applicant and then acquired by Council.
- 16.2.6 Arrangements shall be made for an effective commercial refuse removal service.

16.3 Landscaping

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

16.4 Emergency Procedures

- 16.4.1 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.

17 OPERATIONAL (ENVIRONMENTAL HEALTH)

17.1 Environmental Management

- 17.1.1 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.

17.1.2 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.

17.1.3 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.

17.2 Food Premises

17.2.1 The food premises shall be maintained in accordance with the requirements of;

- Food Act 2003 and Regulations there under.
- Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

17.2.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.

17.2.3 Upon commencement of trading, notify NSW Food Authority of the food business.

17.2.4 The premises is to be registered with Council as a food business.