

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: BUNNINGS GROUP LTD C/-
MORRIS BRAY ARCHITECTS
186-188 WILLOUGHBY ROAD
CROWS NEST 2065

Determination Number: 11-785

DRAFT

Property Description: LOT 13 DP262886, HOLLINSWORTH ROAD, MARSDEN PARK
LOT 14 DP262886, 840 RICHMOND ROAD, MARSDEN PARK
LOT 15 DP262886, HOLLINSWORTH ROAD, MARSDEN PARK

Development: Proposed Bunnings timber/building supplies, new building and outdoor areas, carparking, driveways and loading facilities, tanks, landscape and corporate identification signage

Determination: *Pursuant to Section 81 of the Act Council advises that the Development Application has been determined by:*

- Sydney West Joint Regional Planning Panel

Right of Appeal

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

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

RON MOORE
GENERAL MANAGER

Per

Date

1 ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

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

1.2 Scope of Consent

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

1.3 Other Approvals

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

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

(a) The installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993.

(b) The installation of a vehicular footway crossing servicing the development.

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

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy

These conditions are imposed for the following reasons:

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

1.5 Road and Maritime Services

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

1.6 Other Matters.

- 1.6.1 Retaining wall elements must be no greater than 3 metres in height. All retaining walls must be screened by vegetation.

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
DA-00 Issue D	18.01.12	70H
DA-01 Issue B	29.09.11	57B
DA-02 Issue B	29.09.11	57C

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DA-03 Issue E	18.01.12	70C
DA-04 Issue E	18.01.12	70D
DA-05 Issue D	18.01.12	70E
DA-06 Issue B	06.10.11	57F
DA-07 Issue D	18.01.12	70F
DA-08 Issue D	03.11.11	62E
DA-09 Issue D	18.01.12	70G
L001 Issue D	20.10.11	61C
L002 Issue D	20.10.11	61D
L003 Issue D	20.10.11	61E
L004 Issue D	20.10.11	61F
L005 Issue D	20.10.11	61G
L006 Issue D	20.10.11	61H
L007 Issue D	20.10.11	61I

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

Hardware and Building Supplies and Garden Centre.

2.2 Services

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

2.3 Suburb Name

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

Suburb: Marsden Park

2.4 Engineering Matters

These conditions are imposed for the following reasons:

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2.4.1 Definitions

- 2.4.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an Engineering Construction Certificate must be issued for the stormwater quality improvement devices prior to or concurrently with the issue of the Building 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 Townson Road or within Council's adjacent Drainage Reserve.

- 2.4.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.
- 2.4.1.3 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. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council.
- 2.4.1.4 No filling will be permitted on the site without Council approval.

2.4.2 Design and Works Specification

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

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- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council Stormwater Quality Control Policy

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documentations.

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

2.4.3 Payment of Engineering Fees

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

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

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

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

2.5 Other Matters

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

- 2.5.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any

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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.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

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

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

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

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

3.3 Services/Utilities

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

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

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Access/Parking

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

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- 4.1.2 On-site customer and staff car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 and 2890.6 as follows:

Commercial Car Space: 2.6m x 5.4m

Disabled Car Space: 3.6m (i.e. 2.4m wide parking space and 1.2 metre wide shared area).x 5.4m

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

4.2 **Site Contamination**

- 4.2.1 The Phase 1 Preliminary Site Contamination Investigation prepared by GHD Pty Ltd dated November 2008 that was submitted as part of the Subdivision DA (i.e. DA-11-96) recommended testing and further assessment of the site to confirm that the site is suitable for industrial purposes. Therefore a site contamination validation report is to be submitted to Council prior to the issue of a Construction Certificate confirming that the site is suitable for industrial development.

4.3 **Site Salinity**

- 4.3.1 All works are to be carried out in accordance with the recommended salinity management strategies outlined in the Salinity Investigation Report prepared by GHD Pty Ltd dated 1 April 2011 that was prepared for the Subdivision Application (i.e. DA-11-96). Further to this a final sign-off from a suitably qualified consultant verifying that the salinity management requirements have been implemented prior to a Construction Certificate being issued.

4.4 **Developer Contributions**

- 4.4.1 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 this consent, and must obtain a certificate to that effect from the **Department of Planning and Infrastructure (DPI)** before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

- 4.4.2 The relevant requirements of the Marsden Park Industrial Precinct Voluntary Planning Agreement between Blacktown City Council and the proponent shall be satisfactorily completed. The applicant shall obtain a Certificate from Blacktown City Council to this effect prior to the issue of any Construction Certificate.

4.5 **Road and Maritime Services**

- 4.5.1 The extension of Townson Road and the Townson Road/Richmond Road intersection upgrade shall be fully constructed and operational prior to the issuing

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of an Occupation Certificate for this development by the Principal Certifying Authority.

- 4.5.2 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 and the **RMS**, prior to the issue of a Construction Certificate by the Principal Certifying Authority. The Construction Traffic Management Plan shall address the means of access for construction traffic should the construction of the hardware store precede the completion of the upgrade to the intersection.
- 4.5.3 All vehicles servicing the loading dock are to be wholly contained on site before being required to stop. The proposed gate at the entrance to the service area (on the Richmond Road Frontage) is to be relocated further to the west to provide a storage area within the service laneway for vehicles as large as B-doubles, so that the entrance and driveway to the proposed service station/service centre adjacent to the site, is kept clear of stopped vehicles at all times. Amended plans are to be submitted to and approved by Council prior to the release of the Construction Certificate by the Principal Certifying Authority.
- 4.5.4 The proposed deceleration lane and road works along Richmond Road and works at the intersection of Townson Road and Richmond Road, shall be designed to meet the **RMS's** requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with the **RMS's** Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the **RMS** for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The above road works are to be designed to link and are to be constructed in accordance with the approved design plans for the upgrade of Richmond Road.

The **RMS** fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the **RMS's** assessment of the detailed civil design plans.

Any realignment boundary to facilitate a footway resulting from the proposed deceleration lane must be dedicated as road at no cost to the **RMS**.

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- 4.5.5 If not already in place, full time “No Stopping” restrictions are to be implemented along the full Richmond Road and Townson Road frontages of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact the **RMS's** Traffic Management Services on phone (02) 8849 2294 for a works instruction.
- 4.5.6 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.
- 4.5.7 The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- 4.6 **Other Matters**
- 4.6.1 The applicant is to submit a revised pylon sign detail for the Business Identification sign which reduces the height from 12m to 10m.
- 4.6.2 The landscape is to be provided with an automatic trickle irrigation system installed below mulch level. The system is to be supplied by rainwater collected from the site.
- 4.6.3 Landscaped areas are to be separated from vehicular access areas by an appropriate edge, preferably a raised kerb.
- 4.6.4 The tree planting bay area is to have a 2 metre bay of deep soil condition.
- 5.6.5 Retaining wall elements must be finished in decorative masonry and no greater than 3 metres in height. All retaining walls must be screened by vegetation.
- 4.6.5 The area nominated on the approved plans as the employee open space area is to be screened in such a manner that it is not directly visible from the street.
- 4.6.6 The open space area is to be embellished with landscaping, paving, tables, chairs and the like for the use and enjoyment of employees.
- 4.6.7 The water tank and pump room located on the southern side of the subject lot are to be provided with a solid screen enclosure to ensure these are not viewed from the street. Painting the tank and pump room to match the main building wall is not be accepted as a form of screening. Details of the method of screening are to be

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submitted to Council for approval prior to a construction certificate being issued.

- 4.6.8 The east and southern boundary of the site are to be provided with a 2.1 metre high open style palisade fence that is in dark green or black.
- 4.6.9 A lighting plan is to be provided that shows the provision of lighting within the car park, entry points to the building, as well as the entry and exit points to the site. The use of energy efficient lighting is encouraged.
- 4.6.10 ~~All developments providing 50 parking spaces or more must provide~~ At least 2% or part thereof of those spaces for disabled drivers with clearance area, clearly marked **should be** signposted for this purpose and located as close as possible to the building entrance.
- 4.6.11 Parking facilities for commercial vehicles are to be designed in accordance with Australian Standard 2890.2 to accommodate the largest type of truck which could reasonably be expected to park on the site.
- 5.6.12 1 bicycle locker or other suitable form of secure bicycle accommodation is to be provided per 800 s.q.m of Gross Floor Area. Details of the location of the bicycle accommodation is to be provided to the principal certifying authority.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) Complying with the deemed to satisfy provisions, or
 - (b) Formulating an alternative solution which:
 - (i) Complies with the performance requirements, or
 - (ii) Is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Marsden Park Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 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.

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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.

5.2.3 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.

5.2.4 .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.~~

5.3 Easements

5.3.1 The footing system adjacent to the drainage easement shall be designed by an appropriately qualified person to ensure the structural adequacy of the building and the integrity of any pipe within the easement.

5.4 Bush Fire Prone Land

~~Should the proposed building be located within, or within 100m of, a high or medium bush fire hazard area as indicated on Council's Bushfire Risk Management Plan Hazard Map (Map 5), the building design shall incorporate those relevant construction standards and features indicated in Australian Standard 3959—1999, Construction of Buildings in Bushfire Prone Areas. Map 5 may be viewed at Council Offices during normal business hours.~~

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

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

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

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the above certificates or approvals.

6.2 Road-works

- 6.2.1 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.
- 6.2.2 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 RTA accredited.
- 6.2.3 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RMS) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.

6.3 Drainage

- 6.3.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.
- 6.3.2 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.
- 6.3.3 The finished floor level for the proposed building is to be a minimum of 0.5m above the 1 in 100 year flood level in the adjacent open drainage channel.
- 6.3.4 A 50,000L Rainwater tank is required for this development. The charged system supplying water to the above ground rainwater tank is to be designed for the 20 year ARI peak flows and be constructed in sewer or pressure grade PVC and painted. The system is to contain a first flush system and charged line cleanout pit with dribble hole.
- 6.3.5 All non-potable water supplies including toilet and urinal flushing, cooling tower make-up water (if required), water features, external taps and landscape watering is to be supplied from the Rainwater tank or the reuse system from the Nursery.
- 6.3.6 An experienced plumber/engineer is to prepare and have approved a detailed Rainwater Reuse Supply, Pipe and Fixture Plan for non-potable water usage on the

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site. The plan is to show the rainwater pipe arrangement including pump, solenoid controlled mains bypass (no direct tank top up), isolation valves, timer for landscape watering, an inline filter and indicate that all Sydney Water requirements have been satisfied. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

- 6.3.7 The 525mm diameter RCP that discharges into the adjacent open channel must contain a stacked rock headwall at the outlet within the open channel.
- 6.3.8 Any external power points, Air Conditioning units and Hot Water systems are to be a minimum of 0.5m above the 1 in 100 year flood level.
- 6.3.9 A Maintenance Schedule is to be provided for the Stormwater Quality Improvement Devices including swales, bio-retention, rainwater tanks and Humeceptors. Where this device is located in driveway/parking areas, this is to include traffic management requirements.
- 6.3.10 Landscape plans are required that include appropriate species for the bio-retention system from Council's HANDBOOK PART 5: VEGETATION SELECTION GUIDE. Planting should incorporate several growth forms, including shrubs, tufted plants and groundcover species and be densely planted to ensure plant roots occupy all parts of the media. A minimum of 7 different species are required within the bio-retention area.

6.4 Erosion and Sediment Control

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

6.5 Asset Management

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

6.6 Other Approvals/Clearances/Adjoining Owners Permission.

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

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- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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6.6.2 Written permission from the affected property owners shall be obtained to:

- (a) 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.

6.7 Work Adjacent to Easements

6.7.1 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:

- (a) the depth of the invert of the existing pipeline, and/or
- (b) the depth of the invert of the proposed pipeline.

6.7.2 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NPER) shall certify that this condition has been satisfied.

6.8 Ancillary Works

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

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

6.9 Scope of Engineering Works

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

6.9.0.1 Any boundary fencing or internal fencing that crosses any overland flow-path is to be open mesh style within 500mm of finished ground level with the mesh openings designed to provide a minimum 80% clear area. The underside of the fencing shall provide a minimum clear opening of 100 mm to ground level.

6.9.0.2 Any batters are not to exceed a grade or slope of 5 metres horizontal to 1 metre vertical. These are to have topsoil placed on them and vegetated to ensure control of sediment and erosion. No filling including fill batters are to be placed on

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adjoining lots without written approval of the owner.

6.9.1 Footpaths

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

6.9.2 Finished Boundary Levels

- 6.9.2.1 Finished levels of all internal works at the road boundary of the property must be:
- (a) 4% above the top of the kerb.

6.9.3 Stormwater Quality Control

- 6.9.3.1 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Council's Stormwater Quality Control Policy. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

6.10 Drainage Works Required Under DA-11-96

- 6.10.1 Building Construction Certificate plans shall not be approved until Construction Certificate plans for road and drainage works required under DA-11-96 have been approved and consideration of the details of the approved road and drainage Construction Certificate plans has been duly made.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Food Premises

- 7.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;
- Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 *Design, construction and fit-out of food premises.*

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

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

- 8.1.2 A single vehicle/plant access to the land shall be provided to minimise ground

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

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

8.2 Notification to Council

- 8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

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

8.3 Roads and Maritime Services

- 8.3.1 Written evidence shall be obtained from the 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.

8.4 Road and Maritimes Services

- 8.4.1 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the **RMS** for approval, prior to the commencement of any works.

Details should be forwarded to:

Sydney Asset Management
Roads and Traffic Authority
P.O.Box 973 Parramatta CBD 2124

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

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9 DURING CONSTRUCTION (BUILDING)

9.1 Safety/Health/Amenity

9.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

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

- (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.

9.1.3 Should the development work:

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

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

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

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

9.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

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

9.1.7 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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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9.1.8 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.

9.1.9 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.

9.2 Building Code of Australia Compliance

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

9.3 Surveys

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

9.4 Nuisance Control

9.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

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

9.4.3 3 Construction work on all buildings (except that on single dwelling houses and associated structures on the on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

10.4.4 The works to be constructed and the hours of construction are to accord with DECCW's 'Interim Construction Noise Guidelines 2009'.

9.5 Waste Control

9.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan held at enclosure 2C ON DA File 11-785 and Council's Site Waste Management and Minimisation Development Control Plan shall be

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implemented during the course of development works.

9.6 Construction Inspections

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

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

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

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

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

9.7 Vehicular Crossings

Any vehicular crossing of the footway shall be maintained a minimum of 6m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.

10.8 Road and Maritime Services

9.7.1 A Road Occupancy Licence should be obtained from the RMS for any works that may impact on traffic flows on Richmond Road during construction activities.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council’s codes, policies and specifications.
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- 9.7.2 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by Road works and traffic related works and as required by the various public utility authorities and/or their agents.

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Maintenance of Soil Erosion Measures

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

10.2 Filling of Land & Compaction

- 10.2.1 No filling will be permitted on the site without Council approval. Any filling to achieve the required finished floor level of the building is restricted to within the inside perimeter of the building walls.
- 10.2.2 The formwork for the concrete floor slab for the building shall be checked and certified by a Registered Surveyor confirming that the minimum floor level of 0.5m above the 1 in 100 year ARI flood level in the adjacent open channel has been achieved BEFORE pouring the concrete.
- 10.2.3 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control windblown dust from the site.
- 10.2.4 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

10.3 Inspections of Works

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

(i) Soil Erosion and Sediment Control

(a) Implementation of erosion and sediment control

These conditions are imposed for the following reasons:

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- (b) Revegetation of disturbed areas
- (c) Removal of any sediment basins/ fencing etc.
- (d) Internal sediment/ pollution control devices
- (e) Final Inspection

(ii) Traffic Control

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

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

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

(iv) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)

(v) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Service Adjustments as required
- (c) Final Inspection

(vi) Stormwater Quality Control

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

(vii) 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.

These conditions are imposed for the following reasons:

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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.

10.4 Public Safety

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

10.5 Site Security

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

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

11.1 Food Premises

- 11.1.1 The food preparation areas shall be constructed so as to comply with the requirements of;
- (a) The Food Act 2003 and Regulations there under.
 - (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises.*
 - (c) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.*

12 PRIOR TO OCCUPATION CERTIFICATE

12.1 Road Damage

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

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

12.2 Compliance with Conditions

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 12.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

12.3 Temporary Facilities Removal

- 12.3.1 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

- 12.3.2 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

12.4 Fire Safety Certificate

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

12.5 Food Premises

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

- 12.5.2 Trading must not commence until an Occupation Certificate for the development has been issued.

12.6 Landscaping/Car Parking

- 12.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

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

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

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

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- 12.6.5 Signs shall be erected wholly within private property and shall not encroach or overhang into the road reserve.
- 12.6.6 A total of 323 on grade carparking spaces are to be provided for customers and staff including disabled spaces.
- 12.6.7 A separate application for any on site signage (other than that specified in the submitted plans). Shall be lodged with Council specifying content, height and colours to be used.
- 12.6.8 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

12.7 Fee Payment

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

12.8 Engineering Matters

12.8.1 Surveys/Certificates/Works As Executed plans

- 12.8.1.1 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.
- 12.8.1.2 Upon completion of the works, certification by a Registered Surveyor must be obtained and submitted to Council verifying that the finished floor level for the building has been achieved. All levels must be to Australian Height Datum
- 12.8.1.3 A Certificate from a Registered Engineer (NPER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 12.8.1.4 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.
- 12.8.1.5 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.
- 12.8.1.6 Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works

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

12.8.1.7 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

12.8.1.8 An accredited plumber or experienced hydraulic engineer is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Rainwater Supply, Pipe and Fixture Plan have been installed and are working correctly.

12.8.1.9 A Hydraulic Engineer is to certify that the Stormwater Quality Improvement Devices and pits/pipes shown on the final approved plan have been installed correctly.

12.8.1.10 A registered Surveyor is to certify that the Air Condition Units, Hot Water System and external power points are to a minimum of 0.5m above the 1 in 100 year flood level.

12.8.1.11 A Landscape Architect is to certify that the plans species within the bio-retention area match the design plans for type and quantity and any plants lost or damaged have been replaced.

12.8.1.12 A Geotechnical Engineer is to undertake insitu Saturated Hydraulic Conductivity Testing of each of the bio-retention systems in accordance with Practice Note 1 of the FAWB guidelines. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of 125mm/hr (tolerance -20% to +100%), remediation works will be required over the whole filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for each of the bio-retention systems.

12.8.2 Easements/Restrictions/Positive Covenants

12.8.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

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

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

12.8.2.2 Restrictions and positive covenants must be provided over the Stormwater Quality Improvement Devices and outlet works.

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12.8.3 **Inspections**

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

12.9 **Food Premises**

- 12.9.1 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

12.10 **Road Maritime Services Condition**

- 12.10.1 The proponent shall construct the proposed deceleration lane and access to the development's service area along Richmond Road, in its ultimate configuration prior to the release of the Occupation Certificate by the Principal Certifying Authority.

12.11 **Registration of Subdivision**

- 12.11.1 An Occupation Certificate shall not be issued until the Subdivision Certificate for DA-11-96 has been registered with the Department of Land and Property Information.

13 **OPERATIONAL (PLANNING)**

13.1 **Access/Parking**

- 13.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 13.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 13.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

13.2 **Retailing Restrictions**

- 13.2.1 The retail use of the land is to be limited to large items which comply with the requirements of the following definitions of Hardware and Building Supplies and Garden Centres as contained in SEPP (Sydney Region Growth Centres) 2006:

Hardware and Building Supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the

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construction and maintenance of buildings and adjacent outdoor areas.

Garden Centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any of the following:

- (a) Outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- ~~(b) But not the sale of pets and pet supplies,~~

13.3 General

- 13.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.3.2 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 13.3.3 The hours of operation of the development shall not be outside of the following nominated times.

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

Approved hours of operation:

Monday to Friday: 6:00am to 10:00pm

Saturday to Sunday and Public Holiday: 6:00am to 7:00pm

Should Council receive justified complaints that the ~~home~~ activity is operating outside these hours, or is causing noise and disturbance to the neighbouring residents, then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

13.4 Landscaping

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

13.5 Use of Premises

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

These conditions are imposed for the following reasons:

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

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13.6 Emergency Procedures

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

13.7 Signage Lighting

- 13.7.1 Should Council receive any complaints that the light intensity/illumination that is associated with the approved signage detract from the amenity of the area, Council will request that the intensity of the lighting be adjusted to a suitable level.
- 13.7.2 The signage is only to be illuminated during the approved hours of operation for the Bunning's Warehouse.

13.8 Sydney Water Services

- 13.8.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

14 OPERATIONAL (ENVIRONMENTAL HEALTH)

14.1 Environmental Management

- 14.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.1.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

14.2 Food Premises

- 14.2.1 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*.
- 14.2.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 14.2.3 Upon commencement of trading, notify NSW Food Authority of the food business.
- 14.2.4 The premises is to be registered with Council as a food business.

These conditions are imposed for the following reasons:

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

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