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**BlacktownCityCouncil**

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: **MICHAEL HERCUS**
LEVEL 10, 60 CASTLEREAGH
STREET
SYDNEY 2000

Determination Number: 11-1414

DRAFT

Property Description: LOT 552 DP1110447, 2 SOUTHRIDGE STREET, EASTERN CREEK

Development: Construction of 2 warehouse buildings consisting of 2 units (Building 'A') and 3 units (Building 'B'), associated mezzanine offices, car parking, landscaping, retaining walls and drainage works (Reedy Creek Unit Estate).

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

- GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGES.

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 development not approved by this consent, including:
- (a) the importation of any fill material, and
 - (b) 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
 - (c) any fence, retaining wall, land excavation or filling, signage, advertising structure or other development not being exempt development under Council's Local Environmental Plan.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 Services

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

These conditions are imposed for the following reasons:

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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.

1.5 Tree Planting and Service Locations

- 1.5.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve. These authorities have indicated that it may be possible to lay services on opposite sides of the road thereby providing larger areas for tree planting.

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.
110405-DA-002-A Site Plan	7.7.11	1C
110405-DA-003-A Office Mezzanine Plan	7.7.11	1D
110405-DA-105-A Roof Plan	7.7.11	1E
110405-DA-110-A Office 1 Plan	7.7.11	1F

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110405-DA-111-A Office 2 Plan	7.7.11	1G
110405-DA-112-A Office 3 Plan	7.7.11	1H
110405-DA-113-A Office 4 Plan	7.7.11	1I
110405-DA-114-A Office 5 Plan	7.7.11	1J
110405-DA-200-B Elevations	16.8.11	55A
110405-DA-201-A Internal Elevations	16.8.11	55B
110405-DA-360-A Rainwater Tank Details	16.8.11	55C
110405-DA-210-A Sections	7.7.11	1L
CO8487.18-C50 (B) Finished Levels Plan*	12.8.11	55D
CO8487.18-C61 (B) Retaining Wall Details 1	12.8.11	55E
CO8487.18-C62 (A) Retaining Wall Details 2	1.7.11	55F
SS11-2334-001 (C) Landscape Master Plan**	12.8.11	55G
SS11-2334-101 (C) Landscape Plan 1 of 4	12.8.11	55H
SS11-2334-102 (C) Landscape Plan 2 of 4	12.8.11	55I
SS11-2334-103 (B) Landscape Plan 3 of 4	11.8.11	55J
SS11-2334-104 (B) Landscape Plan 4 of 4	11.8.11	55K

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SS11-2334-501 (A) Landscape Details 1	11.8.11	55L
SS11-2334-502 (A) Landscape Details 2	11.8.11	55M
SS11-2334-601 (A) Landscape Cross Sections	11.8.11	55N

*As amended in red to delete the note advising that finished levels may vary +/- 1000mm. Any change in levels will require separate approval from the Consent Authority.

**As amended to replace the proposed street tree species with a non-'Eucalypt' species.

2.1.2 This consent relates to the following reports submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

- a) Energy Efficiency Report prepared by Surface Design, dated 4 July 2011, held at enclosure 2J on Council's File JRPP-11-1414;
- b) Waste Management Plan prepared by Goodman, undated, held at Enclosure 55O on Council's File JRPP-11-1414;
- c) Pre-Earthworks Salinity Investigation prepared by Douglas Partners (Project No. 454556) dated June 2008, with the exception that no saline groundwater is permitted to be discharged from the site and must be managed on site; and construction techniques, where possible, shall eliminate the need for dewatering. Any groundwater management system shall have a minimum design life of 50 years. The groundwater regime is to be maintained as close as possible to the pre-development condition during construction.

2.1.3 This consent relates to works located wholly outside of the heritage lot proposed under DA-10-2325. No works are to be conducted within the heritage curtilage of Southridge House as a part of this consent.

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:

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Suburb: EASTERN CREEK

2.4 Engineering Matters

2.4.1 Definitions

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

In 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 Southridge Street or Capicure Drive.

- 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. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Southridge Street or Capicure Drive.

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, Water Sensitive Urban Design (W.S.U.D.) Policy and Integrated Water Cycle Management – Part R.
- (f) Pre-Earthworks Salinity Investigation prepared by Douglas Partners (Project No. 454556) dated June 2008, with the exception that no saline groundwater is permitted to be discharged from the site and must be managed on site; and construction techniques, where possible, shall eliminate the need for dewatering. Any groundwater management system shall have a minimum design life of 50 years. The groundwater regime is to be maintained as close as possible to the pre-development condition during construction.

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.

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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.

2.4.4 Other Fee and Bond/Securities

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

(a) Vehicular Crossing Application and Inspection Fee: **\$ 375 -**

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

2.5 Other Matters

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

- 2.5.2 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

2.6 RTA Matters

- 2.6.1 Any redundant driveways shall be removed and replaced with kerb and gutter to match existing.

- 2.6.2 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of works. Details should be forwarded to: The Sydney Asset Management, Roads and Traffic Authority, PO Box 973, Parramatta CBD 2124. A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement, please contact the RTA's Project Engineer External Works on 8849 2766.

- 2.6.3 The applicant is to contribute funds in accordance with State Environmental Planning Policy (Western Sydney Employment Area) 2009, Clause 29 Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure and services.

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3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

3.2 Road Deposit/Bond

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

- (a) Road inspection fee of \$163.00, 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.

- 3.2.2 Minimum concrete strengths of 25MPa shall be used in slabs and footings, to limit the potential corrosive effects of any underlying moderate saline soils.

3.3 Eastern Creek Precinct Plan

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Eastern Creek Precinct Plan.

3.4 Services/Utilities

- 3.4.1 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.

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4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Developer Contributions

- 4.1.1 Prior to the issue of any Construction Certificate, the Applicant shall comply with the relevant obligations and requirements contained in the State Planning Agreement with the Minister for Planning and Infrastructure.

4.2 Access/Parking

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

- 4.2.2 A total of 229 car parking spaces (160 staff/visitor car spaces, 5 disabled car spaces and 64 'turf cell' staff/visitor car spaces) are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

Disabled Car Space: 3.2m x 5.4m

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

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

4.3 Aesthetics/Landscaping

- 4.3.1 Details of any proposed lighting to assist in crime prevention at night shall be submitted to Council for approval prior to the issue of any Construction Certificate.

- 4.3.2 Details of suitable fencing visible from the street (i.e. black Diplomat style Palisade fencing for fencing visible from the street with a setback of 1m from the street) and side and rear fencing (i.e. black plastic coated chain wire mesh) in accordance with the Precinct Plan, shall be shown on the Construction Certificate plans.

- 4.3.3 All proposed retaining walls shall be made of masonry material. Details of the proposed materials and finishes for the retaining walls shall be submitted to Council for approval prior to the issue of any Construction Certificate.

- 4.3.4 A detailed landscaping plan prepared by a suitably qualified consultant indicating the quantities and densities of the proposed planting shall be submitted to Council for approval prior to the issue of any Construction Certificate.

- 4.3.5 In relation to any proposed street tree planting located within any roads to be dedicated to Council, full detail plans consistent with Council's Street tree planting guidelines shall be submitted to Council for approval prior to the issue of any Construction Certificate. Such details shall include cross-sections showing

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dimensions of tree pits, details of root protection barriers and soil specifications and the location of tree pits in relation to services, driveways, light poles, stormwater pits and utilities.

NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

- 4.3.6 The proposed street tree planting for the subdivision shall be reviewed in relation to the proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council prior to the issue of a Construction Certificate relating to the approved development.
- 4.3.7 Details of suitable screening for any proposed rainwater tanks, sprinkler tanks and the like shall be included on the Construction Certificate plans to ensure that no part of any tanks is visible from the street.

4.4 Site Contamination

- 4.4.1 Prior to the issue of any Construction Certificate the following matters shall be addressed:

a) Prior to dewatering of the dam, the dam water and sediment from the dam wall is to be sampled and tested by a suitably qualified consultant to ensure the appropriate method of draining and breaching the dam;

b) Existing stockpiles are to be sampled and tested by a suitably qualified consultant as suitable for industrial development or nominated for disposal off site at an accredited land fill.

Should any remediation works be required, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to Council for approval. Any required remediation works shall be undertaken during the course of the engineering work. Final validation of the site for every aspect of these works shall be submitted for Council's approval prior to release of the Construction Certificate under this consent.

4.5 Salinity

- 4.5.1 Prior to the issue of any Construction Certificate, the Construction Certificate plans and details shall be reviewed by a suitably qualified consultant to confirm that measures have been implemented to mitigate the impacts of salinity and aggressive soils. These measures shall be generally in accordance with the Pre-Earthworks Salinity Investigation prepared by Douglas Partners (Project No. 454556) dated June 2008, with the exception that no saline groundwater is permitted to be discharged from the site and must be managed on site.

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4.6 Other Matters

- 4.6.1 The applicant shall submit a plan indicating the type and location of bicycle racking to be provided for the development prior to the issue of any Construction Certificate.
- 4.6.2 Details of the outdoor furniture to be provided for the private open space area shall be submitted to Council for approval prior to the issue of any Construction Certificate.

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).
- 5.1.2 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) Section C, D, E, F and J

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

- 6.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

6.2 Erosion and Sediment Control

- 6.2.1 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

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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.

6.3 Asset Management

- 6.3.1 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.

6.4 Ancillary Works

- 6.4.1 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.

6.5 Scope of Engineering Works

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

6.5.1 Road and Drainage works

- 6.5.1.1 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.
- 6.5.1.2 Drainage from the site must be connected into Council's existing drainage system (by way of an approved stormwater pollution control device).

6.5.2 Vehicular Crossings

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

Nominated Widths: Southridge Street - 6.5m
 Capiture Drive -6.5m & 12.5m

6.5.3 Footpaths

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

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

Name	Side	Paving Width	Length
Southridge Street	West	1.2 m	Full frontage
Capicure Drive	North	1.2 m	Full frontage

6.5.4 Finished Boundary Levels

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

6.5.5 Stormwater Quality Control & W.S.U.D.

6.5.5.1 Stormwater Treatment Measures are required for this development. These measures must be designed, implemented and constructed in accordance with Council's Stormwater Quality Control Policy which are outlined in Council's DCP 2006 Part R.

6.5.5.2 A detailed Inspection's, operation and maintenance of the Enviropods, Stormfilter and Rainwater Tank shall be submitted and approved by Council. The measures detailed in this plan shall ensure that the operation of the treatment device achieves the modelled performance targets.

6.5.5.3 Drainage plans detailing locations of Rainwater tanks shall be submitted and approved by Council.

6.5.5.4 Manufacturer's Certification is to be provided to Council for any works other than bulk earthworks, confirming that the proposed treatment devices;

- i. Meet Council's requirements for the removal of Hydrocarbons, nutrients and fine sediments which are outlined in Council's DCP 2006 Part R.
- ii. Will work hydraulically in the proposed location shown on the drainage plan.
- iii. Provide details of the devices including numbers and specifications for the treatment elements. Note: Stormfilter minimum treatment rate is to be 10 l/s unless a higher rate is required following revised MUSIC modelling.

6.5.5.5 An experienced plumber/engineer is to prepare and have approved a detailed Rainwater Reuse Supply, Pipe and Fixture Plan for all non-potable water uses on the site. All toilet flushing and landscape watering is to be met through rainwater. 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

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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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requirements have been satisfied. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

- 6.5.5.6 A revised MUSIC model is to be provided to satisfy the removal rate requirements of Part R of the DCP 2006 with the bio-retention characteristics of the regional basin modified to have an extended detention surface area of 1200m² at half depth (in lieu of the 1900m² originally modelled).
- 6.5.5.7 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.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

- 7.1.1 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.

- 7.1.2 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

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(both during and outside working hours) while the work is being carried out.

7.1.3 Should the development work:

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

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

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

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

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

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

7.1.6 A single vehicle/plant access to the land shall be provided for wholly located outside of the heritage lot proposed under DA-10-2325, and maintained, to minimise ground disturbance and transport of soil onto any public place and the heritage curtilage. 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.

7.2 Notification to Council

7.2.1 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.

7.3 Sydney Water Authorisation

7.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's

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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.

7.4 Construction Details

- 7.4.1 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
- (g) Structural steelwork
- (h) Retaining walls

7.5 Site Security

- 7.5.1 Prior to the commencement of any works, a protective dust barrier and fence must be provided between the work site and the heritage curtilage of Southridge House (i.e. the boundaries of the proposed heritage lot under DA-10-2325) in order to prevent any access, dumping of rubbish and any substance from, or in connection with, the work falling into the heritage curtilage.

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

- 8.1.1 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.
- 8.1.2 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with

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any excavation properly guarded and protected to prevent such work being dangerous to life or property.

8.1.3 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.

8.1.4 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; Southridge Street and Capicure Drive; or within the heritage curtilage of Southridge House.

8.2 Building Code of Australia Compliance

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

8.3 Surveys

8.3.1 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.

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

8.4 Nuisance Control

8.4.1 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.

8.4.2 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.

8.4.3 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.

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8.5 Waste Control

- 8.5.1 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.

8.6 Construction Inspections

- 8.6.1 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.

8.7 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 and shall be wholly located outside of the heritage lot proposed under DA-10-2325.

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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.

8.8 Aboriginal Archaeology

- 8.8.1 Should any archaeological materials be uncovered during construction activities on the site, all works are to cease immediately and representatives of the Department of Environment and Climate Change and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

8.9 Site Contamination

- 8.9.1 Should any contaminated material or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. An appropriately qualified consultant is to monitor any remediation and sorting works to ensure that the site can be validated as being suitable for industrial development.

8.10 Salinity

- 8.10.1 The salinity management measures recommended in the Report on Pre-Earthworks Salinity Investigation prepared by Douglas Partners (Project No. 454556) dated June 2008 are to be implemented during construction, with the exception that no saline groundwater is permitted to be discharged from the site and must be managed on site; and construction techniques, where possible, shall eliminate the need for dewatering. An appropriately qualified consultant is to monitor the development to ensure that the measures have been implemented during earthworks.
- 8.10.2 The sediment and erosion controls must be closely monitored to ensure that the runoff or water flow from the saline soils do not contaminate adjacent properties or waterways.
- 8.10.3 No saline groundwater is permitted to be discharged from site and must be managed on site.

8.11 Other Matters

- 8.11.1 Throughout the bulk earthworks, the applicant is to demonstrate compliance with the following approval parameters:

(a) The applicant is to ensure that the site has been satisfactorily secured as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.

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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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(b) Appropriate dust suppression measures are to be incorporated into the earthworks process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notice of work Commencement

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

9.2 Service Authority Approvals

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

9.3 Maintenance of Soil Erosion Measures

9.3.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.

9.3.2 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.

9.3.3 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.

9.4 Filling of Land & Compaction

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

9.4.2 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.

9.5 Inspections of Works

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.5.1 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) 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

(iv) Stormwater Quality Control & W.S.U.D.

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

(v) Traffic Control

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

(vi) 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.

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

9.6 Public Safety

- 9.6.1 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.

9.7 Site Security

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

9.8 Other Matters

- 11.14.11 a) The sediment and erosion controls must be closely monitored to ensure that the runoff or water flow from the saline soils do not contaminate adjacent properties or waterways.

b) All groundwater management activities including monitoring must be conducted in accordance with the "Report on Pre-Earthworks Salinity Investigation", dated June 2008, prepared by Douglas Partners.

c) No saline groundwater is permitted to be discharged from site and must be managed on site.

10 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

10.1 Premises Construction

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

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Road Damage

- 11.1.1 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.

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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.

11.2 Compliance with Conditions

11.2.1 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.

11.2.2 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.

11.3 Service Authorities

11.3.1 A final written clearance shall be obtained from Sydney Water Corporation, Integral 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.

11.4 Temporary Facilities Removal

11.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

11.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

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

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

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

11.5 Fire Safety Certificate

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 11.5.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

11.6 Landscaping/Car Parking

- 11.6.1 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.
- 11.6.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.6.3 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 11.6.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.6.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.6.6 All required internal roads and 165 car parking spaces (160 staff/visitor car spaces and 5 disabled car spaces) shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. Note the area of land containing the required 64 'turf cell' car spaces shall remain undeveloped and clear and unobstructed at all times. A suitable Section 88B restriction/covenant shall be created prior to the issue of any Occupation Certificate.

11.7 Fee Payment

- 11.7.1 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.

11.8 Engineering Matters

11.8.1 Surveys/Certificates/Works As Executed plans

- 11.8.1.1 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.
- 11.8.1.2 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control

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system will function effectively in accordance with Council's Stormwater Quality Control Policy.

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

11.8.2 **Easements/Restrictions/Positive Covenants**

- 11.8.2.1 Restrictions and/ or positive covenant must be provided over the overland flow-path.

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

- 11.8.2.3 A Positive Covenant is to be provided over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005.

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

- 11.8.2.5 A drainage easement is to be provided for overflow weir drainage pipe from the existing dam.

Copies of the registered easements are to be submitted to the Certifying Authority and Blacktown City Council, if Council is not the Certifying Authority.

A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes are located wholly within the property, and within appropriate easements.

- 11.8.2.6 A Structural certificate signed by an accredited Structural Engineer must be submitted to Council for the retaining wall.

11.8.3 **Inspections**

- 11.8.3.1 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.

11.9 **Other Matters**

- 11.9.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans

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attached to the Construction Certificate.

- 11.9.2 Bicycle lockers or the like for the approved development shall be provided at the rate of 1 bicycle locker per 600sqm of office space prior to the issue of any Occupation Certificate.
- 11.9.3 A copy of the Travel Demand Management Program demonstrating the promotion of transport options for visitors and employees to the Precinct to the satisfaction of the Department of Planning shall be submitted to Council prior to the issue of the Occupation Certificate.
- 11.9.4 The outdoor furniture for the private open space area shall be provided to Council's satisfaction prior to the issue of any Occupation Certificate.
- 11.9.5 A Site Management Plan detailing strategies to ensure site cleanliness, rapid repair of vandalism and graffiti, and removal or refurbishment of decayed physical building elements.
- 11.9.6 Restoration works to Southridge House are to be completed in accordance with the requirements of the Southridge House Conservation Management Plan prepared by Eric Martin and Associates (2003) prior to the issue of any Occupation Certificate.

11.10 Saline Soil Management

- 11.10.1 Prior to the issue of any Occupation Certificate, certification from an appropriately qualified consultant is to be provided to Council to confirm that the salinity management measures required by this consent were satisfactorily implemented.

11.11 Groundwater Management

- 11.11.1 Prior to the issue of any Occupation Certificate, certification from an appropriately qualified consultant is to be provided to Council to confirm that the groundwater management measures required by this consent were satisfactorily implemented.

12 OPERATIONAL (PLANNING)

12.1 Access/Parking

- 12.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 12.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 12.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 12.1.4 The area of land containing the required 64 'turf cell' car spaces as shown on the

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approved plans shall remain unobstructed and clear at all times.

12.2 Specific Uses

- 12.2.1 The approved "warehouse" shall comply with the requirements of the following definition contained within Blacktown Local Environmental Plan 1988:

"Warehouse" means a building or place used for the storage of goods, merchandise or materials, pending their sale and distribution to persons engaged in the retail trade.

- 12.2.2 The approved office spaces shall be used solely in conjunction with the industrial use of the building to which it is attached. The separate use or occupation of the approved office space is not permitted by this consent.

12.3 Retailing Restrictions

- 12.3.1 This consent does not authorise the sale or display of goods for retail to the general public.

12.4 General

- 12.4.1 No containers, goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 12.4.2 No containers, goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 12.4.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.4.4 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 12.4.5 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.
- 12.4.6 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 12.4.7 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: 24 hours a day, 7 days a week.

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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- 12.4.8 No containers, goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 12.4.9 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.
- 12.4.10 Arrangements shall be made for an effective commercial refuse removal service.

12.5 Landscaping

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

13 OPERATIONAL (ENVIRONMENTAL HEALTH)

13.1 Environmental Management

- 13.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 13.1.2 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.1.3 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.1.4 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

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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