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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: URBIS PTY LTD
C/- COLES GROUP PROPERTY
PO BOX 5278
SYDNEY 2001

Determination Number: 11-1987

DRAFT

Property Description: LOT 1 DP26987, RAILWAY TERRACE, SCHOFIELDS

Development: Construction of a staged retail development, including a Coles supermarket, liquor store and specialty shops with associated on-site car parking and signage, and subdivision into 2 commercial lots, a drainage lot and roads.

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

- GRANTING OF A CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGE(S).

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.

Review of Determination

Section 82A of the Act provides that an applicant may request the Council to review the determination. Section 82A does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 4 of the act in respect of Crown applications.

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.

Kerry Robinson
GENERAL MANAGER

Per

Date ***** September 2014

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 Disability Discrimination Act

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 Scope of Consent

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

1.4 This consent does not authorise the construction of any works detailed as 'Stage 2' on the approved plans. These works are approved as an overall Master plan concept only and are required to be considered as part of a separate Development Application.

1.4.1 Separate development consent may be required from Council prior to the use of each individual retail tenancy. The applicant is advised to contact Council's Development Services Unit in this regard.

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

- (a) the removal of any tree(s) not indicated on the approved plans.
- (b) any fence, retaining wall, land excavation or filling, business/building identification signage, advertising sign/structure or other development not being exempt development under State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008.
- (c) any pylon sign. In this regard, only the internally illuminated wall mounted building identification signs and the internally illuminated business

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identification signage on the free standing wall fronting 'Eastern Road' are approved by this consent.

- (d) separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.

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

1.5 Services

1.5.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Endeavour Energy
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.5.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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

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or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.6 Tree Planting and Service Locations

- 1.6.1 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.

1.7 Identification Survey

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

1.8 RMS Requirements

- 1.8.1 All works/regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.

2 GENERAL

2.1 Scope of Consent

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

| Drawing No. | Dated | Council's File Enclosure No. |
|--------------------------------|----------|------------------------------|
| Stage 1 Site Plan DA-02 | 11.01.14 | 204B |
| Stage 1 Floor Plan DA-03 | 11.04.14 | 204C |
| Stage 1 – Roof Plan DA-04 | 11.04.14 | 204D |
| Stage 1 – Elevations DA-05 | 11.04.14 | 204E |
| South Rod Setout Plan DA-06 | 11.04.14 | 204F |
| Stage 1 – Sections DA-07 | 11.04.14 | 204G |
| Stage 1 – Perspective Views | 11.04.14 | 204H |

The following plans are approved as a "Masterplan" concept only.

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| | | |
|-------------------------------|----------|------|
| Stage 2 – Site Plan DA-03 | 10.12.12 | 131J |
| Stage 2 – Floor Plan DA-05 | 30.05.12 | 101E |
| Stage 2 – Roof Plan DA-07 | 30.05.12 | 101G |
| Stage 2 – Elevations DA-09 | 30.05.12 | 101I |
| Stage 2 – Sections DA-10 | 30.05.12 | 101J |

NOTE A: Amendments are to be incorporated into the approved plans for submission with the Construction Certificate. In this regard please refer to "Prior to Construction Certificate (Engineering) Conditions" of this consent. THE LONGITUDINAL GRADING OF SOUTHERN ROAD MUST COMPLY WITH COUNCIL'S ENGINEERING GUIDE FOR DEVELOPMENT AND THE DESIRABLE MINIMUM GRADE OF 1.0% MUST BE ACHIEVED AS A MINIMUM. The road grading should be designed to minimise the impact of cut on the adjoining properties and match as closely as practical the existing contours of the site. THIS WILL REQUIRE AMENDMENT OF THE ARCHITECTURAL PLANS.

NOTE B: This consent does not authorise the construction of any works detailed as 'Stage 2' on the submitted plans. These works are required to be considered as part of a separate Development Application.

NOTE C: During construction of 'Stage 2' the centre will be required to close unless alternate car parking arrangements are made.

NOTE D: The new retail and commercial tenancies proposed as part of 'Stage 2' will be required to face and be accessed from the public roads (Railway Terrace and Pelican Road) rather than the internal car park.

NOTE E: The 'Stage 2' retail and commercial tenancies are to be provided with a variety of shop frontage widths. The building facades fronting Pelican Road and Railway Terrace will be required to have a minimum of 80% glazing and must open to the street.

- 2.1.2 The proposed subdivision is to be in accordance with the following drawings/details, subject to compliance with any other conditions of consent:

| Drawing No. | Dated | Council's File Enclosure No. |
|------------------|----------|--|
| 72749 PPD SUB | 17/08/11 | Appendix D of the submitted SEE at Encl. 2A |

Note: An amended subdivision plan is required to show the intended creation of the residue lot for future drainage.

2.2 Signage

- 2.2.1 Only the internally illuminated wall mounted building identification signs and the internally illuminated business identification signage on the free standing wall fronting 'Eastern Road' are approved by this consent.

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In this regard, this consent does not approve the construction of the following 2 pylon signs nominated on the approved site plan as they are considered excessive in height and inappropriately located:

- (a) The pylon sign located in the north-west corner of the site at the intersection of Railway Terrace and Pelican Road; and
- (b) The pylon sign located in the north-east corner of the site at the intersection of Pelican Road with the unnamed DCP road.

Any separate DA for a pylon sign should give careful consideration to the issue of height and location. As the future McDonald's restaurant is also likely to propose a pylon sign on the Railway Terrace frontage, the colocation of signage on one single structure should also be investigated. As free standing signs (signs that are not affixed to a building) are not permitted on active street frontages, Council cannot guarantee that the pylon signs nominated on the approved site plan will be supported.

2.3 Car parking restrictions

- 2.3.1 Any future proposal by the applicant to create a time restricted car park will require the separate consent of Council. In this regard, a separate DA must be lodged for any proposed ticketing system and is to include details of the queuing lanes at the entry and exit points, location and operation of the ticketing system and details of the associated signage. Full compliance with the DCP on-site car parking requirements will also need to be demonstrated.

2.4 Suburb Name

- 2.4.1 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: Schofields

2.5 Engineering Matters

2.5.1 Definitions

- 2.5.1.1 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)" (eg. Road construction, drainage, stormwater quality.) and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be

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issued for half road reconstruction of Railway Terrace and transition works in Pelican Rd prior to the issue of the Construction Certificate.

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

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

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

2.5.2 Design and Works Specification

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

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

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.

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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.

2.5.3 Payment of Engineering Fees

- 2.5.3.1 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.

- 2.5.3.2 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.

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

(a) The checking of engineering drawings for half road reconstruction in Railway Terrace and transition works in Pelican Rd and the issue of an Engineering Approval pursuant to the Roads Act 1993.

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

2.5.4 Other Fee and Bond/Securities

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

2.5.5 Other Necessary Approvals

- 2.5.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or

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the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

2.5.6 Subdivision

- 2.5.6.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

2.6 Other Matters

- 2.6.1 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.
- 2.6.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

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 \$164.00;
 - (b) Road maintenance bond of \$5,000; and
 - (c) Road maintenance bond administration fee of \$97.00

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.

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

3.3 Payment of Outstanding Fees

- 3.3.1 Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

3.4 Services/Utilities

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

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Note: 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 occupation of the development/release of the plan of subdivision, whichever occurs first.

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

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

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

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subdivision works) either by Council or any accredited certifier, whichever occurs first.

| Contribution Item | Base Amount | Relevant C.P. | Base Date |
|--------------------------|-------------|---------------|-----------|
| (i) Stormwater Quantity | \$841,119 | 20 | 1.3.10 |
| (ii) Stormwater Quality | \$48,561 | 20 | 1.3.10 |
| (iii) Traffic Management | \$300,012 | 20 | 1.3.10 |

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

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

S.94 CP No. 20 – Riverstone and Alex Avenue Precincts

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 Contribution(s) will be adjusted accordingly.

Developable Area: 2.1131 hectares
(Gross Developable Area [2.136ha] – adjustments [0.0229ha] = 2.1131ha)

NOTE: Council raises no objection to the applicant entering into a Works-In-Kind deed to offset the monetary contributions by the value of constructing traffic signals at the intersection of Railway Terrace with the unnamed DCP road located adjacent to the site's southern boundary.

4.2 The following nominated land shall be dedicated to Council and:

- (a) Compensation for the land shall be determined as at the date of this consent Determination.
- (b) A valuation of the land shall be submitted to Council prior to the issue of any related Construction Certificate to facilitate negotiations on this matter. Failure to address this matter may result in significant delays as Council will require the exchange of contracts for the sale of the land to be dedicated prior to the release of any Subdivision Certificate.
- (c) Council shall be entitled to offset against the amount of compensation payable pursuant to this condition, the amount of any Section 94 Contributions payable by the applicant.

Nominated Land: Portion of the site zoned SP2 Infrastructure – Drainage (i.e. in the eastern corner of the site adjacent to the unnamed "Eastern DCP Road") which is to be excised into a separate lot for drainage purposes.

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

4.3 Electricity Substation

- 4.3.1 The substation/s nominated along the southern elevation are to be suitably screened with vertical landscaping and timber panels consistent with those proposed to screen the loading dock area.

In the event that any additional new sub-station is required for the development, details regarding its location and design will be required to be submitted and approved by Council prior to the release of any Construction Certificate.

Note: Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on the portion of the site zoned SP2 Infrastructure – Drainage (i.e. in the eastern corner of the site adjacent to the unnamed “Eastern DCP Road”). Any proposal to locate a proposed substation or other utility installation on this land shall be negotiated with and fully endorsed by the relevant Council Directorates.

4.4 Aesthetics, Signage, Landscaping and Retaining Walls

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

Aesthetics & Window Glazing

- (a) Details of the proposed external building materials and finishes, including colour samples from brochures or the like. In this regard, the external finishes, screening of the loading dock, sliding loading dock gates, wall signage, etc. are to be consistent with those details shown in the approved DA plans and the 3D perspectives. All materials and finishes, including the approved signage, are to be treated to mitigate graffiti.
- (b) The reflectivity index of glass used in the external facade of the building must not exceed 20 percent. Note: Translucent or obscured glazing is not permitted to be used in the building or for any signage.
- (c) Only open grill and transparent security shutter (at least 80% open/visually transparent) are permitted to the retail and commercial frontages. All details are to be submitted with the Construction Certificate plans.
- (d) The blank cement panels fronting Pelican Road shall be provided with decorative features to provide interest to those elements. In this regard, an artwork panel is

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to be provided to the northern façade of the building adjacent to the café. The decorative panel must be attached at a suitable height to deter vandalism and graffiti of the design feature. Details of the artwork panel are to be submitted for the separate consent of Council.

Awnings

- (e) The height and width of any awning overhanging Council's footpath is to comply with the requirements of Council's Maintenance Engineers.

All awnings on site must be designed by a practising structural engineer to withstand different loads and must have a minimum clearance height of 2.7m above the finished footpath level. Under awning lighting is to be provided to enhance pedestrian amenity and safety.

Landscaping

- (f) A detailed landscaping plan, prepared by a suitably qualified person, is to be submitted for the separate consent of Council. The plan must include:

(i) Suitable ground covers, shrubs and trees to complement the height, scale, design and function of the approved development. In this regard, tree planting is required to replace those trees being removed.

(ii) The stabilisation of any exposed soil areas.

(iii) Measures designed to enable easy long-term maintenance of the property.

(iv) Planting of a combination of 35 litre, 75 litre and 100 litre trees. All shrubs to be planted are to have a minimum pot size of 200mm.

(v) Suitable landscaping and shade trees to the car parking area. NOTE: The approved plans nominate a total of 205 car parking spaces on site and therefore exceed the minimum DCP requirement by 6 spaces. The car space immediately located adjacent to the 'South Road' main vehicular entry/exit is to be deleted in accordance with condition 4.7.4 below. A further 5 spaces, however, could be deleted in order to accommodate suitable tree planting throughout the car park.

(vi) Details of the shade sails proposed throughout the car park are to be submitted for the separate consent of Council.

Retaining Walls

(g) Details of any retaining walls to be constructed on site as part of the development. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) where such walls are proposed to be located within a publicly visible area (such as future front building setbacks).

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4.5 Town Plaza

- 4.5.1 Appropriate landscaping and street furniture shall be provided over the portion of the plaza located within the subject site. A design for the plaza will need to be submitted to Council for separate approval.

4.6 Street Tree Planting

- 4.6.1 Details of the footpath paving and street tree planting are to be submitted to Council for separate approval by Council's Civil and Open Space Maintenance team. In addition, details of measures on the applicant's maintenance regarding graffiti and its removal are also to be provided.

4.7 Access, Car Parking and Bicycle Parking

- 4.7.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1-2004, 2890.6-2009 & AS2890.2-2002.
- 4.7.2 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.
- 4.7.3 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.
- 4.7.4 A minimum of 199 on-site car parking spaces, including 4 disabled car parking spaces, are to be provided on site each 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

Note: The approved plans nominate a total of 205 car parking spaces on site and therefore exceed the minimum DCP requirement by 6 spaces. The car space immediately located adjacent to the 'South Road' main vehicular entry/exit, however, is to be deleted to prevent potential traffic conflicts occurring from vehicles reversing from this parking bay.

- 4.7.5 Details of the bike parking/racks are to be provided for the separate consent of Council. In this regard, bike racks must be provided at central location/s on site so they are easy for all cyclists to access. In addition to the bicycle parking nominated adjacent to the café, bike parking should be provided in the enlarged kerb area (following deletion of the car space) adjacent to the 'South Road' entry/exit driveway.

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

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

4.8 Special Infrastructure Contribution – Western Sydney Growth Areas

4.8.1 A Special Infrastructure Contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information

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

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

Please contact the Department of Planning regarding arrangements for the making of a payment.

Written evidence of these arrangements is to be submitted to Council.

4.9 Safety and Security

4.9.1 The applicant is to engage a specialist security company to prepare a detailed 'Safety & Security Management plan' (SSMP) for the site. The plan must provide details of appropriate safety and security measures and any changes to the design and layout of the development required. It must also specify operational measures to be implemented during the operational stage of the development.

In this regard, the Quakers Hill Police have recommended that appropriate measures including installation of signage, vandal resistant lighting, CCTV, "help" points, ATM security, gates to the loading dock and vandal resistant street furniture be provided. They have also recommended that an appropriate landscape strategy and graffiti removal plan be devised and implemented for the site.

A copy of the Total Security Management Plan (TSMP) is to be submitted for both Council's and the Quakers Hill LAC's separate approval prior to the release of any Construction Certificate. Should no response be received from the Quakers Hill LAC within 21 days, Council may proceed to determine the TSMP.

4.10 CCTV & Security

4.10.1 In accordance with the recommendation of the NSW Police – Quakers Hill Local Area Command the development is to provide CCTV surveillance cameras in those areas

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susceptible to anti-social behaviour and criminal activity. The CCTV monitoring is to be in line with Worker Health and Safety Regulations and the exterior coverage is to capture all entrances and exits and the immediate vicinity around the building.

4.11 Lighting

4.11.1 Appropriate lighting is required to enhance safety and security around the site. A detailed lighting plan, including a lighting maintenance plan, is to be prepared by a suitably qualified person and submitted for the separate approval of Council. The plan is to address the following:

- (a) The location, method of lighting, levels of illumination, and the spacing between all lighting. The lighting is to be designed in accordance with Australian/New Zealand lighting standards for public space and pedestrian walkways, and should be of the highest standards to enable face recognition where CCTV cameras are installed. Flood lighting is to be provided to the car park area and suitable lighting is to be provided at the main building entry. All lighting within the car park and around the building is to be mounted more than 2.7m in height and is to be of a design that suits the architecture of the building.
- (b) Lighting that is "vandal proof". In this regard, all lighting must be protected by way of vandal proof metal guards to ensure globes/tubes are not broken and that any potential "dark-spots" are eliminated. Where possible, lighting should be positioned at a height to deter vandal attacks;
- (c) All external lighting, including any illuminated signage associated with the commercial/retail tenancies, must be within the recommended lux rating of the Australian Standard to reduce glare on residential neighbours and occupants of the development. To ensure all lighting is satisfactory, a light spillage diagram will need to be submitted together with the lighting details to ensure future nearby residential properties/units are protected.

4.12 Energy Efficiency

4.12.1 The proposed shopping centre design is to incorporate passive energy conservation and water conservation measures. In this regard, appropriate insulation, renewable building materials, waterless urinals, recycled hot water, photovoltaic cells and solar hot water units should be provided. In accordance with the requirements of Part 4, Clause 18 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 the developer must also provide recycled water to the development. All details are to be submitted with the Construction Certificate for separate approval.

4.13 RailCorp Requirements

4.13.1 An acoustic assessment is to be submitted to Council demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".

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- 4.13.2 The Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority (PCA) with the application for a Construction Certificate (CC).
- 4.13.3 The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. The PCA is not to issue the CC until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- 4.13.4 The Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The PCA is not to issue the CC until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.
- 4.13.5 Given the site's location next to the rail corridor, drainage from the development site must be adequately disposed of/managed and not allowed to be discharged into the rail corridor unless prior approval has been obtained from RailCorp.

4.14 Salinity

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

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

(b) A Salinity Management Plan (SMP) is to be prepared for the site, using the results from the Salinity Report and Geotechnical Investigations to make a series of recommendations/strategies as to how the development can be carried out to minimise the effects of salinity.

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

Note: The salinity assessment must be prepared in accordance with the recommendations of the Geotechnical report prepared by Douglas Partners and is to use soil condition "A" as part of the assessment in accordance with the document *Site Investigation for Urban Salinity*

- 4.14.2 The submitted Geotechnical Report prepared by Douglas Partners makes reference to groundwater found in "Bore 5". Further investigations must be undertaken to

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confirm that the water table will not impact, or be impacted, by the proposed development works. Details are to be submitted to Council for separate endorsement.

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) Part C, D, E, F and J

5.2 Site Works and Drainage

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

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

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

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.

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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.
- (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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- 5.2.4 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.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

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

6.2 Road-works

- 6.2.1 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 RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited. The Construction Traffic Management Plan must also provide details of the construction vehicle routes, number of trucks, hours of operation, and access arrangements and traffic control.

6.3 Drainage

- 6.3.1 Where any internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

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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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6.4 Erosion and Sediment Control

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

6.5 On-Site Detention

- 6.5.1 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- 6.5.2 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.
- 6.5.3 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by;
- a. A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, current version.
 - b. Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.
 - c. A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.
 - d. A complete address of Council's OSD General Guidelines and Checklist requirements.
 - e. A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

6.6 Compaction Requirements

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

- (i) Submission of compaction certificates for fill within road reserves.

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

6.7 Securities/Payments In Lieu of Works/Contributions

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

6.8 Asset Management

- 6.8.1 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.

6.9 Ancillary Works

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

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

- 6.9.2 The applicant shall be responsible for all public utility adjustments/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.

6.10 Street Furniture

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

6.11 Scope of Engineering Works

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

6.11.1 Road and Drainage works

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

6.11.1.2 Proposed new road(s) must be constructed generally as follows at full cost to the developer:

| Name | Width (m) | Length (m) | Formation (m) | Traffic Loading N(E.S.A) |
|---------------|-----------|-------------|---------------|--------------------------|
| "Southern Rd" | 21.5 | Full length | 4.75/12/4.75 | 2×10^6 |
| "Eastern Rd" | 21.65 | Full length | 5.25/14.4/2 | 2×10^6 |

NOTE A: Southern Rd to be constructed to the boundary of the adjacent Lot 2 DP 26987 (less the width required for retaining to a maximum of 1.0m). The section of Southern Rd at the eastern end of the site adjacent the proposed Drainage Reserve will be constructed by council as part of the S94 Contribution plan. Road designs are to take the future road into account.

NOTE B: THE LONGITUDINAL GRADING OF SOUTHERN ROAD MUST COMPLY WITH COUNCIL'S ENGINEERING GUIDE FOR DEVELOPMENT AND THE DESIRABLE MINIMUM GRADE OF 1.0% MUST BE ACHIEVED AS A MINIMUM. The road grading should be designed to minimise the impact of cut on the adjoining properties and match as closely as practical the existing contours of the site.

NOTE C: The intersection of "Eastern Rd" and "Southern Rd" is to be designed to accommodate a future roundabout. Draft roundabout plans are to be provided to ensure the required splay corners are dedicated and the intersection can physically accommodate the future roundabout. This roundabout must be designed to ensure that the turning path, deflection and other requirements set out in Austroads "Guide to Traffic Engineering Practice - Roundabouts Part 6" have been complied with. The roundabout must have a non-mountable central island surrounded by a mountable annulus.

NOTE D: The intersection of Railway Terrace and "Southern Rd" is to be designed to allow for future traffic control signals.

NOTE E: Eastern Road shall be constructed to achieve a transition to the existing Pelican Road with vehicle thoroughfare to be blocked to the west of Eastern Rd. Suitable provision for maintenance access shall be provided to Pelican Rd.

NOTE F: A bus and taxi bay is to be provided along the "Southern Rd". All details are to be submitted to Council for separate approval.

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6.11.1.3 Existing roads must be constructed generally as follows at full cost to the developer:

| Name | Width (m) | Length (m) | Formation (m) | Traffic Loading N(E.S.A.) |
|-----------------|-----------|---------------|--|---------------------------|
| Railway Terrace | 24.9 | Full frontage | Railway Terrace 3.5/6.7/3.5 median/6.7/4.5 | 2x10 ⁶ |

NOTE A: Half width construction only, based on a centreline of the proposed road reserve. Extent of works required will be subject to approval of the Co-Ordinator Engineering Approvals.

NOTE B: Access off Railway Terrace is limited to left-in / left out only. Appropriate signage and line-marking is to be provided at the Railway Terrace access driveway to highlight this requirement.

6.11.2 **Stormwater drainage, On Site Stormwater Detention and Stormwater Quality System**

6.11.2.1 Stormwater, On-Site Detention and Stormwater quality

(A) Temporary On-site detention of stormwater runoff from the site must be provided to limit the post development flows to the pre development flows for all storm events up to the 100year ARI. The detention basin must remain until the regional stormwater basin for the catchment is constructed. Permanent Stormwater quality provisions must be provided in accordance with Blacktown City Council DCP Part R.

(B) Council acknowledges the submission of Stormwater concept Report by Storm Consulting "Retail Development at 227 Railway Terrace Schofields NSW Integrated Water Cycle Management Report" September 2013 Project No 1241 and Addendum dated 7 April 2014. The Construction Certificate issued in this regard must be generally in accordance with this concept plan but fully address the requirements of DCP Part R and Council's Engineering Guide for Development 2005. The minor variations identified in the addendum will be acceptable.

(C) Any variation to the following design parameters of the above mentioned concept plan will require a lodgement of a Section 96 application to Council for amendment of the consent;

- (i) location of storage area and devices
- (ii) alteration of the type of storage - i.e changing from below ground to above ground storage, or the type of stormwater quality device.
- (iii) location of discharge outlet from the system.

(D) Professional accreditation of designers and certifiers must be in accordance with the requirements of Council's Policy.

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(E) The concept plan referred to above is for Development Application purposes only and is not to be used for construction.

(F) Comprehensive design plans showing full construction details must be prepared by an accredited designer to be issued with a Construction Certificate under the Environmental Planning and Assessment Act 1979 prior to the commencement of works.

- 6.11.2.2 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.

6.11.3 Vehicular Crossings

- 6.11.3.1 Construction of Council's standard commercial and industrial vehicular footway crossing in accordance with Council plan A(BS)103S to each driveway.

6.11.4 Footpaths

- 6.11.4.1 Construction of segmental block path paving for the full width of the footway area over the full frontages of the site (excluding Pelican Road). Any street trees are to be planted in suitable grates or bays. Please contact Council's Development Services Engineers for details of type and colour of pavers to be laid.

Note: All paving materials must conform to relevant standards for durability. Paving materials shall be certified colour stable for a period of at least 20 years to ensure a reasonable match to existing paving when damaged sections are replaced. All paved areas must also be adequately drained and follow 'best practices' in installation, including sub-surface preparation and stormwater management.

6.11.5 Finished Boundary Levels

- 6.11.5.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the proposed kerb. Boundary levels in Pelican Rd are generally to match the existing levels.

6.12 Signalised Traffic Lights

- 6.12.1 Detailed designs are to be provided for the signalised traffic lights at the intersection of Railway Terrace and with the "south" road adjoining the southern boundary of the site. The designs shall address pedestrian movements to facilitate pedestrians crossing Railway Terrace from the Town Centre to Schofields Station safely. The designs are required to be submitted for Council's separate written approval prior to the release of any Construction Certificate. NOTE: All works shall be at full cost to the developer.

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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*.

7.2 Environmental Management

7.2.1 An acoustical assessment shall be submitted to Council for consideration. The assessment shall address the following:

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

7.2.2 Prior to the issue of a Construction Certificate, an appropriately qualified person is to prepare an Environmental Management Plan (EMP) for review and approval. The operational measures should include but not be limited to the following:

- proposed hours of work
- proposed schedule of works
- noise and vibration controls
 - Identification of noise sensitive receivers near to the site.
 - A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
 - What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.
 - A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria outlined in the NSW Industrial Noise Policy
 - Where resultant site noise levels are likely to be in exceedence of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
 - A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- air and dust management

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- procedures for validation of imported fill material and proposed means of disposing overburden
- waste and materials re-use.
- community complaints response and management procedure
 - o What course of action will be undertaken following receipt of a complaint concerning offensive noise.

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

- 8.1.3 Should the development work:

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

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

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

- 8.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 8.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 8.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 8.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 8.1.8 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.

8.2 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.

These conditions are imposed for the following reasons:

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

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

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

8.4 NSW Roads and Maritime Authority

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

8.5 Construction Details

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

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

8.6 Use of Crane

- 8.6.1 Any crane used in the construction of this development must have approval under the Roads Act 1993 from Council to swing over public air spaces.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 8.6.2 The crane used must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 9.1.7 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.
- 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 to 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 Construction work on all buildings (except that on single dwelling houses and associated structures on the on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

9.5 Stormwater Drainage

- 9.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall

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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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be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

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

9.6 Waste Control

9.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

9.6.2 The measures outlined in the approved Waste Management Plan dated 11/08/11 and held at Appendix 1 of the submitted Statement of Environmental Effects held on Council's file DA-11-1987, must be implemented during the demolition and construction phases of the development. This includes the sorting and storage of waste and recyclable building materials on site for collection and disposal by the nominated waste/recycling contractor to the nominated disposal site. Note: The developer is to retain receipts from the waste/recycling disposal contractor or some form of evidence of compliance with the Waste Management Plan. This information is to be submitted to Council prior to issue of any Occupation Certificate.

9.7 Construction Inspections

9.7.1 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.

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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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.

9.8 Site Contamination

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

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Compaction Requirements

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

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

10.2 Maintenance of Soil Erosion Measures

- 10.2.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.2.2 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

10.3 Filling of Land & Compaction

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 10.3.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 10.3.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 10.3.3 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

10.4 Inspections of Works

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

- (i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

- (ii) Traffic Control

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

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

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

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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(iv) Construction of Road Pavement

- (a) Boxing out
- (b) Sub-grade roller test
- (c) Subsoil drainage
- (d) Sandstone roller test layer 1
- (e) Sandstone roller test layer 2
- (f) Kerb pre-laying
- (g) Kerb during laying including provision of roof-water outlets
- (h) Sandstone depth
- (i) Pavement profiles
- (j) DGB depths and roller tests
- (k) Wearing Course
- (l) Kerb final
- (m) Concrete tests
- (n) Formwork concrete pavements
- (o) Final inspection

(v) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(vi) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service Adjustments
- (e) Final Inspection

(vii) Construction of on-site detention system

- (a) Steel and Formwork for tank/ HED control pit
- (b) Completion of HED control pit
- (c) Pit formwork
- (d) Pipes upstream/ downstream of HED control pit before backfilling
- (e) Completion of OSD system

(viii) Stormwater Quality Control

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

(ix) CCTV Inspection of Drainage Structures (pipelines and pits)

- (a) All road drainage

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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(x) Final overall Inspections

(a) Preliminary overall final inspection

(b) Overall final inspection

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

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

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

10.5 Public Safety

10.5.1 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.

10.6 Site Security

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

10.7 Signalised Traffic Lights

10.7.1 Signalised traffic lights shall be constructed at the intersection of Railway Terrace and the unnamed south DCP road in accordance with the design plans submitted to and separately approved by Council. All works shall be at full cost to the developer.

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

11.1 Food Premises

11.1.1 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.

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

12 PRIOR TO OCCUPATION CERTIFICATE

12.1 Road Damage

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

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

12.2 Compliance with Conditions

- 12.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 12.2.2 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

12.3 Service Authorities

- 12.3.1 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.
- 12.3.2 The following documentary evidence shall accompany any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer

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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extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

12.4 Temporary Facilities Removal

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

12.5 Fire Safety Certificate

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

12.6 Food Premises

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

12.7 Fee Payment

- 12.7.1 Any fee payable to Council as part of a Construction, Compliance or Occupation

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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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. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust /Council.
- 12.8.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
- 12.8.1.3 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 12.8.1.4 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.
- 12.8.1.5 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):
- (a) Submission of compaction certificates for fill within road reserves.
 - (b) Submission of compaction certificates for road sub-grade.
 - (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
 - (d) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
 - (e) Compliance Certificates from road material suppliers.

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

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 temporary on-site detention storage areas and outlet works. The OSD must remain in place until such time that the regional stormwater detention for the catchment is constructed.

Prior to Council endorsing the Restrictions and Positive Covenants, all the relevant engineering conditions in the consent must be satisfied. All relevant OSD documentation as required by the conditions of consent must be submitted to Council in accordance with Council's standards and requirements. All submitted documentation will be checked by Council's officer for compliance prior to endorsement of required instruments.

In summary the following documentation will be required;

- (a) An approved and certified design plan of the OSD system by an accredited certifier.
- (b) A Structural certificate from an NPER structural engineer for the design of the On Site Detention (OSD) tank and an approved structural detail design plan certified by an NPER structural engineer if an underground tank is involved.
- (c) Hydraulic certificate for the design of the OSD system.
- (d) Design summary sheet for OSD, Weir calculation, Form B9 – OSD detailed design submission.
- (e) An OSD maintenance schedule.
- (f) An inspection certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the construction of OSD system.
- (g) Hydraulic Compliance certificate From B.11
- (h) A Structural Certificate for the constructed OSD tank verifying that the structure has been constructed structurally adequate to withstand all loads likely to impose on it during its lifetime.
- (i) Works as executed (WAE) plan for OSD in accordance with Council' requirements.

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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- 12.8.3 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.
Prior to Council endorsing the Restrictions and Positive Covenants, all the relevant engineering conditions in the consent must be satisfied. All relevant STM documentation as required by the conditions of consent must be submitted to Council in accordance with Council's standards and requirements. All submitted documentation will be checked by Council's officer for compliance prior to endorsement of required instruments.

In summary the following documentation will be required;

- (a) An approved and certified design plan of the STM system by an accredited certifier.
- (b) STM maintenance schedule including a manufacturer maintenance manual.
- (c) Inspection Certificate from an Accredited Certifier or a (NPER registered) Professional Engineer for the installation of STM system.

- 12.8.4 A certificate from a chartered professional engineer verifying that the installed STM (including its specific name, type and model number) will function effectively in accordance with Council's Stormwater Quality Control Policy.

- 12.8.5 Works as executed (WAE) plan for STM system in accordance with Council's requirements.

12.9 Dedications

- 12.9.1 The land required for road widening in Railway Terrace and the new roads ("Eastern Road and "South Road") shall be dedicated at no cost to Council.

- 12.9.2 The land required for drainage purposes shall be dedicated to Council.

12.10 Bonds/Securities/Payments in Lieu of Works

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

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

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

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

12.11 Inspections

- 12.11.1 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.

12.12 Inspection of Work

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

12.13 Other Matters

- 12.13.1 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 attached to the Construction Certificate.

12.14 Acoustic Verification Report

- 12.14.1 Prior to issue of an Occupation Certificate a verification report prepared by an independent acoustic consultant, who is a member of the Australian Association of Acoustic Consultants or alternatively meets the eligibility criteria for membership, is to be submitted certifying all the acoustic measures (as recommended by the Acoustic Assessment submitted to satisfy condition 7.2 of this consent) have been implemented.

12.15 Landscaping/Car Parking

- 12.15.1 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.
- 12.15.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability. In this regard, the number of on-site spaces must reflect those details approved as part of the Construction Certificate.

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

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

12.15.5 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.

12.15.6 Directional arrows within the car park are to be appropriately marked.

12.16 Aesthetics, Signage, Fencing, Security & Lighting

12.16.1 Prior to issue of an Occupation Certificate, all building finishes, signage, barriers/gates, retaining walls, CCTV, security systems and lighting shall be completed in accordance with the approved details submitted as part of the Construction Certificate.

12.16.2 All buildings are to have clearly displayed and legible street numbering.

12.17 Trolleys

12.17.1 A rental trolley system to deter customers from leaving trolleys in empty car spaces or from taking them off site is to be provided.

12.18 Graffiti Management Plan

12.18.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

12.19 Total Maintenance Plan

12.19.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:

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- (a) The long term up-keep and cleanliness of the development, to ensure all buildings, public areas, landscaping, security systems and lighting are regularly inspected and maintained at optimum levels at all times.
- (b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour.

A copy of the Plan is to be submitted to Council for separate approval prior to the release of any Occupation Certificate.

12.20 Waste

12.20.1 Prior to issue of an Occupation Certificate evidence (e.g. in the form of receipts) is to be submitted to confirm that waste and recyclable materials have been managed and disposed of in accordance with the approved Waste Management Plan dated 11/08/11 and held at Appendix 1 of the submitted Statement of Environmental Effects held on Council's file DA-11-1987.

12.20.2 A paper recycling compactor is to be provided within the loading dock area.

12.21 Site Contamination

12.21.1 In the event contamination materials are unearthed during the construction works, a final site contamination Validation Report confirming the suitability of the site for the proposed development is to be endorsed by Council prior to the release of any Occupation Certificate. The Validation Report shall be prepared by a consultant engaged under the terms of Council's Contaminated Lands Policy.

13 PRIOR TO SUBDIVISION CERTIFICATE

13.1 The Section 94 Contributions listed at condition 4.1 are to be paid prior to release of a Subdivision Certificate.

13.1.1 The following nominated land shall be dedicated to Council and:

- (a) Compensation for the land shall be determined as at the date of this consent Determination.
- (b) A valuation of the land shall be submitted to Council prior to the issue of any related Construction Certificate to facilitate negotiations on this matter. Failure to address this matter may result in significant delays as Council will require the exchange of contracts for the sale of the land to be dedicated prior to the release of any Subdivision Certificate.
- (c) Council shall be entitled to offset against the amount of compensation payable pursuant to this condition, the amount of any Section 94 Contributions payable by the applicant.

Nominated Land: Portion of the site zoned SP2 Infrastructure – Drainage (i.e.

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in the eastern corner of the site adjacent to the unnamed "Eastern DCP Road") which is to be excised into a separate lot for drainage purposes.

Note: In accordance with condition 2.1.2 the final linen plan is to show the future drainage land as a separate lot.

13.2 Easements/Restrictions

13.2.1 The following nominated easements shall be created.

- (a) Right-of-Carriageway with variable width to accommodate vehicular access to the new 2,680sq.m allotment (i.e. for McDonald's).

13.3 Easements/Restrictions/Positive Covenants

13.3.1 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 Land Title Office.

13.4 Additional Inspections

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

13.5 Fee Payment

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

13.6 Final Plans

13.6.1 The submission of a final plan of subdivision, together with 7 exact copies and the appropriate fee. The final plan of subdivision will not be released until all relevant conditions of the determination have been complied with.

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

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14 OPERATIONAL (PLANNING)

14.1 Graffiti Removal

- 14.1.1 Removal of any graffiti, visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours.

14.2 Access/Parking

- 14.2.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 14.2.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 14.2.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 14.2.4 All vehicles must enter and exit the site in a forward direction.

14.3 General

- 14.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land in compliance with the relevant Australian Standard (AS 4282) dealing with control of obtrusive light.
- 14.3.2 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.
- 14.3.3 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 14.3.4 No 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.
- 14.3.5 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.

14.4 Hours of Operation

- 14.4.1 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

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Retail/Commercial Uses

6am - midnight, Monday to Sunday and Public Holidays

Deliveries & Garbage Collection

In order to protect the amenity of future residents from the noise of delivery trucks servicing the site, all deliveries and loading/unloading operations and garbage collection are to be undertaken between the following hours:

6am - 7pm, Monday to Sunday and Public Holidays

Appropriate signage is to be erected within the loading dock advising that deliveries and loading/unloading activities are prohibited outside of these hours.

The sliding gates to the loading dock area are to remain closed during loading/unloading operations

14.5 Waste Collection

14.5.1 Arrangements shall be made for an effective commercial refuse removal service. In this regard, a private contractor must be engaged for the ongoing management of waste and recyclables on the property during the operations of the development. The following provisions must also be adopted:

- (i) Indicate responsibility for the maintenance of the garbage collection system;
- (ii) Indicate responsibility for the cleaning of bins;
- (iii) Ensure that designated collections points are clear and unobstructed for collection vehicles; and
- (iv) All waste collection activities are to be undertaken on site within the designated loading dock.

14.5.2 All waste generated on site must be disposed of in accordance with the approved Waste Management Plan dated 11/08/11 and held at Appendix 1 of the submitted Statement of Environmental Effects held on Council's file DA-11-1987.

14.6 Signage

14.6.1 Any signage on site must be reflective of the activities being undertaken on site (i.e. building/business identification signage only). No general advertising is permitted to be displayed on site.

14.6.2 The approved signage must not contain any flashing, animated or moving elements. Neon signage is not permitted. The approved signage is to be internally illuminated and must not overspill onto any adjoining or nearby property.

14.7 Landscaping

These conditions are imposed for the following reasons:

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

14.8 Town Plaza

- 14.8.1 The plaza is to remain in private ownership and is to be maintained by the owner of the site at all times.
- 14.8.2 Outdoor café seating must not be provided on Council's footpath area without the separate consent of Council.

14.9 Use of Premises

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

14.10 Emergency Procedures

- 14.10.1 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.

15 OPERATIONAL (ENVIRONMENTAL HEALTH)

15.1 Acoustic Matters

- 15.1.1 Within 3 months of operation of the development, a post-operative Acoustic Report is to be undertaken by a suitably qualified consultant. Should mitigation measures be required within the development site to satisfy acoustic levels, then the mitigation measure should be implemented. A copy of the report is to be submitted to Council prior to any works being undertaken.

15.2 Environmental Management

- 15.2.1 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.
- 15.2.2 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.
- 15.2.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

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15.3 Food Premises

- 15.3.1 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.*
- 15.3.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 15.3.3 Upon commencement of trading, notify NSW Food Authority of the food business.
- 15.3.4 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.
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