



# Blacktown City Council

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 81)

**Applicant:** AUSTRALAND C/- URBIS  
LVL 23, TOWER 2 - 201 SUSSEX  
STREET  
SYDNEY 2000

**Determination Number: 13-965**

**Property Description:** LOT 1074 DP1119679, RIVERBANK DRIVE, THE PONDS  
LOT 1075 DP1119679, RIVERBANK DRIVE, THE PONDS

**Development:** Construction of a Neighbourhood Retail Centre, basement and on-grade car parking and associated landscaping

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

- GRANTING OF CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING 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 25 November 2013**

**1 ADVISORY NOTES**

**1.1 Terminology**

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

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

**1.2 Scope of Consent**

1.2.1 Separate development consent is required from Council prior to the fit out of each individual shop tenancy. The applicant is advised to contact Council's Development Services Unit in this regard.

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

**1.3 Other Approvals**

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

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under Council's Local Environmental Plan, and
- (c) the erection of any advertising sign, not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
- (d) the use or fit-out of any "shop" not being "Exempt Development" within the State Environmental Planning Policy (Exempt and Complying Development) 2008, and
- (e) the installation of a vehicular footway crossing servicing the development.

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

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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Per



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25 November 2013

#### 1.4 Services

##### 1.4.1 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.

##### 1.4.2 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](http://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.

##### 1.4.3 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 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.

#### 1.5 Identification Survey

##### 1.5.1 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.

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**1.6 Other Matters**

- 1.6.1 This land which is the subject of this development consent is subject to the provisions of the Second Ponds Creek Planning Agreement. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain services and infrastructure to Council's satisfaction as part of the development of The Ponds Estate. In this regard, all works approved by this consent shall be carried out in accordance with the requirements of the Second Ponds Creek Planning Agreement.

**2 GENERAL****2.1 Scope of Consent**

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

| Drawing No.                             | Dated    | Council's File Enclosure No. |
|---|----------|------------------------------|
| Site Plan<br>DA-03 Rev. 7               | 18.09.13 | 58B                          |
| Ground Floor Plan<br>DA-04 Rev. 8       | 18.09.13 | 58C                          |
| Roof Plan<br>DA-06 Rev. 5               | 18.09.13 | 58D                          |
| Elevations<br>DA-07 Rev. 7              | 18.09.13 | 58E                          |
| Sections<br>DA-08 Rev. 6                | 18.09.13 | 58F                          |
| Materials/Concept Board<br>DA-11 Rev. 2 | 29.05.13 | 1D                           |
| Basement Floor Plan<br>DA-05 Rev. 7     | 29.05.13 | 1H                           |
| Landscape Master Plan<br>L100 and L101  | May 2013 | 2B                           |


\* Unless modified by any condition(s) of this consent.

**2.2 Services**

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

**2.3 Suburb Name**

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

Suburb: THE PONDS

**2.4 Engineering Matters**

**2.4.1 Definitions**

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

**2.4.2 Design and Works Specification**

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

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

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

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

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

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#### 2.4.3 Other Necessary Approvals

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

#### 2.5 Other Matters

- 2.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.5.2 Any future substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves.
- 2.5.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### 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 \$169.00, and
- (b) Road maintenance bond of \$5000.00.

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the

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development should there be no damage to Council's assets as a result of the development works.

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

**3.3 DCP 2006**

- 3.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Development Control Plan 2006.

**3.4 Lot Consolidation**

- 3.4.1 Lot 1074 and Lot 1075 in DP 1119679 shall be consolidated into one title which shall be registered with the Land and Property Information.

**3.5 Services/Utilities**

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

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

**3.6 Other Matters**

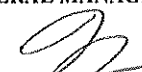
- 3.6.1 Suitable control measures shall be identified on the plans to address priority between trucks and cars at the exit from the loading dock area. In this regard, the following traffic control measures must be in place:
- a. A 'Stop' sign and linemarking to be installed at the property boundary before the footpath on The Ponds Boulevard. The sign and linemarking to be located within the Lot boundary.
  - b. Installation of an additional 'School Zone' sign near the car park entry / exit on The Ponds Boulevard visible to all vehicles exiting the centre at this point. This sign will indicate the school zone times in the morning and evening. Installation of the sign within the road reserve will require the approval of the Roads and Maritime Services and is to be erected at no cost to Council.
  - c. Installation of a speed hump located in the vehicle exit zone before the footpath on The Ponds Boulevard. The speed hump must be constructed within the Lot boundary. Additionally, the section of footpath on The Ponds Boulevard which crosses the car park driveway is to be clearly delineated (through colour, or through line-marking). The proposed delineation requires

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the approval of council's Co-ordinator Engineering Approvals under a roads act Application prior to construction.

- d. Automatic warning devices are to be incorporated at the vehicular exit to Ponds Boulevard. All service vehicles, 3.5m high or greater, exiting the site will trigger the device and a light will be displayed outside of the driveway to make pedestrians aware when a service vehicle is exiting the site.
- e. A median strip is to be installed in The Ponds Boulevard across the vehicular access point to prevent right in, right out vehicular movements. Detailed plans are to be submitted to Council for approval under the Roads Act. Fees will apply. The median is to be designed to allow vehicular access to existing residential driveways opposite the subject site. This median will be monitored for a period of twelve months, and if vehicles are found to be still making right in, right out movements, the median will be required to be extended up to 30 metre in length to prevent such movements. A bond is to be paid to Council for the 12 month period to cover the cost of the median extension if required. The bond amount will be calculated in accordance with council's Goods and Services Pricing Schedule.

3.6.2 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 this regard, the comments are provided:

- i. No Eucalyptus trees are permitted as per Council's Streetscape Guidelines.
- ii. Full width segmental paving is required as per Council's Path Paving Policy.
- iii. Porous paving is required around each tree.
- iv. Further details are required on the proposed Acoustic Screen.
- v. Details of measures on the applicant's maintenance regarding graffiti and its removal.

3.6.3 A Construction Traffic Management Plan (CTMP) must be submitted to Council's Traffic Management Section for separate approval prior to the release of the Construction Certificate. In this regard, the CTMP must address truck movements for the development and must contain a protocol for continuing consultation between the centres management and the John Palmer Primary School management during the period of construction.

#### 4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

##### 4.1 Necessary Plan Amendments

4.1.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:


- (a) An access ramp is to be provided along the Riverbank Drive entrance to the development into the main forecourt area.

##### 4.2 Aesthetics/Landscaping

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

4.2.2 The development approved by Council is to be constructed in accordance with the submitted schedule of materials, finishes and colours being the Materials/Concept Board (Drawing Number DA-11 Rev. 2) dated 29.05.13 and held at Enclosure 1D on Council File JRPP-13-965.

#### 4.3 Access/Parking

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

4.3.2 A total of 296 car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

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

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

### 5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

#### 5.1 Building Code of Australia Compliance

5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

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

- (a) Section C, D, E, F and J

### 6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

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**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 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

**6.3 Drainage**

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

**6.4 Erosion and Sediment Control**

- 6.4.1 Soil erosion and sediment control measures for all 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 Flood Protection**

- 6.5.1 The floor level of all habitable rooms or retail areas shall be at or above the 300mm required freeboard level above the 1 in 100 year ARI flood level as shown on the plans by Craig and Rhodes titled "Extent of Flooding The Ponds Shopping Centre", drawing 044-13G E01(01)-01 dated 30/05/2013. Flood levels shall be interpolated as a straight grade between the sections shown. Where internal floor levels do not achieve the required levels, the external wall must be designed as a waterproof structure with no openings. Where doorways lead into an internal landing area which does not meet the required freeboard, all building materials and floor coverings must be flood compatible.

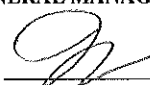
The vehicular entry from the Ponds Boulevard shall have a minimum of 100mm freeboard above the 1 in 100 year ARI flood level. Stormwater drainage from the Ponds Boulevard vehicular entry ramp is to be designed to cater for the 1 in 100

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year ARI rainfall intensity and is to be a gravity system draining to the existing stormwater system in Pebble Crescent.

**6.6 Scope of Engineering Works**

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

**6.6.1 Road and Drainage works**

- 6.6.1.1 Drainage from the site must be connected into the existing piped stormwater drainage system in Pebble Crescent.

**6.6.2 Vehicular Crossings**

- 6.6.2.1 Construction of Council's standard commercial and industrial vehicular footway crossings in accordance with Council plan A(BS)103S.

**6.6.3 Footpaths**

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

**6.6.4 Finished Boundary Levels**

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

**7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

**7.1 Other Matters**

- 7.1.1 The Recommendations provided in Acoustic Logic "DA Environmental Noise Emission Assessment" May 2013 shall be implemented.
- 7.1.2 The applicant shall provide Council with a report that assesses the impacts of the air impurities associated with the proposed development and upon surrounding premises. The report is to take into consideration the following;

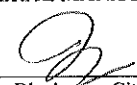
- (a) Protection of the Environment Operations Act 1997,
- (b) Department of Environment and Conservation "Approved Methods for the Modelling and Assessment of Air Pollutants in NSW" (2005)
- (c) Department of Environment and Conservation's "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW" (2007)

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- (d) Department of Environment and Conservation's "Assessment and Management of Odour from Stationary Sources in NSW : Technical Framework (2006) and supporting Technical Notes (2006).

7.1.3 Prior to the issue of a Construction Certificate, an appropriately qualified person is to submit to 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
  - o Identification of noise sensitive receivers near to the site.
  - o 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.
  - o 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.
  - o 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
  - o 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.
  - o 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
- 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

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- (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.

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 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.

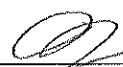
8.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger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

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

**8.2 Notification to Council**

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

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

**8.3 Construction Details**

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

Nominated Component

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

**9 DURING CONSTRUCTION (BUILDING)**

**9.1 Safety/Health/Amenity**

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

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

- (c) the name, address and telephone number of the principal certifying authority for the work, and
- (d) the name of the principal contractor (if any) for the building work and a

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- telephone number on which that person may be contacted outside working hours, and
- (e) stating that unauthorised entry to the work site is prohibited.

9.1.3 Should the development work:

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

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

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

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

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

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

9.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

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.


9.2 Building Code of Australia Compliance

These conditions are imposed for the following reasons:

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

**9.3 Surveys**

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

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

**9.4 Nuisance Control**

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

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

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

**9.5 Waste Control**

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

**9.6 Construction Inspections**

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

- (a) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and
- (d) Prior to the covering of the framework for any floor, wall roof or other building

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element, and prior to covering waterproofing in any wet areas; and

(e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and

(f) Prior to covering any stormwater drainage connections; and

(g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

#### **9.7 Site Contamination**

9.7.1 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 Maintenance of Soil Erosion Measures**

10.1.1 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

#### **10.2 Filling of Land & Compaction**

10.2.1 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.

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

#### **10.3 Public Safety**

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- 10.3.1 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.

## 11 PRIOR TO OCCUPATION CERTIFICATE

### 11.1 Reciprocal Rights of Way

- 11.1.1 The creation of Reciprocal Rights of Way with Lot 107 DP 1119679 as required by condition 13.8.2.3 and 13.8.2.4 of Notice of Determination 11-1412 by Blacktown City Council on 31/1/2012.

### 11.2 Road Damage

- 11.2.1 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.

### 11.3 Compliance with Conditions

- 11.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 11.3.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

### 11.4 Service Authorities

- 11.4.1 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.

- 11.4.2 The following documentary evidence shall accompany any Occupation Certificate:

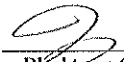
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the

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"Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

**11.5 Temporary Facilities Removal**

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

**11.6 Fire Safety Certificate**

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

**11.7 Landscaping/Car Parking**

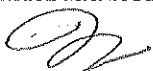
- 11.7.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 11.7.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability. In this regard, a total of 296 car parking spaces are to be provided.
- 11.7.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 11.7.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.7.5 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.
- 11.7.6 Directional arrows within the car park are to be appropriately marked.

**11.8 Fee Payment**

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

**11.9 Engineering Matters**

**11.9.1 Surveys/Certificates/Works As Executed plans**

- 11.9.1.1 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished floor levels for the development, including the vehicular entrance levels, have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum.

**11.9.2 Inspections**

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

**11.10 Other Matters**

- 11.10.1 Prior to the issue of the Occupation Certificate, the applicant shall submit an Environmental Management Plan. The plan shall identify potential sources of pollution for the activity, the objectives required to minimise pollution, the methods by which the objectives shall be achieved and the procedures to be carried out in the event that the objectives are not achieved. With regards to noise, to ensure that the predictive objectives outlined within the EIS have been achieved, the EMP should include provision for further acoustic assessment.
- 11.10.2 An Acoustic validation is to be submitted to Council identifying that the recommendations of the Acoustic Assessment prepared by Acoustic Logic and submitted as part of the Development Application have been implemented.
- 11.10.3 Suitable street signposting to be erected at the intersection of The Ponds Boulevard and Riverbank Drive to direct cars to the Riverbank Drive access point of the development. This signposting must be erected at no cost to Council and be generally in accordance with Blacktown City Council standard plan A(BS)113M. Roads act Approval must be obtained from Council prior to the installation of the signposting.
- 11.10.4 A Plan of Management to address any potential security concerns is to be prepared and submitted to Council for separate approval.
- 11.10.5 A CCTV security system is to be installed within the development.
- 11.10.6 Prior to the issue of the Occupation Certificate, work required in accordance with

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the details approved by Council to satisfy conditions 3.6.1 and 3.6.2 of this consent must be completed to Council's satisfaction.

## **12 OPERATIONAL (PLANNING)**

### **12.1 Access/Parking**

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

### **12.2 General**

- 12.2.1 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.
- 12.2.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 12.2.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.2.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 12.2.5 The hours of operation of the development shall not be outside of the following nominated times.

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

Approved hours of operation:

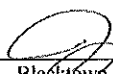
|                      |  |
|----------------------|--|
| Supermarket:         | Monday to Sunday – 6am to 10pm   |
| Specialty tenancies: | Monday to Sunday – 6am to 10pm   |
| Loading Dock:        | Monday to Saturday – 7am to 8pm<br>Sunday and Public Holidays – 8am to 8pm |

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In addition, the loading dock shall not receive truck deliveries between 8am and 9.30am as well as between 2.30pm and 4pm Monday to Friday during school terms.

The restriction on the morning truck delivery hours is to be the subject of review by an appropriately qualified person prior to the end of the first year of operation to determine whether the continuation of the morning restriction is warranted for the protection of pedestrian safety and whether alternative traffic control measures might be substituted. The subject report is to be submitted to Council for consideration and determination.

- 12.2.6 No amplified music or microphones are to be used in the forecourt.
- 12.2.7 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal roads, car parking area, landscaping or footpaths, other than in approved garbage receptacles.
- 12.2.8 Arrangements shall be made for an effective commercial refuse removal service.
- 12.2.9 Hand operated pallet jacks are only to be used within the development.
- 12.2.10 Vehicles, including delivery trucks, must enter and exit the site in a left direction only at The Ponds Boulevard accessway.
- 12.2.11 Vehicles must enter and exit the site in a forward direction.
- 12.2.12 All loading and unloading operations are to take place at all times wholly within the confines of the site.

### 12.3 Landscaping

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

### 12.4 Use of Premises

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

### 12.5 Emergency Procedures

- 12.5.1 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.

### 12.6 Other Matters

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- 12.6.1 Within 6 months of operation of the development, a post-operative Acoustic Report is to be undertaken by a suitably qualified consultant. Should the mitigation measures be required within the development site be required to satisfy Acoustic levels, then the mitigation measure should be implemented within the development site.

### 13 OPERATIONAL (ENVIRONMENTAL HEALTH)

#### 13.1 Environmental Management

- 13.1.1 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.
- 13.1.2 The bunded storage area shall be maintained in such condition to ensure that all spillage or leakage is retained within the bund, until disposed of by means that do not pollute waters or land.
- 13.1.3 All gases, odours, fumes, steam, moisture and particulate matter generated by the use of these premises shall be collected and discharged in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 13.1.4 Bunding is to be designed and installed in accordance with:
- o Department of Environment and Conservation Guidelines - *Technical BU Bunding and Spill Management*;
  - o Department of Environment and Conservation Guidelines "Surface water management on the covered forecourt areas of service stations";
  - o Australian Standard 1940-1993: *The storage and handling of flammable and combustible liquids*; and
  - o Australian Standard/New Zealand Standard 4681:2000: *The storage and handling of Class 9 (miscellaneous) dangerous goods and articles*.
- 13.1.5 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.1.6 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.1.7 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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