

1 ADVISORY NOTES

1.1 Terminology

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

1.2 Scope of Consent

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

1.3 Other Approvals

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

1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

1.5 Other Matters

- 1.5.1 The development proposal is to comply with the subdivision layout identified on the drawing prepared by Group CSA Pty Ltd numbered 7101 – Revision B, dated 30

June 2014.

- 1.5.2 The proposed development shall comply with the Marsden Park Industrial Precinct Master Plan and Growth Centres Development Control Plan.
- 1.5.3 Retaining wall elements must be no greater than 3 metres in height (excluding fence). All retaining walls must be screened by vegetation.
- 1.5.4 Prior to occupation of the store, the subdivision approved under DA-13-1918 shall be registered with the Land Property Information.

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:

Plan No.	Date	Council's File Enclosure No.
Title Sheet and Location Plan DA -0001	23/6/2014	1A on JRPP-14-1343/A
Location Plan and Project Data DA-1101 Revision H	23/6/2014	1B on JRPP-14-1343/A
Site Plan DA-1102 Revision G	8/5/2015	40B on JRPP-14-1343/2
Floor Plans – Departmental Areas DA-1107 Revision C	23/6/2014	1E on JRPP-14-1343/A
Floor Plan DA-1108 Revision C	23/6/2014	1F on JRPP-14-1343/A
Roof Plan DA-2002 Revision B	23/6/2014	1G on JRPP-14-1343/A
Overall Elevations DA-3001 Revision E	24/6/2014	1H on JRPP-14-1343/A
Overall Elevations DA-3101 Revision B	23/6/2014	1I on JRPP-14-1343/A
Fuel Station – Plans and Details DAP2000 Revision B	11/5/2015	40C on JRPP-14-1343/2
Fuel Station – Elevations DA-P3000 Revision C	11/5/2015	40D on JRPP-14-1343/2
Building Images and Materials DA-8300 Revision B	23/6/2014	1J on JRPP-14-1343/A
Landscape Site Plan DA-7101 Revision D	11/5/2015	40E on JRPP-14-1343/2
Landscape Plan DA7201 Revision D	11/5/2015	40F on JRPP-14-1343/2
Landscape Details DA7301 Revision C	11/5/2015	40G on JRPP-14-1343/2
Landscape Details DA7302 Revision B	11/5/2015	40H on JRPP-14-1343/2

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

Costco Wholesale and Retail Premises, with optical centre, hearing centre and tyre

fitting outlet and a Costco Gasoline Service Station

2.2 Services

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

2.3 Suburb Name

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

Suburb: Marsden Park

- 2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Marsden Park

2.4 Engineering Matters

2.4.1 Design and Works Specification

- 2.4.1.1 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) including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management

(d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

(g) BCC Developer Handbook Guide to Water Sensitive Urban Design Part 5 – Vegetation Selection Guide

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

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

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

2.4.2 Payment of Engineering Fees

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

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

- 2.4.2.2 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.

2.4.3 **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.

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 **Services/Utilities**

- 3.2.1 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 (PCA) prior to the Construction Certificate (CC) being issued. The Section 73 Certificate must be submitted to the PCA prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

- (b) A Notification of Arrangement" Certificate from an 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.

3.3 Traffic

3.3.1 Prior to the release of the construction certificate amended plans shall be submitted to Council's Traffic Management Section for approval which address the following traffic issues:

- (a) At the corner of Road 18 and Road 21 provision for a future two-circulations-lanes roundabout should be made, in this regard the position of the proposed kerb line on the north-east corner needs to be adjusted to accommodate two circulating lanes within the roundabout.
- (b) The irregularities with the proposed line marking on Road 18 are to be resolved, such as there is only one traffic lane in the northbound next to the access driveway but becomes two lanes close to the roundabout. However the kerbside lane is marked with a solid line as a parking lane. The same occurs in the opposite direction.
- (c) The plan is to be amended to include splay corners for when the T-intersection of roads 21 and 42 are constructed. The plans shall ensure that no structures are located within the footway area of Road 22. It is noted the current plans shows part of this footway area as part of the proposed tyre / fuel facility.

3.3.2 The access driveways off the temporary turning head at the end of Road 21 are to be temporary. When the future Road 21 is constructed and the temporary turning is deleted, this temporary access shall be closed off.

3.4 Roads and Maritime Services

3.4.1 The layout of the proposed loading areas and heavy vehicle travel paths 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 AS2890.2-2002 for heavy vehicle usage.

3.4.2 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Access/Parking

4.1.1 The layout of the proposed loading areas and heavy vehicle travel paths associated with the subject development (including driveways, grades, turn paths, sight distance requirement, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.

4.1.2 A minimum of 713 car parking spaces are to be provided, including 15 accessible

car spaces, 14 spaces for the tyre service and 43 staff car parking spaces. All car parking spaces shall be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 and 2890.6.

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

4.1.4 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.

4.2 **Other Matters**

4.2.2 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 Planning and Infrastructure's website:

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

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

4.2.3 The landscape plan shall be amended to delete the planting of Eucalyptus Mollucana "Grey Box" and replaced with either Eucalyptus crebra "Narrow leafed ironbark" or Eucalyptus tereticornis "Forest red gum".

4.2.4 The landscape is to be provided with an automatic trickle irrigation system installed below mulch level. The system is to be partially supplied by rainwater collected from the site.

4.2.5 Landscaped areas are to be separated from vehicular access areas by an appropriate edge, preferably a raised kerb.

4.2.6 The tree planting bay area is to have a 2 metre bay of deep soil condition.

4.2.7 Retaining wall elements must be finished in decorative masonry and no greater than 3 metres in height. All retaining walls must be screened by vegetation.

4.2.8 A lighting plan is to be provided that shows the provision of lighting within the car park, entry points to the building, as well as the entry and exit points to the site. The use of energy efficient lighting is encouraged.

4.2.9 Parking facilities for commercial vehicles are to be designed in accordance with Australian Standard 2890.2 to accommodate the largest type of truck which could reasonably be expected to park on the site.

4.2.10 The applicant shall submit to the PCA a Waste Management Plan for the

construction waste and on going waste management of the site. The plan shall be complied with at all times.

4.3 Site Salinity

- 4.3.1 All works are to be carried out in accordance with the recommended salinity management strategies outlined in the Salinity Review Report prepared by Benbow Environmental dated December 2013 that was prepared for the Subdivision Application (i.e. DA-13-1918). Further to this a final sign-off from a suitably qualified consultant verifying that the salinity management requirements have been implemented prior to a Construction Certificate being issued.

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. The aspects relate to the following deemed-to-satisfy provisions of the Building Code:

- (a) C2.3 and C2.4 - Perimeter vehicle access for fire brigade vehicles
- (b) D1.4 Exit travel distances
- (c) D1.5 Distance between alternate exits
- (d) E4.8 Design and operation of exit signs

5.2 Site Works and Drainage

- 5.2.1 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

5.3 Fire Services

- 5.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

- 5.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to

and approved by Council prior to the issue of the relevant Construction Certificate. 6

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 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.
- 6.2.2 Dedication at no cost to Council of 8m x 8m (industrial) splay corners on allotments at each street intersection. Road design plans are to reflect the need for this dedication.

6.3 Erosion and Sediment Control

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

6.4 Asset Management

- 6.4.1 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.

6.5 Ancillary Works

- 6.5.1 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.

6.6 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 Half width road construction over the full property frontage of proposed road 22 for subject lots including the provision of drainage, concrete path paving and service adjustments, with the remaining footway area being turfed, and any other ancillary work necessary to make this construction effective. The half road construction shall extend to proposed road 24 and shown on the Construction Certificate plans

6.6.2 Vehicular Crossings

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

6.6.4 Stormwater Quality Control

- 6.6.4.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management. Details are to be included with the plans and specifications accompanying any Construction Certificate application. Any variation to the following nominated plan will require a lodgement of a Section 96 application to Council for amendment of the consent.

Nominated Plan: Acor Consultants Reference NW130119 Issue C Dated March 2015

- 6.6.4.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management. 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.

6.6.5 Consistency with Approved development Plans

- 6.6.5.1 This involves a change to the original application plans as submitted to Council. The change must be reflected on any plans submitted to Council with any Construction Certificate relating to engineering/building works for the proposed development.

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 A construction environmental management plan shall be prepared in accordance with the provisions of Section 3.3 of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010. The operational measures should include but not be limited to:

- proposed hours of work
- proposed schedule of works
- noise and vibration controls
- dust (air quality) management strategy
- procedures for validation of imported fill material and the proposed means of disposing overburden
- waste disposal and materials re-use on-site
- unexpected finds protocol
- community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the Protection of the Environmental Operations Act 1997.

The plan must be submitted to the satisfaction of Council or the accredited certifier prior to the issue of a construction certificate.

7.3 The applicant shall provide Council with a report that confirms all plant and equipment associated with the proposed development will meet the Project Noise Criteria. The report is to take into consideration the NSW Environment Protection Authority's NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the proposed development upon sensitive receivers.

The report shall be prepared by an appropriately qualified noise and vibration consultant with experience consistent with the technical eligibility criteria required for membership of the Australian Association of Acoustic Consultants and/or the grade of membership of the Australian Acoustical Society denoted by MAAS.

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.

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.

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.

8.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

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.

8.3 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 Rural Fire Service

- 8.4.1 Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006".

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 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 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 9.1.5 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 9.1.6 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 9.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

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 Nuisance Control

- 9.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 9.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

9.4 Construction Inspections

- 9.4.1 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) After excavation for, and prior to placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) 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

(d) 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

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

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

The critical stage inspection “(f)” 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.

9.5 Rural Fire Service

10.10.1 New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 “Construction of buildings in bush fire-prone area’ and Section A3.7 Addendum Appendix 3 of “Planning for Bush Fire Protection”.

101.10.2 Landscaping to the site is to comply with the principles of Appendix 5 of “Planning for Bush Fire Protection 2006”.

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notice of work Commencement

10.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor’s Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.

10.2 Service Authority Approvals

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

10.3 Maintenance of Soil Erosion Measures

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

10.3.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.

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

10.4 Public Safety

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

10.5 Site Security

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

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

11.1 Environmental Management

- 11.1.1 The installation of the Underground Petroleum Storage System must comply with the requirements of;
- *Australian Standard AS1940:2004 The Storage and Handling of Flammable and Combustible Liquids.*
 - Protection of the Environment Operations Act 1997
 - Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.
- 12.1.16 Any material generated on site for the purpose of applying to land as engineering fill or for use in earthworks must fulfil the criteria under either of:
- i. Virgin Excavated Natural Material (VENM) - as defined under NSW EPA (2014) Waste Classification Guidelines Part 1: Classifying Waste; or
 - ii. Excavated Natural Material (ENM) as defined under the: The Excavated Natural Material Order 2014 : Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014.
 - iii. Fill with high salt content is not to be used.

12 PRIOR TO OCCUPATION CERTIFICATE

12.1 Compliance with Conditions

- 12.1.1 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.
- 12.1.2 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.

12.2 Fire Safety Certificate

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

12.3 Fee Payment

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

12.4 Landscaping/Car Parking

- 12.4.1 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.
- 12.4.2 The internal driveways shall be appropriately illuminated by the use of pole mounted lighting or the like to provide for the safety and convenience of customers and staff.
- 12.4.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.4.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6.
- 12.4.5 Signs shall be erected wholly within private property and shall not encroach or overhang into the road reserve.
- 12.4.6 A total of 713 on grade car parking spaces are to be provided.
- 12.4.7 A separate application for any on site signage (other than that specified in the submitted plans). Shall be lodged with Council specifying content, height and colours to be used.
- 12.4.8 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

12.5 Environmental Health

- 12.5.1 All food preparation areas shall be constructed so as to comply with the requirements of:
- o The Food Act 2003 and Regulations there under.
 - o Australian Standard 4674-2004 Design, construction and fit-out of food premises.
 - o Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings

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.

- 12.5.2 All food premises must be registered with Council. The attached application form shall be used for registration purposes.
- 12.5.3 A statement is required nominating projected Petrol Throughput and proposed devices that are designed to meet the criteria outlined in the DECCW (2009) Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

12.5.4 In accordance with the requirements of the Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2009, both VR1 and VR2 systems must be included as part of the proposed works.

12.5.5 The underground petroleum storage systems must not be commissioned until a certificate has been signed by a duly qualified person confirming that the UPSS:

- was appropriately designed and installed by a duly qualified person in accordance with the UPSS Regulation
- have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices
- have groundwater monitoring wells installed and tested in accordance with the Regulation
- has passed an EIT (Equipment Integrity Test). The EIT certificate must be kept within the Environmental Protection Plan (EPP) which is to be kept onsite at all times.

12.5.6 Before the Underground Petroleum Storage System (UPSS) comes into operation, Part 4 of the UPSS Regulation relating to the use of storage systems requires the following measures must be in place:

- an Environment Protection Plan
- loss monitoring procedures
- loss detection and investigation procedures
- incident management procedures
- system maintenance plans and procedures.

12.6 NSW Police

12.6.1 Prior to the occupation certification, adequate installation of CCTV must be installed in the interior and immediate exterior of the site. This CCTV coverage should capture all areas of the proposed building and should be recording at all times. The exterior coverage should capture all entrances and exits and the immediate vicinity of the building.

12.7 Engineering Matters

12.7.1 Surveys/Certificates/Works As Executed plans

12.7.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

12.7.1.2 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the stormwater quality system as constructed will function hydraulically in accordance with the approved design plans.

12.7.1.3 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the stormwater quality systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

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

system will function effectively in accordance with Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.

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

12.7.2 Easements/Restrictions/Positive Covenants

- 12.7.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must 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.

- 12.7.2.2 Restrictions and positive covenants must be registered with Land and Property Information over the stormwater quality device and outlet works.

- 12.7.2.3 Restrictions and positive covenants must be registered with Land and Property Information over the Stormwater Quality Control devices and outlet works.

- 12.7.2.4 The creation of a reciprocal rights of way over the access to the following nominated lot(s) with the following nominated width under Section 88B of the Conveyancing Act 1919.

Nominated Private Road : Road 22

Nominated length : Full Property Frontage

A restriction as to user for “Maintenance and Repair of the Shared Access” is to be in accordance with Blacktown City Council recitals for terms of Easements and Restrictions (Current Version).

- 12.7.2.5 The creation of a reciprocal rights of way over the access to the following nominated lot(s) with the following nominated width under Section 88B of the Conveyancing Act 1919.

Nominated Private Road : Road 18

Nominated length : Full Property Frontage

A restriction as to user for “Maintenance and Repair of the Shared Access” is to be in accordance with Blacktown City Council recitals for terms of Easements and Restrictions (Current Version).

- 12.7.2.6 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

12.7.3 Dedications

- 12.7.3.1 Dedication at no cost to Council 8m x 8m (industrial) splay corners on allotments at each street intersection.

12.7.4 **Relationship with other Approvals**

- 12.7.4.1 Compliance with the requirements of the following nominated approvals:

A. Development Consent No.13-1918 dated 14/04/2014 issued by Blacktown City Council

The conditions contained within the above approvals shall be fully complied with in order to obtain release of the Final Occupation Certificate.

13 **OPERATIONAL (PLANNING)**

13.1 **Access/Parking**

- 13.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 13.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land. All unloading activities is to be conducted in a manner that does not impact on the amenity of adjoining owners.
- 13.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

13.3 **General**

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

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

Costco warehouse including tyre service: 8:00am to 9:00pm, 7 days a week
Costco service station: 6:00am to 10:00pm, 7 days a week
Delivery and stacking operations: 24 hours, 7 days a week

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

13.4 **Landscaping**

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

13.5 Use of Premises

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

13.6 Emergency Procedures

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

13.7 Signage Lighting

- 13.7.1 Should Council receive any complaints that the light intensity/illumination that is associated with the approved signage detract from the amenity of the area, Council will request that the intensity of the lighting be adjusted to a suitable level.

13.8 Services

- 13.8.1 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 (PCA) prior to the Construction Certificate (CC) being issued. The Section 73 Certificate must be submitted to the PCA prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

- (b) A Notification of Arrangement" Certificate from an 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.

13.9 Signage

- 13.9.1 Signs shall be constructed entirely within private property and shall not encroach or overhang, into the road reserve.
- 13.9.2 The proposed sign must not have/use:

- a. Flashing lights;
- b. Electronically changeable messages;
- c. Animated display, moving parts or simulated movement;
- d. Complex displays that holds a drivers attention beyond "glance appreciation"
- e. Displays resembling traffic lights or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'; and
- f. A method of illumination that distracts or dazzles.

13.10 Hazardous

13.10.1 The development shall be carried out in the following manner to reduce the potential risk of hazardous:

- (a) articulated vehicles and B-Doubles carrying bulk fuel follow RMS approved routes for B-Doubles as far as practicable; and
- (b) an emergency response plan should be prepared with reference to HIPAP 1 and Australian Standard AS 3745-2002 and specifically address the hazards associated with fuel storage and transfer operations on-site and appropriate emergency response and fire-fighting procedures.

14 OPERATIONAL (ENVIRONMENTAL HEALTH)

14.1 Food Premises

- 14.1.1 The food premises shall be maintained in accordance with the requirements of;
- Food Act 2003 and Regulations there under.
 - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 14.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 14.3 Upon commencement of trading, details of the food activity are to be submitted to the NSW Food Authority.
- 14.4 The premises is to be registered with Council as a food business.
- 14.5 Trading shall not commence until an Occupation Certificate for the development has been issued.
- 14.6 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation Ltd prior to the commencement of use.
- 14.7 Ground water monitoring wells must be positioned to detect leaks from underground infrastructure. These wells must be monitored at six monthly intervals, in accordance with the NSW EPA guidelines and the UPSS Regulation.
- 14.8 The proponent must maintain the minimum operational management requirements for the UPSS facilities including:
- the preparation of an Environmental Protection Plan including loss monitoring and incident management procedures
 - development and use of loss detection procedures in accordance with the UPSS Regulation.
- 14.9 Any activity carried out in accordance with this approval shall not give rise to air

pollution (including offensive odour) as defined by the Protection of the Environment Operations Act 1997.

- 14.10 The premises must have facilities for the storage of garbage and recyclable matter that:
- adequately contains the volume and type of garbage and recyclable matter on the food premises
 - encloses the garbage or recyclable matter to deter the congregation of pests and animals
 - is designed and constructed to be easily and effectively cleaned.
 - stored, handled and disposed of in such a manner as to not create offensive odours.
- 14.11 Ground areas where garbage containers hold putrescibles material and containers must be:
- provided with a hose and water supply
 - paved with impervious material
 - graded and drained to a Sydney Water approved sewage point.
- 14.12 No more than 500 used tyres are permitted on the premises at any one time. Consignors and transporters of waste tyres will be required to monitor the movement of waste tyres. . These requirements will apply to loads of waste tyres greater than 200 kilograms or more than 20 waste tyres, whichever weighs less.
- 14.13 Any hazardous liquids, including petroleum and distillate must that are to be stored and/or handled on site in accordance with the requirements of;
- NSW Workcover requirements
 - NSW DECC (2007) - Storing and Handling Liquids: Environmental Protection - Participants Manual
 - AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids
 - NSW DECC (2005) - Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation
- 14.14 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean-up equipment shall be kept on site to recover any liquid spillage.
- 14.15 No contaminated waste water or liquid waste shall be discharged into the stormwater system. The forecourt stormwater quality improvement device(s) must be maintained to avoid discharge of non-aqueous films, scums and odours in all modes of operation. The device(s) must be maintained to the manufactures requirements and serviced annually. Water testing is to be conducted in accordance with the Prevention Notice issued under section 96 of the Protection of the Environment Operations Act 1997 where the discharge from the device(s) must meet the discharge limits outlined within the National Water Quality Guidelines.
- 14.16 Upon receipt of a justified noise complaint, an acoustic assessment is to be carried out in accordance with the NSW Environment Protection Agency's - NSW Industrial Noise Policy. A report shall be prepared by an appropriately qualified acoustic consultant: member of the Association of Australian Acoustic Consultants; with recommendations to mitigate the emission of offensive noise from the premises. The report is to be sent to Council for consideration.
- 14.17 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.

- 14.18 Any rainwater collection system is to be maintained in line with the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" to prevent risk of pathogenic microbial contamination including legionella and organisms. Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.