

ATTACHMENT 1 – PROPOSED CONDITIONS OF CONSENT

JRPP-15-02130 – Warehouse or Distribution Facilities

35 Huntingwood Drive, Huntingwood

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.
- 1.2.2 The applicant is advised that Council will not release the Subdivision Certificate for the approved development until such time as the development has been completed in accordance with all of the conditions of consent, to Council's satisfaction.

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 separate appropriate 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, and
 - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 1.3.3 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
 - (b) the installation of a vehicular footway crossing servicing the development.

- 1.3.4 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.5 The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. The applicant is required to lodge either a separate Development Application for Council's consideration, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the demolition of the existing dwelling and associated structures.

1.4 **Services**

- 1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) An 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.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 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.

- 1.4.5 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

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.

1.6 Other Matters

- 1.6.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

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
Plan of Subdivision	01.09.2015	1B
Architectural Plans prepared by Frasers Property:		
Tree Removal / Demolition Plan SP1-HU-DA-003/A	18.09.2015	1F
Site Plan SP1-HU-DA-004/A	18.09.2015	1G
Truck Turning Diagrams SP1-HU-DA-005/A	18.09.2015	1H
Staging Plan SP1-HU-DA-006/A	07.09.2015	1I
Warehouse 01 + 02 Plan SP1-HU-DA-100/A	16.09.2015	1J
Warehouse 03 Floor Plan SP1-HU-DA-101/A	16.09.2015	1K
Office 01 Plans SP1-HU-DA-110/A	18.09.2015	1L
Office 02 Plans SP1-HU-DA-111/A	18.09.2015	1M
Office 03 Plans SP1-HU-DA-112/A	16.09.2015	1N
Warehouse 01 + 02 Elevations	18.09.2015	1O

SP1-HU-DA-200/A		
Warehouse 03 Elevations SP1-HU-DA-201/A	07.09.2015	1P
Warehouse 01 Sections SP1-HU-DA-210/A	18.09.2015	1Q
Warehouse 03 Sections SP1-HU-DA-211/A	19.08.2015	1R
Warehouse 01 + 02 Coloured Elevations SP1-HU-DA-500/A	17.09.2015	1S
Warehouse 03 Coloured Elevations SP1- HU-DA-501/A	18.09.2015	1T
Office 01 Perspective SP1-HU-DA-600/A	24.09.2015	1U
Office 02 Perspective SP1-HU-DA-601/A	24.09.2015	1V
Office 03 Perspective SP1-HU-DA-602/A	24.09.2015	1W
Landscape Plans prepared by Coco Design:		
Cover Sheet DA-00/B	02.09.2015	1X
Landscape Plan LA-01/B	02.09.2015	1Y
Landscape Plan LA-02/B	02.09.2015	1Z
Landscape Plan LA-03/B	02.09.2015	1AA
Landscape Plan LA-04/B	02.09.2015	1BB
General Notes / Landscape Specification & Plant Schedule LA-05/B	02.09.2015	1CC

* Unless modified by any condition of this consent

2.2 Services

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

2.3 Suburb Name

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

Suburb: Huntingwood

- 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: Huntingwood

2.4 Engineering Matters

2.4.1 Definitions

- 2.4.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for Healey Circuit and Huntingwood Drive, Huntingwood prior to the issue of the Construction Certificate.

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

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

- 2.4.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.
- 2.4.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Healey Circuit and Huntingwood Drive, Huntingwood.

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) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

(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.

2.4.3 Payment of Engineering Fees

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

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

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

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

2.4.4 Subdivision

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

2.5 Other Matters

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

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

2.6 RMS Matters

- 2.6.1 All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the M4 Motorway boundary.
- 2.6.2 Access across the M4 Motorway boundary is denied.
- 2.6.3 Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site

Details should be forwarded to:
 Sydney Asset Management
 Roads and Maritime Services
 PO BOX 973 Parramatta CBD 2124

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

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.

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

3.2 Road Deposit/Bond

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

Vehicular Crossing Application and Inspection Fee: \$270.00

- 3.2.2 Separate documentary evidence from Integral Energy shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

3.3 Traffic Management Matters

- 3.3.1 Vehicular access to comply with AS 2890.2 Figure 3.2 (Access Design) and Figure 3.3 (Sight Distance). This standard meets BCC Standard Industrial Crossing –A (BS) 103S- May 2003.
- 3.3.2 Footpath construction to be provided around the property frontage including intersection treatment in accordance with BCC Standard– A (BS) 104M-September 2002.

3.4 Drainage Matters

3.4.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

3.4.2 The development must at all times maintain the water quality system to achieve the following pollutant removal targets of Part J of DCP 2015 for the entire site including the approved bio-retention plant species:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Aesthetics/Landscaping

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

4.1.2 All proposed retaining walls shall be made of masonry material. The maximum permitted height of a retaining wall is 3 m. Should the development require retaining structures greater than 3 m in height, these retaining walls are required to be stepped and complemented by cascade planting and/or different banding of the retaining wall materials.

4.1.3 Service conduits which are located on the external facade of the buildings, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the buildings.

4.1.4 Prior to the issue of any Construction Certificate a "Graffiti Management Plan" is to be submitted to and approved by Council which addresses the following:

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

4.1.5 Business identification signage is permitted to be erected within the designated signage areas only. Signage is required to relate to the occupier of the facilities,

and is to comprise a business name or logo only. Signage which is visible from public roads, in particular the M4, is not to comprise moving parts or flashing lights or similar which may reduce the safety for public roads.

- 4.1.6 The Landscape Plan, Drawing LA-02 is to be amended to include details of the native mix plantings at the rear of the development adjacent to the M4 Motorway. These details are to correspond to the Landscape Plan LA-01, including a species and quantity list. Planting densities to be similar to other native mix plantings for the development.

4.2 **Access/Parking**

- 4.2.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.2.2 A total of 299 on-site car parking spaces (including 6 disabled car spaces) are to be available to staff and visitors at all times.

The development is also required to be capable of accommodating 57 'provisional' car parking spaces in association with Building 1 and 27 'provisional' car parking spaces in association with Building 2 as indicated on the approved Site Plan, Drawing Number SP1-HU-DA-004, Issue A, dated 18.09.15.

The car parking spaces are to be allocated to each building as follows:

Building 1 (Warehouse 1 + 2) - 278 spaces (including 57 provisional spaces)
Building 2 (Warehouse 3) – 105 spaces (including 27 provisional spaces)

These spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m
Disabled Car Space: 2.4m x 5.4m with a shared area of 2.4m x 5.4m

- 4.2.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.2.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

4.3 **Staging**

- 4.3.1 The development is permitted to be constructed and occupied in a staged manner, in accordance with the Staging Plan, SP1-HU-DA-006/A, dated 07.09.2015.

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 It is advised the building is the subject of an alternative solution under the performance requirements of the Building Code of Australia. In this respect, your attention is drawn to the need to ensure any associated construction certification for the development work is consistent with, and conforms to, the terms of the approved alternative solution, and does not compromise or reduce the level of fire or structural safety afforded the building.

5.2 **Site Works and Drainage**

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

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

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

The tank overflow drain shall be connected to a rubble pit having a minimum capacity of 1m³, having a maximum depth of 600mm and located a minimum 3m from any boundary and existing or proposed building (including impervious pavement) on the land.

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

5.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

5.3 **Flood Protection**

5.3.1 Building materials capable of withstanding prolonged immersion in flood water shall

be incorporated in the design of that part of the building below the nominated floor level.

- 5.3.2 The building shall be designed and certified by a suitably qualified person to withstand the forces of floodwaters and the impact of any debris likely to be carried by such floodwaters. A copy of the certificate shall accompany the Construction Certificate.

5.4 **Fire Services**

- 5.4.1 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.

5.5 **Internal Works**

- 5.5.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery /equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development or Complying Development under the State Environment Planning Policy (Exempt and Complying Development Codes) 2008.

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 **Drainage**

- 6.2.1 Where drainage involves the provision of drains across land owned by others evidence of the creation of necessary easements must be submitted to Council for concurrence prior to the issue of a Construction Certificate for engineering works.

- 6.2.2 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.

- 6.2.3 Amended drainage plans by Costin Roe Consulting are to:

- i. Provide a detail of a subsoil riser. A detail of a subsoil riser is to be provided for flushing and maintenance of the subsoil collection pipe. The riser is to include two 450 bends with a short section of un-slotted straight (minimum 300 mm) in between. The vertical riser is to stop 100 mm above the surface of the filter material and be sealed with a removable screw cap.

- ii. Provide intermediate subsoil risers for basin 2 and maximum 20m spacing on drawing DA43(A).
 - iii. Provide scour protection on the outlet from the driveway trench grate to Basin 1 on DA43(A).
 - iv. Nominate the subsoil drains to be 100mm slotted PVC (no hand cutting of slots permitted) laid at 0.5% with minimum 50mm gravel cover. This equates to a gravel thickness of 250mm for basin 1 and 400mm for basin 2 on DA43(A). Note on the plans the thickness and that the drainage layer is 5-7mm washed gravel.
 - v. Note on basin section details that the bio-retention system is to be enclosed by HDPE liner (minimum 1.5mm thick) or approved equivalent.
 - vi. Delete the reference to Ø750 on DA42(B) and replace with Ø1050 on the Outlet Plan.
 - vii. Provide a level flow spreader such as such as a half 225 mm slotted PVC or similar across the centre of the bioretention basin or around each side to uniformly disperse flows throughout the basin.
- 6.2.4 An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Reuse Plan for non-potable water uses (including all toilet flushing and landscape watering) on the site. The plan is to show the rainwater pipe arrangement including first flush or pre-treatment system, pump, mains water direct tank top up, isolation valves, flow meters for all mains water inflows or solenoid controlled mains water bypass (if applicable) and non-potable usage outflows, a timer for landscape watering, an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass is only permitted for toilet flushing and where fitted, landscape watering or other reuse must only use pump water and be on a separate reuse line, independent to the toilets. Where a solenoid controlled mains water bypass is not fitted, a manually operated bypass is to be provided for the toilets independent of landscape watering or other reuse. Provide a warning light to indicate pump failure. The Landscape Watering system is to be designed to automatically achieve a minimum usage rate of 1250 kL/year (bio-retention areas to achieve a minimum usage rate of 1 kL / year / m² of filter area). This is the average usage throughout the year and the system needs to be adjusted to allow for monthly seasonal variations e.g the flow rate in December/ January is to be designed to allow for a 71% increase above the average yearly flow. The plan is to clearly detail which rainwater tank is supplying what uses. Note the 50 kL tank is only supplying 150 kL/ yr as landscape watering. All rainwater re-use pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.
- 6.2.5 Details are to be provided for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 6.2.6 Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the bio-retention, Enviropods and rainwater

tanks. For bio-retention systems these are to include the temporary bio-retention system and ultimate bio-retention system replacement. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.

- 6.2.7 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 4 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. Water efficient washing machines and dishwashers are to be specified.

- 6.2.8 The retaining walls adjacent to the bio-retention basins are to be designed and certified by a Structural Engineer registered with NPER to extend below the zone of influence allowing for future excavation of the bio-retention basin below the base of the gravel layer and be self-supporting (allowing for overturning and sliding), where the basin media including the gravel is removed and replaced for maintenance.

- 6.2.9 Revised Landscape plans are required that include appropriate species for the bio-retention system in accordance with the BCC Handbook Part 5 – Vegetation Selection Guide for the 500mm deep filter media. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per m²) to ensure plant roots occupy all parts of the media. Groundcover species must not be used. To ensure diversity and disease resistance a minimum of 8 different species is required planted as a matrix. All plants within the filter area are to be planted from tubestock or virotube and not pots.

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 **Work Adjacent to Easements**

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

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

6.6 **Street Furniture**

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

6.7 **Scope of Engineering Works**

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

6.7.1 **Drainage works**

- 6.7.1.1 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.
- 6.7.1.2 Overland flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system to match or set local condition, and discharged in a satisfactory manner.
- 6.7.1.3 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

6.7.2 **Vehicular Crossings**

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

Nominated Widths: 10 metres x 2 (Healey Circuit)

6.7.3 **Footpaths**

- 6.7.3.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.
- 6.7.3.2 The construction of path paving is to be provided to the following nominated street(s)/road(s):

Name	Side	Paving Width	Length
Huntingwood Dr	Left	2.5 m	Full frontage of the property.
Healey Circuit	Left	1.5 m	

6.7.4 **Finished Boundary Levels**

- 6.7.4.1 Finished levels of all internal works at the road boundary of the property must be:

- (a) 4% above the top of the kerb.

7 DURING CONSTRUCTION (BUILDING)

7.1 Safety/Health/Amenity

- 7.1.1 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.

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

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

- 7.1.3 Should the development work:

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

- 7.1.4 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.

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

- 7.1.6 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.

- 7.1.7 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.

- 7.1.8 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.

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

7.2 **Building Code of Australia Compliance**

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

7.3 **Surveys**

7.3.1 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.

7.3.2 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.

7.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.

7.4 **Nuisance Control**

7.4.1 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.

7.4.2 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.

7.5 **Waste Control**

7.5.1 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.

7.6 **Tree Protection**

7.6.1 Trees to be retained during construction must be managed according to Section 4, Tree protection measures, of Australian Standard 4970:2009 Protection of trees on development sites.

7.6.2 The measures required to effectively protect trees on the land shall be maintained

throughout the development works.

7.7 Construction Inspections

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

- (a) 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.

7.8 Vehicular Crossings

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

7.9 Site Cut and Fill levels

The extent of cut and fill on the development site is restricted to that which is indicated on the approved plans. The maximum height of fill on the development site shall be 600mm and the maximum height of cut shall be 900mm.

Any ground re-shaping by cut and/or fill shall not compromise the structural integrity of any adjacent building, structure or service conduit on the subject or adjoining land.

8 DURING CONSTRUCTION (ENGINEERING)

8.1 Notice of Work Commencement

8.1.1 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.

8.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

8.2 Service Authority Approvals

8.2.1 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.

8.3 Maintenance of Soil Erosion Measures

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

8.3.2 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.

8.3.3 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.

8.4 Inspections of Works

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

(i) Soil Erosion and Sediment Control

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

(ii) Traffic Control

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

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

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

(iv) Provision of Street Furniture

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

(v) Footpath Works

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

(vi) Stormwater Quality Control/Basins

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

(vii) Traffic Control

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

(viii) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

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

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

- 8.4.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24)

hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

8.5 Public Safety

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

8.6 Site Security

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

8.7 Traffic Control Plan

- 8.7.1 Where amendments to the approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

8.8 Other Matters - Drainage

- 8.8.1 Prior to placement of the filter media layer, certification for the following is to be provided:
- i. A minimum hydraulic conductivity as defined by ASTM F1815-06 of 200 mm/hr (actual, not predicted)
 - ii. A maximum hydraulic conductivity as defined by ASTM F1815-06 of 700 mm/hr (actual, not predicted)
 - iii. An Orthophosphate content < 40 mg/kg
 - iv. A Total Nitrogen content < 1000 mg/kg
 - v. Is not hydrophobic.
- 8.8.2 No fertiliser or additional nutrient material is to be provided to the bio-retention basin filter area during planting of the tube stock, or at any time.
- 8.8.3 The coarse sand transition layer and 5-7mm gravel drainage layer are all to be provided as washed prior to placement.
- 8.8.4 The filter media in the bio-retention area is not to be installed or bio-retention plants installed until all the building works, retaining walls and driveways have been completed.

9 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

9.1 Premises Construction

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

9.2 **Site Contamination**

- 9.2.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 9.2.2 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
 - b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
 - c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
 - d) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

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

9.3 **Aboriginal archaeology**

- 9.3.1 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.

10 **PRIOR TO FINAL OCCUPATION CERTIFICATE**

10.1 **Road Damage**

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

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

repair costs exceed the bond amount a separate invoice will be issued.

10.2 Compliance with Conditions

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

10.3 Service Authorities

- 10.3.1 The following documentary evidence shall accompany any Occupation Certificate:
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer 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.
- 10.3.2 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.

10.4 Temporary Facilities Removal

- 10.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 10.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 10.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 10.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 10.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new

vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

10.5 **Fire Safety Certificate**

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

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

10.6 **Fee Payment**

10.6.1 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.

10.7 **Inspections**

10.7.1 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.

10.8 **Other Matters**

10.8.1 The landscaped areas and fencing for each stage are to be provided in accordance with the approved landscaping design plan prior to the issue of the Occupation Certificate for the relevant stage.

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

10.8.3 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.

10.8.4 Appropriate way finding signage is to be erected which directs staff, visitors and delivery vehicles to the appropriate locations.

11 **PRIOR TO SUBDIVISION CERTIFICATE**

11.1 **Road Damage**

11.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of the development works 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.

11.2 Easements/Restrictions

11.2.1 A restriction as to user shall be created under Section 88B of the Conveyancing Act 1919 providing that:

- (a) No fence shall be erected on the boundary of any Lot adjoining land created as a Council Drainage Reserve without the consent of the Blacktown City Council.
- (b) Such consent shall not be withheld, however, if such fence is erected without expense to the Blacktown City Council provided it is an open style fence, not a solid fence.
- (c) The restrictions shall remain in force only during such time as the Council of the City of Blacktown is the registered proprietor of the land immediately adjoining the land burdened in the plan and shall bind all successive owners and assigns of each lot burdened.

11.3 Additional Inspections

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

11.4 Fee Payment

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

11.5 Final Plans

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

11.6 Drainage Matters

11.6.1 A Civil Engineer registered with NPER, is to certify that:

- i. All the requirements of the approved drainage plan have been undertaken;
- ii. The un-socked subsoil drains and bio-retention systems have been installed with a minimum total filter area of 170 m² for Bio-Retention Basin 1 and 435 m² for Bio-Retention Basin 2, clear of pits, batters, river rock and scour protection for bio-retention basins.
- iii. All the layers of the bio-retention have been correctly placed and surrounded by minimum 1.5mm HDPE liner or approved equivalent;
- iv. The rainwater tank for Warehouse 1&2 is a minimum of 175.0 KL.
- v. The rainwater tank for Warehouse 3 is a minimum of 50 KL.

- vi. All the signage and warning notices have been installed
 - vi. The 200 micron Enviropods have been installed on the site on all grated inlet pits in accordance with the manufacturer's directions.
- 11.6.2 A Restriction to User and Positive Covenant is to be provided over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.
- 11.6.3 A Geotechnical Engineer is to undertake in-situ Saturated Hydraulic Conductivity Testing of each of the bio-retention systems in accordance with Practice Note 1 of the FAWB guidelines. For bio-retention systems with a filter area less than 50 m², in situ hydraulic conductivity testing should be conducted at three points. For systems with a filter area greater than 50 m², an extra test point should be added for every additional 100 m² or part thereof. Points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of by 100 mm/hr (tolerance -0% to +400%), remediation works will be required over the filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for each of the bio-retention systems.
- 11.6.4 After the hydraulic conductivity has been certified by the Geotechnical Engineer, a horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bio-retention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.
- 11.6.5 Written evidence is to be provided that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Enviropods and bio-retention basin. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.
- 11.6.6 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Re-use Plan have been installed and are working correctly. A signed, works-as-executed Non-Potable Water Re-use Plan is to be provided to Council.
- 11.6.7 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers have been used.

11.6.8 An easement to be provided over the downstream Council land to ensure a legal discharge to the street.

11.7 Engineering Matters

11.7.1 Surveys/Certificates/Works As Executed plans

11.7.1.1 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. The Work-As-Executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from the Upper Parramatta River Catchment Trust or Council.

11.7.1.2 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

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

11.7.2 Easements/Restrictions/Positive Covenants

11.7.2.1 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.

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

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

11.7.2.4 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.

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

11.7.3 Inspections

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

12 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. All vehicles must enter and exit the site in a forward direction.
- 12.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 12.1.4 Should any valid complaints from the public be received with regard to the permanent on-site car parking facilities being insufficient to cater for the needs of the employees and visitors of this development, a sufficient number of provisional car parking spaces are to be made available for the use of staff and visitors at all times.

12.2 Specific Uses

- 12.2.1 The approved "warehouse or distribution centres" or "light industries" shall comply with the requirements of the following definition contained within Blacktown Local Environmental Plan 2015:

Warehouse or distribution centres - "A building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made."

Light industry – "A building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

(a) high technology industry,

(b) home industry."

- 12.2.2 The approved office spaces shall be used solely in conjunction with the industrial use of the building to which it is attached. The separate use or occupation of the approved office space(s) is not permitted by this consent.
- 12.2.3 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or

(b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

- 12.2.4 The development shall not include potentially hazardous or offensive storage establishments.

12.3 **Retailing Restrictions**

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

12.4 **General**

- 12.4.1 The 'warehouse or distribution centres' or 'light industries' are permitted to operate 24 hours a day, 7 days a week. Should the future occupants comprise activities which cause nuisance or interference with the amenity of the area, the hours of operation are to be reduced to 6:00am to 6:00pm, 7 days a week (Monday to Sunday).
- 12.4.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.4.3 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.
- 12.4.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 12.4.5 No goods, materials or trade wastes are to be stored at any time outside any of the buildings on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.
- 12.4.6 No nuisance or interference with the amenity of the area shall be created by reason of any process or operation on the land causing the emission of noise, dust, smoke or any polluted discharge whatsoever. Note: The Protection of the Environment Operations Act 1997 requires Council to investigate complaints where only one person complains.
- 12.4.7 Arrangements shall be made for an effective commercial refuse removal service.
- 12.4.8 All loading and unloading operations shall take place at all times wholly within the confines of the land. All unloading activities are to be conducted in a manner that does not impact on the amenity of adjoining owners.
- 12.4.9 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 12.4.10 Removal of any graffiti visible from any public road or place is the responsibility of the property owner/s. Once identified, all graffiti must be removed within 48 hours.
- 12.4.11 Signage which is visible from public roads, in particular the M4, is not to comprise moving parts or flashing lights or similar which may reduce the safety for public roads.

13 OPERATIONAL (ENVIRONMENTAL HEALTH)

13.1 Environmental Management

- 13.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.1.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 13.1.4 Should any justified noise complaints be received from the public regarding the operations being undertaken in relation to this site, suitable measures are to be undertaken immediately to ameliorate these concerns.