

SPP-17-00002

Property: Lot 1 DP 825318, 36 Huntingwood Drive, Huntingwood

Proposal: Integrated Development Application for the demolition of the existing structures, removal of all trees, construction and occupation of a warehouse or distribution centre containing two units and a total floor area of 32,805 sqm, 235 car parking spaces and associated access including a circulation ring road, loading facilities, signage, stormwater works and landscaping

1 ADVISORY NOTES

1.1 Terminology

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

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

1.2 Scope of Consent

1.2.1 Separate development consent may be required from Council prior to the use of each individual unit/the approved buildings. The applicant is advised to contact Council's Development Services Unit in this regard.

1.2.2 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial/industrial warehouse building (which includes any fixed internal partition wall/display/storage racking/machinery/equipment and the like) that is 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.

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

1.3 Other Approvals

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

1.3.2 The applicant's attention is drawn to the need to obtain 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 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.3.4 No approval is given for any hazardous or offensive goods/substances to be stored/managed on site with respect to State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.

1.4 **Services**

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A recognised 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 approved through the 'Sydney Water Tap In' service to determine whether the development will affect the Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to the PCA. Please refer to the website www.sydneywater.com.au for more information. 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. Should the site require the construction of a Septic Tank or Sewage Management System in accordance with section 68 of the Local Government Act 1993, advice is to be provided from Sydney Water that any necessary requirements are met.

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.

1.5 Demolition

- 1.5.1 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.5.2 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):
- a. NSW WorkCover Authority (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
 - b. NSW Department of Environment and Conservation (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
 - c. “Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2002 (1988),
 - d. Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
 - e. Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications), and
 - f. Australian Standard 2601-2001 – The Demolition of Structures.

1.6 Identification Survey

- 1.6.1 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.

1.7 Engineering Notes

- 1.7.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the ‘Prior to Construction Certificate (Engineering)’ section of the consent)

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the ‘Prior to Construction Certificate (Engineering)’ section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

1.8 Payment of Engineering Fees

1.8.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

A quote will be provided verbally generally within 6 weeks followed by confirmation in writing.

1.8.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

A quote will be provided verbally generally within 6 weeks, followed by confirmation in writing.

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
Architectural Plans prepared by Watch this Space Design:	
Cover Sheet, AA00, Issue F	25.08.2017
Proposed Estate MasterPlan, AA02, Issue G	25.08.2017
Site Plan Building 1, AA04, Issue G	25.08.2017
Site Plan Building 2, AA05, Issue G	25.08.2017
Office Floor Plan Warehouse 1, AA06, Issue E	19.04.2017
Office Floor Plan Warehouse 2, AA07, Issue E	19.04.2017
Roof Plan Building 1 & 2, AA08, Issue E	19.04.2017
Elevations Buildings 1 & 2, AA09, Issue E	19.04.2017
Elevations Buildings 1 & 2, AA10, Issue E	19.04.2017
Elevations Building 1, AA11, Issue E	19.04.2017
Elevations Building 2, AA12, Issue E	19.04.2017

Warehouse Sections Warehouse 1 & 2, AA13, Issue E	19.04.2017
Perspective Images, AA14, Issue E	20.04.2017
Perspective Images, AA15, Issue E	20.04.2017
Perspective Images, AA16, Issue E	20.04.2017
Signage Details, AA17, Issue E	19.04.2017
Signage Details, AA18, Issue E	19.04.2017
Landscape Plans prepared by Hort Plan:	
Index Plan, Hort-01-LS 110, Revision E	29.05.2017
Landscape Plan, Hort-01-LS 200, Revision E	29.05.2017
Landscape Plan, Hort-01-LS 201, Revision E	29.05.2017
Landscape Plan, Hort-01-LS 202, Revision E	29.05.2017
Landscape Plan, Hort-01-LS 203, Revision E	29.05.2017
Landscape Plan, Hort-01-LS 204, Revision E	29.05.2017
Landscape Plan, Hort-01-LS 205, Revision E	29.05.2017
Landscape Plan, Hort-01-LS 300, Revision E	29.05.2017

* 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 Approved Signage

- 2.4.1 The signage approved with this application relates to the signage detailed on the approved plans (Plan references Signage Details AA17(E) and DA18(E) dated 19.04.2017). Discreet directional signage which provides clear way finding directions for pedestrians and vehicles are also permitted to be erected. No moving signs are permitted.

Any other signage requires separate Council approval prior to installation, except where signage is permitted pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.5 Engineering Matters

2.5.1 Design and Works Specification

2.5.1.1 All engineering works required by 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 Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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 documents.

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

2.5.1.2 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

2.5.2 Other Necessary Approvals

2.5.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing

2.6 Drainage Section Matters

2.6.1 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 and details of all non-potable water used. 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.

2.6.2 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 in perpetuity:

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

2.7 Other Matters

- 2.7.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.7.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

2.8 Roads & Maritime Services Matters

- 2.8.1 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) and clear of the land reserved for road widening and the Highway corridor.
- 2.8.2 All vehicles are to enter and leave the site in a forward direction.
- 2.8.3 All vehicles are to be wholly contained on site before being required to stop.

3 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

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 Section 94 Contributions

- 3.2.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Trunk Drainage Bungarribee Creek	\$402,685.00	1
Major Roads Huntingwood	\$432,709.00	1

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed / downloaded at www.blacktown.nsw.gov.au :

S.94 Contributions Plan No. 01 – 1980s Release Areas, Huntingwood.

The Section 94 contribution(s) have been based on the total developable area nominated below. Should the final plan of survey indicate any change in the total developable, the Section 94 contribution(s) will be adjusted accordingly.

Developable Area: 2.9522 hectares

3.3 Aesthetics / Landscaping

- 3.3.1 The reflectivity index of glass used in the external facade of Building 2 is not to exceed 20 percent.
- 3.3.2 All proposed new retaining walls shall be made of masonry material. The maximum permitted height of any new retaining wall is 3 m per tier. Should the development require retaining structures greater than 3 m in height, these retaining walls are required to be stepped with a distance of 1.5 m between each tier and complemented by cascade planting and/or different banding of the retaining wall materials and details need to be submitted to Council for approval prior to the issue of any Construction Certificate.
- 3.3.3 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.

3.4 Access / Parking

- 3.4.1 The design of the car parking areas, aisle widths, driveway widths, manoeuvring areas, sight distances, ramp grades, headroom, loading areas, etc. are to conform AS 2890.1-2004 and AS 2890.2-2002 for commercial vehicles.
- 3.4.2 235 on-site car parking spaces are to be available to staff and visitors at all times, including a total of three (3) car parking spaces for persons with disabilities. These 235 car parking spaces are to be provided as permanent car parking spaces.
- 3.4.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 3.4.4 Provision is to be made for adequate sight distance needs for both pedestrian and vehicular movement at the proposed access driveways in accordance with Section 3.2 AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.
- 3.4.5 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

3.5 Street Tree Planting

- 3.5.1 Prior to the issue of any Construction Certificate, the person having the benefit of the development consent is to enter into an arrangement satisfactory to the Council for the planting and maintenance of trees along the Huntingwood Drive frontage of the development site for the purposes of improving the amenity of the streetscape.

The street tree spacing's are to be approximately 8 metres and planted on the nature strip to Council's specifications for street trees.

The species is to be *Lophostemon confertus*.

The Applicant is to undertake the planting and maintenance of street tree/s at no cost to Council and obtain any necessary clearances from relevant Service Authorities. Street

tree planting must not interfere with the street light spill.

The Applicant is to lodge a tree bond of \$320 per tree with Council to ensure the health and vigour of the tree/s. This bond shall be returned 12 months after the completion of the development (i.e. issue of the final Occupation Certificate) if the trees are in a state of good health and vigour to the satisfaction of Council's Project Officer, Civil and Open Space Infrastructure.

3.5.2 The following design measures and specifications are required to be shown on the Construction Certificate documentation to the satisfaction of Council's Project Officer, Civil and Open Space Infrastructure:

- i. No timber or steel edging is permitted.
- ii. Install root directors to manufacturer's specifications to protect assets, structures and/or underground services.
- iii. Tree trunk to be a minimum 750mm from street kerb and guttering.
- iv. All imported soil to achieve the requirements of AS4419 – Soils for landscaping
All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Forest litter or pine bark mulch is acceptable.
- v. All soft edges (mulch, turf, grassed) are to be finished to appropriate falls and flush with adjacent surface treatment.
- vi. Kikuyu is not accepted. Identify the use of Soft leafed Buffalo as preferred turf.
- vii. Turf to consist of 25mm depth of dense, well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil.
- viii. Staking is required specified as- drive 2x38x38x1800 mm hardwood stake 600mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions.

3.5.3 A Maintenance Plan for the street trees is to be provided to the satisfaction of Council's Project Officer, Civil and Open Space which addresses the following:

- i. Following prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover.
- ii. The developer must provide to Council in writing one (1) month notice, at minimum, for practical completion inspection and two (2) month notice for end of maintenance inspection.

3.6 Landscaping and Tree Planting

3.6.1 Prior to the issue of any Construction Certificate, an amended Landscape Plan is to be submitted to Council which addresses the following:

- i. As per the Blacktown Development Control Plan (DCP) Part E, Section 4.2, 9 of the existing trees on the site identified for removal are to be relocated and incorporated into the overall landscaping of the site.
- ii. As per the Blacktown Development Control Plan (DCP) Part E, Section 4.2, the tree planting in car park 1, car park 2, along the warehouse wall and the western boundary are to be revised to provide trees which achieve at least 50% shade at

- 10 metre maturity.
- iii. Details for the provision of vegetative screening to the steel screening around the fire tank and pump house.

3.7 Services/Utilities

3.7.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) The approved development must be approved through the 'Sydney Water Tap In' service to determine whether the development will affect the Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to the PCA. Please refer to the website www.sydneywater.com.au for more information.
- (b) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the removal of any power poles and any provision of street lighting, to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

4 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

4.1 Acoustic Requirements

4.1.1 Prior to the issue of a Construction Certificate and if a tenant/s are known at this stage, an acoustic report is required to be prepared and submitted to Council. The report must assess the noise impacts associated with the proposed development and tenant/s upon surrounding premises. The report is to take into consideration the Environment Protection Authority's document NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the proposed development. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants. The acoustic recommendations of this report shall be detailed on the Construction Certificate documentation.

4.2 Fit out for Food Purposes

4.2.1 If the development is to be occupied for any food or public health related commercial activities, written approval for the use and detailed fitout is to be obtained from Council's Environmental Health section. These requirements are to be detailed on the Construction Certificate documentation.

4.3 Contamination

4.3.1 The recommendations provided in the Stage 1 Environmental Site Assessment, 36 Huntingwood Drive, Huntingwood, prepared by Environmental Investigation Services Pty Ltd, report no. E29963Krpt, dated 20 December 2016 shall be implemented, particularly in regard to Sections 10 and 12 of the report. Upon completion of inspections/assessments an appropriately qualified geoscientist / environmental consultant shall prepare validation reports in accordance with NEPM 2013 Guidelines.

4.3.2 An appropriately qualified environmental consultant shall prepare a Remediation Action Plan for any potentially/contaminated land within the site; any remediation action required is to be carried out prior to the release of the Construction Certificate as per condition 7.2.6 of this document.

- 4.3.3 The recommendations provided in the Due Diligence Geotechnical Investigation, 36 Huntingwood Drive, Huntingwood, prepared by JK Geotechnics, report no. 29963ZNRpt, dated 25 November 2016 shall be implemented. Appropriate measures are to be undertaken where soil and groundwater salinity may occur. Upon completion of inspections/assessments an appropriately qualified environmental consultant shall prepare a validation report.
- 4.3.4 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
- NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (1997)
 - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
 - Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992).
 - National Environment Protection Measure (2013) Guidelines.
- 4.3.5 In accordance with section 68 of the Local Government Act 1993 an 'Application for Approval to Install, Construct or Alter a Septic Tank or Sewage Management System' shall be submitted to Council for consideration. Approval must be obtained prior to construction work commencing.

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).

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.
- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
- (a) be in accordance with Australian Standard 3500.3, and

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

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

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 Demolition

5.3.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 General

6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

6.1.2 All fees for Construction, *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. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Costin Roe Consulting	-	C012812.01-DA10	-	B	13.04.17
		C012812.01-DA20		A	11.01.17
		C012812.01-DA25			
		C012812.01-DA30		B	20.01.17
		C012812.01-DA40		C	13.04.17
		C012812.01-DA41		D	
		C012812.01-DA42			
		C012812.01-DA44		B	
		C012812.01-DA45			

		C012812.01-DA46			
		C012812.01-DA47		A	
		C012812.01-DA48		B	
		C012812.01-DA49			
		C012812.01-DA51		D	
		C012812.01-DA52			
		C012812.01-DA55		A	11.01.17
		C012812.01-DA56			

The following items are required to be addressed on the Construction Certificate plans:

- i. On Drawing No. CO12812.01-DA42. The overflow from rainwater tank is to be connected to Pit B10 to avoid excessive head loss.
- ii. On Drawing No. CO12812.01-DA42. Amend Pit B04 to grated as per Pit Schedule.
- iii. On Drawing No. CO12812.01-DA46 Tank Base Slab Plan
 - i. Increase the number of access points over the Stormfilters on the western side of the central wall from two to three.
 - ii. Provide three access points over the Stormfilters on the eastern side of the central wall.
 - iii. Reduce the access grates over the overflow chamber from four to three.
 - iv. Provide step irons to all accesses that do not have Stormfilters immediately below.
 - v. Show levels within the overflow chamber for a 100 mm fall from the southern end to the 12000 mm outlet.
- iv. On Drawing No. CO12812.01-DA46 Section 1 and Section A lift the whole Stormfilter chamber 250 mm to enable a 100 mm fall within the overflow chamber and reduce the impact of the tailwater on the Stormfilter operation.
- v. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Stormfilter Chamber and rainwater tank in accordance with Council's Engineering Guide for Development 2005.

6.2 Construction Certificate Requirements

6.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

- Drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks
- Inter-allotment drainage (created within the subject lot)

The above requirements are further outlined in this section of the consent.

6.3 Other Engineering Requirements

6.3.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

6.3.2 Any ancillary works undertaken shall be at no cost to Council.

6.3.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.4 Roads

6.4.1 Replace the redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

6.5 Drainage

6.5.1 Provide inter-allotment drainage lines for lots that do not drain directly to a public road.

In particular, the stormwater drainage system shall connect into an existing easement located towards the eastern boundary of the site.

The connection and works will be located within the bounds of Lot 1 DP 825318.

6.5.2 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 20 year ARI flows without surcharge at any pits.

6.6 Erosion and Sediment Control

6.6.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

6.7 Earthworks

6.7.1 Batters adjacent roadways are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

Where alternative grades are proposed, an experienced Geotechnical Engineer registered with NER is to certify the stability of any alternative grades.

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

6.7.3 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

Where an alternative retaining wall detail is proposed, an experienced Structural Engineer registered with NER is to certify the structural stability of any alternate system.

6.8 Stormwater Quality Control

6.8.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

6.8.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.

6.8.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

6.8.4 Bio-retention basins to be designed in accordance with “Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration”, as a lined, standard biofiltration system.

6.9 Vehicular Crossings

6.9.1 Construct a commercial and industrial vehicular crossing to Council’s standard A(BS)103S.

6.10 Other Drainage Matters

6.10.1 An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

- i) a first flush or pre-treatment system (at min. 0.2 litres / m² of roof area going to the tank),
- ii) a pump with isolation valves and a warning light to indicate pump failure;
- iii) a mains water direct tank top up with air gap for landscape watering,
- iv) a solenoid controlled mains water bypass for toilet flushing only;
- v) flow meters on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
- vi) a timer and control box for landscape watering to automatically achieve an average minimum usage rate of 1640 kL/year, allowing for seasonal variations up to 50% more than average during summer;
- vii) ensuring all the rainwater reuse pipes are coloured purple;
- viii) an automatic backwash inline filter.
- ix) fitting rainwater warning signs to all external taps using rainwater.

6.10.2 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.

6.10.3 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.

7 PRIOR TO DEMOLITION WORKS

7.1 Safety/Health/Amenity

7.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

7.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

7.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or 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 or adjoining land or place.

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

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

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

7.2 Other Matters

7.2.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

8 DURING DEMOLITION WORKS

8.1 Safety/Health/Amenity

- 8.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 8.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 8.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 8.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 8.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 8.1.6 Any excavation and/or backfilling associated with the demolition 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.
- 8.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 8.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 8.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 8.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 8.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 8.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.

- 8.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 8.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 8.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

8.2 Nuisance Control

- 8.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 8.2.3 The waste material sorting, storing 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 the demolition works.

9 PRIOR TO DEVELOPMENT WORKS

9.1 Safety/Health/Amenity

- 9.1.1 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.

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

- (a) the name, address and telephone number of the principal certifying authority for the work, and

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

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.

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) 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.

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

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

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

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

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

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

9.2 **Notification to Council**

9.2.1 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.

9.3 **Sydney Water Authorisation**

9.3.1 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.

9.4 **Construction Details**

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

Nominated Component

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

10 DURING CONSTRUCTION (BUILDING)

10.1 **Safety/Health/Amenity**

10.1.1 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.

10.1.2 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.

10.1.3 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.

- 10.1.4 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.
- 10.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 10.1.6 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.
- 10.1.7 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.
- 10.1.8 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.
- 10.1.9 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.
- 10.2 **Building Code of Australia Compliance**
- 10.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 10.3 **Surveys**
- 10.3.1 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.
- 10.4 **Nuisance Control**
- 10.4.1 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.
- 10.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 10.4.3 Construction work on all buildings (except that on single dwelling houses and associated

structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

10.5 Waste Control

10.5.1 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.

10.6 Construction Inspections

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

- (a) 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.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notification of Works

11.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.

11.2 Insurances

11.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

11.3 Service Authority Approvals

11.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

11.4 **Boundary Levels**

- 11.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

11.5 **Tree Protection and Preservation**

- 11.5.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 11.5.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.
- 11.5.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 11.5.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

11.6 **Soil Erosion and Sediment Control Measures**

- 11.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 11.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

11.7 **Filling of Land and Compaction Requirements**

- 11.7.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 11.7.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).
- a) Submission of compaction certificates for fill within road reserves.
 - b) Submission of compaction certificates for road sub-grade.
 - c) Submission of compaction certificates for road pavement materials (sub-base and base courses).

- d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

- 11.7.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 11.7.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 11.7.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 11.7.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 11.7.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 11.7.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

11.8 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979**

- 11.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

11.9 **Public Safety**

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

11.10 Site Security

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

11.11 Traffic Control

11.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

11.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.

11.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.

11.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

11.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

11.12 Drainage Matters

11.12.1 The Stormfilter Chamber composed of one hundred and five (105) 690mm cartridges is to be built as per approved plans and is not to be reduced in size or quantity nor replaced with an alternative manufacturer's product.

11.12.2 The thirty eight (38) 200 micron Enviropod inserts are to be installed as per approved plans and are not to be reduced in number nor replaced with an alternate manufacturer's product.

12 DURING CONSTRUCTION (GENERAL)

12.1 Site Contamination

12.1.1 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.

12.1.2 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.

12.2 **Aboriginal Archaeology**

- 12.2.1 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 Office of Environment and Heritage (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

13 **PRIOR TO OCCUPATION CERTIFICATE**

13.1 **Road Damage**

- 13.1.1 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.

13.2 **Compliance with Conditions**

- 13.2.1 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.
- 13.2.2 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.

13.3 **Service Authorities**

- 13.3.1 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.

- 13.3.2 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 13.3.3 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.
- 13.4 Temporary Facilities Removal**
- 13.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 13.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 13.4.3 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.
- 13.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 13.4.5 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.
- 13.5 Fire Safety Certificate**
- 13.5.1 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).
- 13.5.2 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).
- 13.6 Fee Payment**
- 13.6.1 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.
- 13.7 Engineering Matters**
- 13.7.1 Surveys/Certificates/Works As Executed Plans**
- 13.7.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 13.7.1.2 A certificate from a Registered Engineer (NER) 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 J – Water Sensitive Urban Design and Integrated Water Cycle Management.

13.7.1.3 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

13.7.2 Easements/Restrictions/Positive Covenants

13.7.2.1 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 NSW Land Property Information.

13.7.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.

13.7.2.3 The creation of easement(s) related to inter-allotment drainage with a minimum width in accordance with Councils Engineering Guide for Development (current issue).

13.7.2.4 Each of the proposed lots serviced by the existing inter-allotment drainage easements shall have this burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.

13.7.2.5 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.

13.7.3 Bonds/Securities/Payments in Lieu of Works

13.7.3.1 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

13.7.4 Inspections

13.7.4.1 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.

13.8 Acoustic and Vibration Impacts

13.8.1 Prior to the occupation / operation of each of the approved units of this development, verification is required from an appropriately qualified acoustic consultant confirming that the operation of the premises and all associated plant and equipment satisfies the relevant policies during the day and night periods with regard to noise and vibration impacts. The report is to take into consideration the Environment Protection Authority's document NSW Industrial Noise Policy and provide recommendations to mitigate the

emission of offensive noise from the proposed development. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants. Should any neighbouring properties or residential receivers be adversely impacted with regard to noise and vibration impacts, improved acoustic mitigation measures are required to be introduced to satisfy the relevant noise criteria.

13.9 Street Tree Planting

13.9.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Maintenance Section satisfaction.

13.10 Other Matters

13.10.1 All boundary fencing is to be erected at the full cost to the Applicant/person acting on this consent, being 1.8 m high palisade fencing to the Huntingwood Street boundary, and 1.8 m high chain wire fencing to the side boundaries and Great Western Highway frontage.

13.10.2 All landscaping shall be completed in accordance with the approved landscaping design plan and as amended by Condition 3.6.1. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

13.10.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

13.10.4 The carpark, all common open space areas, and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.

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

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

13.10.7 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.

13.10.8 All safety rails/fencing on the tiered retaining walls along the southern boundary of the site are to be erected, as indicated on the Typical Retaining Wall Details Plan, prepared by Costin Roe Consulting, Drawing No. C012812.01-DA56, Issue A, dated 11.01.2017.

14 OPERATIONAL (PLANNING)

14.1 Access/Parking

14.1.1 All required off-street car parking spaces (235 spaces), internal driveways and bicycle racks shall be maintained to a standard suitable for the intended purpose. All car parking spaces are to be maintained as permanent car parking spaces.

14.1.2 Staff are required to park on site at all times.

14.1.3 All loading, unloading operations and parking shall take place at all times wholly within the confines of the land.

14.1.4 All vehicles must enter and exit the site in a forward direction.

14.1.5 All vehicles are to be wholly contained on site before being required to stop.

14.1.6 Access and parking for people with disabilities shall be maintained in accordance with

provisions of Australian Standards 1428.1 and 2890.1.

14.2 Specific Uses

14.2.1 The approved “warehouse or distribution centre” shall comply with the requirements of the following definition contained within Blacktown Local Environmental Plan 2015:

“warehouse or distribution centre” means 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.”

14.2.2 The approved office spaces shall be used solely in conjunction with the 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.

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

14.2.4 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.

14.2.5 Any change of use of the development, other than a ‘warehouse or distribution centre’, will require separate development consent to be obtained from Council and will be required to provide the minimum number of car parking spaces as required by the Blacktown Development Control Plan 2015 for that new land use.

14.2.6 Potentially hazardous, hazardous, offensive and/or dangerous goods are not permitted to be stored on site with respect to State Environmental Planning Policy No. 33 – Hazardous and Offensive Development. Should the proposal entail the need to store any goods in a dangerous goods store, the formal separate development consent of Council is required to be obtained in a separate development application.

14.3 General

14.3.1 The ‘warehouse or distribution centres’ are permitted to operate 24 hours a day, 7 days a week.

14.3.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

14.3.3 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.

14.3.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

14.3.5 No goods, materials or trade wastes are to be stored at any time outside of the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.

14.3.6 No open storage of any pallets or cargo containers, waste bins, or the like, is permitted within the car parking areas, landscaped areas, or anywhere on the site at any time.

14.3.7 Arrangements shall be made for an effective commercial refuse removal service.

- 14.3.8 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.
- 14.3.9 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 14.3.10 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.
- 14.3.11 Approval has been granted for “business identification signage” only. At no time is the signage to be used for general advertising purposes.

14.4 **Environmental Management**

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