

## Draft Conditions of Consent

Proposed development: Alterations and additions to an existing Aldi warehouse including an internal pedestrian bridge, 3 storey offices, partial demolition and a staff café. Construction of an upper level deck providing additional parking spaces for the northern car park.

### 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.
- 1.1.3 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.

#### 1.2 **Other Approvals**

- 1.2.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.2.2 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) separate Council approval under the Roads Act 1993 for any crane used to construct this development that swings over public air space.

#### 1.3 **Services**

- 1.3.1 The applicant is advised to consult with:
  - (a) Sydney Water Corporation Limited
  - (b) Endeavour Energy
  - (c) Natural Gas Company
  - (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all

amended plans will require re-stamping. For further information go to: [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

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.

- 1.3.2 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.
- 1.3.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.3.4 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.3.5 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 **Engineering Notes**

- 1.4.1 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.

1.4.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

## 1.5 Payment of Engineering Fees

1.5.1 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 48 hours followed by confirmation in writing.

1.5.2 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 48 hours, 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 Title.	Drawing No.	Revision	Dated
Existing 3D Images	DA-0101	C	24.04.2018
Proposed 3D Images	DA-0201	C	24.04.2018
Existing Ground Floor Plan/Site Plan	DA-1001	C	24.04.2018
Site Plan - Existing Car Parking	DA-1002	D	2.11.2018
Site Plan (North)	DA-1100	C	29.06.2018
Overall Ground Floor/Site	DA-1101.COL	C	26.06.2018

<b>Drawing Title.</b>	<b>Drawing No.</b>	<b>Revision</b>	<b>Dated</b>
Plan			
Site Plan- Proposed & Existing Car Parking	DA-1103	D	2.11.2018
Demolition Plan	DA-1201	C	24.04.2018
Proposed New Office And Store Plans	DA-2201	C	27.04.2018
Overall Roof Plan	DA-2301	C	24.04.2018
Proposed Elevations	DA-3101.COL	C	26.06.2018
Proposed Elevations – Proposed Car Park	DA-3102	C	24.04.2018
Proposed Sections	DA-4101	C	24.04.2018

\* All the plans are subject to relevant conditions of this consent

- 2.1.2 This consent authorises the use of the completed approved buildings, structures and associated services for a warehouse and office, subject to full compliance with all other conditions of this consent.

## 2.2 Suburb Name

- 2.2.1 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: Minchinbury

- 2.2.2 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: Minchinbury

## 2.3 NSW Roads and Maritime Services Requirements

- 2.3.1 All buildings and structures, together with any improvements integral to the future use of the site are to remain wholly within the freehold property (unlimited in height or depth), along the Western Motorway boundary.

## 2.4 Engineering Matters

### 2.4.1 Design and Works Specification

- 2.4.1.1 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

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.

#### 2.4.2 Other Necessary Approvals

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

- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

#### 2.5 Other Matters

2.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

2.5.2 Any future substation, temporary drainage works or other utility installation required to service the approved development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

#### 2.6 Other Drainage 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 and rainwater tank 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.

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

### 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.

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

##### **4.1 Access/Parking**

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

4.1.2 On-site visitor car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Uncovered Car Space (excluding commercial): 2.5m x 5.4m

Commercial Car Space: 2.6m x 5.4m

Disabled Car Space: 3.2m x 5.4m

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

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

4.1.5 The minimum bay and aisle dimensions must be in accordance with the Australian Standards, AS/NZ 2890.1:2004 and AS/NZ 2890.6:2009.

##### **4.2 Site Contamination**

4.2.1 In relation to site contamination matters:

(a) Testing under demolished buildings, structures and paved areas.

Should any remediation works be required, then a Remediation Action Plan (RAP) shall be prepared by a suitably qualified environmental consultant and be submitted to Council for approval. Any required remediation works shall be undertaken during the course of the engineering work. Final validation of the site for every aspect of these works shall be submitted for Council's approval prior to release of the Occupation Certificate.

##### **4.3 Aesthetics/Materials and finishes**

4.3.1 The development approved by Council is to be constructed in accordance with the schedule of materials, finishes and colours previously endorsed by Council as part of the subject approval process.

4.3.2 The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. The external wall and any cladding attached to the external wall is to comply with the National Construction Code, Building Code of Australia Volume One including, but not limited to A0.2 (a) and (c), A2.2, Part C and Part F.

##### **4.4 Services/Utilities**

4.4.1 The following documentary evidence shall accompany the relevant Construction Certificate:

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

## 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 Exits, paths of travel to exits shall be maintained clear to comply with Part D of the Building Code of Australia or where necessary alternative paths of travel to exits must be clearly identified. Existing Fire Safety Measures shall be maintained to their operational standard at all times during construction.

5.1.3 The structural alterations to the building shall not unduly reduce or compromise:

- (a) the existing level of fire protection afforded to persons accommodated in or resorting to the building, or
- (b) the existing level of resistance to fire of the building, or
- (c) the existing safeguards against the potential spread of fire to adjoining buildings.

### 5.2 Building Additions

5.2.1 The design of the building addition or attachment shall not compromise the Building Code of Australia structural design criteria of any portion of the existing building.

## 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 the relevant 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.	Revision	Dated
NORTHORP	170886	DAC01.02	5	3/7/2018

NORTHORP	170886	DAC02.01	5	3/7/2018
NORTHORP	170886	DAC03.01	5	3/7/2018
NORTHORP	170886	DAC03.02	5	3/7/2018
NORTHORP	170886	DAC03.03	5	3/7/2018
NORTHORP	170886	DAC03.04	5	3/7/2018
NORTHORP	170886	DAC03.05	4	3/7/2018
NORTHORP	170886	DAC04.01	5	3/7/2018
NORTHORP	170886	DAC04.05	3	3/7/2018
NORTHORP	170886	DAC05.01	5	3/7/2018
NORTHORP	170886	DAC06.01	5	3/7/2018

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

- i. On Site Detention System.
- ii. Stormwater Quality Treatment device.

## 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:

- On-site stormwater detention
- Water quality treatment

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

## 6.3 Roads Act Requirements

6.3.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Site drainage to kerb inlet pit connection in Sargents Road.

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

## 6.4 Other Engineering Requirements

6.4.1 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.

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

## 6.5 Roads

6.5.1 Car park pavement shall be designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The pavement design shall withstand the traffic loadings of  $5 \times 10^4$  N(ESA).

6.5.2 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.



## 6.6 Drainage

- 6.6.1 Drainage from the site shall be connected into Council's existing drainage system. In this regard it is required to connect the drainage pipe into an existing Council kerb inlet pit in Sargents Road in accordance with drainage concept plan no: DAC03.01 Revision 5 prepared by NORTHORP dated 3/7/2018.

## 6.7 Erosion and Sediment Control

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

## 6.8 Earthworks

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

## 6.9 On-Site Detention

- 6.9.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.
- 6.9.2 The development site is within the following catchment and on-site detention system shall be designed to achieve the following:

Catchment	Event (Yrs)	Site Storage Requirement (m <sup>3</sup> /ha)	Permissible Site Discharge (l/s/ha)
Blacktown City Council Catchment	1.5	300	40
Blacktown City Council Catchment	100	455	190

- 6.9.3 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 96 application.
- 6.9.4 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
  - Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.
- 6.9.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
  - OSD detailed design submission and calculation summary sheet
  - A maintenance schedule that is signed and dated by the designer

## 6.10 **Stormwater Quality Control**

6.10.1 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.

6.10.2 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.

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

## 6.11 **Footpaths**

6.11.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

## 6.12 **Other Drainage Matters**

6.12.1 Drainage plans by Northrop, Job Number 170886 rev 5 dated 03.07.18 shall be amended to meet the requirements under Council's DCP Part J 2015 and Council's Engineering Guide for Development 2005. The amended plans must address the following:

- a) Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
- b) Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks and detention tank in accordance with Council's Engineering Guide for Development 2005.
- c) Amended plans are to show a minimum of 5 Enviropods fitted to stormwater drainage pits for car park areas of the new development on 1 Sargents Road. All Enviropod pit inserts are to be designed and installed to treat surface runoff as well as upstream pipe inflows.
- d) Amended plans are to show a minimum of 2 Enviropods fitted to stormwater drainage pits for car park areas of the new development on 2 Sargents Road. All Enviropod pit inserts are to be designed and installed to treat surface runoff as well as upstream pipe inflows.
- e) Drawing Number DAC06.01. Amend Trash Screen Detail to provide separate details for the 1.5yr ARI and the 100yr ARI orifice plates. Use Maximesh Rh3030 for orifices 150 mm or less with a minimum screen area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm or more with a minimum screen area of 20 times the orifice area.
- f) Drawing Number DAC06.01. OSD Detail. Amend drawing to show single connection from underdrains of filter storage area connected to Overflow Pit only.
- g) Drawing Number DAC06.01. OSD Detail. Amend to show only one 1 x 1.5 yr orifice.

6.12.2 An experienced chartered 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 that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

- a) a first flush or pre-treatment system (typically 0.2 litres / m<sup>2</sup> of roof area going to the tank),
- b) a pump with isolation valves and a warning light to indicate pump failure;
- c) a mains water direct tank top up;

- d) a solenoid controlled mains water bypass for toilet flushing only;
  - e) **flow meters** on the mains water tank top-up line, the solenoid controlled mains water by-pass line and the pump outflow line, to determine actual non-potable usage;
  - f) ensuring all the rainwater reuse pipes are coloured purple;
  - g) an inline filter and preferably an automatic backwash inline filter;
  - h) fitting rainwater warning signs to all external taps using rainwater.
- 6.12.3 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.
- 6.12.4 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:
- a) 4 star dual-flush toilets;
  - b) 3 star showerheads;
  - c) 4 star taps (for all taps other than bath outlets and garden taps);
  - d) 3 star urinals; and
  - e) Water efficient washing machines and dishwashers are to be specified.

## 7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

### 7.1 Food Premises

- 7.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;
- Food Act 2003 and Regulations thereunder.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

### 7.2 Environmental Management

- 7.2.1 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).

## 8 PRIOR TO DEVELOPMENT WORKS

### 8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

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

This condition does not apply to:

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

8.1.3 Should the development work:

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

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

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

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

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

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

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

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

8.1.8 Should any excavation associated with the development extend below the level of the

base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

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

## **8.2 Notification to Council**

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

## **8.3 Sydney Water Authorisation**

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

## **8.4 Construction Details**

- 8.4.1 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

## **8.5 Other approvals**

- 8.5.1 Separate Council approval under the Roads Act 1993 is required for any crane used to construct this development that swings over public air space.
- 8.5.2 The crane must be provided with a light in accordance with the requirements of the Civil Aviation Authority (CASA) requirement. This may require a separate approval from CASA.

## **9 DURING CONSTRUCTION (BUILDING)**

### **9.1 Safety/Health/Amenity**

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

- 9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 9.1.3 Should the development work:
- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place,
- the required hoarding, awning or protective barrier shall be maintained between the land and the public place.
- The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.
- 9.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 9.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 9.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 9.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 9.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 9.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.
- 9.1.10 Any objectionable noise, dust, concussion, vibration or other emission from the

development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

- 9.1.11 All construction activities shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 7.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 9.1.12 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 9.1.13 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.

## **9.2 Building Code of Australia Compliance**

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

## **9.3 Surveys**

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

## **9.4 Construction Inspections**

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

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal Certifying Authority.

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

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

## 10 DURING CONSTRUCTION (ENGINEERING)

### 10.1 Notification of Works

- 10.1.1 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.

### 10.2 Insurances

- 10.2.1 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.

### 10.3 Soil Erosion and Sediment Control Measures

- 10.3.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.3.2 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.

### 10.4 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

- 10.4.1 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.

### 10.5 Inspection of Engineering Works - Roads Act 1993

- 10.5.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993 (and or Section 68 of Local Government Act 1993)* must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum twenty-four (24) hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30 pm - 1.30 pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).



## 10.6 Public Safety

- 10.6.1 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.

## 10.7 Traffic Control

- 10.7.1 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.
- 10.7.2 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.
- 10.7.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 10.7.4 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.
- 10.7.5 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.

## 10.8 Other Drainage Matters

- 10.8.1 The 28 x 690mm high Stormfilter cartridges and 7 Enviropod pit inserts supplied by Stormwater 360 are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 10.8.2 The Rocla CDS 0708 gross pollutant trap is not to be reduced in size, nor replaced with an alternate manufacturer's product.

## 11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

### 11.1 Food Premises

- 11.1.1 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 11.1.2 The food preparation areas shall be constructed so as to comply with the requirements of;
- (a) The Food Act 2003 and Regulations there under.
  - (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

- (c) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

## **11.2 Premises Construction**

- 11.2.1 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 and comply with any Remediation Action Plan.
- 11.2.2 If any unexpected contamination is found, all work will stop immediately and compliance with Council's Contaminated Lands Policy will be required.

## **12 PRIOR TO OCCUPATION CERTIFICATE**

### **12.1 Road Damage**

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

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

### **12.2 Compliance with Conditions**

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

### **12.3 Temporary Facilities Removal**

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

## **12.4 Fire Safety Certificate**

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

## **12.5 Environmental Management**

- 12.5.1 A health inspection is to be conducted by Council's Environmental Health Officer to insure that the fit out complies with the requirements of the Food Act 2003 and Australian Standard 4674-2004 Design, construction and fit-out of food premises.

## **12.6 Food Premises**

- 12.6.1 The premises shall be registered with Council's Environmental Health Unit.
- 12.6.2 Trading must not commence until an Occupation Certificate for the development has been issued.
- 12.6.3 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.

## **12.7 Fee Payment**

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

## **12.8 Engineering Matters**

### **12.8.1 Surveys/Certificates/Works As Executed plans**

- 12.8.1.1 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.
- 12.8.1.2 The Work-as-Executed (WAE) 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 Council.
- 12.8.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.

- 12.8.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 12.8.1.5 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.
- 12.8.1.6 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.

## 12.8.2 **Easements/Restrictions/Positive Covenants**

- 12.8.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

- (b) The standard format for easements and restrictions as accepted by NSW Land Registry Services.

- 12.8.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the on-site detention storage areas and outlet works.
- 12.8.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works. 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.
- 12.8.2.4 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.

## 12.8.3 **Inspections**

- 12.8.3.1 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.

## 12.9 **Other Drainage Matters**

- 12.9.1 A Chartered Civil Engineer registered with NER, is to certify that:

- a) All the requirements of the approved drainage plan have been undertaken;

- b) The rainwater tank volume is a minimum of 140.0 kL collecting rainwater from a minimum of 10,500m<sup>2</sup> of roof area;
- c) The Interpretative signage has been installed;
- d) All warning notices have been installed;
- e) the minimum detention storage of 427 m<sup>3</sup> has been provided below the 1.5 year ARI weir and a total of 647 m<sup>3</sup> has been provided below the 100 year ARI emergency overflow weir;
- f) the orifice size matches the approved construction certificate plans;
- g) for the detention basin the 1.5 year ARI orifice discharge does not exceed 50 l/s and the 100 year ARI orifice discharge does not exceed 216 l/s.
- h) all the signage and warning notices have been installed;
- i) the interpretative water quality sign has been correctly installed
- j) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- k) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- l) stormwater run-off in to pits not fitted with Enviropod pit inserts is treated in downstream pits fitted with Enviropods for both the 1 Sargents Road and 2 Sargents Road sites.
- m) the Rocla CDS 0708 gross pollutant trap has been installed to manufacturer's specifications.

12.9.2 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

12.9.3 Provide written evidence that the registered owner/lessee has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the seven Enviropod pit inserts, the Rocla CDS unit and the on-site detention basin including the Stormfilter Chamber. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au). This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

12.9.4 Stormwater 360 is to certify for the installation of the 200 micron Enviropods and Stormfilters that:

- a) They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
- b) A minimum of 28 x 200 micron Enviropods have been installed;
- c) The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
- d) The Stormfilter weir length is a minimum of 2.5 m;
- e) Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
- f) Energy dissipaters have been provided on all the inlets to the Stormfilter tank.

12.9.5 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.

- 12.9.6 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:

- a) 4 star dual-flush toilets;
- b) 4 star taps (for all taps other than bath outlets and garden taps);
- c) 3 star urinals; and
- d) Water efficient washing machines and dishwashers have been used.

## 12.10 Food Premises

- 12.10.1 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

## 12.11 Other matters

- 12.11.1 All temporary structures and storage trailers ancillary to the use of the site shall be removed from 22 Sargents Road land.

## 12.12 Services / Utilities

- 12.12.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "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. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 12.12.2 A "Notification of Arrangement" Certificate from a recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.
- 12.12.3 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.

## 12.13 Site Contamination

- 12.13.1 If any remediation works are required, a final validation of the site for every aspect of these works shall be submitted for Council's approval prior to release of the Occupation Certificate.

## 12.14 Directional Signage

- 12.14.1 All parking areas are to be sufficiently sign posted with directional signage that indicates

staff parking and visitor parking areas.

#### **12.15 Car Parking Space Requirements**

12.15.1 In addition to the car parking spaces required under previous consents related to this land, the following number of car parking spaces will be required under this consent:

(a) A total of 491 car parking spaces are to be provided at 2 Sargents Road.

(b) A total of 383 car parking spaces are to be provided at 1 Sargents Road.

### **13 OPERATIONAL (PLANNING)**

#### **13.1 Access/Parking**

13.1.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose. All staff are to be encouraged to park within the developments designated parking areas and not on the street.

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

13.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

#### **13.2 General**

13.2.1 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.

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

13.2.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

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

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

#### **13.3 Use of Premises**

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

13.3.2 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.

#### **13.4 Emergency Procedures**

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

### **14 OPERATIONAL (ENVIRONMENTAL HEALTH)**

#### **14.1 Environmental Management**

- 14.1.1 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 Department of Environment and Conservation's Environmental Noise Management - 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 with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration
- 14.1.2 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.
- 14.1.3 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.
- 14.1.4 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.

#### **14.2 Food Premises**

- 14.2.1 The food premises shall be maintained in accordance with the requirements of;
- Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 14.2.2 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.
- 14.2.3 The premises is to be registered with Council as a food business.
- 14.2.4 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation Ltd prior to the commencement of use.
- 14.2.5 The cool room shall be maintained in accordance with the requirements of;
- Food Act 2003 and Regulations there under.
  - Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.