

## Conditions of consent (draft)

<b>Proposed development</b>	Demolition of existing buildings and hardstand areas, tree removal, construction of 3 warehouse buildings and distribution facilities with a total of 10 tenancies and ancillary offices, landscaping, signage and car parking.
<b>Property description</b>	201 Power Street Glendenning (Lot A DP 399872 & Lot 100 DP 1043436 & Lot 2 DP 1023181)

### 1 DEFERRED COMMENCEMENT MATTERS

- 1.1 The engineering plans by AT&L (project number 20-789 dated 16 November 2021) are to be amended to include the following to the satisfaction of the Manager Asset Design:
- i. A detailed survey is required to confirm such details (i.e. pipe / pit sizes, exact locations, levels etc) of the existing drainage systems. This information, once obtained, is to be implemented into the engineering design and flood modelling subsequently.
  - ii. Confirm if this property is a beneficiary of the existing easement at rear (i.e. if this property can connect into the easement).
  - iii. The developer will be required to maintain the existing easement within their site due to difficult access to the easement as a result of the proposed carparking and building extents. As a result, demonstrate how the easement will be maintained and provide details of access to the easement for maintenance vehicles and personnel.
  - iv. Increase the rainwater tank sizes for Warehouse 1 to 120 kL, for Warehouse 2 to 80 kL and for Warehouse 3 to 40 kL.
  - v. Provide pre-treatment for the downpipes discharging into the rainwater tanks.
  - vi. The internal pipe network is to be designed in accordance with the Council's Engineering Guide for Development 2005 to carry the 5% AEP (20 year ARI) storm flows. The DRAINS model submitted shows 15 l/s flows in excess of pipe capacity throughout the drainage network. Flows in excess of pipe capacity are to be reduced to approximately 0 l/s for 5% AEP storm flows, likely through larger pipe size.
  - vii. Provide a Floodway Warning Sign permanently affixed on the western, north and rear eastern boundaries fences along the flow path.
  - viii. Submit amend TUFLOW and DRAINS models electronically to Council for review.
  - ix. On drawing 20-789-C010 (B):
    - a) Model inlet at B1 has a sag pit with 50% blockage. Increase pit size and provide inlet calculations to justify that all the 100 year flow can be captured. Ensure the 1050 mm diameter pipe capturing the M7 catchment from the north is to be sized to capture the 1% AEP flows. The current 1050 mm pipe

is insufficient and needs to be increased in size. Amend the design and DRAINS model subsequently.

- b) Show the finished surface levels of the retaining wall and adjacent land along the northern boundary. The tops of the retaining walls are to match the ground levels with the neighbour's land to ensure there is no obstruction of upstream flows.
  - c) The flood report (i.e. Figure 7) shows flood impacts along the western side. Consequently, the swale along the western boundary capturing the M7 catchment from the south needs to be increased in size to ensure the flows are contained without adversely impacting the M7. Reflect the amended swale design in the flood model. Provide details of the swale and amend Section 6 on drawing 20-789-C006 (A) subsequently.
- x. On drawing 20-789-C011 (B):
- a) Provide details of the Vortechs GPT 16000 between B-8 and B-9 and how this GPT will operate. The GPT will require a splitter pit upstream with a diversion weir to divert the flows. Alternatively, Pit B-8 can be increased in size to fit an internal weir or drop through system. Provide design details and calculations.
  - b) Vortechs GPT 9000 seems to be an online system while the Vortechs GPT 16000 is offline. Clarify if this is the intended approach and provide details. Offline systems typically require a splitter pit upstream of the GPT system.
  - c) Provide HGL details and calculations for the proposed GPTs and ensure there is no obstruction in the flows.
  - d) In reference to the notes for the Vortechs GPTs, delete the part of the note that states "or equivalent".
  - e) The Vortechs GPTs (both offline and online systems) are to be designed in accordance with Chapter 11.16 of Council's WSDU Developer Handbook 2020.

## 1.2 Flood assessment by Cardo (dated 10 June 2021):

- i. It is acknowledged that Council's flood model has been used to carry out the site-specific flood assessment for the subject development. It should be noted that Council's flood model is a draft model and it has not yet been officially adopted. The purpose of Council's model is to give an indication of the floodplain and is not directed at specific properties and certain developments on these specific properties. Consequently, this model needs to be amended to the specifics of this particular site and nominating the buildings in the floodplain as fully blocked.
- ii. Figure 7 shows flood impacts along the western and northern boundaries. Section 6 of the flood report states that the impacts along the western edge are due to mismatch between the pre-development ALS levels and proposed design. This is not accepted and such issues are to be resolved to ensure there are no adverse impacts. The swale along the western boundary is to be increased in size to reduce impacts and contain the flows.
- iii. Allow for a maximum isolated rise in flood level of 0.02 m in the 1% AEP event as a result of the development.

- iv. The post-development DEM is to be included to accurately represent any proposed ground level changes (i.e. cut and fill areas) in the post development model. This includes fill for areas such as driveway.
- 1.3 Submit amended architectural and landscape plans that include 1 additional tree every 10m in the at-grade car parking areas.
- 1.4 Submit amended architectural plans that increase the area of the under-croft car park adjacent to Warehouse 2 southward to enable perpendicular instead of parallel car parking spaces. The car parking spaces displaced as a result of Condition 9.4.9 are to be relocated to this extended under-croft car park.
- 1.5 All of the requirements listed in the above condition must be completed within 24 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

**Advice:** Where conditions of consent are required to be amended to suit the revised plans, or changes to filter areas or detention storage requirements, or the drainage plan numbers updated, a MOD will be requested to be submitted to Council.

## **2 ADVISORY NOTES**

### **2.1 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 6 of the Environmental Planning and Assessment Act 1979.

### **2.2 Scope of Consent**

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

### **2.3 Other Approvals**

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

### **2.4 Services**

- 2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy provider
- (c) Jemena Gas
- (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.

- 2.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.4.3 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](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.
- 2.4.4 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.
- 2.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## **2.5 Identification Survey**

- 1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

## **2.6 Payment of Engineering Fees**

- 2.6.1 If the applicant wishes for Council to issue the Construction Certificate as nominated in the 'Prior to Construction Certificate' please:
- Complete application form
  - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

## **2.7 Road Damage**

- 2.7.1 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.

## **2.8 Transport for NSW Requirements**

- 2.8.1 Access is denied across the boundary abutting the Westlink M7.

All buildings and structures (including signage), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Westlink M7.

### 3 GENERAL

#### 3.1 Scope of Consent

3.1.1 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:

<b>Drawing No.</b>	<b>Dated</b>	<b>Revision</b>	<b>Prepared by</b>
TP02 DEMO PLAN	10.06.2021	P5	Watson Young Architects Pty Ltd
TP03 SITE ANALYSIS	10.06.2021	P5	Watson Young Architects Pty Ltd
TP04 SITE PLAN	10.06.2021	P7	Watson Young Architects Pty Ltd
TP05 PROPOSED FLOOR PLAN – WH1	10.06.2021	P4	Watson Young Architects Pty Ltd
TP06 PROPOSED FLOOR PLAN – WH2	10.06.2021	P4	Watson Young Architects Pty Ltd
TP07 PROPOSED FIRST FLOOR PLAN – WH2	10.06.2021	P4	Watson Young Architects Pty Ltd
TP08 PROPOSED FLOOR PLAN – WH3	10.06.2021	P4	Watson Young Architects Pty Ltd
TP09 PROPOSED OFFICE PLANS – WH1	10.06.2021	P4	Watson Young Architects Pty Ltd
TP10 PROPOSED OFFICE PLANS – WH2	10.06.2021	P3	Watson Young Architects Pty Ltd
TP11 PROPOSED OFFICE PLANS – WH3	10.06.2021	P3	Watson Young Architects Pty Ltd
TP12 ROOF PLAN	10.06.2021	P4	Watson Young Architects Pty Ltd
TP13 STREET AND OVERALL ELEVATIONS	10.06.2021	P4	Watson Young Architects Pty Ltd
TP14 WAREHOUSE ELEVATIONS- WH1	10.06.2021	P4	Watson Young Architects Pty Ltd
TP15 WAREHOUSE ELEVATIONS- WH2	10.06.2021	P4	Watson Young Architects Pty Ltd
TP16 WAREHOUSE ELEVATIONS- WH3	10.06.2021	P4	Watson Young Architects Pty Ltd

TP17 OFFICE ELEVATIONS – WH1	10.06.2021	P3	Watson Young Architects Pty Ltd
TP18 OFFICE ELEVATIONS – WH2	10.06.2021	P4	Watson Young Architects Pty Ltd
TP19 OFFICE ELEVATIONS – WH3	10.06.2021	P4	Watson Young Architects Pty Ltd
TP20 OVERALL SECTIONS	10.06.2021	P4	Watson Young Architects Pty Ltd
TP20 WAREHOUSE TYP. SECTIONS	10.06.2021	P3	Watson Young Architects Pty Ltd
TP21 WAREHOUSE TYP. SECTIONS	10.06.2021	P3	Watson Young Architects Pty Ltd
TP22 OFFICE SECTIONS	10.06.2021	P3	Watson Young Architects Pty Ltd
000 LANDSCAPE COVERSHEET	19.11.2021	B	Site Image (NSW) Pty Ltd
101 LANDSCAPE PLAN - 1	19.11.2021	B	Site Image (NSW) Pty Ltd
102 LANDSCAPE PLAN - 2	19.11.2021	B	Site Image (NSW) Pty Ltd
103 LANDSCAPE PLAN - 3	19.11.2021	B	Site Image (NSW) Pty Ltd
104 LANDSCAPE PLAN - 4	19.11.2021	B	Site Image (NSW) Pty Ltd
501 LANDSCAPE DETAILS	08.06.2021	A	Site Image (NSW) Pty Ltd

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

3.1.2 This consent authorises the use of the completed approved buildings for warehouses and distribution centres subject to full compliance with all other conditions of this consent

### **3.2 Services**

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

### **3.3 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: Glendenning

### **3.4 Engineering Matters**

#### **3.4.1 Design and Works Specification**

3.4.1.1 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

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, Subdivision Works Certificate, Road Act 1993 or Local Government Act 1993 approval.

Any Construction Certificates or Subdivision Works Certificate 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.

### 3.5 Other Necessary Approvals

- 3.5.1 A separate application will be required for the following approvals, under the Local Government Act 1993 and/or the Roads Act 1993.
- Vehicular Crossing
  - Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

### 3.6 Other Matters

- 3.6.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.
- 3.6.2 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.
- 3.6.3 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the duration of the development:
- Required percentage reductions in post development average annual load of pollutants
- | Pollutant          | % post development pollutant reduction targets |
|--------------------|--|
| Gross Pollutants   | 90   |
| Total Hydrocarbons | 90   |
- 3.6.4 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).
- 3.6.5 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Office at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) a report outlining all non-potable water used annually and the percentage of non-potable reuse. Based on the modelling it is agreed that for non-potable reuse that the rainwater tank for Warehouse 1 is achieving minimum 80% reuse with a minimum reuse supplied of 1.04 ML/yr, the rainwater tank for Warehouse 2 is achieving minimum 80% reuse with a minimum reuse supplied of 0.84 ML/yr and the rainwater tank for Warehouse 3 is achieving minimum 80% reuse with a minimum reuse supplied of 0.43 ML/yr
- 3.6.6 Council will not be responsible for any damage to the building, or its contents, or its operation and/or any injuries to the owners, occupants or visitors as a result of flooding.

- 3.6.7 No filling is permitted within the major flowpath below the 1 % AEP flow extents, or over Council's drainage easement, except where approved by this consent.
- 3.6.8 The Floodway Warning Sign and Flood Management Plan are to be maintained for the duration of the development.
- 3.6.9 The louver fencing as detailed on the final drainage and architectural plans are to be maintained for the duration of the development.
- 3.6.10 The buildings layouts of the proposed warehouses must comply with the building footprint and setback as setout on the Architectural Plans by Watson Young Job No. 21028 dated 10 June 2021.

## **4 PRIOR TO DEMOLITION WORKS**

### **4.1 Safety/Health/Amenity**

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 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,
- 4.1.4 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.
- 4.1.5 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.
- 4.1.6 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.
- 4.1.7 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.

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

#### **4.2 Tree Protection**

4.2.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

4.2.2 A Project Consulting Arborist must be appointed prior to demolition of any existing structures or earthworks. They must register with the developer before any works commence so that the builder can be inducted as to important times when Arborist will be required on-site. Hold points, inspections and certification are to be carried out as per section 8 of the Arboricultural Impact Assessment (AIA) Revision A by Birds Tree Consultancy dated 27 May 2021.

#### **4.3 Other Matters**

4.3.1 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

SafeWork NSW contact number 131050, and email address

[contact@safework.nsw.gov.au](mailto:contact@safework.nsw.gov.au)

4.3.2 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy provider
- (c) Jemena Gas
- (d) The relevant local telecommunications carrier

regarding any requirements for the disconnection/relocation/augmentation etc. of existing services on the land and the location of existing services that may be affected by the proposed works, either on the land or on the adjacent public road(s).

## **5 DURING DEMOLITION WORKS**

### **5.1 Safety/Health/Amenity**

5.1.1 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.

5.1.2 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.

5.1.3 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.

5.1.4 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.

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

- 5.1.6 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.
- 5.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2005 (if applicable)
- 5.1.8 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.
- 5.1.9 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 5.1.10 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.
- 5.1.11 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.
- 5.1.12 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.
- 5.1.13 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.
- 5.1.14 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

## **5.2 Nuisance Control**

- 4.2.1 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 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

## **5.3 Waste Management**

- 5.3.1 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.

## **5.4 Tree Protection**

- 5.4.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works.

# **6 COMPLETION OF DEMOLITION WORKS**

## **6.1 Final Inspection**

6.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit

## **6.2 Hazardous Materials and Waste**

6.2.1 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 SafeWork NSW 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 lodged with Council.

6.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

## **7 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

### **7.1 DA Plan Consistency**

7.1.1 A Construction Certificate or Subdivision Works 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.

### **7.2 Traffic Matters**

7.2.1 Provision for adequate sight distance needs to be made for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.

## **8 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)**

### **8.1 General**

8.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before the issuance of the relevant Construction Certificate.

8.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application.

8.1.3 Construction Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

<b>Prepared By</b>	<b>Project No.</b>	<b>Drawing No.</b>	<b>Sheet No.</b>	<b>Revision</b>	<b>Dated</b>
At & L Civil Engineers & Project Managers	201 Power St Glendenning	20-789-C001	1	B	16-11-21
		20-789-C002	2	A	31-05-21
		20-789-C005	3	B	16-11-21
		20-789-C006	6	A	31-05-21
		20-789-C007	7	B	16-11-21
		20-789-C009	9	A	31-05-21
		20-789-C010	10	B	16-11-21

		20-789-C011	11	B	16-11-21
		20-789-C012	12	A	31-05-21
		20-789-C013	13	B	16-11-21
		20-789-C020	20	B	16-11-21
		20-789-C030	30	B	16-11-21
		20-789-C040	40	A	31-05-21
		20-789-C041	41	B	16-11-21
		20-789-C050	50	B	16-11-21
		20-789-C051	51	A	31-05-21
		20-789-C060	60	A	31-05-21
		20-789-C061	61	B	16-11-21
		20-789-C062	62	B	16-11-21
		20-789-C063	63	B	16-11-21
		20-789-C064	64	B	16-11-21
		20-789-C070	70	A	31-05-21

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

8.1.4.1 For each rainwater tank, an experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply for non-potable water uses on the site including all toilet/urinal flushing and landscape watering. The plan is to show the rainwater pipe and tank arrangement including:

- i. a first flush or pre-treatment system,
- ii. a pump with isolation valves,
- iii. control panel and a warning light to indicate pump failure;
- iv. an automatic solenoid controlled mains water bypass;
- v. flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage and % reuse;
- vi. a warning light to indicate pump failure;
- vii. ensuring all the reuse pipes and taps are coloured purple
- viii. an automatic backwash inline filter;
- ix. providing offtake(s) for the irrigation system from each tank;
- x. providing 1 external reuse tap near the vehicular entry to each of the 10 units and one at the rear external wall of each unit (20 in total) for general wash down and reuse;
- xi. fitting rainwater warning signs to all external taps using rainwater.
- xii. ensuring that all Sydney Water requirements have been satisfied.

8.1.4.2 An experienced irrigation specialist is to prepare and certify a detailed Landscape Watering Plan for non-potable landscape watering for Warehouses 1, 2 and 3. The plan is to show the irrigation layout based on non-potable water supply point from the rainwater tank, including:

- i. isolation valve for maintenance or during water restrictions

- ii. a timer and control box for landscape watering, allowing for seasonal variations and split systems
- iii. detailing what areas are subject to spray irrigation and what areas to drip irrigation
- iv. detailing filter requirements to ensure the finer irrigation systems do not block.
- v. determining irrigation zones as required
- vi. for Warehouse 1 (at front), a system designed for watering the landscape area along the full frontage of Power Street, part of the area adjacent to the M7 and any other landscaped area adjacent to the building, to automatically achieve a minimum average usage rate of 400 kL/yr, including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months.
- vii. for Warehouse 2, a system designed for watering the landscape area along part of the area adjacent to the M7 and any other landscaped area adjacent to the building, to automatically achieve a minimum average usage rate of 160 kL/yr, including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months.
- viii. for Warehouse 3, a system designed for watering the landscape area along part of the area adjacent to the M7 and any other landscaped area adjacent to the building, to automatically achieve a minimum average usage rate of 100 kL/yr, including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months.
- ix. ensure that between the three rainwater tanks all the landscape area adjacent to the M7 are watered appropriately and proportionally with the rates above.
- x. ensuring all the reuse pipes and taps are coloured purple
- xi. fitting warning signs to all external taps using non-potable water

8.1.4.3 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. 5 star taps (for all taps other than bath outlets and garden taps)
- iv. 3 star urinals
- v. Water efficient washing machines and dishwashers are to be specified.

8.1.4.4 Provide details for a permanent coloured interpretive signage minimum A1 size to be installed to highlight the water conservation and water quality. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures the rainwater tanks and GPTs 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 GPTs. The wording and details are available from Chapter 14 of Council's WSUD developer handbook and is to be approved by Council.

8.1.4.5 The engineering plans by at&I (project number 20-789 dated 16 November 2021) are to be amended to include the following:

- i. An approval from Sydney Water is required for the drainage system proposed in close proximity to existing sewer lines and any other Sydney Water assets.
- ii. All pits deeper than 1.2 m must provide step irons at 300 cts.
- iii. Review the pit size as 600 \* 600 mm pits are limited to 600 mm maximum depth and 600 \* 900 mm pits are limited to 900 mm depth. Pits greater than 900 mm depth are all to be minimum 900 \* 900 mm. All pits within the proposed development must comply with these requirements.
- iv. Site Audit Report by Enviroview (600159\_0301-1905 dated 13 June 2020) has indicated groundwater was observed onsite. Results and recommendations carried out in this report must be considered for the developable works including excavation, earthworks, building works etc. Further groundwater assessment is required to ensure that the proposed development does not impact the groundwater flows. Any groundwater management systems proposed are to have a minimum design life of 50 years. All components of the structure, including subsoil drainage, must be located entirely within the property boundary. The groundwater regime will be maintained as close as possible to the pre-development condition during the construction and operational phases of the development. Construction techniques, where possible, will eliminate the need for dewatering.
- v. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the covered easement, GPTs and rainwater tanks in accordance with Council's Engineering Guide for Development 2005.
- vi. Provide galvanised or equivalent step irons or ladders for all entry points to the covered easement, rainwater tanks and gross pollutant traps and pits greater than 1.2 m deep.
- vii. Charge line cleanout systems are to be provided for all rainwater tank charge lines at the lowest point in the system. Provide a screw cap on the charge line.
- viii. The minimum floor level for each warehouse is to be the higher of 300 mm above the adjacent 1% AEP flow level, or 150 mm above the finished ground surface adjacent to the building, except at any entry points.
- ix. Provide horizontal louvers or vertical bar pool type fencing (in accordance with Section 15.5.8 of the WSUD developer handbook 2020) along the full length of western, northern and rear eastern boundaries within the overland flow path. The top of louver fencing is to include 300 mm freeboard above the adjacent 1% AEP flood.

8.1.4.6 Architectural Plans by Watson Young Job No. 21028 dated 10 June 2021 are to be amended to include the following:

- i. The minimum floor level for each warehouse is to be the higher of 300 mm above the adjacent 1% AEP flow level, or 150 mm above the finished ground surface adjacent to the building, except at any entry points.
- ii. All air conditioning units, external power points and the hot water service are to be set at or above the habitable floor levels.
- iii. Provide horizontal louvers or vertical bar pool type fencing (in accordance with Section 15.5.8 of the WSUD developer handbook 2020) along the full length of western, northern and rear eastern boundaries within the overland flow path. The fencing is to include 300 mm freeboard above the adjacent 1% AEP flood.

- 8.1.4.7 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar hydraulic calculation is to certify that the existing and proposed internal drainage system is capable of carrying 5% AEP (20 year ARI) flows.
- 8.1.4.8 A Flood Management Plan is to be prepared by an experienced professional hydraulic engineer registered on NER generally in accordance with Section 15.7 of the WSUD developer handbook, to address emergency flood management of the site including the use as appropriate of warning signs, notices of procedures, depth gauges (if required) and whether evacuation is required and if so what route. Any requirements of the report are to be implemented prior to occupation. A laminated copy of the Flood Management Plan is to be permanently affixed within the building to the inside of an office, kitchen or laundry cupboard door of each occupancy.
- 8.1.4.9 Structural design certification is required by an experienced chartered structural engineer registered on NER, indicating that the structures have been designed to withstand all flood impacts prior to release of the Construction Certificate. The certificate should consider scour, impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces at minimum habitable floor levels. Allow for a velocity adjacent to the structures of twice the average velocity.

## **8.2 Construction Certificate Requirements**

- 8.2.1 Under the Environmental Planning and Assessment Act 1979 a Construction Certificate is required. These works include but are not limited to the following:
- Drainage construction
  - Water quality treatment
  - Earthworks
  - Inter-allotment drainage (created within the subject lot)

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

## **8.3 Local Government Act Requirements**

- 8.3.1 Under Section 68 of the Local Government Act 1993 an approval for engineering work is required. These works include but are not limited to the following:
- Any works within a Council Reserve
  - Any works on adjoining land (outside the subject site boundaries)
  - Inter-allotment drainage on adjoining land

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

## **8.4 Roads Act Requirements**

- 8.4.1 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:
- Any works within Council's road reserve
  - Vehicular crossings
  - Path Paving

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

## **8.5 Other Engineering Requirements**

- 8.5.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 8.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 8.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

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

**8.6 Drainage**

8.6.1 Drainage from the site must be connected into Council’s existing drainage system.

**8.7 Erosion and Sediment Control**

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

**8.8 Stormwater Quality Control**

8.8.1 Stormwater quality treatment system shall be designed in accordance with Council’s Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

**8.9 Vehicular Crossings**

8.9.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council’s standard A(BS)103S.

**8.10 Footpaths**

8.10.1 The construction of path paving is to be provided generally in accordance with Council’s Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

8.10.2 Proposed locations and widths are to be approved by Blacktown City Council's Co-ordinator Engineering Approvals. Cycleways/ shared pathways are to include line marking and signposting in accordance with the requirements of Austroads “Guide to Road Design” Part 6A and the Roads and Maritime Services NSW Bicycle Guidelines November 2003.

**9 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

**9.1 Section 7.11 Contributions under Section 7.17 Directions**

9.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at 14 March 2022. They WILL BE INDEXED from this date to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

**PLEASE NOTE:** Indexed 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 0.5% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

<b>Contribution Item</b>	<b>Amount</b>
Trunk Drainage	\$123,436.00
Major Roads	\$55,270.00
Overbridges	\$8,828.00
<b>Total</b>	<b>\$187,534.00</b>

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](http://www.blacktown.nsw.gov.au):

#### Section 7.11 Contributions Plan No. 1 – 1980's Release Areas

The Section 7.11 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 area the Section 7.11 contribution(s) will be adjusted accordingly.

Developable Area: 1.6015 hectares

### **9.2 Access/Parking**

- 9.2.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 9.2.2 A minimum of 281 car parking spaces are to be provided on site, including 11 accessible and 37 deferred car parking spaces. A minimum of 244 parking spaces are to be permanently line marked.
- 9.2.3 On-site parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:
  - Uncovered Car Space: 2.5m x 5.4m
  - Disabled Car Space: 2.4m x 5.4m (plus shared zone)
- 9.2.4 All internal paved areas and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 9.2.5 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.

### **9.3 Salinity**

- 9.3.1 Consideration shall be given to the guidelines in Building In Saline Environment 2008, Western Sydney Salinity Code of Practice 2003 and the design of structures in contact with the soils in accordance with AS 2159-1995 'Piling –Design and Installation'.
- 9.3.2 The recommendations in Preliminary Salinity Investigation prepared Environmental Earth Sciences dated 28 May 2021 are to be adhered to.

### **9.4 Aesthetics/Landscaping**

- 9.4.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.
- 9.4.2 All materials of construction are to be fire resistant. Documentary evidence shall be submitted to Council to ensure compliance.
- 9.4.3 The development approved by this consent is to be constructed in accordance with the materials, finishes and colours indicated on the external material finishes legend on the Elevation plans (Drawing number TP14 to TP19). Details of these building materials and finishes, including colour samples from brochures or the like, are to be included as part of the Construction Certificate plans.
- 9.4.4 All boundaries facing roads are to be fenced using metal fencing of up to 1.8m high in black powder-coated and 'diplomat' style pressed metal. No chain wire (including PVC coated) fencing is to be provided facing roads.
- 9.4.5 Any other perimeter fencing is to be black plastic coated wire fencing to a height of 1.8m with security measures above if required.
- 9.4.6 Details of the proposed fencing are to be submitted to Council for approval prior to the separate approval of the relevant Construction Certificate.

- 9.4.7 All retaining walls are to be of masonry construction. All footings for these retaining walls are to be wholly within the boundaries of the site. All retaining walls are to be designed by a suitably qualified structural engineer.
- 9.4.8 Submit an additional landscape plan that illustrates either an upward climbing or downward cascading plants landscape treatment feature on the retaining wall adjacent to Warehouse 2 that will be visible from the M7 motorway.

## **10 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

### **10.1 Building Code of Australia Compliance**

- 10.1.1 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).

### **10.2 Site Works and Drainage**

- 10.2.1 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.
- 10.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159 mm 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.
- 10.2.3 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.
- 10.2.4 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.

## **11 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)**

### **11.1 Environmental Management**

- 11.1.1 Submit to Council, a Construction Environment Management Plan (CEMP) which must include noise management measures during construction.
- 11.1.2 An unexpected finds policy (UFP) should be prepared and implemented for the proposed site redevelopment works.
- 11.1.3 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;
  - o NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (1997)
  - o NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
  - o 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).

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

## **12 PRIOR TO CONSTRUCTION CERTIFICATE (TREE MANAGEMENT)**

### **12.1 Tree protection**

- 12.1.1 Existing live public road verge trees will be protected from the development and afforded the same protection measures as those trees being retained on the development site. A revised Tree Location Plan should be submitted to Council prior to Construction Certificate which shows the live public road verge trees and the Tree Protection Zones.

## **13 PRIOR TO DEVELOPMENT WORKS**

### **13.1 Safety/Health/Amenity**

- 13.1.1 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.
- 13.1.2 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.
- 13.1.3 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.

- 13.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.1.5 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.
- 13.1.6 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.
- 13.1.7 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.

### **13.2 Notification to Council**

- 13.2.1 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.

### **13.3 Sydney Water Authorisation**

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

OR

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.

### **13.4 Tree Management**

- 13.4.1 Any tree not approved for removal or more than 3m from the building perimeter is to be effectively protected against damage.
- 13.4.2 Trees 71 - 74 are to be retained in situ and are to be protected as detailed in sections 8, 9, and 10 of the Tree Protection Measures in Arboricultural Impact Assessment (AIA) Revision A by Birds Tree Consultancy dated 27 May 2021. The tree protection measures are to be installed prior to construction commencing.

- 13.4.3 The applicant is to pay a tree preservation bond per tree, as per Council's Goods and Services Pricing Schedule, to ensure the retention and protection as per AS:4970-2009 "Protection of Trees on Development Sites" for the trees nominated for retention. The bond amount will be returned 12 months following the final occupation certificate's issue following the submission of the final report by the Applicant's project Arborist indicating the trees are in good health. This is confirmed following an inspection by an authorised officer from Council's tree management section.
- 13.4.4 An inspection fee as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented before construction commences.

## **14 DURING CONSTRUCTION (BUILDING)**

### **14.1 Safety/Health/Amenity**

- 14.1.1 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.
- 14.1.2 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.
- 14.1.3 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.
- 14.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 14.1.5 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.
- 14.1.6 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.
- 14.1.7 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

### **14.2 Building Code of Australia Compliance**

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

### **14.3 Surveys**

- 14.3.1 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.

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

#### **14.4 Nuisance Control**

14.4.1 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. All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with an approved Construction Noise, Vibration Assessment and Management Plan.

14.4.2 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; unless otherwise approved by Council.

#### **14.5 Waste Control**

14.5.1 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.

#### **14.6 Tree Protection**

14.6.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

#### **14.7 Stormwater Drainage**

14.7.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225 mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.
- (c) if draining to kerb use an approved kerb outlet and sewer grade PVC or RHS

#### **14.8 Aboriginal Heritage**

14.8.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

### **15 DURING CONSTRUCTION (ENGINEERING)**

#### **15.1 Notification of Works**

15.1.1 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 5 business days prior to commencement of engineering works.

15.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

## **15.2 Insurances**

15.2.1 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 Indemnity and Workers Compensation.

## **15.3 Service Authority Approvals**

15.3.1 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.

## **15.4 Boundary Levels**

15.4.1 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.

## **15.5 Soil Erosion and Sediment Control Measures**

- 15.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 15.5.2 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.
- 15.5.3 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.

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

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

## **15.7 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**

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

15.7.2 Inspections must be pre-booked with a minimum 24 hours' notice. Councils Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, 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).

## **15.8 Public Safety**

15.8.1 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.

## **15.9 Site Security**

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

## **15.10 Traffic Control**

15.10.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card 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 - 2009.

15.10.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.

15.10.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.

15.10.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (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 - 2009.

15.10.5 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 person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS Traffic Control at Work Sites manual and shall be submitted to Council prior to implementation.

## **15.11 Other Matters - Drainage**

15.11.1 The proposed Vortechs 16000 and Vortechs 9000 units supplied by Ocean Protect are not to be replaced with a smaller device or a device from an alternate manufacturer.

15.11.2 All required floor levels shall be checked and certified by a Registered Surveyor confirming that all minimum floor levels have been achieved.

15.11.3 Council's Civil Maintenance section will be required to oversee works next to and within the drainage easement.

15.11.4 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to certify that all the toilets and urinals are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.

## **16 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

### **16.1 Environmental Health Matters**

- 16.1.1 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document “*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*” dated March 2008.

## **17 DURING CONSTRUCTION (TREE MANAGEMENT)**

### **17.1 Tree Protection**

- 17.1.1 Trees 71 - 74 are to be retained in situ and are to be protected as detailed in sections 8, 9, and 10 of the Tree Protection Measures in Arboricultural Impact Assessment (AIA) Revision A by Birds Tree Consultancy dated 27 May 2021.

## **18 PRIOR TO OCCUPATION CERTIFICATE**

### **18.1 Road Damage**

- 18.1.1 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.

### **18.2 Compliance with Conditions**

- 18.2.1 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.
- 18.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

### **18.3 Temporary Facilities Removal Prior to the Issue of the Final Occupation Certificate**

- 18.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.3.3 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.
- 18.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.3.5 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.

### **18.4 Fire Safety Certificate**

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

## **18.5 Tree management**

18.5.1 Upon the completion of the development works, a final assessment of the trees shall be undertaken by the Project Arborist and future recommended management strategies implemented as required. The final assessment report is to be presented to Council to provide advice on the retained trees (as per the Arboricultural Impact Assessment) health.

## **18.6 Fee Payment**

18.6.1 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.

## **18.7 Inspections**

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

## **18.8 Engineering Matters**

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

18.8.1.1 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 colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

18.8.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).

18.8.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).

18.8.1.4 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.

18.8.1.5 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

18.8.1.6 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.

18.8.1.7 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

## **18.9 Easements/Restrictions/Positive Covenants**

18.9.1 Any covenant(s) 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:

- Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- The standard format for covenants, easements and restrictions as accepted by the Land Registry Services (LRS).

18.9.2 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path.

### **18.10 Drainage Engineering Matters**

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

- i. the Vortechs 16000 and Vortechs 9000 GPTs have been installed as per the Ocean Protect manufacturer's recommendations;
- ii. the interpretative water quality sign has been correctly installed.
- iii. all other signage and warning notices have been installed;
- iv. Rainwater tank 1 is a minimum of 120 kL below the overflow and collects roof water from a minimum of 3500 m<sup>2</sup> of roof area.
- v. Rainwater tank 2 is a minimum of 80 kL below the overflow and collects roof water from a minimum of 4000m<sup>2</sup> of roof area.
- vi. Rainwater tank 3 is a minimum of 40 kL below the overflow and collects roof water from a minimum of 2580 m<sup>2</sup> of roof area.
- vii. A Floodway Warning Sign is permanently affixed on the western, north and rear eastern boundaries fences.
- viii. all the requirements of the Flood Management Plan have been implemented including the installation of all signage and notices.
- ix. The minimum floor level for each warehouse is to be the higher of 300 mm above the adjacent 1% AEP flow level, or 150 mm above the finished ground surface adjacent to the occupancy except at the entry points.
- x. Horizontal louvers or vertical bar pool type fencing have been provided along the full length of western, northern and rear eastern boundaries within the overland flow path. The top of louver fencing includes a minimum 300 mm freeboard above the adjacent 1% AEP flood.
- xi. all the other requirements of the approved drainage plans have been undertaken.

18.10.2 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- i. all the requirements of the detailed Non-Potable Water Supply Plan have been installed to the required locations.
- ii. all the non-potable water uses are being supplied by the rainwater tanks.
- iii. the flow meters have been installed on the solenoid-controlled mains water bypass line and the pump outflow line to determine non-potable usage and actual percentage of reuse.
- iv. The initial flow meter readings are detailed in the certificate;
- v. the pumps, alarms and all other systems are working correctly;

- vi. a minimum of 20 external wash down taps have been installed providing 1 external reuse tap near the vehicular entry to each of the 10 units and one at the rear external wall of each unit (20 in total) for general wash down and reuse
- vii. Rainwater warning signs are fitted to all external taps using rainwater.
- viii. For each rainwater tank the water from at least two wash down taps and four toilets have been tested to show no chlorine residual.
- ix. A signed, works-as-executed Rainwater Supply is to be provided to Council's WSUD Compliance Officer [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)

18.10.3 An experienced irrigation specialist, is to certify that:

- i. All the non-potable landscape water uses are being supplied by rainwater;
- ii. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
- iii. The automatic timer has been set up for time and frequency to deliver on average, 380 kL/year to Warehouse 1, 150 kL/year for Warehouse 2 and 100 kL/year to Warehouse 3, and the system has been designed to adjust for twice the rate in summer and half the rate in winter.
- iv. The pumps, alarms and all other systems are working correctly;
- v. For each warehouse the water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual.
- vi. Rainwater warning signs are fitted to all external taps using rainwater.
- vii. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)

18.10.4 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

18.10.5 Prior to the issue of the Occupation certificate, the applicant shall submit to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD system installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans. The WSUD system comprises rainwater tank and two different Vortechs.

18.10.6 Prior to the issue of the Occupation certificate, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD systems installed on the property. The Positive covenant and Restriction on the use of land is to be accordance with Appendix F of Council's Engineering Guide for Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate.

- 18.10.7 Provide a Restriction to User and Positive Covenant for Overland Flowpath over the full width of the overland flow extents in the peak 1% AEP event in accordance with the requirements of the Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services.
- 18.10.8 Provide a Positive Covenant over the area of the easement over Lot 1 DP 1277399 extending west for 110 m from CP/SP 81489 conveying the flow from the end of the Council pipe/culvert to CP/SP 81469. The positive covenant shall require the proprietor/owners corporation of Lot 1 DP 1277399 to maintain at their cost all concrete or metal structures within or adjacent to the easement including all supporting walls, headwalls, columns, slabs (suspended or on ground) and to regularly clean and remove any rubbish, debris or other material deposited in this area and to specifically remove such material within seven (7) days of any significant rainfall event. In the event that the slab over the easement collapses into the channel and blocks or partially blocks flow, the proprietor/owners corporation must, as soon as practical, remove such material to restore the flow capacity of the channel. The covenant is to make clear that Council has no responsibility for such costs. The covenant shall include a standard provision for the right for Council to enter in and undertake such works where the proprietor/owners corporation fails to do so and legally recover such costs. The Positive Covenant must be registered with NSW Land Registry Services prior to the first occupation certificate.
- 18.10.9 Prior to the issue of the Occupation certificate, the Applicant shall provide a Maintenance schedule for the WSUD system installed on the property and maintenance of the channel and easement at rear of the site. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) for approval.
- 18.10.10 The Applicant shall enter into a Maintenance Agreement with a maintenance contractor for the WSUD system installed on the property and maintenance of the channel and easement at rear of the site. The Maintenance Agreement is to be in accordance with the Maintenance schedule approved by Council. The maintenance contractor is to possess the qualifications and licences, if any, required to undertake the maintenance works in accordance with Council and New South Wales policy and legislation. The Maintenance Agreement must be maintained for the life of the development. The Applicant shall submit a copy of the executed Maintenance agreement to Council for approval. The Maintenance Agreement can be replaced with an alternative Maintenance Agreement of the same or better standard. In the event that the Applicant enters into a replacement Maintenance Agreement the Applicant must, as soon as practically possible, forward a copy to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

## **18.11 Service Authorities**

- 18.11.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "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.

- (b) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the 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.

18.11.2 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider 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.

18.11.3 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.

### **18.12 Landscaping/Car Parking**

18.12.1 A minimum of 281 car parking spaces are to be provided on site, including 11 accessible and 37 deferred car parking spaces. A minimum of 244 parking spaces are to be permanently line marked.

18.12.2 All car parking spaces are to be designed in accordance with Australian Standard 2890.1-2004 and 2890.2 – 2002.

18.12.3 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

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

18.12.5 All landscaping shall be completed in accordance with the final approved landscape plan and shall be maintained at all times to the satisfaction of the Principal Certifying Authority.

18.12.6 The car parks, all open space areas, the pedestrian footpath 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.

18.12.7 All vehicular entrance / exit points are to be clearly signposted and visible from the street and the site at all times. The signage shall distinguish which driveways are for truck entry and those for car entry.

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

18.12.9 All boundary fencing is to be erected, being 1.8m high, black powder-coated metal 'diplomat' style fencing to boundaries facing roads and 1.8m high black PVC wire fencing to the remaining perimeter fencing as required under condition 9.4.4.

18.12.10 All fencing and retaining walls shall be completed in accordance with the approved details submitted as part of the Construction Certificate. All fencing/retaining work must be provided at full cost to the developer. All fencing is to be constructed on top of any retaining walls. The selected fencing material/design must also minimise/eliminate the potential for graffiti attacks. Where possible, foliage should be grown on/over fencing adjacent to public areas to minimise any potential for graffiti.

18.12.11 The entry and exit driveways are to be clearly signposted 'entry' and 'exit' accordingly.

### **18.13 Other Matters**

- 18.13.1 Retaining wall(s) and/or other effective methods to retain excavated or filled ground (other than those sites works which may be Exempt Development under an Environmental Planning Instrument), together with any associated groundwater drainage system, shall be constructed and/or provided in accordance with the plans attached to the Construction Certificate.

### **18.14 Site Access**

- 18.14.1 There shall be no direct vehicular or pedestrian access to and/or from the following nominated road(s) for any lot/lots having frontage to that road. An appropriate restriction on the use of land shall be created under Section 88B of the Conveyancing Act 1919 covering this requirement. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the consent of Blacktown City Council.

Nominated Road(s): Westlink M7 Motorway

## **19 OPERATIONAL (PLANNING)**

### **19.1 Access/Parking**

- 19.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 19.1.2 A minimum of 281 car parking spaces are to be provided on site, including 11 accessible and 37 deferred car parking spaces. A minimum of 244 parking spaces are to be permanently line marked.
- 19.1.3 All loading and unloading operations shall take place at all times wholly within the confines of the land within the designated loading areas. Loading and unloading operations are not to obstruct internal driveways or car parking spaces at any time.
- 19.1.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 19.1.5 All vehicles are to enter and leave the site in a forward direction.
- 19.1.6 All vehicles are to be wholly contained on site before being required to stop.

### **19.2 General**

- 19.2.1 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 19.2.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 19.2.3 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.
- 19.2.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 19.2.5 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.
- 19.2.6 No approval is given in this consent for the storage of any hazardous or dangerous goods.
- 19.2.7 The carpark and manoeuvring areas are to be kept free of any storage materials and other items so they are freely available for their approved purpose of parking and vehicle manoeuvring.

### **19.3 Use of Premises**

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

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

### **19.4 Emergency Procedures**

19.4.1 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.

### **19.5 Landscaping**

19.5.1 All landscaped areas provided in accordance with the approved landscape plan and shall be maintained at all times in a suitable manner.

### **19.6 Tree Management**

19.6.1 The tree preservation bond paid by the applicant in accordance with Condition 13.4.3 of this consent will be returned 12 months following the final occupation certificate's issue following the submission of the final report by the Applicant's project Arborist indicating the trees are in good health. This is confirmed following an inspection by an authorised officer from Council's tree management section. An inspection fee as per Council's Goods and Services Pricing Schedule will be applicable following a request for the tree preservation bond return as noted above.

### **19.7 Operating Hours**

19.7.1 The use of premises is permitted to operate 24 hours a day, 7 days a week.

### **19.8 Signage**

19.8.1 The approved signage must not have or incorporate any of the following:

(a) flashing lights:

(b) electronically changeable or variable messages:

(c) animated displays, moving parts of simulated movements:

(d) complex displays that hold motorists attention;

(e) a method or level of illumination that distracts or dazzles;

(f) displays resembling or imitating road traffic signs or signals;

(g) instructions to passing traffic (i.e. 'Halt', 'Stop' or the like); or

(h) glossy paints or luminous colours

19.8.2 At no time shall any signage approved as part of this consent be used for general advertising purposes.

## **20 OPERATIONAL (ENVIRONMENTAL HEALTH)**

### **20.1 Environmental Health Matters**

20.1.1 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.

- 20.1.2 A post commissioning report must be produced by an 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) within 3 – 6 months of the proposed development operating to validate the Environmental Noise Impact Assessment's findings. The report is to be submitted to Council to review.
- 20.1.3 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 that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 20.1.4 All gases, odours, fumes, steam, moisture and particulate matter generated by the use of these premises shall be collected and discharged in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 20.1.5 A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system.
- 20.1.6 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.
- 20.1.7 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.
- 20.1.8 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.