

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 4.18)

Sydney Business Park C/O- Calibre Professional Services
15 Hollinsworth Road
MARSDEN PARK NSW 2765

Determination Number:
DA-20-00743

Property Description: Lot 313 DP 1213756, 25 Harris Avenue MARSDEN PARK
Lot 50 DP 1265695, Astoria Street MARSDEN PARK
Lot 6 and 7 DP 1210172, Astoria Street MARSDEN PARK

Development: Earthworks and drainage works to modify the existing Detention Basin (known as Basin E) and TC06 Channel, with associated bulk earthworks, retaining walls, maintenance access tracks and stormwater drainage infrastructure.

Determination: *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO CONDITIONS ATTACHED ON THE FOLLOWING PAGES.

BY DELEGATED AUTHORITY - DIRECTOR PLANNING AND DEVELOPMENT

Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

Date 18 December 2020

1 ADVISORY NOTES

1.1 Terminology

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

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

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

1.3 Other Approvals

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

1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

1.3.3 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Recognised energy provider

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Blacktown City Council
18 December 2020

- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

- 1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.4 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.
- 1.5 **Identification Survey**
 - 1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.
- 1.6 **Engineering Notes**

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Blacktown City Council
18 December 2020

- 1.6.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

1.7 Payment of Engineering Fees

- 1.7.1 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.

1.8 Road Damage

- 1.8.1 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 GENERAL

2.1 Scope of Consent


- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated
General Arrangement Plan Stage 1 Dwg No. 001, Revision 2	03/11/2020
Sheet Layout Plan Stage 1 Dwg No. 002, Revision 2	03/11/2020
Sediment & Erosion Control Plan Stage 1 Dwg No. A101, Revision 2	03/11/2020
Site Regrading Plan Sheet 01 of 02 Stage 1 Dwg No. A201, Revision 2	03/11/2020
Site Regrading Plan Sheet 02 of 02 Stage 1 Dwg No. A202, Revision 2	03/11/2020
Retaining Wall Longitudinal Sections Sheet 01 of 02 Stage 1 Dwg No. 804, Revision 2	03/11/2020
Retaining Wall Longitudinal Sections Sheet 02 of 02 Stage 1 Dwg No. 805, Revision 2	03/11/2020
Sediment & Erosion Control Plan Stage 2 Dwg No. 901, Revision 2	03/11/2020
Site Regrading Plan Stage 2 Dwg No. 902, Revision 2	03/11/2020
Landscape Plan Stage 1	201108

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Blacktown City Council
18 December 2020

Dwg No. DA-LA-01, Revision A	
Landscape Plan Stage 1	201108
Dwg No. DA-LA-02, Revision A	
Landscape Plan Stage 1	201108
Dwg No. DA-LA-03, Revision A	
Landscape Plan Stage 2	201108
Dwg No. DA-LA-04, Revision A	
Plant Schedule, Specification & Landscape Details	201108
Dwg No. DA-LA-05, Revision A	

*Unless modified by any condition of this consent.

2.2 Suburb Name

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

Suburb: Marsden Park

2.3 Engineering Matters

2.3.1 Design and Works Specification

- 2.3.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:


- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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

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Blacktown City Council
18 December 2020

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

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

2.3.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Maintenance of the construction works
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

2.3.1.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

2.3.2 Other Necessary Approvals

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

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

2.4 Other Matters

2.4.1 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 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

3.1.1 A Construction Certificate or Subdivision Works Certificate for the proposed development shall only be issued when the accompanying plans, specifications

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Per



Blacktown City Council
18 December 2020

and/or details are consistent with the approved Development Application design plans.

3.2 Works in Kind

3.2.1 It may be possible to reduce monetary Section 7.11 contributions by carrying out Section 7.11 works as part of a 'Works-in-Kind' agreement with Council, subject to the following:

- the Section 7.11 works must be listed in a Section 7.11 Contributions Plan
- Council must have agreed to the Works in Kind (WIK)
- the Section 7.11 works cannot commence before the WIK agreement is executed by all parties
- the WIK agreement is in accordance with Council's WIK Policy
- the reduction of Section 7.11 contributions is not available until works have been satisfactorily completed in accordance with the WIK agreement.

A written application to enter into a WIK agreement must be provided to Council. Council's Section 7.11 Finance Committee will consider all applications on merit and advise the applicant in writing if the agreement is endorsed. Council reserves the right to approve or reject any WIK application. Council will not reduce the monetary Section 7.11 contribution on a consent unless these conditions are complied with.

3.3 Special Infrastructure Contribution

3.3.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Environment before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

Information about the special infrastructure contribution can be found on the Department of Planning and Environment's website:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding>

4 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

4.1 General

4.1.1 The recommendations provided in *Supplementary Contamination Investigation*, prepared by Douglas Partners Pty Ltd, (Ref.: 94569.02) dated February 2020, must be carried out.

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Per



Blacktown City Council
18 December 2020

- 4.1.2 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;
- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
 - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
 - NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" 3rd edition (2017)
 - National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2013)

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.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

5.1 General

- 5.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate or Subdivision Works Certificate can be issued.

- 5.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works 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.

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

Prepared By	Project No.	Drawing No.	Revision	Dated
Calibre	18-000050	000 – 907 (41 Sheets)	2	03/11/2020

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

- i. Appropriate fencing to be provided around the basin and channel works.

5.2 Asset Design Requirements

- 5.2.1 The applicant is to prepare and submit detailed design documentation for construction to Council's Asset Design Services Team for its concurrence and

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Blacktown City Council
18 December 2020

approval in writing. The detailed design documentation will need to address interim and ultimate development conditions.

- 5.2.2 Include CP21 item numbers on title of drawings.
- 5.2.3 The applicant is to provide detailed design of discharge control pits/structures to allow for applicable blockage factors and tailwater conditions. Note that the basin discharge is to be controlled by culvert capacity and not debris screens and pit surface inlets.
- 5.2.4 Basin outlet debris deflection structures/bars shall be angled to avert trash build up and prevent pedestrians being pinned against the inlet structure during basin flooding.
- 5.2.5 Bioretention basin cell surface levels to be raised as high as practical. Bioretention basin cell surface levels are to be no higher than the upstream gross pollutant trap invert levels.
- 5.2.6 The typical section for Channel TC06, between Chainages 80 and 375, shall be amended to ensure that retaining walls are located outside the boundaries of the proposed SP2 zoned land.
- 5.2.7 The SP2 works and acquisition areas are to be clear of existing land fill cells and their zone of influence. Details of land fill cells are to be shown on design plans based on approved surveyed locations of the land fill cells.
- 5.2.8 Prior to the execution of a WIK agreement to construct the S7.11 works, the final design of the trunk channel and basin is to be submitted to Council's Design Review Panel for approval.

5.3 Regional Infrastructure

- 5.3.1 Prior to the issue of a Construction Certificate for the proposed subdivision, submission is required of concept landscape drawings based on the current concept of S7.11 infrastructure works to Council's Design Review Panel for approval, prior to any further engineering design of the current concept. The drawings are to be submitted to Council's City Architects Office for inclusion on the agenda for the meeting.
- 5.3.2 Prior to the issue of a Construction Certificate for the design and construction of the proposed S7.11 infrastructure (i.e. Contribution Plan No.21 - M1.6 Detention Basin, M1.7 Bioretention, M1.8 Drainage Channel, M1.15 Gross Pollutant Trap, and M1.16 Gross Pollutant Trap) the applicant is to prepare and submit to Council's Asset Design Services Team for its concurrence and approval in writing, all investigation and concept design requirements as set out in Sections 3.1 (Pre DA Stage - Data Collection and review) and 3.2 (DA Stage - Concept Design Verification, Optimisation & Risk Management), respectively, of Council's document "Guidelines for the Investigation and Design of Section 94 Stormwater Works".

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Blacktown City Council
18 December 2020

5.4 Construction Certificate Requirements

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

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks

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

5.5 Roads Act Requirements

5.5.1 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, notably the future drainage connection to the extension of Hawthorne Ave
- Kerb inlet pit connections or construction
- Vehicular crossings

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

5.6 Other Engineering Requirements

5.6.1 If the estimated cost of engineering works is \$25,000 or greater proof of long service levy payment is required.

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

5.6.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

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

5.7 Drainage

5.7.1 Drainage from the site must be connected into Council's existing drainage system.

5.8 Erosion and Sediment Control

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

5.9 Earthworks

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Blacktown City Council
18 December 2020

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

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

5.10 On-Site Detention

5.10.1 On-site detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, or an S3QM Certificate

5.10.2 The on-site detention system shall be generally designed to achieve the following:

- i. All systems shall use at least 2 orifice plates to control flows:
 - The 1.5 year ARI orifice shall be designed to convey a maximum of 40/L/s/ha
 - The 100 year ARI orifice shall be designed to convey a maximum of 190 L/s/ha
- ii. Storage shall be provided as follows:
 - Volume up to 1.5 year ARI TWL = 300 m³/ha
 - Volume up to 100 year ARI TWL = 455 m³/ha
- iii. Orifice flow rates will be adjusted for bypass with a maximum site bypass of 15% as per the following table:

Total OSD BYPASS (%)	ENVIRONMENTAL DISCHARGE (1.5 YEAR ARI ORIFICE) (L/s/ha)	ENVIRONMENTAL STORAGE (BELOW 1.5 YEAR ARI WEIR) (m ³ /ha)	FLOOD DISCHARGE (100 Year ARI ORIFICE) (L/s/ha)	FLOOD STORAGE (BELOW EMERGENCY WEIR) (m ³ /ha)
0	40.0	300	190	455
2.5	38.5	300	176	455
5	37.0	300	162	455
7.5	35.5	300	148	455
10	34.0	300	134	455
12.5	32.5	300	120	455
15	31.0	300	106	455

5.10.3 A registered engineer (NER) must certify that:

- The structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general accordance with Council's Engineering Guide for Development, DCP Part J -

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18 December 2020

Water Sensitive Urban Design and Integrated Water Cycle Management,
S3QM Deemed to comply tool and Councils Standard Drawing A(BS)175M.

5.10.4 The following documents shall be submitted to accompany the on-site detention design in accordance with the design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- On-site detention detailed design submission and calculation summary sheet
- A maintenance schedule that complies with Council's Water Sensitive Urban Design maintenance guidelines, signed and dated by the designer
- S3QM Deemed to Comply On-site detention summary details

5.11 Stormwater Quality Control

5.11.1 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.

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

5.11.3 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.

5.12 Vehicular Crossings

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

6 PRIOR TO DEVELOPMENT WORKS

6.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

6.1.2 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:

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Blacktown City Council
18 December 2020

- (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.

6.1.3 Should the development work:

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

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

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

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

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

6.1.5 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.

6.1.6 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

6.1.7 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

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Blacktown City Council
18 December 2020

dangerous to life or property.

- 6.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

6.2 Notification to Council

- 6.2.1 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.
- 6.2.2 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

6.3 Tree Protection

- 6.3.1 Any tree not approved for removal or more than 3 m from the building perimeter is to be effectively protected against damage.

6.4 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water 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 must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per



Blacktown City Council
18 December 2020

6.5 Adjoining Owners

6.5.1 Written permission from the respective owner(s) must be obtained to:

- (a) discharge stormwater onto adjoining owner's land.
- (b) carry out works on adjoining land.
- (c) drain the site across land owned by others.

A copy of such written permission shall be lodged with Council.

7 DURING CONSTRUCTION (GENERAL)

7.1 Safety/Health/Amenity

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

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

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

7.1.3 Should the development work:

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

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

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

7.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

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

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Per



Blacktown City Council
18 December 2020

- 7.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 7.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 7.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.

7.2 Nuisance Control

- 7.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 7.2.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

7.3 Tree Protection

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

7.4 Site Contamination

- 7.4.1 Should any contaminated material be unearthed during the construction works, all works are to cease immediately and a suitably qualified environmental site contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy.
- 7.4.2 The recommendations provided in *Supplementary Contamination Investigation*, prepared by Douglas Partners Pty Ltd, (Ref.: 94569.02) dated February 2020,

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per



Blacktown City Council
18 December 2020

are to be implemented.

8 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

8.1 Environmental Management

- 8.1.1 The recommendations provided in *Supplementary Contamination Investigation*, prepared by Douglas Partners Pty Ltd, (Ref.: 94569.02) dated February 2020, must be carried out.
- 8.1.2 An unexpected finds policy (UFP) should be prepared and implemented for the proposed site redevelopment works.
- 8.1.3 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014).
- 8.1.4 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.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notification of Works

- 9.1.1 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.
- 9.1.2 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.

9.2 Insurances

- 9.2.1 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.

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per



Blacktown City Council
18 December 2020

9.3 Service Authority Approvals

- 9.3.1 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.

9.4 Boundary Levels

- 9.4.1 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.

9.5 Tree Protection and Preservation

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

9.6 Soil Erosion and Sediment Control Measures


- 9.6.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.6.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 9.6.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per


Blacktown City Council
18 December 2020

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.

9.7 Filling of Land and Compaction Requirements

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

9.8 Filling in Contaminated Land

- 9.8.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per


Blacktown City Council
18 December 2020

9.8.2 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

9.8.3 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.

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

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

Where Council is appointed as the Principal Certifying Authority for the development, 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 and Construction Certificate.

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

9.10.1 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.

Inspections must be pre-booked with a minimum 24 hours' notice. Council's 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).

9.11 **Public Safety**

9.11.1 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.

9.12 **Site Security**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 
Blacktown City Council
18 December 2020

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

9.13 Traffic Control

- 9.13.1 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.
- 9.13.2 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.
- 9.13.3 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.
- 9.13.4 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.
- 9.13.5 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.

10 PRIOR TO ENGINEERING COMPLIANCE CERTIFICATE

10.1 Road Damage

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


10.2 Consent Compliance

- 10.2.1 An Engineering Compliance Certificate shall not be issued until all relevant conditions of this consent have been satisfied.

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 
Blacktown City Council
18 December 2020

10.3 Fee Payment

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

10.4 Site Contamination

- 10.4.1 Prior to the issue of the Engineering Compliance Certificate, an EPA recognised accredited geoscientist is to validate that the site is suitable for use as local drainage and has been remediated in accordance with the *Supplementary Contamination Investigation*, prepared by Douglas Partners Pty Ltd, (Ref.: 94569.02) dated February 2020 and also confirm the site is not contaminated in accordance with the strict criteria as set out in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

10.5 Engineering Matters

10.5.1 Surveys/Certificates/Works As Executed plans

- 10.5.1.1 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, in a colour softcopy format (.PDF). All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works (including works under the *Roads Act 1993* and the *Local Government Act 1993* covered by this Development Application).
- 10.5.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 10.5.1.3 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 10.5.1.4 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.
- 10.5.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

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CHIEF EXECUTIVE OFFICER

Per



Blacktown City Council
18 December 2020

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

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

10.5.1.7 Structural certification 'as built' by a qualified Engineer (NER) for all structural items approved by the scope of this consent. This relates to the following components:

- a) Retaining walls over 0.6 m in height
- b) Rigid pavements
- c) Non-standard stormwater pits
- d) Culverts and/or bridges

10.5.1.8 A certificate or letter signed by an appropriately qualified professional, indicating that all pre-cast pits/culverts have been specifically designed and manufactured for the project in accordance with the approved civil plans (specific reference required) and the necessary Australian Standards.

10.5.1.9 A Certificate shall be submitted by a suitably qualified geotechnical engineer verifying that any fill material imported to site is virgin excavated natural material (VENM) or (ENM).

10.5.2 Easements/Restrictions/Positive Covenants

10.5.2.1 Any easement or restriction created as a result of this consent must be in accordance with the following:

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

10.5.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the on-site detention storage areas and outlet works. Documentary evidence of this LRS lodgement shall be submitted to Council.

10.5.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system and outlet works. Documentary evidence of this lodgement shall be submitted to Council.

10.5.2.4 All relevant Section 88B restrictions and covenants created, as part of this consent

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per



Blacktown City Council
18 December 2020

shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

10.5.3 Bonds/Securities/Payments in Lieu of Works

10.5.3.1 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.

- (a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
- (b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

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

10.5.4 Inspections

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

10.5.5 Inspection of Work

10.5.5.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of video footage of the inspections, a SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

11 OPERATIONAL (ENVIRONMENTAL HEALTH)

11.1 Environmental Management


11.1.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

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Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per


Blacktown City Council
18 December 2020

- 11.1.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 11.1.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

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Blacktown City Council
18 December 2020