

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 17 November 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Bruce McDonald and Lindsay Fletcher
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on Thursday, 17 November 2016, opened at 5:00 pm and closed at 5:30 pm.

MATTER DETERMINED

2015SYW161 - Blacktown - JRPP-15-1516 - 144-146 Riverstone Parade, Riverstone (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will contribute a facility providing a resource recovery and recycling sustainability service for waste generated by urban development on land located within an established industrial/employment area.
2. The proposed development, subject to the conditions imposed, adequately satisfies the relevant State legislation and State Environmental Planning Policies and includes the Protection of the Environment Operations Act 1997, SEPP 33 – Hazardous and Offensive Development, SEPP 55 – Remediation of Land and SEPP (Infrastructure) 2007
3. The proposal adequately satisfies the provisions and objectives of Blacktown LEP 2015 and Blacktown DCP 2015.
4. The proposed development is consistent in character with that of the established industrial area in which the subject site is located.
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residences, operation of the local road system or the quality of local water systems.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended at the meeting. The final approved conditions of consent are attached to this determination as Schedule 2.

Special Panel comment:

The Chair stated that this was the last meeting of the Sydney West Joint Regional Planning Panel in Blacktown LGA, as the Sydney West Central Planning Panel will commence on 21 November 2016. The

Chair, on behalf of the Panel, extended the appreciation of the Panel to the ^{planning} staff at Blacktown City Council for their assistance and co-operation over the seven years of the Panel's operation.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW161 - Blacktown - JRPP-15-1516
2	PROPOSED DEVELOPMENT	Construction and operation of a new slurry recycling plant.
3	STREET ADDRESS	144-146 Riverstone Parade, Riverstone
4	APPLICANT	Slurry Recyclers Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Particular designated development - waste management facilities or works
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental Planning and Assessment Act 1979 (EPA Act) State Environmental Planning Policy (State and Regional Development) 2011 Protection of the Environment Operations Act 1997 (POEO Act) State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations

		The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	Council assessment report dated 24 October 2016 Written submissions during public exhibition: two (2) Late submission from applicant dated 28 October 2016 Late submission from applicant dated 2 November 2016 Verbal submissions at the panel meeting: On behalf of the applicant – Helen Deggan, Kim Liddell and Paul Liddek
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site visit and briefing meeting on 17 November 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

1 ADVISORY NOTES

1.1 Terminology

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

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

1.2 Scope of Consent

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

1.3 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**
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under Council's Local Environmental Plan**
- (c) the erection/display of any advertising sign or business identification sign not indicated on the approved plans and not being exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

1.3.3 The demolition or removal of the existing building(s) or structure(s) is not approved by this consent. The applicant is required to lodge either a separate Development Application for Council's consideration, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the demolition of the existing building and associated structures.

1.3.4 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following:

(a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent"

(b) Works on or occupation of existing public roads that are not covered by a Roads Act Approval which require a Road Occupancy Licence or Work Zone Permit.

1.3.5 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited**
- (b) An energy provider**
- (c) Natural Gas Company**
- (d) The relevant local telecommunications carrier**

regarding any requirements for the provision of services to the development and

the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.4.2 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.

1.4.5 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

1.5 Tree Planting and Service Locations

1.5.1 In order to facilitate street tree planting that does not impact on public utilities, the applicant is advised to liaise with the relevant service authorities regarding the location and use of their specific service allocation within the public road reserve. These authorities have indicated that it may be possible to lay services on opposite sides of the road thereby providing larger areas for tree planting.

1.6 Identification Survey

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

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure No.
Drawing no. 2 Site plan (Issue J)	13/12/15	82B
Drawing no. 3 Site layout (Issue J)	13/12/15	82C
Drawing no. 4 Section (Issue J)	13/12/15	82D
Drawing no. 5 Elevations (Issue J)	13/12/15	82E
Drawing no. 6 Admin building (Issue J)	13/12/15	82F
Drawing no. 7 Perspectives (Issue J)	13/12/15	82G

*** Unless modified by any condition(s) of this consent. Refer to "Prior to Construction Certificate (Planning)" condition 4.2 for necessary plan amendments.**

2.1.2 The proposed development is to comply at all times with the General Terms of Approval (GTA's) issued by the Environment Protection Authority (EPA) included at Attachment 1 of this consent. An Environment Protection Licence (EPL) is required for the 'scheduled activity'.

2.1.3 This consent authorises the use of the industrial premises for the following purposes, subject to full compliance with all other conditions of this consent:

(a) Processing and recycling of up to 300 tonnes of drill and non-destructive digging mud (slurry) per day

(b) Storage of up to 200 tonnes of recycled sand, 100 tonnes of recycled gravel and 400 tonnes of sludge cakes at any one time within the building.

- **Note: While the approved hours of operation are 24 hours, 7 days a week, the processing hours of operation are limited to 7.00 am to 7.00 pm, Monday to Friday, 7.00am – 6.00pm on Saturdays, and 8.00am – 6.00pm Sundays . The quantities stated above are therefore a maximum only and may not be achievable given the reduced processing times.**

Note: Any proposal to increase the processing capacity will require the prior and separate development approval by way of a Section 96 Application or a new Development Application. 2.1.4 The proposed development must comply at all time with the information contained within the Environmental Impact Statement (EIS) prepared by The Planning Group (TPG) dated November 2015 (Enclosure 50A on Council's File JRPP-15-1516).

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: Riverstone

2.3 Engineering Matters

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

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

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council.

2.3.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

2.3.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from

a Private Certifier for any works on Public Roads.

2.3.4 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

2.4 Design and Works Specification

2.4.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

(a) Blacktown City Council's Works Specification - Civil (Current Version)

(b) Blacktown City Council's Engineering Guide for Development (Current Version)

(c) Blacktown City Council Development Control Plan including Water Sensitive Urban Design and Integrated Water Cycle Management

(d) Blacktown City Council Soil Erosion and Sediment Control Policy

(e) Blacktown City Council On Site Detention General Guidelines and Checklist

(f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

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

Any Construction Certificates issued by Private Certifiers must also be accompanied

by the above documentations.

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

2.5 Payment of Engineering Fees

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

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

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

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

2.6 Other Fee and Bond/Securities

2.6.1 In conjunction with the civil engineering works required to be constructed as part of this development you will be required to submit to Council security bond(s) for maintenance and/or path paving works as well as a contribution for the final asphaltic concrete (AC) surfacing of the roadwork. These matters are individually addressed within the Consent conditions for extent and timing of the works.

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

2.7 Other Matters

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

2.7.2 Any substation 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. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

3.2 Road Deposit/Bond

3.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$169.00**
- (b) Road maintenance bond of \$5,000.00 and**
- (c) Road maintenance bond administration fee of \$100.00**

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

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

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

Vehicular Crossing Application and Inspection Fee: \$135.00 each

3.3 Services/Utilities

3.3.1 The following documentary evidence shall accompany any Construction Certificate:

(a) A "Notification of Arrangement" Certificate from an energy provider, or any other recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

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

(c) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow

the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

(d) The applicant is to obtain a trade waste agreement prior to operations commencing on site, to ensure that any excess water from the recycling process (beyond the plants operational needs) can be transported from the site and deposited into Sydney Water's system. The licence for this activity is to be obtained directly from Sydney Water. A copy of the trade waste agreement shall be submitted to Council's Town Planning section prior to the issue of an Occupation Certificate.

3.4 Special Infrastructure Contribution – Western Sydney Growth Areas

3.4.1 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 94EE 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 Infrastructure 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/PlanningSystem/DevelopmentContributionsSystem/abid/75/guage/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment. Written evidence of these arrangements is to be submitted to Council's Town Planning Officers.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 94 Contributions

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

PLEASE NOTE: 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 up to \$10,000.00 only. Any payments above

\$10,000.00 must be made by cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

CONTRIBUTION ITEM	AMOUNT (indexed to date of consent) *	Relevant C.P
Traffic Management	\$42,478	20
TOTAL CONTRIBUTIONS	\$42,478	

*** Next CPI due 26 October 2016**

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

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

S.94 CP No. 20 – Riverstone & Alex Avenue Precincts

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

Developable Area: 0.2352 hectares

4.2 Amended plans

4.2.1 A 3 m high masonry wall is to be constructed along the eastern boundary of the site (but not within 5 metres of Wellington Street) and southern boundary of the site (but not within 15 metres of Riverstone Parade) to assist with noise attenuation.

Details of the solid wall are to be submitted to Council's Manager Development Assessment for separate approval, prior to the release of any construction certificate. Any part of the walls visible from a public place will need to be decorative in nature. Plain concrete walls will not be acceptable.

4.2.2 Automatic doors that allow for trucks to enter the building and that automatically close once the truck has entered, must be provided to mitigate noise from loading and unloading activities after 7.00pm on weekdays and after 6.00pm on weekends. Details of the automatic doors are to be provided as part of the construction certificate plans.

4.3 Aesthetics, landscaping and fencing

4.3.1 Council is particularly concerned about the appearance of the development.

Accordingly, the following additional information is required to be submitted for Council's Manager Development Assessment's separate approval prior to the issue of any Construction Certificate for the approved development:

(a) Details of the external materials, finishes and colours including samples from brochures or the like. Particular attention should be given to the Wellington Street elevation to ensure that the building provides a high quality design. Standard concrete blocks and blank walls will not be accepted. Graffiti resistant materials are also to be used in the construction. This applies also to the masonry fencing.

(b) A detailed landscaping plan prepared by a suitably qualified person which provides for the embellishment of the site, including suitable tree species, shrubs and ground covers. The selected tree will be required to screen the building at maturity. The water retention pit fronting Riverstone Parade will also need to be vegetated.

(c) Details, including dimensions, colours and materials, of the building identification signs to be mounted on each façade of the building.

(d) Details of all fencing materials. In addition to the 3 m high masonry wall on the eastern and southern boundary, 1.8 m high black powder coated fencing is to be provided along the 2 street frontages (northern and western boundaries). Automatic gates are to be provided at the entry and exit driveways. All fencing will need to be provided at full cost to the developer.

(e) Details of any retaining walls to be constructed on site as part of the development. Any retaining wall visible from a public road or place, or proposed to have a height greater than 900 mm, is to be constructed of masonry materials (i.e. no timber retaining walls).

4.4 Street tree planting

4.4.1 The applicant is required to liaise with Council's tree planting coordinator to make satisfactory arrangements for the planting of street trees. If the applicant wishes to undertake the planting and maintenance of the required street trees, a tree bond and inspection fee is required to be paid to ensure the health and vigour of the trees. A quote for these payments can be obtained from Council's tree planting coordinator. The bond will be returned 12 months after the issue of a final Occupation Certificate, provided the trees are in a state of good health and vigour. All street tree planting is to be undertaken to Council's satisfaction and must be at no cost to Council. The applicant is also required to make any necessary applications with Council or obtain any necessary clearances from relevant service authorities for the street tree planting.

4.5 Access and parking

4.5.1 Parking for 5 cars (including 1 accessible parking space) are to be provided having minimum internal clear dimensions in accordance with Australian Standard 2890.1.

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

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

4.5.4 The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.

4.5.5 The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

4.6 Salinity and Aggressive Soil Management

4.6.1 A salinity report prepared by a suitably qualified consultant shall be submitted to Council's town planning section prior to the issue of a construction certificate. The recommendations of the report are to be identified on the construction certificate plans.

4.7 Sydney Trains requirements

4.7.1 Prior to the issue of a Construction Certificate, the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

4.7.2 Prior to the issue of a Construction Certificate, the applicant is to submit to Sydney Trains (PO Box 459, Burwood NSW 1805) a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Train requirements. The principal certifying authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trans confirming that this condition has been satisfied.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.2 Site Works and Drainage

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

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

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

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

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

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

Such details shall accompany the Construction Certificate.

5.3 Bush Fire Prone Land

5.3.1 Should the proposed building be located within, or within 100m of, a high or medium bush fire hazard area as indicated on Council's Bushfire Risk Management Plan Hazard Map (Map 5), the building design shall incorporate those relevant construction standards and features indicated in Australian Standard 3959 – 1999, Construction of Buildings in Bushfire Prone Areas. Map 5 may be viewed at Council Offices during normal business hours.

6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Compliance with Conditions

6.1.1 All conditions in the "Prior to Construction Certificate (Engineering)"

Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.

6.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

6.2 Road-works

6.2.1 Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Construction Certificate for Engineering works.

6.2.2 A Traffic Management/Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RMS Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RMS accredited.

6.2.3 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RTA) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.

6.2.4 Dedication at no cost to Council of 8m x 8m (or 3 chord equivalent) splay corners at the street intersection.

6.3 Drainage

6.3.1 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

6.4 Erosion and Sediment Control

6.4.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

6.5 On-Site Detention

6.5.1 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have

been designed to withstand all loads likely to be imposed on them during their lifetime.

6.5.2 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.

6.5.3 Any Construction Certificate issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by:

(a) A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, Version 3.

(b) Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.

(c) A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.

(d) A complete address of Council's OSD General Guidelines and Checklist requirements.

(e) A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to Workcover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation).

6.6 Asset Management

6.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

6.7 Ancillary Works

6.7.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

(a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.

(b) the relocation of above ground power and telephone services.

(c) the matching of new infrastructure into existing or future designed infrastructure.

6.8 Scope of Engineering Works

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

6.9 Road and Drainage works

6.9.1 Construction of the road shoulder in Riverstone Parade (minimum pavement width 2.5m) together with drainage, kerb and gutter, concrete path paving, with the remaining footway area being turfed over the full frontage of the development, including service adjustments and any other ancillary work necessary to make this construction effective.

6.9.2 Any redundant gutter and/or footway crossing must be replaced with integral kerb and gutter. The footway area must be restored by turfing.

6.9.3 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.

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

6.10 Vehicular Crossings

6.10.1 Construction of Council's standard commercial and industrial vehicular footway crossings in accordance with Council plan A(BS)103S.

6.11 Filling of Land

6.11.1 Batters are not to exceed a grade or slope of 5 metres horizontal to 1 metre vertical. These are to have topsoil placed on them and vegetated to ensure control of sediment and erosion. No filling including fill batters are to be placed on the drainage reserve area. The fill batters are to be suitably designed to protect them from erosion from the channel.

6.12 Footpaths

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

6.13 Finished Boundary Levels

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

6.14 Stormwater Quality Control

6.14.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Water Sensitive Urban Design and Integrated Water Cycle Management. Details are to be included with the plans and specifications accompanying any Construction Certificate application. Any variation to the plan will require a lodgement of a Section 96 application to Council for amendment of the consent.

6.14.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Water Sensitive Urban Design and Integrated Water Cycle Management. The designer of the stormwater treatment measures must prepare the Maintenance Schedule showing the designer's name, signature and date.

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

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

- (a) the name, address and telephone number of the principal certifying authority for the work, and**
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and**

- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

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

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) 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.

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

7.1.5 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.

7.2 Notification to Council

7.2.1 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.

7.2.2 At least five (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.

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

8.1.1 All construction work is to be undertaken in compliance with the relevant Work Health and Safety (WHS) legislation with a suitable WHS management plan and procedures in place.

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

8.1.3 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.**

8.1.4 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.

8.1.5 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.

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

8.1.7 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.

8.1.8 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.

8.1.9 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.

8.1.10 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.

8.2 Building Code of Australia Compliance

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

8.3 Surveys

8.3.1 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.

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

8.4 Nuisance Control

8.4.1 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.

8.4.2 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.

8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

8.5 Stormwater Drainage

8.5.1 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 225mm above the adjoining finished ground level, and/or**
- (b) being drained to an effective drainage system.**

8.6 Waste Control

8.6.1 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.

8.7 Construction Inspections

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

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

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

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

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

8.8 Vehicular Crossings

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

8.9 Site Cut and Fill levels

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

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

8.10 Aesthetics and landscaping

8.10.1 The development shall be constructed in accordance with the approved external building materials, finishes and colours submitted and approved as part of the Construction Certificate. The external building materials, finishes and colours shall not be altered without separate approval.

8.10.2 All signage, landscaping, fencing and retaining walls are to be provided in accordance with the approved details submitted and approved as part of the Construction Certificate.

8.11 Aboriginal Archaeology

8.11.1 If any Aboriginal objects are found during the works, works are to stop. The Office of Environment and Heritage (OEH) is to be notified and the site and objects assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH.

If human remains are found during the works, NSW Police as well as the OEH are to be informed immediately. All works must cease and the site must be secured.

The applicant should advise all relevant personnel and contractors involved in the design and construction of the project of the potential for Aboriginal objects, and the relevant legislative requirements and recommendations of the Due Diligence report in relation to aboriginal heritage management requirements.

8.12 European Heritage

8.12.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

8.13 Site Contamination

8.13.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

8.14 Salinity and Aggressive Soil Management

8.14.1 All salinity management measures provided in the salinity assessment report required by the 'Pre-Construction Certificate' condition of this consent shall be implemented during construction.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notice of work Commencement

9.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.

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

9.2 Service Authority Approvals

9.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

9.3 Compaction Requirements

9.3.1 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil ".

9.3.2 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

(a) Submission of compaction certificates for fill within road reserves.

(b) Submission of compaction certificates for road sub-grade.

(c) Submission of compaction certificates for all road pavement materials.

(d) Submission of contour lot fill diagram and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

(e) Compliance Certificates from road material suppliers.

9.4 Maintenance of Soil Erosion Measures

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

9.4.2 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

9.5 Filling of Land & Compaction

9.5.1 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control windblown dust from the site.

9.5.2 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

9.5.3 Trucks transporting fill must have their loads covered.

9.5.4 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.

9.5.5 Site filling 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.

9.5.6 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.

9.5.7 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.

9.5.8 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.

9.5.9 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.

9.5.10 Only clean fill shall be deposited 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.

9.6 Inspections of Works

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

(i) Soil Erosion and Sediment Control

(a) Implementation of erosion and sediment control

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

(ii) Traffic Control

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

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

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

(iv) Construction of Road Pavement

- (a) Boxing out**
- (b) Sub-grade roller test**
- (c) Subsoil drainage**
- (d) Sandstone roller test layer 1**
- (e) Sandstone roller test layer 2**
- (f) Kerb pre-laying**
- (g) Kerb during laying including provision of roof-water outlets**
- (h) Sandstone depth**
- (i) Pavement profiles**
- (j) DGB depths and roller tests**
- (k) Wearing Course**
- (l) Kerb final**
- (m) Concrete tests**
- (n) Formwork concrete pavements**

(o)Final inspection

(v) Provision of Street Furniture

(a)Street Furniture (including street signs guideposts guardrail etc)

(b)Erection of fencing adjoining public/ drainage reserves

(vi) Footpath Works

(a)Footpath Trimming and/or turfing (to ensure 4% fall)

(b)Pathway construction (cycle/ link pathways)

(c)Path-paving construction

(d)Service Adjustments

(e)Final Inspection

(vii) Construction of on-site detention system

(a)Steel and Formwork for tank/ HED control pit

(b)Completion of HED control pit

(c)Pit formwork

(d)Pipes upstream/ downstream of HED control pit before backfilling

(e)Completion of OSD system

(viii) Stormwater Quality Control

(a)Installation of Stormwater Quality Control devices

(b)Final Inspection

(ix) CCTV Inspection of Drainage Structures (pipelines and pits)

(a)All road drainage

(x) Final overall Inspections

(a)Preliminary overall final inspection

(b)Overall final inspection

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

Only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

9.6.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 6 am – 7 am. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours' notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

9.7 Public Safety

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

9.8 Powder Coated Furniture

9.8.1 Where the conditions of this consent permit the installation of powder coated furniture (i.e. street lighting poles, bus shelters, rubbish bins, seats or any other items of street furniture), a certificate from the manufacturers shall be provided to Council confirming that the nominated powder coated items have been prepared and coated in accordance with Australian Standard AS/NZ 4506-2005 (service condition category 3). This certificate must be no more than 3 months old and shall be provided to Council prior to the installation of the relevant items of the street furniture. Any items of street furniture not so certified shall be removed and replaced at no cost to Council with items appropriately certified.

10 PRIOR TO OCCUPATION CERTIFICATE

10.1 Compliance with Conditions

10.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

10.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with

the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

10.2 Other necessary approvals

10.2.1 The premises is a "Scheduled Premises" within the meaning of the Protection of the Environment Operations Act 1997. As such, a separate application is to be submitted to the Environment Protection Authority (EPA) for an Environment Protection Licence (EPL) before operations on site can be commenced. A copy of the licence shall be submitted to Council's Manager Development Assessment prior to the issue of an Occupation Certificate.

~~10.2.2 The applicant is to obtain a trade waste agreement prior to operations commencing on site, to ensure that any excess water from the recycling process (beyond the plants operational needs) can be transported from the site and deposited into Sydney Water's system. The licence for this activity is to be obtained directly from Sydney Water. A copy of the trade waste agreement shall be submitted to Council's Town Planning section prior to the issue of an Occupation Certificate.~~

10.3 Consolidation of lots

10.3.1 The 2 lots shall be consolidated into one title which shall be registered with the Department of Lands – Land Property Information Office.

10.4 Road Damage

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

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

10.5 Service Authorities

10.5.1 The following documentary evidence shall accompany any Occupation Certificate:

~~(a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can~~

~~be time-consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.~~

(a) A final written clearance shall be obtained from Sydney Water Corporation, a recognised energy provider and Telstra and NBN (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.

10.6 Fire Safety Certificate

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

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

10.7 Temporary Facilities Removal

10.7.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

10.7.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

10.7.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

10.7.4 Any temporary builder's sign or other site information sign shall be removed from the land.

10.7.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

10.8 Surveys/Certificates/Works As Executed plans

10.8.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged

with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust or Council.

10.8.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all work including fencing, drainage structures, landscaping, etc. are contained wholly within the property and are not protruding onto the footpath area.

10.8.3 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

10.8.4 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

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

10.8.6 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

(a) Submission of compaction certificates for fill within road reserves.

(b) Submission of compaction certificates for road sub-grade.

(c) Submission of compaction certificates for all road pavement materials.

(d) Submission of contour lot fill diagram and compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

(e) Compliance Certificates from road material suppliers.

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

10.9 Easements/Restrictions/Positive Covenants

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

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

(b) The standard format for easements and restrictions as accepted by the Land and Property Information Office.

10.9.2 Restrictions and positive covenants must be registered with Land and Property Information over the on-site detention storage areas and outlet works.

10.9.3 Restrictions and positive covenants must be registered with Land and Property Information over the Stormwater Quality Control devices and outlet works.

10.9.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

10.10 Dedications

10.10.1 Dedication at no cost to Council of 8m x 8m (or 3 chord equivalent) splay corner at the street intersection.

10.11 Bonds/Securities/Payments in Lieu of Works

10.11.1 The payment to Blacktown City Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated at Council's approved rate upon request and following issue of a Construction Certificate for the work.

10.11.2 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. This period commences at the date of practical completion of the development and may be extended to allow for the completion of necessary maintenance and/or all outstanding minor works.

10.12 Inspections

10.12.1 All road stormwater drainage structures (pipelines and pits) must be inspected by a CCTV on completion of 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 a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil that any defects identified by this inspection have been rectified.

10.12.2 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.

10.13 Fee Payment

10.13.1 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.

10.14 External finishes and signage

10.14.1 The approved development is to be constructed in accordance with the schedule of materials, finishes and colours submitted to satisfy the 'Pre-Construction Certificate' condition of consent.

10.14.2 All signage shall be completed in accordance with approved signage plans submitted to satisfy the 'Pre-Construction Certificate' condition of consent.

10.14.3 Automatic doors that allow for trucks to enter the building and that automatically close once the truck has entered are to be installed to mitigate noise from loading and unloading activities during night time hours, being after 7.00pm on weekdays and after 6.00pm on weekends.

10.15 Landscaping and fencing

10.15.1 All fencing, retaining work and landscaping shall be completed in accordance with the details submitted to satisfy the 'Pre-Construction Certificate' condition of consent. All fencing, including the 3 m high masonry walls, are to be provided at full cost to the developer.

10.16 Street Tree Planting

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

10.17 Car Parking

10.17.1 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability for visitors to the site.

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

10.17.3 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6. – 2009.

10.17.4 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.

10.18 Emergency Procedures

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

10.18.2 Appropriate signage is to be erected advising that access by the general public/visitors into any restricted areas of the building is prohibited.

11 OPERATIONAL (PLANNING)

11.1 Use of Premises

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

11.1.2 This consent authorises the use of the industrial premises for the following purposes, subject to full compliance with all other conditions of this consent:

(a) Processing and recycling of up to 300 tonnes of drill and non-destructive digging mud (slurry) per day

(b) Storage of 200 tonnes of recycled sand, 100 tonnes of recycled gravel and 400 tonnes of sludge cakes at any one time within the building.

Any proposal to increase the processing capacity will require the prior and separate development approval by way of a Section 96 Application or a new DA.

11.1.3 If the holding pits/bays reach capacity, then no further incoming material is to be accepted by the business operators.

11.1.4 The proposed operations are to comply at all times with the General Terms of Approval (GTA's) issued by the Environment Protection Authority (EPA). A copy of the GTA's are included at Attachment 1 of this consent.

11.1.5 The proposed operations are to comply at all times with Sydney Water's trade waste agreement.

11.1.6 Excess waste water discharged via Sydney Water to Eastern Creek must meet the irrigation water requirements under section 4 of the National Water Quality Guidelines.

11.2 Collection of material/slurry

~~**11.2.1** No contaminated or hazardous waste is to be received on site. All mud material/slurry is to be validated as non-contaminated at the source of collection. Unless appropriate written evidence can be provided to this effect from a suitably qualified environmental consultant, the incoming material/slurry cannot be accepted on site. Appropriate records will need to be kept by the business operators and will need to be available for the EPA's and Council officer's review in the event of a legitimate complaint.~~

~~**11.2.2** In addition to the appropriate written evidence, a visual inspection of each load entering the site must be undertaken for the presence of hydrocarbons, discolouration, appearance, particle size and the presence of foreign matter to ensure suitability. Any unacceptable loads are to be redirected to a suitably registered landfill site.~~

~~**11.2.1** No contaminated or hazardous waste is to be received on site. Prior to any truck unloading on site, the site operator must undertake a "visual and sniff" test of each load entering the site in accordance with EPA guidelines to ensure suitability of the incoming material. Any unacceptable loads shall be redirected to a suitably registered landfill site. Appropriate records of the waste received and redirected must be kept by the business operators, and must be provided to Council and the EPA either on request or in the event of a legitimate complaint.~~

11.3 Retailing restrictions

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

11.4 Access, parking & deliveries

11.4.1 All 5 required off-street car parking spaces are to be line marked and internal driveways are to be sealed and shall be maintained to a standard suitable for the intended purpose.

11.4.2

Access and parking for people with disabilities

shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

11.4.3 A dedicated truck stopping area is located adjacent to the eastern boundary to allow drivers to park their vehicles in the event they need to access the office or the on-site amenities. The truck stopping area will ensure that other truck movements around the site are not obstructed. There will, however, be no overnight truck parking permitted on site at any time. No truck parking is to occur within the Council road reserve.

11.4.4 Trucks entering and exiting the site must have their loads covered at all times, except during loading and unloading operations.

11.4.5 All vehicles must be cleaned, maintained and stored off site.

11.4.6 All vehicles must enter and leave the site in a forward direction at all times.

11.4.7 All loading and unloading operations shall take place at all times wholly within the confines of the industrial building within the designated loading/unloading area. In this regard, all waste materials must be handled, loaded and unloaded within the designated areas at all times. No authorisation is given for the loading or unloading within the driveway or parking areas.

11.4.8 The internal designated loading/unloading area is to remain clear of any obstructions at all times to ensure that all loading and unloading takes place wholly within the designated area.

11.4.9 The operator of the facility must ensure that slurry collection trucks utilised by the operator are scheduled to arrive at the facility to make deliveries at intervals of at least 30 minutes to avoid queuing in the local street.

11.4.10 The automatic doors must close once the truck has entered the building to help mitigate noise from loading and unloading activities during night time hours being after 7.00pm on weekdays and after 6.00pm on weekends.

11.5 Graffiti removal

11.5.1 Removal of any graffiti on any wall or structure visible from any public road or space, is the responsibility of the property owner/s. All graffiti must be removed within 48 hours of detection.

11.6 General

11.6.1 All waste handling activities of the facility must be undertaken in compliance with the relevant Work Health and Safety (WHS) legislation with a

suitable WHS management plan and procedures in place.

11.6.2 No goods, materials, or trade waste shall be stored/stockpiled at any time outside the building on either the internal vehicular driveway, car parking areas, landscaping or footpath areas. All material must be located inside the building at all times to ensure there is no impact of the availability of on-site parking or manoeuvring areas.

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

11.6.4 No harmful chemicals are to be used in the recycling processes. All non-harmful chemicals (such as domestic cleaning products) are to be kept on site and are to appropriately stored on site in a lockable cabinet.

11.6.5 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

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

11.6.7 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.

11.6.8 Access to the fire extinguishers shall be kept clear at all times.

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

11.6.10 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed throughout the development for both public and staff information at all times to the satisfaction of Council.

11.7 Hours of operation

11.7.1 The approved hours of operation are as follows:

- **24 hours a day, 7 days a week**

Activities undertaken between the hours of 7.00pm - 7.00am on weekdays, between 6.00pm – 7.00am on Saturdays and 6.00pm – 8.00am on Sundays are to be limited to the receipt and unloading of waste materials only. All other operations and activities on site must occur during the remaining operating hours.

Any alteration to these hours will require the separate approval of Council.

The approved 24 hours a day, 7 days a week operation is permitted on the basis that all operational noise levels at residential receivers will comply strictly with the day, evening and night criteria within the NSW Industrial Noise Policy and with the NSW Environment Protection Authorities (EPA's) Noise Guide for Local Government (NGLG). Any exceedance with the Industrial Noise Policy or the NGLG will not be accepted.

To ensure strict compliance is adhered to at all time, the applicant must engage a suitably qualified acoustic consultant to undertake attended noise monitoring at residential receivers located the intersections of Riverstone Parade & Sydney Street and George & Hobart Streets, and report the findings of the monitoring to Council's Manager Development Assessment every 3 months.

In the event the Industrial Noise Policy or the NGLG noise criteria is not strictly met, the following hours of operation will apply:

- **7.00am – 10.00pm weekdays, with a restriction that only the receipt and unloading of waste materials may occur after 7.00pm;**
- **7.00am – 6.00pm on Saturdays; and**
- **8.00am – 6.00pm Sundays.**

11.8 Landscaping

11.8.1 The front setback area is to be suitably landscaped and suitably maintained at all times.

11.9 Signage

11.9.1 In accordance with Clause 37(2)(b)(v) of Blacktown Local Environmental Plan (BLEP) 1988, the approved signage must not contain any flashing or moving elements.

12 OPERATIONAL (ENVIRONMENTAL HEALTH)

12.1 Environmental Management

12.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the EPA'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.

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

12.1.3 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.

12.1.4 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.

12.1.5 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.

12.1.6 All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.

12.1.7 The proposed operations must comply at all times with the requirements of SafeWork NSW.

12.1.8 Processed material must be stored in the storage bays at all times and not handled during periods of high wind.

12.1.9 Potential dust sources on the land shall be minimised through the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.

12.1.10 A licence under the *Water Industries Competition Act 2006 (NSW)* is required to sell potable or non-potable water.

12.1.11 The applicant must comply with the NSW Environment Protection Authority – Treated Drilling Mud Order 2014, under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

12.2 Wholesale of treated material

12.2.1 Before supplying/wholesaling the treated drilling mud (i.e. sand, gravel and sludge cakes), the processor must prepare a written sampling plan which includes a description of sample preparation and storage procedures for the treated drilling mud. The sampling must be carried out in accordance with the written sampling plan and AS 1141.3.1-2012 and tested in a NATA accredited lab.

12.2.2 On or before each transaction, the processor must provide to each purchaser of the processed material (i.e. by wholesale), a written statement of compliance with the Treated Mud Order 2014, and provide a copy of the Order Exemption. The written statement of compliance must demonstrate that the treated drilling mud meets the chemical concentrations outlined in table 1 of the

Treated Mud Order 2014. This is to ensure that there is no contaminated material leaving the facility.

12.2.3 The business operators must record the origin of every load entering the site and keep these records available for inspection.

12.2.4 Post development discharge concentration of suspended solids to ambient waters must meet the *Managing Urban Stormwater, Soils and Construction, NSW Department of Housing* criteria of less than 50 mg/L during all expected rain events, rainfall intensities and pollutant loads.