

## Conditions of consent (draft)

<b>Proposed development</b>	Designated and Integrated Development for construction and operation of a concrete and sandstone crushing facility inside a new building
<b>Property description</b>	48 Edward Street, Riverstone (Lot 15 Sec 17 DP 744, Lot 16 Sec 17 DP 744 and Lot 14 Sec 17 DP 744)

### 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 6.3, 6.4 or 6.16 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 metres from the building perimeter, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
  - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.4 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) 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 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

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

### 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

### 1.4.5 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

## 1.5 Engineering Notes

### 1.5.1 Any Construction Certificate covering Engineering Works must include and address the following:

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

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

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

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

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

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

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

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

## 1.6 **Payment of Engineering Fees**

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

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

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

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

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

## 1.7 **Endeavour Energy**

- 1.7.1 There is no existing low voltage service conductor / customer connection point to the site.

- 1.7.2 Applicants should not automatically assume that the presence of existing low voltage service conductors or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Whilst there are a

number of existing pole mounted substations in proximity of the site, they may not have sufficient spare capacity to supply the proposed development ie. an extension or augmentation of the existing local network may be required.

- 1.7.3 The applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:  
<http://www.endeavourenergy.com.au/>
- 1.7.4 Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which is FPJ6007 and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load. Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Resources & Energy and details are available on their website via the following link or telephone 13 77 88: <https://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service>
- 1.7.5 The new low voltage service conductor / customer connection point for the warehouse must comply with the 'Service and Installation Rules of NSW' which can be accessed via the following link to the NSW Planning & Environment website:  
<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/service-installation-rules>

## 1.8 **Tree planting and service locations**

- 1.8.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

## 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:

<b>Drawing Title.</b>	<b>Drawing No.</b>	<b>Revision</b>	<b>Dated</b>	<b>Encl. Reference</b>
Site Plan And Ground Floor Plan	1722-1	H	26.10.2018	32B
Lower Level Plan And Sections	1722-2	F	26.10.2018	32C
Preliminary Details	1722-3	E	26.10.2018	32D
Landscaping Plan	1722-4	E	26.10.2018	32E
Erosion AND Sediment Control Plan	1722-5	E	26.08.2016	32F
Material Stockpile Details	1722-6	A	01.05.2019	32G
Stockpile Sections	1722-7	A	01.05.2019	32H

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

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

## 2.2 Services

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

## 2.3 Suburb Name

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

Suburb: Riverstone

## 2.4 Requirement of NSW Environmental Protection Authority

### 2.4.1 Information supplied to the Environmental Protection Authority

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- a. the development application DA18/01855 submitted by Blacktown City Council on 26 November 2018;
- b. initial supporting documentation supplied to the EPA in relation to the Proposal, including:
  - i. Air Quality Impact Assessment for Concrete Crusher, 48-52 Edward Street, Riverstone prepared by Northstar Air Quality Pty Ltd, dated 12 September 2018
  - ii. Site Plan and Ground Floor Plan, prepared by Abode Design, dated 26 August 2016
  - iii. Lower Level Plan and Sections, prepared by Adobe Designs, dated 26 August 2016
  - iv. Preliminary Details, prepared by Adobe Designs, dated 26 August 2016
  - v. Landscaping Plan, prepared by Adobe Designs, dated 26 August 2016
  - vi. Erosion and Sediment Control Plan, prepared by Adobe Designs, dated 26 August 2016

- vii. Aboriginal Heritage due diligence and historical heritage advice for 48-52 Edward Street, Riverstone NSW, prepared by Biosis Pty Ltd, dated 22 December 2017
  - viii. Building Code of Australia Compliance Assessment Report, prepared by Greenfield Certifiers Pty Ltd, dated 20 April 2018
  - ix. Traffic Impact Assessment Report, prepared by EB Traffic Solutions Pty Ltd, dated 18 September 2018
  - x. Request for input: Material Crushing Plant (Resource Recovery Facility) 48-52 Edward Street, Riverstone, Blacktown LGA SEAR 1152, submitted by WaterNSW to NSW Planning and Environment, dated 23 February 2018
  - xi. Preliminary Site Investigation, prepared by Down to Earth Geotechnical and Environmental, dated October 2017
  - xii. Environmental Impact Statement Designated Development, prepared by City Plan Strategy and Development P/L, dated 3 October 2018
  - xiii. Acoustic/Vibration Assessment, prepared by Envirotech Pty Ltd, dated 9 August 2018
  - xiv. Waste Management Plan, prepared by Envirotech Pty Ltd, dated 8 February 2018
  - xv. Bulk Waste Management Plan, prepared by Envirotech Pty Ltd, dated 9 March 2018
  - xvi. Secretary's Environmental Assessment Requirements (SEARs), prepared by NSW Planning and Environment, dated 22 September 2017
  - xvii. MUSIC Link Report stormwater modelling data, prepared by Blacktown City Council and Music-link, dated 17 May 2018
  - xviii. Stormwater Management Plan Notes, prepared by Envirotech Pty Ltd, dated 17 May 2018
  - xix. Detail Survey over Lots 14-16 in Section 17 of DP 744 48-52 Edward Street Riverstone, prepared by Freeburn Surveying, dated 7 March 2017
- c. Additional documentation provided in relation to the Proposal upon request by the EPA:
- i. Soil and Water Assessment, prepared by Envirotech Pty Ltd, dated 22 March 2019
  - ii. Soil and Water Assessment, prepared by Envirotech Pty Ltd, dated 16 April 2019
  - iii. Stormwater Management Plan, prepared by Envirotech Pty Ltd, dated 16 April 2019
  - iv. Material Stockpile Details, prepared by Abode Design, dated 1 May 2019
  - v. Stockpile Sections, prepared by Abode Designs, dated 1 May 2019
  - vi. Environmental Impact Statement Revision 05, dated 27 June 2019
- d. Additional documentation concerning engineering plans in relation to the Proposal provided by Council on 18 July 2019:
- i. MUSIC Modelling information
  - ii. Stormwater Management Plan, prepared by Envirotech Pty Ltd, dated 15 July 2019

## 2.4.2 Fit and Proper Person

- 2.4.2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997* ("POEO Act"), having regard to the matters in s.83 of that Act.

## 2.5 Engineering Matters

### 2.5.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) Upper Parramatta River Catchment Trust On Site Detention Handbook.

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.

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

2.5.1.3 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.

## 2.5.2 Other Necessary Approvals

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

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

## 2.5.3 Subdivision

2.5.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

## 2.6 Other Matters

- 2.6.1 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.
- 2.6.2 Any future substation, temporary drainage works or other utility installation required to service the approved development shall not be sited on future or existing Council land, including road reservations and/or public reserves.
- 2.6.3 Each year by the first business day on or before 1 September the registered proprietor/owners corporation is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.
- 2.6.4 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the entire site in perpetuity:

*Required percentage reductions in post development average annual load of pollutants*

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

## 2.7 Endeavour Energy Requirements

### 2.7.1 Separation of Driveways to Poles

- 2.7.1.1 Endeavour Energy's recommendation is that a minimum separation distance of driveways from power poles or streetlight poles is 1 metre. For lesser distances, appropriate protective devices may be required and 300 millimetres clearance to the skirting of the proposed driveway is regarded as the minimum that would be acceptable / safe for anyone properly using the driveway eg. the curving of the driveway away from the pole. Also the applicant should note that under the provision of the [Electricity Supply Act 1995](#) (NSW), a driveway constructed too close to a power pole may under Section 49 'Obstruction of electricity works' be regarded as interfering with electricity works eg. in the event that the pole needs to be replaced and excavation of the surrounding ground is required part of the driveway would need to be removed.

### 2.7.2 Vegetation Management

- 2.7.2.1 The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or



result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered. Consideration also needs to be provided to the location and design of the new low voltage service conductor to the site.

### **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 Traffic and Transport**

- 3.2.1 Access driveway, ramps, circulation aisles, loading area and parking arrangements are to be designed in accordance with AS 2890.1-2004, AS 2890.2-2002 & AS 2890.6-2009.

#### **3.3 Services/Utilities**

- 3.3.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
- (b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

#### **3.4 Endeavour Energy Requirements**

- 3.4.1 In regards to the proposed relocation of the pole to the Brisbane Street road verge shown on the Main Floor Plan and Site Plan required to facilitate the proposed vehicular access to the site, the applicant will need to make application to Endeavour Energy by completing Form FPJ4015 'Application for the Relocation / Removal of Endeavour Energy's Electrical Network Assets'. The relocation of low voltage overhead power lines and associated poles is generally technically readily feasible but the commercial viability of such an asset relocation can only be determined by the applicant. Further enquiries can be made to Endeavour Energy's Customer Service Representatives on 133 718.on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or via the following link to Endeavour Energy's website under 'Home > Residential and business > Networkconnections> Full list of connection services': <http://www.endeavourenergy.com.au/> .

#### **3.5 Relationship with other Approvals**

- 3.5.1 Compliance with the requirements of the following nominated approvals:

- a) Development Consent No. 18-00396 issued by Blacktown City Council.

The conditions contained within the above approval must be fully complied with in order to obtain a Construction Certificate for the proposed development.

## 4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

### 4.1 Section 7.11 Contributions under Section 7.17 Directions

- 4.1.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at 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. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Base amount	Relevant C.P
Traffic Management	\$57,423.00	20
TOTAL CONTRIBUTIONS	\$57,423.00	

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

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

S.7.11 CP No. 20 Riverstone and Alex Avenue Precincts

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable area: 0.2971 hectares

### 4.2 Special Infrastructure Contributions

- 4.2.1 A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative). Evidence of payment shall be submitted to Council prior to the issue of any subdivision certificate.

#### More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:  
<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/guage/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment.

#### **4.3 Access/Parking**

4.3.1 The internal driveway and parking areas are to be designed in accordance with AS 2890.1-2004.

4.3.2 On-site visitor car parking spaces are to be designed having minimum internal clear dimensions in accordance with AS 2890.1-2004 as follows:

Uncovered Car Space: 2.5m x 5.4m

Disabled Car Space: 3.2m x 5.4m

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

4.3.4 Access to and parking for persons with disabilities shall be designed in accordance with AS 2890.6-2009.

#### **4.4 Street Tree Planting**

4.4.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping for the approved development. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- a) cross-sections showing dimensions of tree pits
- b) species
- c) details of root protection barriers
- d) soil specifications
- e) location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities
- f) the planting detail should indicate some form of root control device. Council's preference is for root directors to be installed to manufactures specifications.

NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

4.4.2 The Street Tree Plan must illustrate street tree plantings at spacing's of approximately 8 metres.

4.4.3 Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

4.4.4 Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

4.4.5 This information must be received before a Construction Certificate can be issued.

### **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 **Fire Services**

- 5.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.
- 5.3.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

## 6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 6.1 General

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

- 6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.
- 6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Drawing	Issue	Dated
Abode Design	1722-1 to 1722-5 inclusive	H	26/10/2018
Envirotech Consulting Group	Project 17-5687 sheets 1 to 8		

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

- i. Driveways configuration shall be in accordance with AS 2890.2;
  - ii. Entry /exist points to be sign posted and "oneway" identified;
  - iii. Crossing Construction shall be to Council's Specifications.
- a. Dwg. 2/8(E):
    - i. Provide a minimum 300mm cover over the drainage line from pit P1/2 to P1/5 and pit P4/1 to P1/5.
    - ii. Remove the drop through OceanGuard (Enviropod) within Pit P2/2 and P5/1 due to insufficient cover. Provide a standard Type 1 OceanGuard in pits P2/2 and P5/1.
    - iii. Provide a North indicator.
    - iv. Provide a kerb or raised planter bed along the north-west and south-west boundaries of the hatched area to direct flows to pit P1/6.
    - v. Relocate pit P1/8 to be immediately adjacent to the column with downpipe to overcome the lack of cover over the inlet pipe.
    - vi. Add a note to the pipe from pit P2/8 to the rainwater tank to be 300mm dia. or 2 x 225mm dia.
    - vii. Set pit P2/8 to be 1200x1200.
    - viii. Increase the pipe size from pit P5/1 to P1/5 to a 225mm dia.
  - b. Dwg. 3/8(E):
    - i. Lower the pipes upstream of pit P3/1 to enable a minimum 0.3m cover over. i.e. upstream invert of P3/1 is 0.45m below grate.
    - ii. Lower the invert of the outlet pipe from P3/1 to be a minimum of 0.65m below upstream pipe invert.
    - iii. Lower pipes upstream of pit P4/1 to P1/1 to enable a minimum 0.3m cover over.
    - iv. Provide a drop through OceanGuard (Type 2) in pit P4/1. Set the invert of the 225 outlet pipe as 0.725m below the inlet pipe invert from pit P2/1.
    - v. Direct the pipe flows from P3/1 under the OceanGuard at P4/1.
    - vi. Remove the OceanGuard within Pit P1/7, P2/1 and P1/1 as it is treated downstream by pits P3/1 and P4/1.
    - vii. Provide a pit at the intersection of pipes from P2/1 and TG3
  - c. Dwg. 5/8(E):

- i. As there is now a 1.5 year orifice, reconfigure the OSD storage base to grade to the 1.5 year orifice and not to the Stormfilter chamber.
- ii. Delete the flap valve between the detention storage and the filter storage as a 1.5 year orifice has been included in the latest spreadsheet. Also delete all the flap valve detailed drawings between the filter storage and detention storage. This includes amending and deleting the flap valve in Section B as well.
- iii. Amend pit P2/8 underground first flush device by providing a 500mm silt trap below the outlet pipe invert set to 900 x 1200 with no seepage holes.
- iv. 6 x stormfilter 690mm cartridges are required rather than 5 as proposed. Amend the plans to reflect this change and note the size on the drawings.
- v. Provide a minimum 900x900mm grate over the 25mm 1.5 year orifice. Amend drawings to show this including orifice details.
- vi. Amend the OSD levels in the spreadsheet to reflect the additional stormfilter cartridge as follows: The RL of Bottom of OSD storage Area is to be 31.30, the Design Filter Cartridges is to be 9.60L/s, The 1.5 Year ARI orifice centreline is to be 31.12 and the 100 Year ARI orifice centreline is to be 31.10 with filter flows of 14.14 l/s. Reflect these changes on all the affected plans.
- vii. Based on the revised OSD centreline levels, the OSD plan area is to be increased to suit the volumes. It is recommended that the OSD area is to extend in the areas between the columns.
- viii. Lower the base of the RWT to 30.59 and overflow level to 32.19.
- d. Dwg. 6/8(E):
  - i. All the specified northern downpipes and gutters are to be designed for the 100 year ARI storm.
- e. Dwg. 7/8(E):
  - i. For the pit detail (type 1) note for pits P1/2, P2/2 and P5/1.
  - ii. For OceanGuard pit type 2 note for P3/1 and P4/1. Include an inlet pipe below the OceanGuard for pit P4/1.
  - iii. For all OceanGuards details, dimension from the invert of the high inlet pipe to the obvert of the outlet pipe as "500".
- f. Dwg. 8/8(E):
  - i. Revise the number of OceanGuards and stormfilters as per the above notes.
- g. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks and detention tank in accordance with Council's Engineering Guide for Development 2005.

## 6.2 Construction Certificate Requirements

6.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include following:

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

## 6.3 Local Government Act Requirements

6.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include the following:

- Any works within a Council Reserve

- Any works on adjoining land (outside the subject site boundaries)
- Inter-allotment drainage on adjoining land

#### 6.4 **Roads Act Requirements**

6.4.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include the following:

- Any works within Council's road reserve
- Half width road construction
- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

#### 6.5 **Other Engineering Requirements**

- 6.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.
- 6.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.5.3 Submit written permission from the affected property owner for any earthworks, road works proposed or drainage discharges on adjoining land.
- 6.5.4 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.
- 6.5.5 All street name poles, light poles and bus shelters shall be black powder coated in accordance with Blacktown City Council's Engineering Guide for Development. Ensure this is noted on the construction plans.
- 6.5.6 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.
- 6.5.7 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.
- 6.5.8 Any approved design drawings must show an 8 m x 8 m splay for industrial allotments at each street intersection.
- 6.5.9 Replace any redundant layback and footway crossing with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

#### 6.6 **Drainage**

- 6.6.1 Drainage from the site must be connected into existing drainage system. In this regard, any drainage from the site located on adjoining property, must be covered by an "easement for drainage".
- 6.6.2 Drainage from the site shall be connected into Council's existing drainage system. In this regard the following is required:

- a) An experienced Drainage Engineer registered with NER is to certify that the internal drainage system is capable of carrying the 100 year ARI flows from the development site to the detention basin through either piped or surface flows (excluding the nominated bypass areas).
- b) A Chartered Structural Engineer, registered with NER, must certify the structural design for pier footings adjacent to the detention and Stormfilter tanks to be founded a minimum of 300mm below the underside of the tanks. The depth of piers away from the tanks will be subject to the zone of influence.
- c) Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- d) Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
  - i. 4 star dual-flush toilets;
  - ii. 3 star showerheads;
  - iii. 5 star taps (for all taps other than bath outlets and garden taps);
  - iv. 3 star urinals; and
  - v. Water efficient washing machines and dishwashers are to be specified.
- e) An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
  - i) a first flush or pre-treatment system (typically 0.2 litres / m<sup>2</sup> of roof area going to the tank),
  - ii) a pump with isolation valves, control panel and a warning light to indicate pump failure;
  - iii) a solenoid controlled mains water bypass;
  - iv) flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
  - v) a timer and control box for landscape watering, allowing for seasonal variations;
  - vi) ensuring all the rainwater reuse pipes are coloured purple;
  - vii) an inline filter and preferably an automatic backwash inline filter.
  - viii) fitting rainwater warning signs to all external taps using rainwater.
- f) The Landscape Irrigation system is designed to automatically achieve an average minimum usage rate of 171.2 kL/year, excluding turf areas, as nominated in MUSIC allowing for seasonal variations.

6.6.3 Foundations adjacent to easements shall not place a loading on the pipe within the easement. Foundations shall be located at:

- (a) the depth of the invert of the existing pipeline, and/or
- (b) the depth of the invert of the proposed pipeline.

All developments shall be kept clear of drainage easements. The surface levels within the easement are not to be changed.



- 6.6.4 Pier and beam style construction shall be used adjacent to easements to the depth of the invert of the proposed or existing pipeline. A Registered Engineer (NER) shall certify that this condition has been satisfied.
- 6.6.5 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.
- 6.6.6 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.
- 6.6.7 Provide an open style fence wherever it crosses the overland flow path. This is to ensure flows are not restricted. The underside of the fence shall have a minimum clear opening of 50 millimetres.
- 6.6.8 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

## **6.7 Erosion and Sediment Control**

- 6.7.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.
- 6.7.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 6.7.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 6.7.4 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

## **6.8 On-Site Detention**

- 6.8.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.
- 6.8.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 96 application.
- 6.8.3 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
  - Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.

- 6.8.4 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
  - OSD detailed design submission and calculation summary sheet
  - A maintenance schedule that is signed and dated by the designer

## 6.9 **Stormwater Quality Control**

- 6.9.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. Details and calculations must be provided for both, the initial stage and final stage of construction when the building is completed.
- 6.9.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a Section 4.55 application.
- 6.9.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

## 6.10 **Vehicular Crossings**

- 6.10.1 Construct a commercial and industrial vehicular crossings to Council's standard A(BS)103S. In this regard, driveways off Brisbane Street shall be 9 m wide each at the boundary. Combined crossing off Edward Street shall be 6 m wide at the property boundary. Splays may be adjusted to comply with AS 2890.2.

## 6.11 **Footpaths**

- 6.11.1 Construct path paving 1.5 m wide (900 from the boundary) for the full frontage of the development in both streets. The construction of path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018.

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

- 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 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.

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

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

7.1.7 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.

## 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.

## 7.3 Sydney Water Authorisation

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

OR

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](http://www.sydneywater.com.au), or telephone 1300 082 746 for assistance.

## 7.4 Home Building Act

- 7.4.1 The construction of *residential building work* within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the NSW Home Building Compensation Fund "Statement of Cover" under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under Part 3 of the Act, the number of the owner-builder permit.

## 7.5 Endeavour Energy Requirements

### 7.5.1 Dial Before You Dig

- 7.5.1.1 Before commencing any underground activity the applicant is required to obtain advice from the *Dial Before You Dig* 1100 service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

## 8 DURING CONSTRUCTION (PLANNING)

### 8.1 Endeavour Energy Requirements

#### 8.1.1 Public Safety

8.1.1.1 Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:  
<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>.

8.1.1.2 If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au)

## 8.1.2 **Emergency Contact**

8.1.2.1 In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

## 8.1.3 **Aboriginal Heritage**

8.1.3.1 The recommendations contained in *Aboriginal heritage due diligence and historical heritage advice for 48-52 Edward Street, Riverstone NSW* dated 22 December 2017 must be adhered to.

# 9 **DURING CONSTRUCTION (BUILDING)**

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

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

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

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

9.1.3 Should the development work:

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

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

The hoarding, awning or protective barrier shall be effectively illuminated between

sunset and sunrise where it may be hazardous to persons in the public place.

- 9.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 9.1.5 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.
- 9.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 9.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
  - (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 9.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

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

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

## 9.3 **Surveys**

- 9.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 9.3.2 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.

## 9.4 **Nuisance Control**

- 9.4.1 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.
- 9.4.2 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.

## 9.5 **Waste Control**

- 9.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

## 9.6 **Construction Inspections**

- 9.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):
- (a) After excavation for, and prior to placement of, any footings; and
  - (b) Prior to pouring any in-situ reinforced concrete building element; and
  - (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
  - (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
  - (e) Prior to covering any stormwater drainage connections; and
  - (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

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

### 10.1 **Environmental Management**

- 10.1.1 The recommendations provided in the *Acoustic/ Vibration Assessment, prepared by Envirotech Pty Ltd, report no. REP-17 5689-A2, dated 15 June 2018* are to be implemented.
- 10.1.2 The recommendations provided in *Air Quality Impact Assessment, prepared by Northstar Air Quality Pty Ltd, report no. 18.1031.FR1V1, dated 12 September 2018* are to be carried out.
- 10.1.3 The recommendations provided in *Stage 2 - Detailed Site Investigation, prepared by CSTS Environmental Pty Ltd, document ref. 825-E1339-AA, dated August 2019* are to be carried out.
- 10.1.4 Bunding is to be designed and installed in accordance with:
- Department of Environment and Conservation Guidelines - *Technical BU Bunding and Spill Management*;
  - Department of Environment and Conservation Guidelines “*Surface water management on the covered forecourt areas of service stations*”;

- *Australian Standard 1940-1993: The storage and handling of flammable and combustible liquids; and*
- *Australian Standard/New Zealand Standard 4681:2000: The storage and handling of Class 9 (miscellaneous) dangerous goods and articles.*

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

10.1.6 All areas that are suspected to be contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with;

- NSW Environment Protection Authority’s “*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*” (2011)
- NSW Environment Protection Authority’s *Contaminated Sites Sampling Design Guidelines* (1995)
- NSW Environment Protection Authority’s “*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*” (2006)
- National Environment Protection Council “*National Environment Protection (Assessment of Site Contamination) Measure*” (2011).

## 10.2 **NSW Environmental Protection Authority Requirements**

### 10.2.1 **Stormwater/sediment control**

10.2.1.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities.

### 10.2.2 **Hours of operation**

10.2.2.1 All construction work at the premises must only be conducted between 07:00 and 18:00 Monday to Friday, and 08:00 to 14:00 Saturdays. No construction work is permitted at the premises on Sunday or Public Holidays.

## 11 **DURING CONSTRUCTION (ENGINEERING)**

### 11.1 **Notification of Works**

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

11.1.2 A notification of works flyer (letter drop) is to be provided to all neighbouring 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.

### 11.2 **Insurances**



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

**11.3 Service Authority Approvals**

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

**11.4 Soil Erosion and Sediment Control Measures**

- 11.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.4.2 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

**11.5 Filling of Land and Compaction Requirements**

- 11.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 11.5.2 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.
- 11.5.3 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.
- 11.5.4 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.
- 11.5.5 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.

11.5.6 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.

11.5.7 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.

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

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

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

**11.7 Inspection of Engineering Works - Roads Act 1993**

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

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am, 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).

**11.8 Public Safety**

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

**11.9 Site Security**

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

**11.10 Traffic Control**

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

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

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

#### **11.11 Other Matters**

11.11.1 The 7 x 200 micron OceanGuards (Enviropods) and 6 x 690 mm high Stormfilter cartridges supplied by Ocean Protect (Stormwater 360) are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

### **12 PRIOR TO OCCUPATION CERTIFICATE**

#### **12.1 Consolidation of Lots**

12.1.1 The 3 existing lots shall be consolidated into one title which shall be registered with the NSW Government - Land Registry Services.

#### **12.2 Service Authorities**

12.2.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.

12.2.2 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

#### **12.3 Road Damage**

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

#### **12.4 Compliance with Conditions**

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

12.4.2 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 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

12.4.3 A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.

#### **12.5 Temporary Facilities Removal**

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

## 12.6 **Fire Safety Certificate**

- 12.6.1 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).

## 12.7 **Landscaping/Car Parking**

- 12.7.1 All landscaping shall be completed in accordance with the approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 12.7.2 No storage activities shall be located within the landscaped setback areas.
- 12.7.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 12.7.4 27 car parking spaces are to be provided for staff and visitors. 16 parking spaces are to be provided in the undercroft parking area adjacent to Edward Street and 11 spaces are to be provided adjacent to the Brisbane Road frontage.
- 12.7.5 All staff common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of staff.
- 12.7.6 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.7.7 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.-2004.
- 12.7.8 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 12.7.9 A 2.1m high decorative chain wire mesh or similar fence in either bottle green or black shall be provided along the boundaries of the development.

## **12.8 Fee Payment**

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

## **12.9 Engineering Matters**

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

- 12.9.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 12.9.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.
- 12.9.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 12.9.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 12.9.1.5 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.
- 12.9.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 12.9.1.7 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)
- 12.9.1.8 A Chartered Civil Engineer registered with NER, is to certify that:
- i. all the requirements of the approved drainage plan have been undertaken;
  - ii. the minimum detention storage of 89.20 m<sup>3</sup> has been provided below the 1.5 year ARI weir and a total of 135.30 m<sup>3</sup> has been provided below the 100 year ARI emergency overflow weir;
  - iii. the orifice size matches the approved construction certificate plans;
  - iv. For the detention basin the 1.5 year ARI orifice discharge does not exceed 10.79 l/s at the 1.5 year weir level and the 100 year ARI orifice discharge does not exceed 35.35 l/s at the emergency overflow weir level.
  - v. the rainwater tanks have been provided as per the approved construction certificate plans;

- vi. a minimum 50 m<sup>3</sup> rainwater tank below the overflow has been provided collecting roof water from a minimum 1000 m<sup>2</sup> of roof area.
- vii. all the signage and warning notices have been installed;
- viii. the interpretative water quality sign has been correctly installed
- ix. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- x. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

- 12.9.1.9 Ocean Protect (Stormwater 360) is to certify for the installation of the 200 micron OceanGuards (Enviropods) and Stormfilters that:
- i. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
  - ii. A minimum of 7 x 200 micron OceanGuards (Enviropods) and 6 x 690 mm high Stormfilter cartridges supplied by Ocean Protect have been installed;
  - iii. The Stormfilter tank includes a baffle 400 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690 mm cartridges;
  - iv. The Stormfilter weir length is a minimum of 1.53m;
  - v. The Stormfilters have a minimum flow rate of 9.6 l/s at standard weir height;
  - vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
  - vii. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
  - viii. A maintenance contract has been signed for the maintenance of the stormfilters.

## 12.9.2 Easements/Restrictions/Positive Covenants

- 12.9.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:
- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
  - (b) The standard format for easements and restrictions as accepted by the NSW Government - Land Registry Services.
- 12.9.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land Registry Services over the on-site detention storage areas and outlet works.
- 12.9.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land Registry Services over the Stormwater Quality Control devices/system and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage before 1 September each year.
- 12.9.2.4 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Government - Land Registry Services over any overland flow-path.
- 12.9.2.5 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

- 12.9.3 Concrete path paving must not be placed until building construction have been completed or until approved in writing by Council. The applicant has the option of lodging a security deposit for the works, or paying a monetary payment in lieu of works based upon Council's Goods and Pricing Schedule. The security will be released upon satisfactory completion of the works.
- 12.9.4 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.
- 12.9.5 **Inspections**
- 12.9.5.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 12.9.6 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Supply and Irrigation Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Supply and Irrigation Plan to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) .
- 12.9.7 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- i. all the non-potable water uses are being supplied by rainwater;
  - ii. all the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
  - iii. the pumps, alarms and all other systems are working correctly; and
  - iv. The water from at least one wash down tap and one toilet from each unit have been tested to show no chlorine residual.
- A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer.'
- 12.9.8 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
  - ii. 3 star showerheads;
  - iii. 5 star taps (for all taps other than bath outlets and garden taps);
  - iv. 3 star urinals; and
  - v. 3 star Water efficient washing machines and dishwashers have been used.
- 12.9.9 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the stormwater quality improvement devices. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) . This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard. The maintenance contract is to contain a requirement that firstly all maintenance on the filter cartridges is undertaken by Ocean Protect (Stormwater 360) and either the filter cartridges are to be replaced no later than two years after the date of

installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years.

## **12.10 Asset Management**

- 12.10.1 An amount of \$915.00 per light pole is to be paid to Council for the ongoing maintenance of each black powder coated light pole to be installed in this subdivision and is to be paid prior to the release of the Occupation Certificate. This rate is adjusted annually and the actual amount charged will be in accordance with Council's adopted fees and charges at the time of payment.

The number of light poles within the subdivision is to be included with the Subdivision Certificate application (prior to Occupation Certificate) for amalgamation together with a copy of the approved street lighting plan. Any enquiries regarding this fee are to be directed to the Civil Maintenance Section of the City Assets Directorate.

The manufacturer of the light poles/street name poles/bus shelters is to provide written certification that all structures have been black powder coated to the satisfaction of Council's Development Services Engineers prior to installation.

## **12.11 Dedications**

- 12.11.1 Dedication at no cost to Council of 8m x 8m splay corner at the intersection of Edward and Brisbane Streets.

## **12.12 Street tree planting**

- 12.12.1 Any tree planting (and maintenance) along the frontage of the development site to improve the amenity of the streetscape must be approved before an Occupation Certificate is issued.

- (a) Trees will be planted at a minimum spacing of 8 metres.
- (b) Trees must be of a minimum container size of 45 litres with root barriers.
- (c) The applicant must obtain clearances from relevant service authorities.
- (d) The applicant will be required to pay a bond of \$335 per tree to ensure the health and vigour of the tree(s). The bond will be returned 12 months after the completion of the development (i.e. on issue of final occupation certificate), to council if the trees are maturing satisfactorily. The applicant is responsible for notifying Council when the works are completed to request a practical completion inspection and end of street tree bond maintenance inspection.
- (e) The applicant will also be required to pay a \$280.00 inspection fee and a \$492.00 landscaping assessment fee. A Blacktown City representative will inspect all street tree and public landscaping during the establishment period (i.e. between the practical date of completion and formal handover). Elements deemed to be not adequately performing are to be removed, substituted or repaired by the developer within 60 days of written notification.

# **13 OPERATIONAL (PLANNING)**

## **13.1 Access/Parking**

- 13.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.



- 13.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 13.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.6-2009.

## 13.2 **General**

- 13.2.1 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.
- 13.2.2 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.
- 13.2.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 13.2.4 The storage and handling of liquids and dangerous goods associated with activities on the premises is to be carried out in accordance with the requirements of;
- NSW Workcover
  - Environment Protection Authority Guidelines - *Technical BU Bunding and Spill Management*.
- 13.2.5 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 13.2.6 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 13.2.7 The use of the premises is permitted to operate 24 hours a day, 7 days a week (Monday to Sunday) without the further separate formal approval of Council being obtained.
- 13.2.8 No goods, materials or trade wastes are to be stored at any time outside the buildings on the internal vehicular driveways, car parking areas, landscaping areas or footpaths, other than in approved garbage receptacles.
- 13.2.9 The Bulk Waste Management Plan prepared by Envirotech Pty Ltd, report no. REP-5690-A, dated 9 March 2018 and Waste Management Plan prepared by Envirotech Pty Ltd, report no. 18-5688-A-1, dated 8 February 2018 shall be implemented and appropriately managed at all times.

## 13.3 **Landscaping**

- 13.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

## 13.4 **Use of Premises**

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

13.4.2 The development shall not be used or converted for use for any purpose other than that:

- (a) Granted consent by Council's Notice of Determination, or
- (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

### 13.5 **Emergency Procedures**

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

### 13.6 **Plan of Management**

13.6.1 A Plan of Management is to be prepared to ensure the effective ongoing management of the site and will include the items raised on page 74 of the Environmental Impact Statement Revision 05, dated 27 June 2019

13.6.2 The Plan of Management is to include a pre-booking system for trucks wanting to deliver material to the premises to ensure these deliveries are managed on a daily basis and to prevent any trucks queuing on the street. It should include but not be limited to the following measures:

- A pre-booking requirement for delivery trucks from larger demolition projects
- Trucks planning to collect processed materials or deliver materials from other smaller projects are to call/radio ahead to check availability of the facility to receive them.

13.6.3 The Plan of Management is to include a requirement that a qualified hygienist is to supply a certificate/report to confirm that no asbestos or other contaminants are present in the concrete brought to the facility for processing from a construction site. This certificate/report is to be brought with the driver of the truck delivering the materials from the construction site and is to be given to the operator of the facility upon arrival before the truck can enter the building.

13.6.4 A daily log book is to be kept at the premises. This log book is to be made available for Council inspection at any time on request and must record:

- The date and time of delivery
- the registration number of every delivery truck,
- tonnage of materials being delivered,
- qualified hygienist certificate/report number
- location and source of material being delivered

13.6.5 A maximum of 2 truck and dogs is permitted on the site at any one time. Deliveries to the facility shall be staggered to ensure that no more than 2 truck and dogs attend the site at any one time to ensure that truck and dogs do not park or queue in the street.

### 13.7 **Trucks to be used**

13.7.1 Only truck and dogs will be used to service the facility for the purpose of delivering processed/unprocessed materials to and from the subject site. Neither heavy rigid nor semi rigid vehicles are permitted to service the facility for this purpose.

### 13.8 **Processing Capacity**

- 13.8.1 A maximum of 90,000 tonnes of material is permitted to be processed at the facility annually.

### 13.9 **Roller Doors**

- 13.9.1 The facility's roller doors are to only open to allow for the entry and exit of delivery vehicles. The roller doors must otherwise be closed at all times.

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

### 14.1 **Environmental Management**

- 14.1.1 The recommendations provided in *Acoustic/ Vibration Assessment, prepared by Envirotech Pty Ltd, report no. REP-17 5689-A2, dated 15 June 2018* are to be implemented.
- 14.1.2 The recommendations provided in *Air Quality Impact Assessment, prepared by Northstar Air Quality Pty Ltd, report no. 18.1031.FR1V1, dated 12 September 2018* are to be implemented.
- 14.1.3 The recommendations provided in *Stage 2 - Detailed Site Investigation, prepared by CSTS Environmental Pty Ltd, document ref. 825-E1339-AA, dated August 2019* are to be carried out.
- 14.1.4 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.
- 14.1.5 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 14.1.6 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.1.7 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.1.8 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 14.1.9 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.

- 14.1.10 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste* and disposed of at a facility that may lawfully accept the waste.
- 14.1.11 In accordance with Part 5.7 *Protection of the Environment Operations Act 1997*, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 14.1.12 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill cleanup equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the *Protection of the Environment Operations Act 1997*.
- 14.1.13 The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of;
- NSW Workcover;
  - *Australian Standard 1940:2004 The Storage and Handling of Flammable and Combustible Liquids*; and
  - Environment Protection Authority Guidelines - *Technical BU Bunding and Spill Management*.
- 14.1.14 A verification report is to be submitted within 3-6 months of operation by a suitably qualified environmental consultant to verify that the findings in *Air Quality Impact Assessment, prepared by Northstar Air Quality Pty Ltd, report no. 18.1031.FR1V1, dated 12 September 2018* have been satisfied.
- 14.1.15 A verification report is to be undertaken within 3-6 months of operation by a suitably qualified acoustic engineer to verify that the findings in *Acoustic/ Vibration Assessment, prepared by Envirotech Pty Ltd, report no. REP-17 5689-A2, dated 15 June 2018* have been satisfied.

## 14.2 NSW Environmental Protection Authority Requirements

### 14.2.1 Noise limits

- 14.2.1.1 The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level within 30 metres of a dwelling façade, but not closer than 3 metres, on any residential property greater than 5dB(A) above the existing background LA90 level, measured over 15 minutes.
- 14.2.1.2 The noise emission limits identified in 15.2.1.1 apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:
- Documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
  - Where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

### 14.2.2 Waste

- 14.2.2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at

the premises, except as expressly permitted by a licence under the POEO Act.

14.2.2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the POEO Act.

14.2.2.3 All processing and storage activities are only to take place within the proposed enclosed building located on the Premises as per the Material Stockpile map (ref. 1722-6) prepared by Abode Design and provided as supporting documentation to the proposal. No waste materials, including finished products, may be stored or processed outside.

14.2.2.4 The waste types permitted to be received at the Premises are:

- Virgin Excavated Natural Material (VENM)
- Excavated Natural Material (ENM)
- Building and Demolition Waste

14.2.2.5 No more than 90,000 tonnes of waste per annum can be received at the Premises.

14.2.2.6 No more than 6,720 tonnes of waste can be stored at the Premises at any one time.

14.2.2.7 No asbestos is permitted to be received or stored under any circumstances at the Premises.

#### 14.2.3 **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of the EPA licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

#### 14.2.4 **Reporting Conditions**

##### 14.2.4.1 **Annual Return Documents**

###### 14.2.4.1.1 **What documents must an Annual Return contain?**

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a) Statement of Compliance; and
- b) Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

###### 14.2.4.1.2 **Period covered by Annual Return**

An Annual Return must be prepared in respect of each reporting, except as provided below:

Where this licence is transferred from the licensee to a new licensee,

- a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence — the date from which notice revoking the licence operates.

#### **14.2.4.1.3 Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

#### **14.2.4.1.4 Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

#### **14.2.4.1.5 Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

#### **14.2.4.1.6 Notification of environmental harm**

*Note:* The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Environment Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

#### **14.2.4.1.7 Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g) any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

#### **14.2.5 Operating Conditions**

##### **14.2.5.1 Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

##### **14.2.5.2 Maintenance of Plant and Equipment**

14.2.5.2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

**14.2.5.3 Dust**

14.2.5.3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust.

14.2.5.3.2 The premises must be maintained in a condition which prevents the emission of dust from the premises.

14.2.5.3.3 No material, including sediment or oil, is to be tracked from the premises.

14.2.5.3.4 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**14.2.5.4 Emergency Response**

14.2.5.4.1 As part of the licence application requirements, the Applicant must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan ("PIRMP") for the premises.

Note: The Applicant must develop the PIRMP in accordance with the requirements in Part 5.7A of the POEO Act and associated regulations.

**14.2.5.5 Processes and management**

14.2.5.5.1 Any waste for processing, storage or resource recovery at the premises must be assessed and classified in accordance with the *EPA Waste Classification Guidelines* as in force from time to time.

14.2.5.5.2 Each type of waste stored onsite for recovery/recycling must be stockpiled separately.

14.2.5.5.3 All waste processing and storage must be undertaken inside the building.

14.2.5.5.4 All waste material stored onsite is to be contained within a designated area such as a waste bin or bay.

**14.2.5.6 Stormwater/sediment control**

14.2.5.6.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment.

**14.2.6 Monitoring and Recording Conditions**

**14.2.6.1 Monitoring records**

14.2.6.1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the POEO Act, in relation to the development or in



order to comply with the load calculation protocol must be recorded and retained as set out in conditions 15.2.7.1.2 and 15.2.7.1.3.

14.2.6.1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

14.2.6.1.3 The following records must be kept in respect of any samples required to be collected:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

#### 14.2.6.2 **Reporting conditions**

14.2.6.2.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the POEO Act in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

#### 14.2.6.3 **Recording of Pollution Complaints**

14.2.6.3.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

#### 14.2.6.4 **Telephone Complaints Line**

14.2.6.4.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to

activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

#### **14.2.7 Special conditions**

- 14.2.7.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as an "authorised deposit taking institution" under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australia Prudential Regulatory Authority (APRA) must be provided to the EPA prior to the issuing of the Environment Protection Licence (amount to be negotiated with the EPA as part of the licence application process).

#### **14.2.8 Hours of operation**

- 14.2.8.1 Activities at the premises, other than construction work, may only be carried out between 07:00 and 18:00 Monday to Friday, and 08:00 to 14:00 Saturdays. No activities are permitted at the premises on Sunday or Public Holidays.
- 14.2.8.2 This condition does not apply to the delivery of materials outside the hours of operation permitted by condition 15.2.8.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of an emergency.
- 14.2.8.3 The hours of operation specified in condition 15.2.8.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

#### **14.2.9 Pollution of waters**

- 14.2.9.1 Except as may be expressly provided by a licence under the POEO Act in relation of the development, section 120 of the POEO Act must be complied with in and in connection with the carrying out of the development.