

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA-22-01379

**Development:** Demolition of structures, removal of trees and staged construction of a bus depot, consisting of a 5-storey split-level car park, a workshop building, a 3-storey administration building, fuel storage and dispensing bays, and a bus wash bay.

**Site:** 65 Owen Street, GLENDENNING NSW 2761, being Lot 201 in DP 829034

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 17 September 2024

**Date from which consent takes effect:** Date of determination

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 65 Owen Street, GLENDENNING NSW 2761, being Lot 201 in DP 829034.

The conditions of consent are as follows:

**PART 1 – “Deferred Commencement” Conditions under  
Section 4.16 (3) of the Environmental Planning and Assessment Act  
1979**

**1 Deferred Commencement Matters**

- 1.1 Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this Development Consent is not to operate until such time as the Voluntary Planning Agreement entitled “Water Sensitive Urban Design and Integrated Water Cycle Management DA-22-01379 Planning Agreement”, (**Water Drainage Planning Agreement**), is executed by the applicant and the Council.

**2 ADVISORY NOTES**

**2.1 Terminology**

- 2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.
- 2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the *Environmental Planning and Assessment Act 1979*.
- 2.1.3 The words “includes” or “including” are not words of limitation.

**2.2 Scope of Consent**

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

**2.3 Other Approvals**

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 The applicant’s attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- a. the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
  - b. any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
  - c. demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
  - d. the installation of vehicular footway crossings servicing the development, and
  - e. the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

## 2.4 Services

### 2.4.1 The applicant is advised to consult with:

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

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

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

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

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

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

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

### 2.4.5 The applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## 2.5 Tree Planting and Service Locations (After all other services)

- 2.5.1 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.

## 2.6 Demolition

- 2.6.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- (a) Safework NSW (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
- (b) NSW Office of Environment & Heritage (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
- (c) “Code of Practice for the Safe Removal of Asbestos” 2<sup>nd</sup> Edition– National Occupational Health and Safety Commission:2002 (2005),
- (d) Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- (e) Australian Standard 4361.2-2017 – Guide to hazardous paint management Lead paint in residential, public and commercial buildings, and
- (f) Australian Standard 2601-2001 – The demolition of structures.

## 2.7 Identification Survey

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

## 2.8 Engineering Notes

- 2.8.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* which are necessary or appropriate for a particular stage of the development must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate for the relevant stage.

## 2.9 Payment of Engineering Fees

- 2.9.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the ‘Prior to Construction Certificate/Subdivision Works Certificate please:

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

## 2.10 Road Damage

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

## 3 GENERAL

### 3.1 Scope of Consent

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

Drawing No./ Document Reference	Dated
Site Analysis Plan Sheet No. 1220026_A002, Issue F	25.01.2024
Demolition Plan Sheet No. 1220026_A003, Issue G	25.01.2024
Stage 1 Site Plan Sheet No. 1220026_A004, Issue T	25.01.2024
Stage 2 Site Plan Sheet No. 1220026_A005, Issue U	25.01.2024
Roof Plan Sheet No. 1220026_A007, Issue J	01.03.2023
Floor Plans - Workshop Sheet No. 1220026_A101, Issue J	27.07.2023
Floor Plans - Admin Building Sheet No. 1220026_A102, Issue H	23.02.2023
Floor Plans - Carpark Sheet No. 1220026_A103, Issue P	25.01.2024
Street Elevation Sheet No. 1220026_A201, Issue H	05.02.2023
Elevations - Workshop Sheet No. 1220026_A202, Issue F	01.03.2023
Elevations - Admin Building Sheet No. 1220026_A203, Issue E	23.02.2023
Sections- Workshop Sheet No. 1220026_A301, Issue F	01.03.2023
Sections- Admin Building Sheet No. 1220026_A302, Issue H	01.03.2023
Sections- Carpark Sheet No. 1220026_A303, Issue H	01.03.2023
Arboricultural Impact Assessment (AIA) and Tree Protection Plan Report by Naturally Trees Revision A	10/03/2023

\*Unless modified by any condition of this consent.

### 3.2 Staging

- 3.2.1 The following staging is approved by this consent:

Stage 1 includes:

- 113 bus parking spaces.
- 119 car parking spaces.
- Installation of fuel bays and fuel tanks.
- Installation of wash bays.
- Construction of a 3-storey administration building.
- Construction of a workshop building with mezzanine.
- Landscaping and planting.

Stage 2 includes:

- Replacement of the at-grade car parking area with an additional 50 bus

- parking spaces resulting in a total of 163 bus parking spaces on site.
- Construction of a 5-storey split level car park with a total of 170 spaces on site.
- Landscaping and planting.

### 3.3 Engineering Matters

#### 3.3.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.
- (g) Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

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

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

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

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works
- Removal of temporary infrastructure

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

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

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

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

### 3.3.2 Other Necessary Approvals

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

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

### 3.4 Other Matters

3.4.1 No construction work or construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

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

### 3.5 Other Drainage Matters

3.5.1 The registered proprietor/lessee is to provide to Council's Water Sensitive Urban Design WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's Water Sensitive Urban Design WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au).

3.5.2 Each year the registered proprietor/lessee is to provide to Council's Water Sensitive Urban Design WSUD Compliance Officer at [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au) a report outlining all non-potable water used annually and the percentage of non-potable reuse. Based on modelling it is agreed that for non-potable reuse that: the 260KL rainwater tank, is achieving 80% reuse with a demand 1,980 KL/yr.

## 4 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

### 4.1 DA Plan Consistency and VPA

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

4.1.2 The applicant makes all contributions under the Water Drainage Planning

Agreement, to the satisfaction of Council's Manager Developer Contributions, Section 7.11 Officer, Section 7.11/CDC Officer or an officer of the Council acting in those positions within 60 days of both parties executing the Water Drainage Planning Agreement and, in any event before a Construction Certificate for the proposed development is issued.

#### **4.3 Development Control Plan**

- 4.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in the Blacktown Development Control Plan 2015.

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

#### **5.1 Access/Parking**

- 5.1.1 In Stage 1 of the development, a total of at least 119 on-site car parking spaces for use only by staff, including accessible parking spaces which are to be provided and designed having minimum internal clear dimensions in accordance with the relevant Australian Standard. All spaces are to be marked appropriately to indicate their intended usage.
- 5.1.2 In Stage 2 of the development, a total of at least 170 on-site car parking spaces for use only by staff, including 7 accessible parking spaces which are to be provided and designed having minimum internal clear dimensions in accordance with the relevant Australian Standard. All spaces are to be marked appropriately to indicate their intended usage.
- 5.1.3 The internal driveway and parking areas shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose and designed in accordance with Australian Standard 2890.1– 2004, AS2890.2 – 2018, AS2890.3 – 2015, and 2890.6 – 2022 as applicable.
- 5.1.4 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 5.1.5 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2018 for heavy vehicles.
- 5.1.6 Wheel stops are to be provided for any car parking space which adjoins another space or where the space adjoins a wall, fence or path.
- 5.1.7 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 - 2022.
- 5.1.8 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 5.1.9 All loading and unloading operations shall take place at all times wholly within the confines of the site.



- 5.1.10 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 5.1.11 An access control system shall be installed at the entry and exit points of the multi-level car park which:
- (i) Includes a number plate recognition system which shall be programmed with the number plates of staff.
  - (ii) Includes an intercom system located on right-hand side of the entry driveway (to a vehicle entering) at an offset of 25mm – 75mm behind the face of the adjacent kerb, at a height of between 1m and 1.2m above the driveway surface and an offset of between 2.5m – 3m from the face of the gate measured parallel to the vehicle, for use by visitors.
  - (iii) Includes a laser-gate, electronic or pressure operated system on the exit to open the exit gate without requiring the driver to exit the vehicle or manually operate a switch or remote.
- 5.1.12 Convex mirrors shall be installed at the top and bottom of each internal ramp within the multi-storey car park in a location that facilitates sight lines between drivers on the ramp and drivers approaching ramps via the vehicular aisles.

## 5.2 Aesthetics/Landscaping

- 5.2.1 Updated Landscape Plans are required to be submitted to Council for approval, which show details of landscaping on the site. This must be consistent with the approved Site Plan (Sheet No. 1220026\_A005, Issue U dated 25 January 2024).
- 5.2.2 The reflectivity index of glass used in the external facade of the building is not to exceed 20%, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any glare affect. Details are to be provided as part of the Construction Certificate plans.

## 5.3 Tree Management

- 5.3.1 The protection of the street trees not approved for removal is to meet AS:4970-2009 "Protection of Trees on Development Sites" and the protection requirements in the Arboricultural Impact Assessment (AIA) and Tree Protection Plan Report by Naturally Trees Revision A dated 10/03/2023.
- 5.3.2 The applicant who has the benefit of the development is to pay a tree preservation bond for any street tree being retained. This is to ensure the retention and protection of the trees are in line with AS 4970-2009. The bond amount will be returned 12 months following the issue of the final occupation certificate.
- 5.3.3 The confirmation about the health and structure of the trees will be done following an inspection by an authorised officer from Council's Greenspace Services section.
- 5.3.4 Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented before construction commencing and following a request for the return of the tree preservation bond as noted above.
- 5.3.5 Only trees 1, 2, 3, 4, 5, 6 and 7 are approved for removal as indicated in the Arboricultural Impact Assessment (AIA) and Tree Protection Plan Report by

Naturally Trees Revision A. The applicant is to pay a tree replacement fee for each street tree removed. This fee is payable prior to the issue of any Construction Certificate. Council will undertake the replacement street tree planting on the nature strip after construction is completed.

#### **5.4 Site Contamination**

5.4.1 All recommendations outlined in the Preliminary Site Investigation, prepared by EI Australia dated 8 September 2022 must be complied with and implemented (except for the requirement for a Detailed Site Investigation).

5.4.2 All recommendations outlined in the Detailed Site Investigation, prepared by EI Australia dated 2 December 2022 must be complied with and implemented (**DSI**).

5.4.3 Following building / pavement demolition and removal of associated wastes, an inspection of the exposed surface should be performed by a suitably qualified environmental consultant.

#### **5.5 Internal Layout Plan for the Administration Building**

5.5.1 Prior to the issue of any Construction Certificate, the applicant is to obtain Council's written approval for the internal layout of the administration building and the proposed use of each area of floor space within the building.

The applicant may not make any material changes to the approved internal layout or uses of floor space within the administration building without the prior written approval of Council.

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

#### **6.1 Building Code of Australia Compliance**

6.1.1 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).

#### **6.2 Site Works and Drainage**

6.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under Blacktown Local Environmental Plan 2015), not included on this Development consent must be endorsed by a separate Development consent or Complying Development Certificate prior to any Construction Certificate being issued.

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

The design shall:

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

6.2.3 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.

## 7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

### 7.1 Construction Environmental Management Plan

- 7.1.1 Prior to the commencement of works, an appropriately qualified person is to submit a Construction Environmental Management Plan (CEMP) for review and approval. The operational measures should include but not be limited to:
- o proposed means of controlling of any activity that could potentially cause a *pollution incident* as defined by the *Protection of the Environmental Operations Act 1997*;
  - o proposed hours of work;
  - o compliance with the recommendations for a CEMP outlined in the Detailed Site Investigation prepared by EI Australia dated 2 December 2022, to Council's satisfaction;
  - o proposed schedule of works; and
  - o noise and vibration controls.

## 8 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

### 8.1 General

- 8.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any relevant Construction Certificate can be issued.
- 8.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

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

Prepared By	Project No.	Drawing No.	Revision	Dated
Henry and Hymas	22K32	DA-C000	04	12.01.2024
Henry and Hymas	22K32	DA-C100	04	24.04.2024
Henry and Hymas	22K32	DA-C101	06	02.02.2024
Henry and Hymas	22K32	DA-C102	11	12.01.2024
Henry and Hymas	22K32	DA-C200	05	01.08.2023
Henry and Hymas	22K32	DA-C201	02	29.09.2022
Henry and Hymas	22K32	DA-C250	02	12.01.2024
Henry and Hymas	22K32	DA-C250A	01	12.01.2024
Henry and Hymas	22K32	DA-C251	06	02.02.2024

Henry and Hymas	22K32	DA-SE01	03	30.09.2022
Henry and Hymas	22K32	DA-SE02	03	30.09.2022
Henry and Hymas	22K32	DA-BE01	02	04.12.2023

8.1.3 Amended drainage plans are required from Henry and Hymas Project No. 22K32, to the satisfaction of the Manager Asset Design to generally address the following requirements:

- i. Details shall be provided demonstrating that the proposed stage 2 construction of the multi-deck carpark in the north-eastern corner of the site will not adversely impact any stormwater assets constructed as part of the stage 1 works, including, but not limited to, the potential adverse impact on the rainwater tanks and Gross Pollutant Trap (**GPT**).
- ii. Demonstrate that any underground tanks have been structurally designed to accept loading from any combination of dead and live loads expected during the life of the tanks.
- iii. Provide details of the first flush diversion system for the rainwater tanks.
- iv. Provide longitudinal sections for all drainage pipes.
- v. Provide confined space entry warning signs on the drainage plans adjacent to all entries to the rainwater tanks.
- vi. Provide details of the proposed water recycling system for the bus wash.
- vii. Provide a design certification to demonstrate the **GPT** has been designed in accordance with the manufactory's specification.

8.1.4 The proposed fuel bay area shall be designed in accordance with the principles of the NSW EPA Practice Note: Managing run-off from service station forecourts. Details of the measures implemented shall be reflected on the drawing approved for Construction Certificate.

## 8.2 Construction Certificate Requirements

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

- Road and drainage construction
- Water quality treatment
- Earthworks

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

## 8.3 Local Government Act Requirements

8.3.1 Under Section 68 of the Local Government Act 1993 an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council Reserve
- Any works on adjoining land (outside the subject site boundaries)

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

## 8.4 Roads Act Requirements

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

- Any works within a public road reserve
- Kerb inlet pit connections or construction;
- Vehicular crossings; and
- Path Paving.

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

## 8.5 Other Engineering Requirements

- 8.5.1 If the estimated cost is \$250,000, or greater proof of long service levy payment is required.
- 8.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 8.5.3 The applicant must submit written permission from the affected property owner for any works proposed on adjoining land
- 8.5.4 The applicant must submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

## 8.6 Roads

- 8.6.1 Submit a pavement report prepared and designed by a professional civil engineer with soil tests carried out by a registered NATA soils laboratory. The internal car park pavement design shall withstand the design traffic loadings.

Note: The design CBR is to be confirmed on site prior to placement of any pavement. If actual CBR is less than design CBR, revised pavement design will be required.

- 8.6.2 The Applicant must 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 person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card.
- 8.6.3 The Applicant must indicate the replacement of the 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.
- 8.6.4 The Applicant must provide to Council's traffic engineer, for approval, draft "for construction" drawings showing the construction of a partial closure of the existing raised concrete median island, and the installation of "No Right Turn" signage at the intersection of Owen Street and Power Street to restrict right turns out of Owen Street onto Power Street, generally as shown in Concept Sketch- Power St and Owen Street intersection upgrade (reference number 22K32 SK-01) prepared by Henry & Hymas for the applicant **Power Street Works**). The Applicant must accommodate any comments which Council provides on the draft drawings.

## 8.7 Drainage

- 8.7.1 Drainage from the site must be connected into Council's existing drainage system.
- 8.7.2 Any overland or stormwater flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the property boundary, conveyed

through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

## 8.8 Erosion and Sediment Control

- 8.8.1 The Applicant must provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

## 8.9 Earthworks

- 8.9.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 8.9.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 8.9.3 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm 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.

## 8.10 Boundary

- 8.10.1 Finished levels at the road boundary of the property must be 4% above the top of barrier kerb.
- 8.10.2 Retaining walls shall be a maximum single height of 1.2 m (600 mm cut + 600 mm fill). Where a retaining wall is proposed that is more than 1.2 m in height, a terraced solution shall be provided. Terraces should not exceed 900 mm 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.

## 8.11 Stormwater Quality Control

- 8.11.1 A Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.
- 8.11.2 The applicant must provide a maintenance schedule for each stormwater quality device that is signed and dated by the designer.

## 8.12 Vehicular Crossings

- 8.12.1 The applicant must provide plans to demonstrate the construction of commercial and industrial vehicular crossings to Council's standard A(BS)103S.

## 8.13 Water Conservation

- 8.13.1 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. 3 star water efficient washing machines and dishwashers are to be specified.

8.13.2 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply for non-potable water uses on the site including all toilet/urinal flushing and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

- i. First flush or pre-treatment system (typically 0.2 litres / m<sup>2</sup> of roof area going to the tank for a first flush);
- ii. A pump with isolation valves;
- 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 non-potable usage and actual percentage reuse;
- v. An automatic backwash inline filter;
- vi. A control panel with warning light to indicate pump failure;
- vii. A timer and control box for landscape watering and sufficient outlet points for the installation of the irrigation system;
- viii. Providing a minimum tank size of 260 kL; and
- ix. Ensuring all the rainwater reuse pipes and taps are coloured purple.

8.13.3 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply for non-potable water use associated with the bus wash and that all Sydney Water requirements have been satisfied. The plan is to show the water recycling arrangement including:

- i. Collection/Pre-treatment pit;
- ii. Water treatment system;
- iii. A pump with isolation valves;
- iv. A solenoid-controlled mains water bypass;
- v. Flow meters on the solenoid-controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse; and
- vi. a design which achieves a minimum average usage rate of 197KL/yr at a 60% re-use rate.

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

- i. isolation valve for maintenance or during water restrictions;
- ii. a timer and control box for landscape watering, allowing for seasonal variations and split systems;
- iii. a design which automatically achieves a minimum average usage rate of 357kL/yr at 0.4 kL/yr/m<sup>2</sup> including increasing the frequency of watering by a minimum 50% above average for the hotter months and reducing by 50% for the cooler months;
- iv. all reuse pipes and taps coloured purple;
- v. a design ONLY for sub-surface drip irrigation; and

- vi. details of any other treatment required for the stormwater prior to use to ensure fit-for purpose.

#### 8.14 Footpaths

- 8.14.1 Path paving is to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and as follows:

Street Name	Paving Width	Length
Owen Street	1.5m	Full length

### 9 PRIOR TO DEMOLITION WORKS

#### 9.1 Safety/Health/Amenity

- 9.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or a similar message shall be fixed to the fencing at appropriate places to warn the public.
- 9.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 9.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place;
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (c) involve the enclosure of a public place;

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy 2017 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 or adjoining land or 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.

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

Each toilet provided shall be:

- (a) a standard flushing toilet; and
- (b) connected:
  - (i) to a public sewer; or



- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council; or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

## 9.2 Tree Protection

9.2.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage. Tree protection measures are to be implemented in line with AS:4970-2009 "Protection of trees on development sites" and the AIA specified at Prior to Construction Certificate (Planning) Condition.

9.2.2 An AQF Level 5 Consulting Arborist must be appointed prior to demolition of any existing structures or earthworks. They are to register with the applicant's builder engaged to carry out the approved development before any works commence so that the builder can be inducted as to important times when the Arborist will be required on site.

## 9.3 Other Matters

9.3.1 The applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works;
- contact name and phone number of the applicant;
- contact name and phone number of the licensed demolisher; and
- SafeWork NSW contact number 131050, and email address [contact@safework.nsw.gov.au](mailto:contact@safework.nsw.gov.au).

## 9.4 Site Contamination

9.4.1 All recommendations outlined in the Preliminary Site Investigation, prepared by EI Australia dated 8 September 2022 must be complied with and implemented (excluding the requirement for a Detailed Site Investigation).

9.4.2 All recommendations outlined in the Detailed Site Investigation, prepared by EI Australia dated 2 December 2022 must be complied with and implemented.

## 9.5 Hazardous Materials Survey

9.5.1 A Hazardous Materials Survey (HMS) should be prepared for the site and provided to Council for approval prior to demolition of any onsite structures, with any control measures outlined in the report to be implemented during demolition of structures.

# 10 DURING DEMOLITION WORKS

## 10.1 Safety/Health/Amenity

10.1.1 Security fencing shall be maintained around the perimeter of the demolition site to

prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.

- 10.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 10.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 10.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 10.1.7 All demolition work and handling of materials shall be in accordance with *Australian Standard 2601-2001 (Demolition of Structures)* and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2005 (if applicable)
- 10.1.8 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 10.1.9 A valid public liability insurance policy of at least \$20,000,000 shall be maintained throughout the demolition works.
- 10.1.10 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 10.1.11 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 10.1.12 The applicant has an obligation to ensure that the adjoining buildings and property are not damaged.

## 10.2 Nuisance Control

- 10.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the *Protection of the Environment Operations Act 1997*.
- 10.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the *Environment Operations Act 1997* and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition

work being undertaken on Sundays or public holidays.

- 10.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation requirements in Part G of Blacktown Development Control Plan 2015 shall be implemented during the course of the demolition works.

### 10.3 Environmental Health

- 10.3.1 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the *Protection of the Environment Operations Act 1997* and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)
- 10.3.2 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 10.3.3 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- 10.3.4 In accordance with the requirements of Part 5.7 *Protection of the Environment Operations Act 1997*, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

### 10.4 Tree Protection

- 10.4.1 The measures required to effectively protect trees on the land shall be maintained throughout the demolition works. Tree protection measures are to be implemented in line with AS:4970-2009 "Protection of trees on development sites" and the AIA specified at Prior to Construction Certificate (Planning) Condition.

## 11 COMPLETION OF DEMOLITION WORKS

### 11.1 Site Contamination

- 11.1.1 All recommendations outlined in the *Detailed Site Investigation*, prepared by EI Australia dated 2 December 2022 must be complied with and implemented

### 11.2 Hazardous Materials and Waste

- 11.2.1 Should hazardous building materials be identified by the HMS, a clearance certificate, as required by the Work Health and Safety Regulation 2017, is to be obtained from a suitably experienced and qualified occupational hygienist. A copy of the clearance certificate/statement must be lodged with Council.
- 11.2.2 The applicant must submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling to Council.

## 12 PRIOR TO DEVELOPMENT WORKS

### 12.1 Safety/Health/Amenity

- 12.1.1 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.

- 12.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with *Environmental Planning and Assessment Regulation 2021* indicating:

- (a) the name, address and telephone number of the principal certifier 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.

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

- 12.1.4 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.

## 12.2 Notification to Council

- 12.2.1 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 Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 indicating details of the appointed Principal Certifier and the date construction work is proposed to commence.

## 12.3 Sydney Water Authorisation

- 12.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifier 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.

#### **12.4 Tree Protection**

- 12.4.1 No trees, located within the subject allotment or within the Council Road Reserve (nature strip) or any adjoining public open space, may be removed or pruned unless specific approval is given in this consent.
- 12.4.2 All trees, including Community Assets (Public Trees), not approved for removal, or pruning by the Conditions of this Development Consent, are required to be retained and protected. Tree Protection Measures, compliant with the provisions of AS4970: Protection of trees on development sites, 2009 must be installed prior to the commencement of any works on site, including demolition.
- 12.4.3 Any tree not approved for removal or more than 3 m from the building perimeter is to be effectively protected against damage.

#### **12.5 Tree removal**

- 12.5.1 Tree 8, identified for removal in Arboricultural Impact Assessment (AIA) and Tree Protection Plan Report by Naturally Trees Revision A, dated 10 March 2023 is approved for removal.
- 12.5.2 Trees, not specifically identified in this consent for removal may NOT be removed under this development consent.
- 12.5.3 Trees approved for removal must be removed by a qualified Practicing Arborist, with a minimum qualification of Australian Qualification Framework (AQF) Level 3 in Arboriculture and have Public Liability Insurance (minimum \$20 million).

All tree work must be carried out in accordance with the Safe Work Australia Guide to Managing Risks of Tree Trimming and Removal Work and Work Cover NSW Code of Practice – Amenity Tree Industry 1998.

#### **12.6 Adjoining Owners**

- 12.6.1 Written permission from the respective owner(s) must be obtained to:
  - (a) discharge stormwater onto adjoining owner's land.
  - (b) carry out works on adjoining land.
  - (c) drain the site across land owned by others.

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

### **13 DURING CONSTRUCTION (BUILDING)**

#### **13.1 Building Code of Australia Compliance**

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

#### **13.2 Surveys**

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

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

### **13.3 Nuisance Control**

13.3.1 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.

13.3.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

### **13.4 Tree Protection**

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

13.4.2 Tree protection measures are to implemented in line with AS:4970-2009 "Protection of trees on development sites" and the AIA specified at Prior to Construction Certificate (Planning) Condition.

## **14 DURING CONSTRUCTION (ENGINEERING)**

### **14.1 Notification of Works**

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

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

### **14.2 Insurances**

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

### **14.3 Service Authority Approvals**

- 14.3.1 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.

#### 14.4 **Boundary Levels**

- 14.4.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

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

- 14.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 14.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 14.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

#### 14.6 **Filling of Land and Compaction Requirements**

- 14.6.1 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.
- 14.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version):
- a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.
  - c) Compaction certificates for road pavement materials (sub-base and base courses).
  - d) Contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
  - e) Applicant to submit material compliance documentation in accordance with Council's Civil Works Specification 8.1.4:
    - Compliance Certificate and Test Results;
    - Delivery Dockets; and
    - Summary of Material deliveries as per template available on Council's website.

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from N.A.T.A. certified stockpiles.

The above documentation shall be submitted prior to the issue of any Occupation Certificate as required by this consent.

- 14.6.3 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.
- 14.6.4 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.
- 14.6.5 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.
- 14.6.6 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.
- 14.6.7 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.
- 14.6.8 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.
- 14.7 **Filling in Contaminated Land**
  - 14.7.1 Without limiting condition 5.4.2, testing and validation of any imported fill or landscaping material must be undertaken by a suitably qualified environmental consultant in accordance with the recommendations of the DSI, before any such material is placed on the site.
  - 14.7.2 Should any remediation works be required, documentary evidence prepared by a suitably qualified environmental consultant confirming that the remediation has been completed satisfactorily is to be submitted to Council for approval.
- 14.8 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
  - 14.8.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under Part 4A of the *Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).



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

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

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

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

**14.10 Public Safety**

- 14.10.1 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.

**14.11 Site Security**

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

**14.12 Vehicular Crossings**

- 14.12.1 The vehicular crossings shall be maintained at least 1m clear of any stormwater gully pit / lintel and clear of any other utility surface infrastructure.

**14.13 Tree Protection and Preservation**

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

**14.14 Traffic Control**

- 14.14.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Safework NSW Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2019.
- 14.14.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained by a person who holds a current Safework NSW accreditation and photo card to implement Traffic Control Plans.
- 14.14.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Safework NSW) Traffic Controller accreditation and photo card and carry it with them.
- 14.14.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction, suitably qualified Safework NSW accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2019.
- 14.14.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Safework NSW accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2019 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

#### 14.15 **Drainage Matters**

- 14.15.1 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to certify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing, or cross contamination with the potable water supply.
- 14.15.2 The GPT's as specified in the approved engineering drawings are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product with prior written approval from Council.

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

#### 15.1 **General**

- 15.1.1 Bunding is to be designed and installed in accordance with:
- (a) Department of Environment and Conservation Guidelines - *Technical BU Bunding and Spill Management*;
  - (b) Department of Environment and Conservation Guidelines "*Surface water management on the covered forecourt areas of service stations*";
  - (c) *Australian Standard 1940-1993: The storage and handling of flammable and combustible liquids*; and
  - (d) *Australian Standard/New Zealand Standard 4681:2000: The storage and handling of Class 9 (miscellaneous) dangerous goods and articles.*

15.1.2 All entrances and exits to the buildings on the site are to be bunded.

15.1.3 The wash bay is to be constructed so that all water/waste generated by the washing activity is confined to the wash bay and directed to a drain/collection pit that discharges to the Sydney Water sewer system. The discharge/connection to the sewer system shall comply with the requirements of Sydney Water.

## 15.2 Storage

15.2.1 The installation of the diesel tanks must comply with Australian Standards AS1940-2017: The Storage and Handling of Flammable and Combustible Liquids, AS1692-2006: Steel Tanks for Flammable and Combustible Liquids, and SafeWork NSW must be notified of this installation.

15.2.2 Bunding is to be designed and installed in accordance with: *NSW DECC – Environmental Protection: Storage and Handling of Liquids (Participant's Manual)*, *Department of Environmental and Climate Change: "Environmental Action for Service Stations"*; *Australian Standard 1940-2017: 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*.

15.2.3 Any liquids, other than petroleum or distillate that are to be stored and/or handled on site are to be managed in accordance with the requirements of; *SafeWork NSW requirements, NSW DECC (2007) - Storing and Handling Liquids: Environmental Protection - Participants Manual, NSW DECC (2005) - Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation Australian Standard 1940-2017: The Storage and Handling of Flammable and Combustible Liquids*

## 16 PRIOR TO OCCUPATION CERTIFICATE

### 16.1 Road

16.1.1 Once Council's traffic engineer has approved the "for construction" drawings for the Power Street Works (as defined in this consent), the Applicant must provide, carry out and complete the Power Street Works, to the satisfaction of Council's traffic engineer, before any occupation certificate for the proposed development the subject of this development consent is granted.

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

### 16.2 Compliance with Conditions

16.2.1 An Occupation Certificate shall not be issued until such time as all relevant 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 liable to legal proceedings.

16.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the

Principal Certifier in accordance with the provisions of Section 6.9 of the *Environmental Planning and Assessment Act 1979*.

**16.3 Temporary Facilities Removal**

- 16.3.1 Any temporary facilities provided during construction and/or development works shall be removed from the site prior to the issue of an Occupation Certificate.

**16.4 Landscaping**

- 16.4.1 All landscaping for the stage 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.

**16.5 Fencing**

- 16.5.1 All fencing for the stage shall be completed in accordance with the approved plans.

**16.6 Car Parking**

- 16.6.1 In Stage 1 of the development, a total of at least 119 on-site car parking spaces, including accessible parking spaces are to be provided and designed having minimum internal clear dimensions in accordance with the relevant Australian Standard. All spaces are to be marked appropriately to indicate their intended usage. An Occupation Certificate shall not be issued for Stage 1 unless these car spaces are provided.
- 16.6.2 In Stage 2 of the development, a total of at least 170 on-site car parking spaces, including 7 accessible parking spaces are to be provided and designed having minimum internal clear dimensions in accordance with the relevant Australian Standard. All spaces are to be marked appropriately to indicate their intended usage. An Occupation Certificate shall not be issued for Stage 2 unless these car spaces are provided.
- 16.6.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 16.6.4 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 16.6.5 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

**16.7 External Finishes**

- 16.7.1 The development approved by Council is to be constructed in accordance with the approved schedule of finishes.

**16.8 Fire Safety Certificate**

- 16.8.1 A final fire safety certificate complying with Section 41 of *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* 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).

## **16.9 Service Authority Approvals**

16.9.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Occupation Certificate:

- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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. The Section 73 Certificate must be submitted to the Principal Certifier prior to the release of the plan of subdivision. Note: Any Occupation and/or Subdivision Certificate will only be released once a Section 73 Compliance Certificate issued by Sydney Water which states that water and sewerage facilities are available is submitted to Council.
- b) 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.
- c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

## **16.10 Other Matters**

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

## **16.11 Fee Payment**

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

## **16.12 Engineering Matters**

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

16.12.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

16.12.1.2 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of the relevant Occupation Certificate, the applicant must obtain written confirmation from Council that these

works have been completed to its satisfaction.

- 16.12.1.3 A certificate from a Registered Engineer (which, in these condition, means an engineer who is currently registered on The National Engineering Register (**NER**)) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Development Control Plan 2015 Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- 16.12.1.4 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- i. All the non-potable water uses for the commercial buildings are being supplied by rainwater tanks (260kL).
  - ii. All the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
  - iii. The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
  - iv. The initial flow meter readings are detailed in the certificate;
  - v. The pumps, alarms and all other systems are working correctly; and
  - vi. The water from at least five toilets have been tested to show no chlorine residual.
  - vii. Rainwater warning signs are fitted to all external taps using rainwater.
  - viii. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's Water sensitive urban design (WSUD) Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 16.12.1.5 An experienced irrigation specialist, is to certify that:
- i. All the non-potable landscape water uses are being supplied by the 260KL rainwater tank.
  - ii. All the requirements of the detailed Landscape Watering Plan have been installed to the required locations.
  - iii. The automatic timer has been set up for time and frequency to deliver 357 kl/year on average and the system has been designed to adjust for a rate 50% higher in summer and half the rate in winter.
  - iv. The pumps, alarms and all other systems are working correctly; and
  - v. The water from at least two garden taps, or two sample points for the landscape watering system have been tested to show no chlorine residual.
  - vi. Warning signs are fitted to all external taps using non-potable water.
  - vii. A signed, works-as-executed Landscape Watering Plan is to be provided to Council's Water sensitive urban design (WSUD) Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 16.12.1.6 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- 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.
- 16.12.1.7 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- i. 60% of the water uses for the bus wash bay are being supplied by the wash bay recycling system.
- ii. The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- iii. The initial flow meter readings are detailed in the certificate;
- iv. Appropriate recycled water re-use warning signs are fitted to all taps using recycled water;
- v. The pumps, alarms and all other systems are working correctly; and
- vi. A signed, works-as-executed plan is to be provided to Council's Water sensitive urban design (WSUD) Compliance Officer at WSUD@blacktown.nsw.gov.au.

#### 16.12.2 **Bonds/Securities/Payments in Lieu of Works**

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

This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of:

- i. necessary maintenance; and/or
- ii. all outstanding minor works.

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

#### 16.12.3 **Easements/Restrictions/Positive Covenants**

- 16.12.3.1 An easement to drain water is to be created over the SP2 drainage channel land immediately to the west of the subject site and impacted by the discharge of the stormwater from the site. This is to be created free of cost to Council and benefit Lot 201 DP 829034 (subject site), with no compensation payable by the applicant.

- 16.12.3.2 The Applicant must prepare, for Council's approval, a plan for planting around the proposed pipe and headwall which will be constructed to drain water under the easement, to ensure stability of the bed and banks of the drainage channel immediately around the pipe and headwall. The Applicant must implement the approved plan prior to the issue of any occupation certificate.

- 16.12.3.3 Covenant(s), easement(s) or restriction(s) 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 covenants, easements and restrictions as accepted by the Land Registry Services (LRS).

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

consent of Blacktown City Council.

#### 16.13 Other Drainage Matters - Maintenance

- 16.13.1 The applicant must provide maintenance requirements for each of the proposed water quality devices generally in accordance with the Council's *WSUD Inspection and Maintenance Guidelines* available on Council's website. Where a proprietary device is not included within this guideline provide these separately in accordance with the manufacturer's requirements. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 16.13.2 The applicant must 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 GPT's and rainwater tanks and forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's Water sensitive urban design (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.

#### 16.14 Inspections

- 16.14.1 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.

#### 16.15 Environmental Health - Storage

- 16.15.1 The installation of the diesel tanks must comply with Australian Standards AS1940-2017: The Storage and Handling of Flammable and Combustible Liquids, AS1692-2006: Steel Tanks for Flammable and Combustible Liquids, and SafeWork NSW must be notified of this installation.
- 16.15.2 Bunding is to be installed in accordance with: *NSW DECC – Environmental Protection: Storage and Handling of Liquids (Participant's Manual)*, *Department of Environmental and Climate Change: "Environmental Action for Service Stations"*; *Australian Standard 1940-2017: 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*.

#### 16.16 Tree Preservation

- 16.16.1 Prior to the issue of an Occupation Certificate, the applicant's Project Arborist is to provide certification, to the satisfaction of the Principal Certifying Authority, that the Tree Protection Measures, as required by the conditions of this consent, have been implemented and maintained during the project. This will assist with assessing the Occupation Certificate requirements and the return of any Tree Preservation Bonds to the applicant.
- 16.16.2 The trees retained for the development must be in good health and condition to receive the Occupation Certificate. The applicant must follow the recommendations in the Tree Protection Plan.



**16.17 [Not Used]**

**16.18 Green Travel Plan**

16.18.1 Prior to the issue of an occupation certificate, the applicant shall submit to the satisfaction of Council a Green Travel Plan / Workplace Travel Plan consistent with the principles of Travel Demand Management (TDM). The plan must incorporate the following:

- (a) clear targets for reduction in private car use by staff;
- (b) travel information for modes other than private vehicle;
- (c) measures to reduce private car use, such as but not limited to a shuttle bus or on-demand bus service.

16.18.2 The plan must be implemented by the applicant for the life of the development.

16.18.3 The plan is to be monitored and revised annually and approved by Council for the first three years and then from time to time as needed, from the date of implementation.

**17 OPERATIONAL (PLANNING)**

**17.1 Access/Parking**

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

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

17.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1– 2021 and 2890.1.6 – 2022. Disabled car spaces and shared zones are to be signposted and line-marked as a disabled space.

17.1.4 Wheel stops must be provided to protect areas from vehicle encroachment, particularly walls, landscaping and pedestrian areas.

17.1.5 Parking areas must be well signposted, to indicate the availability parking, with entry and exit points clearly visible from both the street and the site. Pavement arrows must clearly indicate the direction of traffic circulation, and parking bays must be clearly delineated.

17.1.6 The internal driveways and manoeuvring thoroughfares within the site are to be kept unobstructed and free of storage of goods.

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

17.1.8 A minimum of 119 car parking spaces, and a maximum of 113 bus spaces are to be available on site during Stage 1 of the development.

17.1.9 A minimum of 170 car parking spaces , and a maximum of 163 bus spaces are to be available on site during Stage 2 of the development.

17.2 [not used]

17.3 **General**

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

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

17.3.3 The hours of operation of the development shall not be outside of the following nominated times. Any alteration to these hours will require the separate approval of Council.

Approved hours of operation: 24 hours, Monday to Sunday

17.4 **Use of Premises**

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

17.4.2 The administration building and workshop must only be used as part of the bus depot and for no other use.

17.4.3 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.

18 **OPERATIONAL (ENVIRONMENTAL HEALTH)**

18.1 **Environmental Management**

18.1.1 Any liquids, other than petroleum or distillate that are to be stored and/or handled on site are to be managed in accordance with the requirements of; *SafeWork NSW requirements, NSW DECC (2007) - Storing and Handling Liquids: Environmental Protection - Participants Manual, NSW DECC (2005) - Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation Australian Standard 1940-2017: The Storage and Handling of Flammable and Combustible Liquids.*

18.1.2 Vehicles and equipment shall only be washed on the premises within approved wash bay(s) that drain to the sewer system in accordance with Sydney Water requirements.

18.1.3 The wash bay is to be bunded/graded so that all surface water is designated to a designated collection pit.

18.1.4 The Collection Pit must have a 500 litre working capacity.

18.1.5 All wastewater from the Collection Pit must be pumped to sewer via an authorised Oil Water Separator as designated by Sydney Water. The minimum size is one kL/hour.

- 18.1.6 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and must not give rise to an offence under the Protection of the Environment Operations Act 1997.
- 18.1.7 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.
- 18.1.8 The development must be carried out in accordance with the following requirements:
- (a) Buses to follow the traffic distribution as outlined in Figure 5.5 of the Traffic and Transport Impact Assessment Report dated 27 September 2022 (reference number 22257) prepared by TTPP Transport Planning for the applicant; and
  - (b) Bus and light vehicle movements at peak times must not exceed:
    - AM Peak Hour: 44 light vehicles & 47 buses
    - AM Peak Hour: 44 light vehicles & 47 buses
- 18.1.9 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 Environmental Protection Authorities - Noise Policy for Industry 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.
- 18.1.10 A post commissioning report must be produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the proposed development operating to validate the Environmental Noise Impact Assessment's findings. The report is to be submitted to Council to review.
- 18.1.11 A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system.
- 18.1.12 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean-up 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.
- 18.1.14 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.
- 18.1.15 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.

- 18.1.16 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.