

DEVELOPMENT APPLICATION – NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979

Sections 4.16, 4.17 & 4.19

Applicant: Vlad Ene- Brewster Murray
Architects.
99 York Street, Sydney NSW 2000

Development Application No. 23-
01737

PAN- 397133

Property Description: Lot 1 DP 1152968, 25 Chicago Avenue BLACKTOWN NSW 2148

Description: Alterations and additions to the existing Optus Exchange Building including the demolition of roof plant, carpark awnings, outdoor paving and concrete paths, building entrance, and switch boards.

Determination: *Approved by Council, under Delegated Authority granted by Sydney Central City Planning Panel, subject to conditions*

Determination Date: 10 April 2024

Consent to Operate From: 10 April 2024

Consent to Lapse On: 10 April 2029

(If physical commencement has not occurred)

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date of this notification.

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination.

Division 8.2 does not apply to complying development, designated development or a determination made by Council under Division 4.2 in respect of Crown applications. For further information please contact Tamim Omar

Kerry Robinson
CHIEF EXECUTIVE OFFICER



Per

Date 10/04/2024

1 ADVISORY

1.1 Terminology

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

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

1.2 Scope of Consent

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

1.3 Other Approvals

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

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

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

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

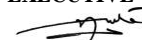
Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 1.5 Identification Survey**
- 1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.
- 1.6 Payment of Engineering Fees**
- 1.6.1 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 application form
 - Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

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1.7 Road Damage

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

2 GENERAL

2.1 Scope of Consent

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

Drawing No.	Dated
Ground Floor Demolition Plan Sheet 1 Dwg No.A101	October 2023
Ground Floor Demolition Plan Sheet 2 Dwg No.A102	October 2023
Level 1 Demolition Plan Dwg No.A103	October 2023
Roof Level Demolition Plan Dwg No.A104	October 2023
Ground Floor Plan Sheet 1 Dwg No.A110	October 2023
Ground Floor Plan Sheet 2 Dwg No.A111	October 2023
Roof Plan Sheet 1 Dwg No. A113	October 2023
Roof Plan Sheet 2 Dwg No.114	October 2023

2.2 Services

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

2.3 Suburb Name

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

Suburb: Blacktown

2.4 Other Matters

- 2.4.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.
- 2.4.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

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2.5 Open Space Matters

- 2.5.1 Open Space conditions within this consent relate to the following details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

DOCUMENT REFERENCE	DATE
Arboricultural Impact Assessment Report, reference no. 8823, prepared by Rain Tree Consulting.	16/08/2023

- 2.5.2 Consent is only granted for the removal of 10 trees on the subject site as these are required to be removed to facilitate construction. The additional 13 trees proposed to be removed are not within the development footprint and hence will require a separate tree removal application for Council to consider the removal of those trees.
- 2.5.3 A tree removal application for the removal of the additional 13 trees is to be accompanied by an Arborist Report providing clear Arboricultural reasons for the removal of said trees.
- 2.5.4 The following trees, located within the site and identified by the Arboricultural Impact Assessment Report, Reference No. 8823, prepared by Rain Tree Consulting dated 16 August 2023, can be removed:

Tree No.	Common Name	Botanical Name
1	Broad Leaf Ironbark	<i>Euaclyptus fibrosa</i>
2	Grey Gum	<i>Eucalyptus punctata</i>
3	Mugga Ironbark	<i>Eucalyptus sideroxylon</i>
4	Grey Gum	<i>Eucalyptus punctata</i>
5	Grey Gum	<i>Eucalyptus punctata</i>
6	Grey Gum	<i>Eucalyptus punctata</i>
7	Grey Gum	<i>Eucalyptus punctata</i>
27	Dead Tree	Unidentified
37	Cabbage Gum	<i>Eucalyptus amplifolia</i>
38	Dead Tree	Unidentified

- 2.5.5 Trees, not specifically identified in the table above may NOT be removed under this development consent. 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.

2.6 Endeavour Energy

- 2.6.1 The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 25 January 2024 attached to this consent.

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3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

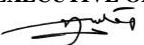
4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Access/Parking

- 4.1.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.1.2 A minimum of 16 car parking spaces are required to be provided on site and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1.
- 4.1.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 4.1.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 4.1.5 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 – 2002 for heavy vehicles.
- 4.2 Open Space- Necessary Landscape Plan Amendments**
- 4.2.1 Prior to the issue of a Construction Certificate, the landscape plan is to be amended to include the planting of an additional three (3) locally indigenous native trees. The selected species are, at maturity, to attain a minimum mature height of 15 metres. The landscape plan is also to be amended to reflect the tree removal requirements as per Condition 2.5 of this consent.
- 4.2.2 All documentation, including plans issued for construction, must be amended to reflect tree work approved in these conditions of consent. All trees shown on the plans are required to be numbered in accordance with the Arboricultural Impact Assessment Report, Reference No. 8823, prepared by Rain Tree Consulting, dated 16 August 2023. All trees, approved for removal, are to be identified with dashed

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circles. All trees, conditioned to be retained, are to be identified with a solid circle and have their Tree Protection Zone, compliant with the calculations of AS4970:2009, clearly plotted around the tree.

- 4.2.3 Prior to issue of a Construction Certificate, a Project Arborist is to be appointed for the duration of the works on site. The Project Arborist must hold a minimum qualification of Australian Qualification Framework (AQF) Level 5 in arboriculture and have Public Liability Insurance (minimum \$20 million) and Public Indemnity Insurance (\$10 million) for the duration of the project. The name and contact details of the Project Arborist are to be notified to Council prior to the commencement of any works on site, including demolition.
- 4.2.4 Prior to the issue of a Construction Certificate, a site and tree specific Tree Protection Plan must be prepared and submitted to the Principal Certifying Authority. The plan must be prepared by a Consulting Arborist, minimum qualification of Australian Qualification Framework (AQF) Level 5 in arboriculture, and be prepared in accordance with the provisions of AS4970:2009.

At a minimum, the plan must cover the following stages of construction:

- Tree Protection Measure installation – including canopy, trunk and ground protection measures in accordance with the provisions of AS4970:2009,
- Supervision of any excavation to be done within the Tree Protection Zone of trees required to be retained and/or within three (3) metres of any other existing tree located on an adjoining property and with a height equal to or greater than three (3) metres.

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

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

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

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local

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Environmental Plan), 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.

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

5.3 Demolition

- 5.3.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the Safe work NSW under the provisions of the *Work Health and Safety Act 2011* (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2005 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.

6 PRIOR TO CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS CERTIFICATE (ENGINEERING)

6.1 General

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

6.2 Necessary Plan Amendments

- 6.2.1 Amended Engineering Stormwater Drawings are required from JHA and be generally in accordance with Job No. 220093, drawing number C-DA000, C-DA001, C-DA100, C-DA101, C-DA102, C-DA300, C-DA301 and C-DA302, Revision P4 and dated May 2023 addressing the following items:
- (a) All OSD access grates shall be grated.
 - (b) Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks, and Detention Tank in accordance with Council's Engineering Guide for Development 2005.
 - (c) Provide on-site stormwater detention (OSD) warning signs as per Council's WSUD standard drawing.
 - (d) Provide design level of the ESK20 Coalescence oil/ water separator to direct surface runoff to the OSD tank

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7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Environmental Management

7.1.1 The recommendations made in the Preliminary Site Investigation (E23130-1) prepared by Geotechnical Consultants Australia, dated 21 August 2023 are to be implemented.

7.1.2 The recommendations made in the Noise and Vibration Impact Assessment (ref: 220093) prepared by JHA Services, dated 27 October 2023 are to be implemented.

7.1.3 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020)
- NSW Environment Protection Authority's Sampling Design Guidelines – Part 1 (Application) Part 2 (Interpretation) (2020).
- NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
- NSW Environment Protection Authority's Waste Classification Guidelines, Part 1: Classifying Waste (2014)

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

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

8.1.1 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.

8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Environmental Planning and Assessment Regulation 2021

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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.

8.1.3 Should the development work:

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

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

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

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

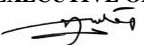
8.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

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

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

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

8.2 Notification to Council

- 8.2.1 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.

8.3 Sydney Water Authorisation

- 8.3.1 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 Customer Centre or Quick Check Agent, 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 Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance

8.4 Open Space Matters

- 8.4.1 No trees, located within the subject allotment and/or within the Council Road Reserve (verge/nature strip) or any adjoining public open space, may be removed or pruned unless specific approval is given in this consent.
- 8.4.2 All trees, including Community Assets (Street 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:

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Protection of trees on development sites, 2009 must be installed prior to the commencement of any works on site, including demolition.

8.4.3 A Compliance Certificate is to be provided by the Project Arborist to the Principal Certifying Authority once the required Tree Protection Measures have been installed.

8.4.4 There must be no excavation, mechanical or by hand, or alteration to existing soil levels within the Tree Protection Zone of any tree required to be retained and protected.

8.5 Tree Removal

8.5.1 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) and Public Indemnity Insurance (minimum \$10 million).

8.5.2 The following trees, located within the site and identified by the Arboricultural Impact Assessment Report, Reference No. 8823, prepared by Rain Tree Consulting dated 16 August 2023, can be removed

Tree No.	Common Name	Botanical Name
1	Broad Leaf Ironbark	<i>Euaclyptus fibrosa</i>
2	Grey Gum	<i>Eucalyptus punctata</i>
3	Mugga Ironbark	<i>Eucalyptus sideroxylon</i>
4	Grey Gum	<i>Eucalyptus punctata</i>
5	Grey Gum	<i>Eucalyptus punctata</i>
6	Grey Gum	<i>Eucalyptus punctata</i>
7	Grey Gum	<i>Eucalyptus punctata</i>
27	Dead Tree	Unidentified
37	Cabbage Gum	<i>Eucalyptus amplifolia</i>
38	Dead Tree	Unidentified

8.5.3 Trees, not specifically identified in the table above may NOT be removed under this development consent. 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.

8.6 Hollow bearing trees-protection of wildlife

8.6.1 Prior to the removal of any tree located on site the applicant shall:

- Have all trees inspected, by a Practicing Arborist with a minimum qualification of Australian Qualification Framework (AQF) Level 3 in arboriculture, for the presence of hollows or potential hollows.

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- If animals or birds are located within a tree approved for removal, Wires (<<https://www.wires.org.au/>>) or Birdlife Australia (<<https://birdlife.org.au/>>), whichever is the more appropriate, must be contacted and brought on site to attend to the animal/bird prior to any work being undertaken on the tree.

8.7 Installation of Tree Protection Measures

- 8.7.1 Prior to the commencement of building work, including demolition, Tree Protection Measures must be installed around all trees required by this consent to be retained.

At a minimum, Tree Protection Measures should include:

- Tree Protection (exclusion) Zones must be established around each tree to be retained – inclusion of side boundary fencing is acceptable if the fencing is to be retained for the duration of works on site. Tree Protection Zones must comply with the following minimum standards:
- The Tree Protection Zone must enclose, at a minimum, the extent of the Tree Protection Zone indicated in the table above.
- The enclosure must exclude all personnel and activities from the area. This includes activities such as storage/stockpiling of materials, washing of equipment and location of services eg. temporary toilet facilities, waster bins, site offices etc.
- The area is to be identified, by signage on each side of the area, containing the following information:
 - Identifying the area as a 'Tree Protection Zone',
 - Identifying the area as an exclusion zone ie. no entry to area,
 - Identifying the name and contact details for the appointed Project Arborist.
- Fencing is to consist of chain wire mesh panels of temporary fencing, a minimum of 1.8m high, secured using concrete feet and section clamps between panels. **NB:** use of plastic safety fencing is not acceptable.
- Tree Protection Zones are to be kept maintained, ie. kept weed free, for the duration of construction. Maintenance is to be done by hand. Use of chemicals, ie. herbicides, is prohibited.
- Tree Protection Zones are to be retained, in place and unaltered, for the duration of construction.

8.7.2 Where Tree Protection Fencing cannot be installed, Tree Protection Measures are

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to consist of Trunk and/or Branch Protection, compliant with the provisions of AS4970: Protection of trees on development sites-2009 as a minimum. This type of protection must be regularly checked (minimum of once per calendar month) by the Project Arborist for the duration of construction.

8.8 Certification of Tree Protection Measures

- 8.8.1 Prior to development works, including demolition, the Project Arborist is to provide Certification, to the Principle Certifying Authority, that all Tree Protection Measures have been installed in accordance with the requirements of this consent.

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 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.

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- 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 Site Investigation

A qualified Site Auditor accredited by NSW Office of Environmental & Heritage (under the provisions of the Contaminated Land Management Act 1997) shall be engaged to undertake an investigation of the land to ascertain if the site has been affected by any contaminants (including, but not limited to, asbestos, organochlorins, arsenic, lead, petroleum residues and the like) that may be detrimental to the health of any future occupants and/or workers. The report shall identify the contaminants (if applicable) and shall make recommendations on the method of remediation of the land.

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
- SafeWork NSW contact number 131050, and email address contact@safework.nsw.gov.au

10 DURING CONSTRUCTION

10.1 Safety/Health/Amenity

- 10.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for

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every 20 persons or part of 20 persons employed at the site.

10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Section 70 of the 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.

10.1.3 Should the development work:

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

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

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

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

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

10.1.6 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

10.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or

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supporting works be given notice of such intention and particulars of the excavation or supporting works.

- 10.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

10.2 Building Code of Australia Compliance

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

10.3 Nuisance Control

- 10.3.1 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.
- 10.3.2 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.

10.4 Waste Control

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

10.5 Construction Inspections

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

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- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

10.6 Project Arborist Requirements

- 10.6.1 During building work, including demolition and landscape construction, the Project Arborist is to complete site inspections and/or supervision of work, as indicated in the table below, at the following stop points:

Stop Point	Action Required
1. Installation of Tree Protection Measures	Certification of Tree Protection Measures.
2. Excavation within the Tree Protection Zone (TPZ) of any tree required to be retained, including those on adjoining property.	Supervision and direction of excavation work.
3. At practical completion of construction, including landscaping.	Certification that Tree Protection Measures have been retained and maintained compliant with the conditions of this consent.

10.7 Tree Monitoring

- 10.7.1 During building work, including demolition and landscape construction, the Project Arborist is to carry out regular site monitoring, at a minimum rate of one (1) site visit per calendar month, to ensure Tree Protection Measures are being maintained compliant with the requirements of this consent. Record of these site visits is to be sent to the Principal Certifying Authority
- 10.7.2 Where a non-compliance with the conditions of this consent is identified, the Project Arborist is to notify the Principal Certifying Authority within three (3) working days from the date of the site visit. The notification must include the following details:
- Description of the non-compliance,
 - Remedial actions required,
 - Time frame for remedial actions to be completed in.

The Principal Certifying Authority must ensure that the recommendations of the

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Project Arborist are implemented within the stated timeframes.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Excavation for sub-surface services in Tree Protection Zones

- 11.1.1 All sub-surface services (eg. gas, water, electricity, stormwater, sewerage etc) are to be located outside of the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties. Under no circumstances are sub-surface services to be installed within the Structural Root Zone of a tree required to be retained and protected by this consent, including those located on adjoining properties.
- 11.1.2 Power poles, stormwater grate drains, service lines etc. are to be located so as to avoid any need to install services within a Tree Protection Zone or to excavate through a Tree Protection Zone. All such features are to be located so that they do not negatively impact on any tree required to be retained by this consent or which is located on an adjoining site. Only where there is no other viable option available are services to be installed within the Tree Protection Zone.
- 11.1.3 Where services are required to be installed within the Tree Protection Zone, the Project Arborist is to be consulted prior to the works being undertaken and appropriate, tree sensitive installation methods are to be used. Open excavation must only be used on the authorisation of the Project Arborist and must be completed by hand, use of mechanical digging tools is not permitted.
- 11.1.4 The Project Arborist is required to supervise and direct all work associated with the installation of sub-surface services within the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties.
- 11.1.5 At the completion of the works, the Project Arborist must provide a Compliance Certificate to the Principal Certifying Authority which details the method used for the installation of the sub-surface services, identifies any and all tree roots severed by diameter and depth, and all tree protection measures implemented.

12 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

12.1 Premises Construction

- 12.1.1 The recommendations made in the Preliminary Site Investigation (E23130-1) prepared by Geotechnical Consultants Australia, dated 21 August 2023 are to be implemented.
- 12.1.2 The recommendations made in the Noise and Vibration Impact Assessment (ref: 220093) prepared by JHA Services, dated 27 October 2023 are to be implemented.

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- 12.1.3 A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.
- 12.1.4 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.
- 12.1.5 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

13 DURING DEMOLITION WORKS

13.1 Safety/Health/Amenity

- 13.1.1 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 words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 13.1.2 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.
- 13.1.3 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.
- 13.1.4 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.
- 13.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.1.6 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.
- 13.1.7 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)

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- 13.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 13.1.9 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.
- 13.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 13.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 13.1.12 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.
- 13.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 13.1.14 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.
- 13.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

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13.2 Nuisance Control

- 13.2.1 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.
- 13.2.2 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.
- 13.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

14 PRIOR TO OCCUPATION CERTIFICATE

14.1 Compliance with Conditions

- 14.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 14.1.2 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*.

14.2 Fire Safety Certificate

- 14.2.1 An interim or 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).
- 14.2.2 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).

14.3 Fee Payment

- 14.3.1 Any fee payable to Council as part of a Construction, Subdivision Works,

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Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

14.4 Engineering Matters Surveys/Certificates/Works As Executed plans

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

- All the requirements of the approved drainage plans have been undertaken;
- The minimum detention storage of 18 m³ has been provided below the 1% AEP emergency overflow weir in the underground detention tank.
- The minimum detention storage of 5 m³ has been provided below the 1% AEP water level in the above ground detention tank;
- The orifice size matches the approved construction certificate plans
- All (other) signage and warning notices have been correctly installed.

14.4.2 Easements/Restrictions/Positive Covenants

14.4.2.1 Prior to the issue of the Occupation certificate, the applicant shall submit to Council documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD system installed on the property. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans.

14.4.2.2 Prior to the issue of the Occupation certificate, the Applicant shall provide a Maintenance schedule for the WSUD system installed on the property. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The Applicant shall submit the Maintenance schedule to Council for approval.

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

14.4.2.4 The items that are to be covered by a positive covenant and restriction is the on-site detention tank.

14.4.3 Certification of Tree Protection Measures

14.4.3.1 Prior to the issue of an Occupation Certificate, the Project Arborist is to provide

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certification, to the Principal Certifying Authority, that the Tree Protection Measures, as required by the conditions of this consent, have been implemented and maintained during the course of the project.

15 OPERATIONAL

15.1 Access/Parking

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

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

15.2 General

15.2.1 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.

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

15.2.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

15.3 Landscaping

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

16 OPERATIONAL (ENVIRONMENTAL HEALTH)

16.1 Environmental Management

16.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

16.1.2 A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system.

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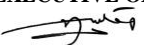


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- 16.1.3 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.
- 16.1.4 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.
- 16.1.5 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.
- 16.1.6 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.
- 16.1.7 The Applicant shall enter into a Maintenance Agreement with a maintenance contractor for the WSUD system installed on the property. The Maintenance Agreement is to be in accordance with the Maintenance schedule approved by Council. The maintenance contractor is to possess the qualifications and licences, if any, required to undertake the maintenance works in accordance with Council and New South Wales policy and legislation. The Maintenance Agreement must be maintained for the life of the development. The Applicant shall submit a copy of the executed Maintenance agreement to Council for approval. The Maintenance Agreement can be replaced with an alternative Maintenance Agreement of the same or better standard. In the event that the Applicant enters into a replacement Maintenance Agreement the Applicant must, as soon as practically possible, forward a copy to Council.

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Development Application and Planning Proposal Review NSW Planning Portal Concurrence and Referral



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Blacktown City Council	DA-23-01737	CNR-64908	Tamim Omar	24/01/2024	14/02/2024	25/01/2024

Address	Land Title
25 CHICAGO AVENUE BLACKTOWN 2148	Lot 1 DP 1152968

Scope of Development Application or Planning Proposal

Demolish part of the existing roof plant, existing metal awning over the car park, existing carpark pavement, front entrance, existing footpath and concrete pads. Removal of existing generators. Installation of 3 outdoor generators. Construction of emergency plant, chiller plant, HDC plant room, carport awning and car park facilities, concrete pads, switch room, acoustic barrier, an enclosed extension of the front façade and extend the existing awning.

Endeavour Energy's G/Net master facility model indicates:

Within or adjacent to the 'Project Location' the electrical network used in the distribution / supply of electricity are:

Electricity Infrastructure / Apparatus	Statutory allocation (road verge / roadway*)	Easement (or other form of property tenure**)	Protected works***	Freehold (adjoining or nearby)
Overhead Power Lines				
<input checked="" type="checkbox"/> Low voltage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> High voltage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Transmission voltage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pole / tower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Underground Cables				
<input type="checkbox"/> Low voltage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> High voltage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Transmission voltage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Streetlight / pillar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substation				
<input type="checkbox"/> Pole mounted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Padmount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Indoor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Transmission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).

High voltage above 1,000 volts a.c. and less than 33,000 volts a.c. [33 kilovolts (kV)].

Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).

*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.

** Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.

***Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).

Other: provide detail of electricity infrastructure / apparatus.

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
<input type="checkbox"/>	<input type="checkbox"/>	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Look up and Live	Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.
<input type="checkbox"/>	<input type="checkbox"/>	21	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	23	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input checked="" type="checkbox"/>	24	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	28	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	29	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	30	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	31	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input type="checkbox"/>	32	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
<input type="checkbox"/>	<input type="checkbox"/>	33	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	34	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	35	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	37	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Decision				Approve (with conditions)

Environmental Services Team

P 133 718 or (02) 9853 6666
E Property.Development@endeavourenergy.com.au

Level 40-42, 8 Parramatta Square, 10 Darcy Street
Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country

endeavourenergy.com.au |    



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Energy**

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together**



Reason(s) for Conditions or Objection (If applicable)

- Indoor substation no. 19772 and the associated cableway for 11 kV high voltage underground cables being electricity distribution infrastructure on private property over which there is no easement are regarded as protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW) and may be managed as if an easement is in place.

As shown in the following Clause 5.3.5 'Indoor substations', from Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', indoor substations require the following:

5.3.5 Indoor substations

The boundaries of an easement for indoor substation must be defined by the internal face of the walls, ceiling, floor, and cable trenches of the substation room.

An easement for the cables that enter and exit the substation room will also be required if they are not installed within public roads and/or existing Endeavour Energy easements.

A right of access may also be required to give Endeavour Energy employees, vehicles, and equipment unrestricted access to the indoor substation at all times.

Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Table 1 – 'Minimum easement widths', the 11 kV high voltage underground cables (assumed to have no concrete protection unless proven otherwise) requires a 3 metre minimum easement width ie. 1.5 metres to both sides of the centre line of the cable ducts.

- All encroachments, activities and / or works (including subdivision and even if not part of the Development Application) whether temporary or permanent within or affecting an easement, restriction, right of access or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project) need to be referred to Endeavour Energy's Easements Officers for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities.

For further information please refer to the attached copies of Endeavour Energy's:

- General Restrictions for Underground Cables.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.

From the below copy of the Notification Plan the 'Proposed New Works' do not appear to affect the indoor substation no. 19772 and the associated cableway for 11 kV high voltage underground cables.

- To ensure an adequate connection, the applicant may need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- The minimum required safety clearances and controls for buildings and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building or structure, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV). It also includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

Endeavour Energy's G/Net master facility model.

The advice provided regarding the extent of the electricity infrastructure on or near the site is based on a desk top review of Endeavour Energy's G/Net master facility model. This is a computer based geographic information system which holds the data on and is used to map the electricity network. The location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. It only shows the Endeavour Energy electricity network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property.

Easement (or other form of property tenure).

Title searches will confirm the current owners of a property and shows any registered interests affecting the property such as an easement. Not all interests eg. short term leases and licences are registered on the title. Not all easements for electricity infrastructure will necessarily benefit Endeavour Energy eg. there may be interallotment / easements appurtenant to the land particularly for low voltage service conductors / customer connections. For further advice please refer to Endeavour Energy's:

- Land Interest Guidelines for Network Connection Works.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement and will be generally indicated as 'Condition'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is no underground electricity infrastructure it will be indicated as 'Advice' as a precaution and in regard to any other underground utilities.

Not all of the matters may be directly or immediately relevant or significant to the Development Application or Planning Proposal. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. Even if a matter is not indicated a 'Condition' or 'Advice', applicants are encouraged to review all of the 'Standard Conditions' as some matters may not have been evident from the information provided with the Development Application and of which the applicant may have additional knowledge.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked as for 'Advice', the outcome of the assessment will also be 'Advice'.

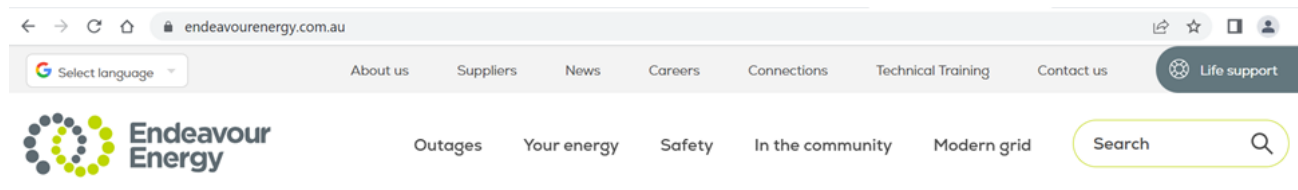
Objection

Endeavour Energy may object to a Development Application if the conditions may substantially impact the proposed development or regarded as a significant risk to the electricity distribution network. Although Council may be able to appropriately condition these matters, Endeavour Energy's recommendation is to address the matters prior to Council granting any consent. This can assist in avoiding the need to later seek modification of an approved Development Application.

Please note Endeavour Energy can only assess the Development Application based on the information provided by the applicant and Council. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or Council. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/> .



To resolve any objection or to seek further advice the following are the main contacts and can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Team are able to provide general advice, the resolution / approval of any matter/s rests with the relevant contact related to the matter/s.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easements Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Accredited Service Providers

The Accredited Service Provider (ASP) scheme accredits organisations to perform contestable work on the NSW electricity distribution network. Contestable works are works that are required for the electricity distribution network provider to supply the load in the power lines where a new or altered connection is being requested.

Endeavour Energy is urging applicants / customers to engage with an ASP prior to finalising plans to in order to assess and incorporate any required electricity infrastructure as well as addressing safety issues such as safety clearances. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

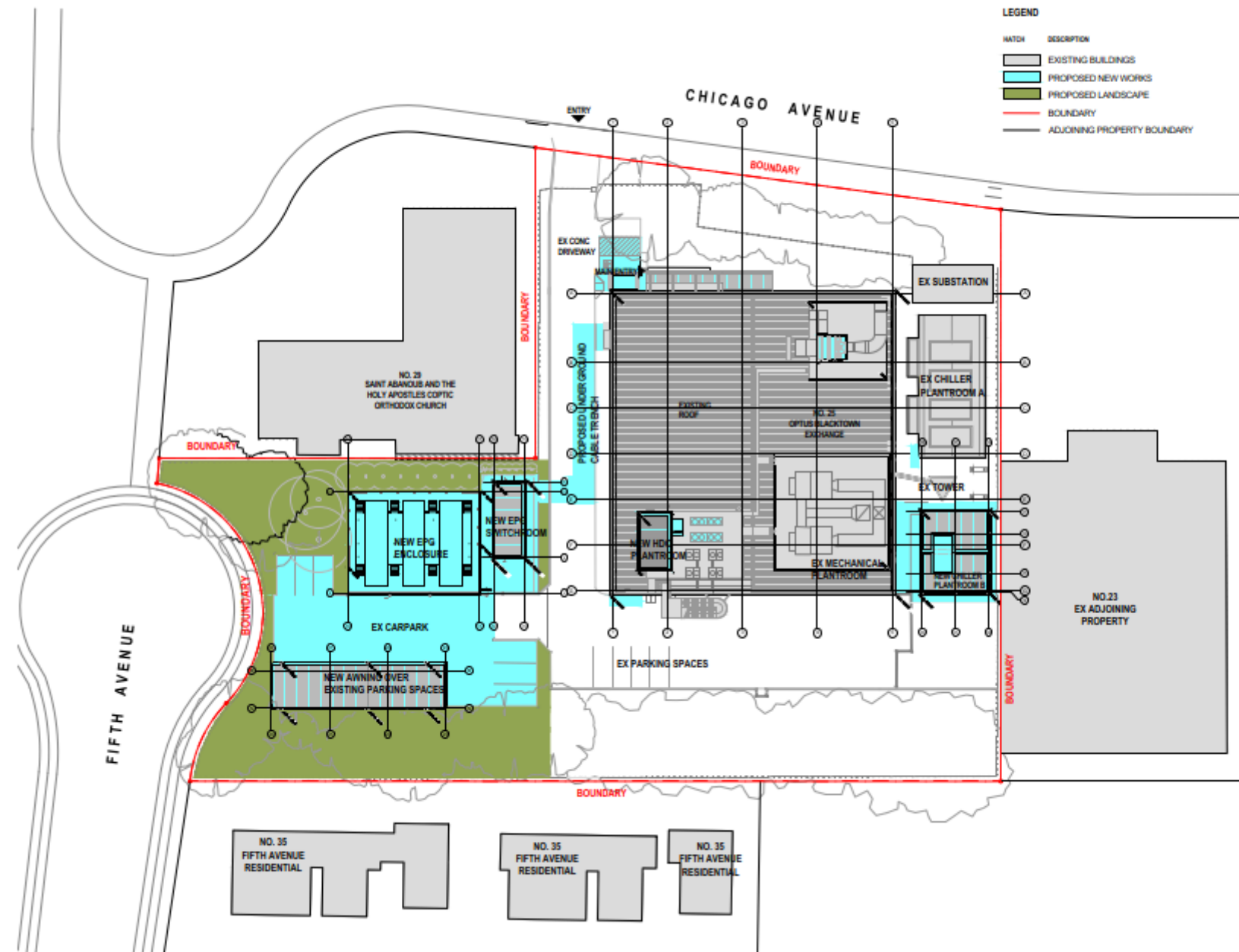
Details of the ASP Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service> .

Duty of Care

All individuals have a duty of care they must observe when working in the vicinity of electricity infrastructure. Before you do anything:

- 1) Contact Before You Dig and Look Up and Live to obtain the details of the electricity infrastructure on or near the site noting they are a guide only to what might be in the area and may not be entirely accurate.
- 2) Comply with the conditions and consider the advice provided above.
- 3) If needed contact Endeavour Energy on 133 718 or the contacts provided above for assistance.
- 4) **DO NOT** attempt any work near electricity infrastructure until all required approvals and safety measures are in place.
- 5) Proceed only if you have satisfied yourself it is safe.
- 6) Always remember, even the briefest contact with electricity at any voltage can have serious consequences to a person's health and safety and can be fatal.

Site Plan from Endeavour Energy's G/Net Master Facility Model



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Client

'yes' OPTUS

Project

**BLACKTOWN EXCHANGE
UPGRADE PROJECT
LOT 25 CHICAGO AVENUE
BLACKTOWN NSW 2148**

Drawing

NOTIFICATION PLAN

North



Scale 1:250 @ B1

Date OCT 2023

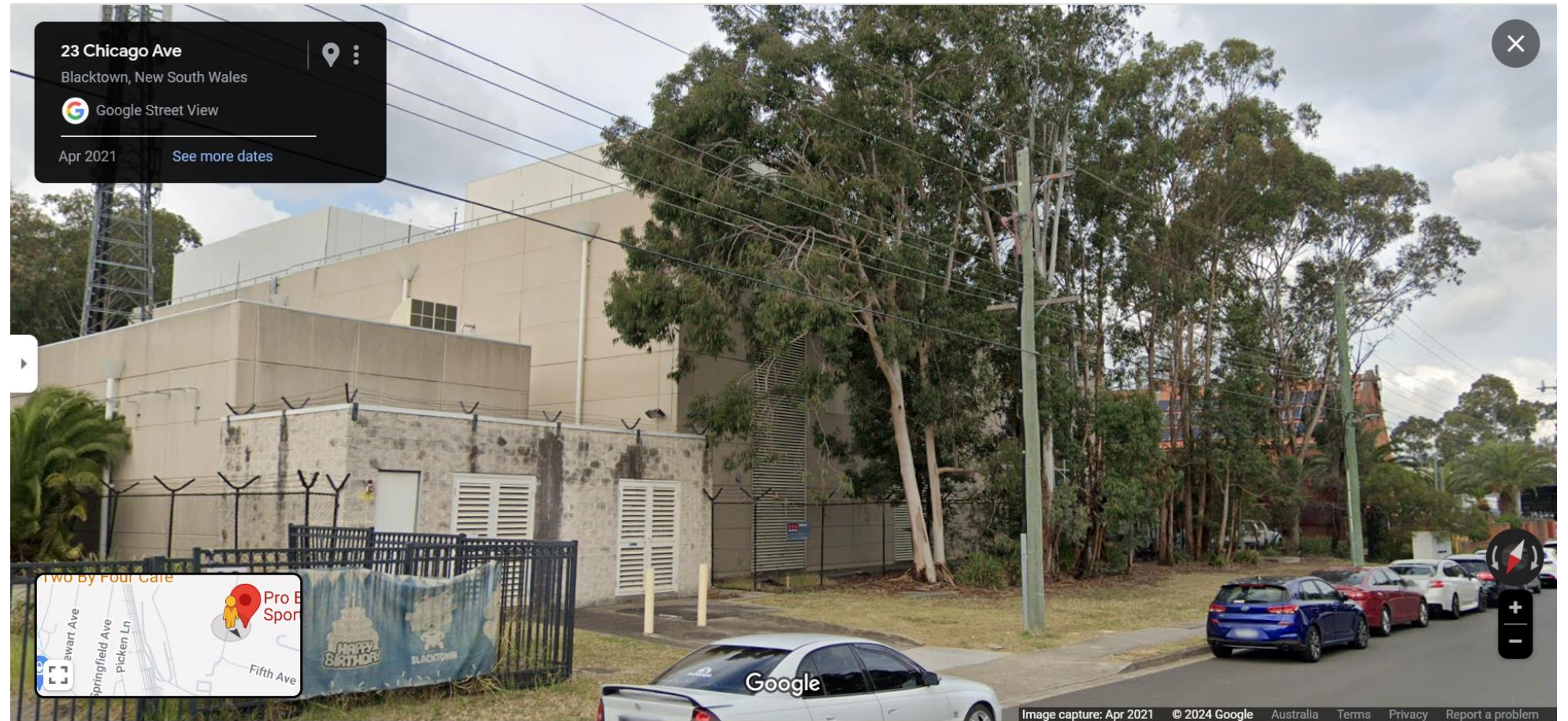
Project No. 23-6373

Drawing No. **A400**

Issued for DEVELOPMENT APPLICATION

Verify all dimensions before commencing work.
Use Imperial dimensions. Do not scale off drawing.
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