

# ATTACHMENT 1 – PROPOSED CONDITIONS OF CONSENT

JRPP-16-03318

Property: Lot 2020 DP 877343, 35 Huntingwood Drive, Huntingwood

Proposal: Removal of the existing structures and 2 trees, the staged construction, fit out and operation of a Data Centre and associated offices, car parking and loading bays, plant and equipment including an electrical transformers yard and landscaping

## 1 ADVISORY NOTES

### 1.1 Terminology

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

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

### 1.2 Scope of Consent

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

### 1.3 Other Approvals

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

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

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

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

- (a) the installation of a caravan, temporary structure, stormwater drainage in a public place, amusement device or other activity not being an exempt activity under Council's Local Approvals Policy adopted under the provisions of the Local Government Act 1993,
- (b) the installation of a vehicular footway crossing servicing the development.

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

1.3.5 This consent does not authorise the erection of any business identification signage.

#### 1.4 **Services**

1.4.1 The applicant is advised to consult with:

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

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

All approved building construction plans attached to the Construction Certificate should be approved through the 'Sydney Water Tap In' service to determine whether the development will affect the Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to the PCA. Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information. 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. Should the site require the construction of a Septic Tank or Sewage Management System in accordance with section 68 of the Local Government Act 1993, advice is to be provided from Sydney Water that any necessary requirements are met.

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

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

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

or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

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

## 1.5 Identification Survey

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

## 1.6 Engineering Notes

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

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

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

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

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

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

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

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

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

## 1.7 Payment of Engineering Fees

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

- Complete application form

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

A quote will be provided verbally generally within 2 weeks followed by confirmation in writing.

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

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

A quote will be provided verbally generally within 2 weeks, followed by confirmation in writing.

## 2 GENERAL

### 2.1 Scope of Consent

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

Drawing No.	Dated	Council's File Enclosure
<b>Architectural Plans prepared by Frasers Property:</b>		
Cover Sheet ar-cv00, B02	24.06.2016	<b>1WW</b>
Site Plan ar-0101, B02	24.06.2016	<b>25A</b>
Staging Diagrams, Sheet 1 ar-0102, B02	24.06.2016	<b>1YY</b>
Staging Diagrams, Sheet 2 ar-0103, B02	24.06.2016	<b>1ZZ</b>
Master Plan Ground, Sheet 1 ar-0201, B02	24.06.2016	<b>1AAA</b>
Master Plan Ground, Sheet 2 ar-0202, B02	24.06.2016	<b>1BBB</b>
Master Plan Level 1, Sheet 1 ar-0203, B02	24.06.2016	<b>1CCC</b>
Master Plan Level 1, Sheet 2 ar-0204, B02	24.06.2016	<b>1DDD</b>
Master Plan Roof, Sheet 1 ar-0205, B02	24.06.2016	<b>1EEE</b>
Master Plan Roof, Sheet 2 ar-0206, B02	24.06.2016	<b>1FFF</b>

Tech Space Office 1, Ground Floor Plan ar-1201, B02	24.06.2016	<b>1GGG</b>
Tech Space Office 1, Level 1 Floor Plan ar-1202, B02	24.06.2016	<b>1HHH</b>
Tech Space Office 1, Level 2 Floor Plan ar-1203, B02	24.06.2016	<b>1III</b>
Tech Space Office 1, Roof Plan ar-1204, B02	24.06.2016	<b>1JJJ</b>
Tech Space Office 2, Ground Floor Plan ar-1211, B02	24.06.2016	<b>1KKK</b>
Tech Space Office 2, Level 1 Floor Plan ar-1212, B02	24.06.2016	<b>1LLL</b>
Tech Space Office 2, Level 2 Floor Plan ar-1213, B02	24.06.2016	<b>1MMM</b>
Tech Space Office 2, Roof Plan ar-1214, B02	24.06.2016	<b>1NNN</b>
Typical Data Hall Type 1 Floor Plan ar-1221, B02	24.06.2016	<b>1OOO</b>
Typical Data Hall Type 2 Floor Plan ar-1222, B02	24.06.2016	<b>1PPP</b>
Section 1 ar-2101, B02	24.06.2016	<b>1QQQ</b>
Section 2 & 3 ar-2102, B02	24.06.2016	<b>1RRR</b>
North & South Elevations ar-2501, B02	24.06.2016	<b>1SSS</b>
East Elevation ar-2502, B02	24.06.2016	<b>1TTT</b>
West Elevation ar-2503, B02	24.06.2016	<b>1UUU</b>
Materials ar-9000, B02	24.06.2016	<b>1VVV</b>
<b>Landscape Plans prepared by FM Evolution:</b>		
Landscape Cover Sheet, General Notes, Planting Schedule, la—cv00, B02	29/09/16	<b>24A</b>
Landscape Plan, Sheet 1 la-0501, B02	29/09/16	<b>1XXX</b>
Landscape Plan, Sheet 2 la-0502, B02	29/09/16	<b>24B</b>
Landscape Plan, Sheet 3 la-0503, B02	29/09/16	<b>24C</b>
Landscape Cover Sheet, General Notes, Planting Schedule, la-0504, B02	29/09/16	<b>24D</b>
Landscape Details, la-8901, B02	29/09/16	<b>24E</b>

\* Unless modified by any condition of this consent

## 2.2 Services

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

### 2.3 **Suburb Name**

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

Suburb: Huntingwood

2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Huntingwood

### 2.4 **Engineering Matters**

#### 2.4.1 **Design and Works Specification**

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

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

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

(c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

(d) Blacktown City Council Growth Centre Precincts Development Control Plan

(e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

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

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

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

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

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

2.4.1.2 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

These matters will be individually addressed within the consent

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

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

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

#### 2.4.2 Other Necessary Approvals

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

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

#### 2.4.3 Drainage Matters

2.4.3.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

2.4.3.1 The development must at all times maintain the water quality system to achieve the following pollutant removal targets of Part J of DCP 2015 for the entire site in perpetuity including the approved bio-retention plant species:

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

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

## 2.5 Other Matters

- 2.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.5.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves.
- 2.5.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

## 2.6 Street Tree Planting

- 2.6.1 10 new street trees are required to be planting on the nature strip frontage of the site at 8 metre spacings. The street tree plantings should ensure vehicle sightlines and street lighting and not impeded. The species of the new street trees to be planted are to be *Lophostemon confertus* – Brush Box. Root directors are to be installed to manufacturer's specifications on all street trees. Councils preferred turf species for nature strips is Soft leafed Buffalo.
- 2.6.2 Bonds and fees in relation to street trees are to be applied as per Councils schedule of goods and services.
- 2.6.3 The Project Officer for Civil and Open Space Infrastructure, must be notified when street trees have been planted so practical completion can be given on the street tree planting and the 12 month maintenance period can commence.

## 2.7 Roads & Maritime Services Matters

- 2.7.1 The generally southern boundary abuts the M4 Motorway. Access across the M4 Motorway boundary is denied. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the M4 Motorway boundary.

## 2.8 Endeavour Energy Matters

- 2.8.1 Network Capacity / Connection: Although there are existing customer connections to the site, the applicant for the future proposed development of the site may need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:  
<http://www.endeavourenergy.com.au/>

With regard to the construction of a dedicated electrical transformers yard, Endeavour Energy's Capacity Planning Section has provided the following advice:

This development is already being handled under Urban Industrial Load application UIL4912. An initial supply at 11,000 volts / 11 kV is being developed and a project definition to ultimately supply the site at 132,000 volts / 132 kV is also in progress.

The removal of the existing electrical assets from the site is being handled under Asset Relocation Project ARP3270.

2.8.2 Easement Management / Network Access: The following is a summary of the usual / main terms of Endeavour Energy's electrical easements / protected electrical works requiring that the land owner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

If the proposed works will encroach/affect Endeavour Energy's easements in a manner which falls outside of the works associated with the Asset Relocation Project, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on 9853 7139 or alternately [Jeffrey.Smith@endeavourenergy.com.au](mailto:Jeffrey.Smith@endeavourenergy.com.au).

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

2.8.3 Vegetation Management: The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

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

2.8.5 Public Safety: Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk

and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:  
<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

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

### **3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

#### **3.1 DA Plan Consistency**

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

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

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

#### **4.1 Aesthetics / Landscaping**

- 4.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 4.1.2 All proposed new retaining walls shall be made of masonry material. The maximum permitted height of any new retaining wall is 3 m. Should the development require retaining structures greater than 3 m in height, these retaining walls are required to be stepped and complemented by cascade planting and/or different banding of the retaining wall materials.
- 4.1.3 Service conduits which are located on the external facade of the buildings, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the buildings.
- 4.1.4 Prior to the issue of any Construction Certificate a "Graffiti Management Plan" is to be submitted to and approved by Council which addresses the following:
- (a) Methods to minimise the potential for graffiti;
  - (b) Management/notification procedures for the "early" removal of graffiti;
  - (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
  - (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

#### **4.2 Access / Parking**

- 4.2.1 The access driveways, ramps, circulation aisles, manoeuvring areas, loading areas and parking arrangements are to be designed in accordance with AS 2890.1, AS 2890.2 and AS 2890.6.
- 4.2.2 A total of 50 on-site car parking spaces (including 2 disabled car spaces) are to be

available to staff and visitors at all times.

These spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6m x 5.4m

Disabled Car Space: 2.4m x 5.4m with a shared area of 2.4m x 5.4m

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

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

#### 4.3 **Staging**

4.3.1 The development is permitted to be constructed and occupied in a staged manner, in accordance with the Staging Diagrams, ar-0102 and ar-0103, dated 24.06.2016.

### **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).

5.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Volume One of the Building Code of Australia:

- (a) Part C
- (b) Part D

5.1.3 It is advised the building may be the subject of an alternative solution under the performance requirements of the Building Code of Australia. In this respect, your attention is drawn to the need to ensure any associated construction certification for the development work is consistent with, and conforms to, the terms of the approved alternative solution, and does not compromise or reduce the level of fire or structural safety afforded the building.

#### 5.2 **Site Works and Drainage**

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

Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

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

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

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

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

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

Such details shall accompany the Construction Certificate.

### 5.3 **Internal Works**

5.3.1 A separate application for development consent shall be lodged with Council for any proposed fit out of a commercial and industrial building (which includes any fixed internal partition wall/display/storage racking/machinery/equipment and the like) that was not approved by this Notice of Determination. This condition does not apply to work or development that is Exempt Development or Complying Development under the State Environment Planning Policy (Exempt and Complying Development Codes) 2008.

## 6 **PRIOR TO CONSTRUCTION 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.

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

6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
AECOM	60428337-	1000	-	C	05.10.2016
		1001			
		1010			
		1011			
		1012			
		1013			
		1020			
		1021			
		1022			
		1030			
		1031			
		1040			
		1041			
		1042			
		1043			
1044					

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

- i. On Drawing No: 60428337-1011 minimise and if possible eliminate the bypass of the water treatment system by the catchment adjacent to the front boundary. The swale is to be repositioned lower and closer to the boundary at a suggested 1% grade. Review the size of the swale for this lower grade. Remove the Enviropod upstream of the bioretention as this causes in a significant loss of level. Lower the level of the filter media for bioretention 3 by lowering the level of the outlet pipe from 1/9 to 3/7 by up to 600 mm. Relocate the Enviropod to the overflow pit.
- ii. On Drawing No: 60428337-1011, Drawing No: 60428337-1021 and Drawing No: 60428337-1030 show the new lower finished filter level for bioretention 3.
- iii. Provide a sediment pit as part of the scour protection at the discharge point of the swale to bioretention 3 to protect the filter.
- iv. On Drawing No: 60428337-1012 revise the contours adjacent to the front boundary due to the changes in the swale.
- v. On Drawing No: 60428337-1013 at section 1 show the repositioned swale at or close to the front boundary, at section 2 show a 300 mm wall at the boundary above the swale invert and at section 3 show a retaining wall at the boundary that grades back all the catchment to the top of kerb level.
- vi. On Drawing No: 60428337-1020 show the increased catchment area for the front swale.
- vii. On Drawing No: 60428337-1021 either provide a heavy duty concrete access 3.5 m wide to the device to enable cleaning by eductor truck of the CDS 1009 at 2/10, or relocate the CDS 1009 at 2/10 to near the road for cleaning.
- viii. On Drawing No: 60428337-1021 in reference to the bioretention replace "EXTENDED FILTRATION DEPTH" with "EXTENDED DETENTION DEPTH". This depth is to be 400 mm for basins 2 and 3 as per the MUSIC model.
- ix. Delete the pipe from 2/16 to 1/9 and connect the overflow from the rainwater tank from 2/16 to either 3/7 or a repositioned 4/7. Revise pipe sizes and capacities as appropriate. Note that in the MUSIC model the overflow is not directed to bio 3 and directing the overflow to 1/9 bypasses the bioretention anyway. The basin 3 filter area at 40 m<sup>2</sup> is insufficient for this additional catchment.

- x. On Drawing No: 60428337-1021 delete the existing note 4 and replace with “ENVIROPOD (200 MICRON) ARE TO BE FITTED TO PITS 1/3, 2/1, 3/19 AND 1/9.”
- xi. Enviropods treating only surface flows require a minimum clear depth of 500 mm below the grate to any inlet or outlet pipe obvert.
- xii. On Drawing No: 60428337-1021 add a new note 5 that “ALL ROCLA CDS UNITS ARE TO HAVE AN OIL BAFFLE FITTED TO RETAIN HYDROCARBONS.”
- xiii. On Drawing No: 60428337-1021 delete the pipe from 2/21 to 1/21.
- xiv. On Drawing No: 60428337-1022 for the Stormwater Pit Details at pits 4/14 and 4/16 nominate Humes Jellyfish JF10-18-4. The Humes Jellyfish JF10-18-4 has a treatable flow rate of 100.9 l/s as per the MUSIC model.
- xv. On Drawing No: 60428337-1022 for the Stormwater Pit Details at pits 1/3, 2/1, 3/19 and 1/9 nominate 200 micron Enviropods.
- xvi. On Drawing No: 60428337-1022 for the Stormwater Pit Details at pits 1/5, 6/7, 1/3, 2/1, 3/19 and 1/9 nominate raised surcharge style grates.
- xvii. On Drawing No: 60428337-1022 for the Stormwater Pipe Details delete the pipe from 2/16 to 1/9 and connect the overflow from the rainwater tank from 2/16 to either 3/7 or a repositioned 4/7. Revise pipe sizes and capacities as appropriate.
- xviii. Show on Drawing No: 60428337-1030 the additional green landscaped area adjacent to the channel and roadway in catchment 1 being directed back to the water quality basin 1 due to the dwarf retaining wall at the boundary with the creek.
- xix. Show on Drawing No: 60428337-1030 the additional green landscaped area adjacent to the front boundary in catchment 3 being directed back to the water quality basin 3 due to the repositioned swale.
- xx. On Drawing No: 60428337-1030 in catchment 3 roof B delete the note “AND OVERFLOW TO WATER QUALITY BASIN 3” and for catchment 2 roof rear add “(TO WATER STORAGE AND OVERFLOW TO WATER QUALITY BASIN 2)”.
- xxi. On Drawing No: 60428337-1030 for the note for Water Quality Basin 1 amend the drainage layer to a minimum 375 mm and for the note for Water Quality Basin 2 amend the drainage layer to a minimum 325 mm.
- xxii. On Drawing No: 60428337-1031 top section A “Swale Detail” provide a dwarf retaining wall at the boundary a minimum of 300 mm above the swale invert level.
- xxiii. On Drawing No: 60428337-1031 “Swale Plan” at pits 1/3, 2/1 and 3/19 provide 200 micron Enviropods and surcharge style grates.
- xxiv. On Drawing No: 60428337-1031 “Swale Plan” for the length of the swale provide frequent openings in the kerb to allow water to enter the swale as per MUSIC. Provide a detail for alternating 800 mm long kerb and 400 mm openings.
- xxv. On Drawing No: 60428337-1031 the low untitled section A appears to be a section through a bioretention however there is no reference to know where it is taken. As part of the energy dissipation provide a 300 mm silt trap with seepage holes. At the overflow pit provide a surcharge style grate.
- xxvi. On Drawing No: 60428337-1031 under Bioretention Note 8 replace “75-100 mm OF FILTER MEDIA WITH A FINE TO COURSE SAND” with “100 mm OF COARSE SAND AND WASHED TURF”.
- xxvii. Provide plans and sections through each bioretention basin. Provide sufficient dimensions to show that the bio-retention systems have been installed with a minimum filter area of 210 m<sup>2</sup> for Bio-Retention Basin 1, 350 m<sup>2</sup> for Bio-Retention Basin 2 and 40 m<sup>2</sup> for Bio-Retention Basin 3, clear of pits, batters, flow spreaders and scour protection.

- xxviii. The bio-retention system is to be enclosed by HDPE liner (minimum 1.5mm thick) or approved equivalent.
  - xxix. Provide a detail of the temporary bioretention protection.
  - xxx. Provide a level flow spreader such as such as a half 225 mm slotted PVC filled with gravel or a concrete channel across the centre of the bioretention basin or around each side to uniformly disperse flows throughout the basin.
  - xxxi. Provide a detail of a subsoil riser. A detail of a subsoil riser is to be provided for flushing and maintenance of the subsoil collection pipe. The riser is to include two 450 bends with a short section of un-slotted straight (minimum 300 mm) in between. The vertical riser is to be sealed with a removable screw cap.
  - xxxii. Provide a detail for an intermediate subsoil riser for basin 1 at maximum 20m spacing.
  - xxxiii. The subsoil drains are to be un-socked slotted PVC (no hand cutting of slots permitted) laid at 0.5% with minimum 50mm gravel cover.
  - xxxiv. Provide calculations to demonstrate that the subsoil drainage system has a minimum capacity to convey twice the infiltration flow based on a saturated conductivity of 200 mm/hr.
  - xxxv. Provide a detail of the overflow pit from the bioretention basin. The grate is to be a raised park or surcharge style to minimise blockage. The pit size is to be increased such that depth of weir flow into the pit for the 1 in 20 year ARI event is a maximum of 100 mm, assuming 50% blockage.
  - xxxvi. Consider providing a minimum 3 m vehicular access track at maximum 10 % grade into each bioretention basin to facilitate construction and ongoing maintenance including ultimate layer replacement.
  - xxxvii. Provide Floodway Warning Signs for the bioretention systems in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.
  - xxxviii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tanks in accordance with Council's Engineering Guide for Development 2005.
  - xxxix. Demonstrate that the northern rainwater tank T4-1 has a minimum volume of 110 KL and the western rainwater tank T2 is a minimum of 35.0 KL, between the top of the mains water refill level and the invert of the overflow.
1. An experienced hydraulic engineer and experienced irrigation specialist is to prepare and certify a detailed Non-Potable Water Reuse Plan for non-potable water uses (including all toilet flushing and landscape watering) on the site. The plan is to show the rainwater pipe arrangement including first flush or pre-treatment system, pump, mains water direct tank top up, isolation valves, flow meters for all mains water inflows or solenoid controlled mains water bypass (if applicable) and non-potable usage outflows, a timer for landscape watering, an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass is only permitted for toilet flushing and where fitted, landscape watering or other reuse must only use pump water and be on a separate reuse line, independent to the toilets. Where a solenoid controlled mains water bypass is not fitted, a manually operated bypass is to be provided for the toilets independent of landscape watering or other reuse. Provide a warning light to indicate pump failure. The Landscape Watering system is to be designed to automatically achieve a minimum usage rate of 1233 kL/year for the 110 kL tank and 600 kL/year for the 35 kL tank as per the Stormwater Management Plan Rev 2. This is the average usage throughout the year and the system needs to be adjusted to allow for monthly seasonal variations e.g the flow rate in December/ February is to be designed to allow for a 50% increase above the average yearly flow. The plan is to clearly detail which rainwater tank is supplying what uses. All rainwater re-use pipes

are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.

2. Details are to be provided for permanent interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
3. Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the bio-retention, Enviropods, Rocla CDS Units, Humes Jellyfish and rainwater tanks. For bio-retention systems these are to include the temporary bio-retention system and ultimate bio-retention system replacement. 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, signature and date on it.
4. 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. 4 star taps (for all taps other than bath outlets and garden taps);
  - iv. 3 star urinals; and
  - v. Water efficient washing machines and dishwashers are to be specified.
5. The retaining walls adjacent to the bio-retention basins are to be designed and certified by a Structural Engineer registered with NER to extend below the zone of influence allowing for future excavation of the bio-retention basin below the base of the gravel layer and be self-supporting (allowing for overturning and sliding), where the basin media including the gravel is removed and replaced for maintenance.
6. Revised Landscape plans are required that include appropriate species for the bio-retention system in accordance with the BCC Handbook Part 5 – Vegetation Selection Guide for the 800mm deep filter media. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per m<sup>2</sup>) to ensure plant roots occupy all parts of the media. Groundcover species must not be used. To ensure diversity and disease resistance a minimum of 7 different species is required planted as a matrix. All plants within the filter area are to be planted from tubestock or virotube and not pots.

## 6.2 Construction Certificate Requirements

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

- Water quality treatment
- Earthworks

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

### 6.3 **Local Government Act Requirements**

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

### 6.4 **Roads Act Requirements**

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

- Any works within Council's road reserve
- Vehicular crossings
- Path Paving

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

### 6.5 **Other Engineering Requirements**

6.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

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

### 6.6 **Roads**

6.6.1 Any approved design drawings must show an 8m x 8m splay for industrial allotments at each street intersection.

### 6.7 **Drainage**

6.7.1 Drainage design from the site must reflect the amendments detailed within condition 6.1.3 and reviewed/agreed by Council.

### 6.8 **Erosion and Sediment Control**

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

### 6.9 **Earthworks**

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

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

## 6.10 Stormwater Quality Control

- 6.10.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 6.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.
- 6.10.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 6.10.4 Bio-retention basins to be designed in accordance with "Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration", as a lined, standard biofiltration system.

## 6.11 Vehicular Crossings

- 6.11.1 Vehicular access to comply with AS2890.2 Figure 3.2 (Access Design) and Figure 3.3 (Sight Distance).

## 6.12 Footpaths

- 6.12.1 Construct path paving as follows:

Street Name	Side	Paving Width	Length
Huntingwood Drive	Left	2.5m	Full frontage of property
Healey Circuit	Left	1.5m	Full frontage of property

# 7 PRIOR TO DEVELOPMENT WORKS

## 7.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

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

- (a) the name, address and telephone number of the principal certifying authority for the work, and

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

This condition does not apply to:

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

7.1.3 Should the development work:

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

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

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

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

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

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

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

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

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

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and

(c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

## 7.2 Notification to Council

7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

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

## 7.3 Tree Protection

7.3.1 Any tree not indicated on the approved Development Application plans as being removed or greater than 3m from the building perimeter shall be effectively protected against damage.

## 7.4 Sydney Water Authorisation

7.4.1 All approved building construction plans attached to the Construction Certificate should be approved through the 'Sydney Water Tap In' service to determine whether the development will affect the Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to the PCA. Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information. 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. Should the site require the construction of a Septic Tank or Sewage Management System in accordance with section 68 of the Local Government Act 1993, advice is to be provided from Sydney Water that any necessary requirements are met.

## 7.5 Construction Details

7.5.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

### Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

## **8 DURING CONSTRUCTION (BUILDING)**

### **8.1 Safety/Health/Amenity**

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

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

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

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) involves the enclosure of a public place,

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

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

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

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

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

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

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

- (a) shall be preserved and protected from damage, and

- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 8.1.9 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.
- 8.2 **Building Code of Australia Compliance**
- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 8.3 **Surveys**
- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.
- 8.3.2 A registered surveyor's report indicating that the required minimum Australian Height Datum floor level has been achieved, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 8.3.3 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 8.4 **Nuisance Control**
- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.
- 8.5 **Waste Control**
- 8.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.
- 8.6 **Tree Protection**
- 8.6.1 Trees and vegetation (including those on the adjoining reserve) to be retained during construction must be managed according to Section 4, Tree protection measures, of Australian Standard 4970:2009 Protection of trees on development sites.

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

## 8.7 **Construction Inspections**

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

(a) After excavation for, and prior to placement of, any footings; and

(b) Prior to pouring any in-situ reinforced concrete building element; and

(c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and

(d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and

(e) Prior to covering any stormwater drainage connections; and

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

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

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

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

## **9 DURING CONSTRUCTION (ENGINEERING)**

### 9.1 **Notification of Works**

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

### 9.2 **Insurances**

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

### 9.3 **Service Authority Approvals**

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

### 9.4 **Boundary Levels**

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

### 9.5 **Tree Protection and Preservation**

- 9.5.1 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

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

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

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

- 9.7.1 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 9.7.2 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 9.7.3 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.

9.7.4 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.

9.7.5 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

## 9.8 Inspection of Engineering Works - Roads Act 1993

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

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Council's Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

## 9.9 Public Safety

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

## 9.10 Site Security

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

## 9.11 Traffic Control

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

## 9.12 Drainage Matters

9.12.1 Prior to placement of the filter media layer, certification for the following is to be provided:

- i. A minimum hydraulic conductivity as defined by ASTM F1815-06 of 200 mm/hr (actual, not predicted)
- ii. A maximum hydraulic conductivity as defined by ASTM F1815-06 of 700 mm/hr (actual, not predicted)
- iii. An Orthophosphate content < 40 mg/kg
- iv. A Total Nitrogen content < 1000 mg/kg
- v. Is not hydrophobic.

9.12.2 The coarse sand transition layer and 5-7mm gravel drainage layer are all to be provided as washed prior to placement.

- 9.12.3 No fertiliser or additional nutrient material is to be provided to the bio-retention basin filter area during planting of the tube stock, or at any time.
- 9.12.4 The final filter media in the bio-retention area is not to be installed or bio-retention plants installed until all the building works, retaining walls, driveways and other landscaping have been completed.
- 9.12.5 The two Jellyfish JF10-18-4 supplied by Humes as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- 9.12.6 The CDS 0708, two CDS 1009 and CDS 1518 supplied by Rocla as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product
- 9.12.7 The four 200 micron Enviropods supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

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

### **10.1 Premises Construction**

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

### **10.2 Site Contamination**

- 10.1.2 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 10.1.3 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:
- a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
  - b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
  - c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
  - d) Any filling shall be undertaken in accordance with the fill protocol approved by Council's Manager, Development Assessment.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

### **10.3 Fuel Tanks**

10.3.1 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.

10.3.2 The fuel tank, pump and decanting areas are to be bunded, graded and roofed so as to direct water and waste to a sump, which then discharges to the Sydney Water sewer system, in accordance with the requirements of Sydney Water.

10.3.3 The installation of the diesel tanks must comply with Australian Standards AS1940:2004 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.

### **10.4 Geotechnical Recommendations**

10.4.1 The works are to be consistent with the recommendations of the Phase 1 Environmental Assessment and Geotechnical Assessment prepared by Environmental Strategies, dated April 2016.

### **10.5 Aboriginal Archaeology**

10.5.1 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

## **11 PRIOR TO OCCUPATION CERTIFICATE**

### **11.1 Road Damage**

11.1.1 Prior to the issue of the final occupation certificate, the cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant / developer.

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

### **11.2 Compliance with Conditions**

- 11.2.1 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.
- 11.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.
- 11.3 **Service Authorities**
- 11.3.1 The following documentary evidence shall accompany any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](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 Certifying Authority prior to the occupation of the development.
- 11.3.2 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 11.3.3 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.
- 11.4 **Temporary Facilities Removal**
- 11.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 11.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 11.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 11.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 11.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate

fees paid) prior to such works commencing.

#### 11.5 **Fire Safety Certificate**

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

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

#### 11.6 **Fee Payment**

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

#### 11.7 **Inspections**

11.7.1 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.

#### 11.8 **Other Matters**

11.8.1 The landscaped areas and fencing for each stage are to be provided in accordance with the approved landscaping design plan prior to the issue of the Occupation Certificate for the relevant stage.

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

11.8.3 All required internal roads and 50 car parking spaces for the use of staff and visitors shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

11.8.4 Appropriate way finding signage is to be erected which directs staff, visitors and delivery vehicles to the appropriate locations.

#### 11.9 **Acoustic and Vibration Impacts**

11.9.1 Prior to the occupation / operation of each of the approved stages of this development, verification is required from an appropriately qualified acoustic consultant confirming that the operation of the premises and all associated plant and equipment satisfies the relevant policies during the day and night periods with regard to noise and vibration impacts. Should any neighbouring properties or residential receivers be adversely impacted with regard to noise and vibration impacts, improved acoustic mitigation measures are required to be introduced to satisfy the relevant noise criteria.

#### 11.10 **Street Tree Planting**

- 11.10.1 10 new street trees are required to be planted on the nature strip frontage of the site at 8 metre spacings.
- 11.10.2 Bonds and fees in relation to street trees are to be applied as per Councils schedule of goods and services.
- 11.10.3 The Project Officer for Civil and Open Space Infrastructure, must be notified when street trees have been planted so practical completion can be given on the street tree planting and the 12 month maintenance period can commence.
- 11.10.4 Street planting detail and specifications: The following design measures and specifications are required to be met:
- i. No timber or steel edging is permissible.
  - ii. Install root directors to manufacturer's specifications to protect assets, structures and/or underground services.
  - iii. Tree trunk to be a minimum 750mm from street kerb and guttering.
  - iv. All imported soil to achieve the requirements of AS4419 – Soils for landscaping All tree planting holes are a minimum 1.5 times diameter and twice the depth of the root ball All mulch is to be free of deleterious material such as rock, soil, weeds and sticks. Acceptable mulch – Forest litter or pine bark mulch.
  - v. All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with adjacent surface treatment.
  - vi. Kikuyu is not accepted. Identify the use of Soft leafed Buffalo as preferred turf.
  - vii. Turf to consist of 25mm depth of dense , well rooted, vigorous grass growth with minimum 15mm on an average 100mm depth of top soil.
  - viii. Staking is required specified as- drive 2x38x38x1800 mm hardwood stake 600mm into the ground. Secure the stem of the tree firmly with 2 x hessian ties fitted to the stem separately in opposite directions.
- 11.10.5 Maintenance and performance: A Maintenance plan for the street trees is to be provided and must contain the following:
- i. Following prescribed maintenance period, Council will inspect all street trees and provide the applicant with a list of defects which will need to be addressed prior to the acceptance of handover.'
  - ii. The developer must provide to Council in writing one (1) month notice, at minimum, for practical completion inspection and two (2) month notice for end of maintenance inspection.
  - iii. Mechanical line trimmers (whipper snippers) not be used within 300mm of out edge of tree trunks.
  - iv. No grass to overgrow edges where it adjoins hard paved surfaces or kerbs and guttering.
  - v. No grass or weeds within mulched area in or around tree.
  - vi. Stolen trees to be replaced within one week. Repeated removal of trees within the same location shall immediately be reported to Council.
  - vii. All garden beds to be re-mulched to maintain a depth of 75mm and level finish with adjacent surfaces.
  - viii. Mulch not to come into contact with the trunks of trees.
  - ix. No visible signs of wilting of leaves or stems, with all plants to be fully turgid at all times.
  - x. No sign of over watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage.
  - xi. No obvious signs of weed infestation in grass areas, pavements or mass

- planting beds.
- xii. Chemical not to be applied in extreme temperatures or wind conditions.
- xiii. Removal of all suckers from base of trees.
- xiv. Formative pruning of trees to allow effective canopy development and to retain natural or desired shape of the tree.
- xv. All damaged dead or diseased wood to be pruned to the nearest lateral shoot or active bud with a clean neat cut.
- xvi. Performance of planting will be indicated by new growth with visible sign of new leaves; plants to possess a level of 'greenness' characteristic with the particular species; Strong floral habit and colour appropriate to the season and species; Absence of dead or damaged foliage, flowers or branches.

## 11.11 Engineering Matters

### 11.11.1 Surveys/Certificates/Works As Executed plans

- 11.11.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

In particular, the WAE plan(s) must detail the dedication at no cost to Council of the 8m x 8m splay corner at the intersection of Huntingwood Drive and Healey Circuit.

- 11.11.1.2 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 11.11.1.3 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

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

- 11.11.1.4 A Civil Engineer registered with NER, is to certify that:

- i. All the requirements of the approved drainage plan have been undertaken;
- ii. The un-socketed slotted PVC drains grade at 0.5% with a minimum 50 mm gravel cover.
- iii. All the layers of the bio-retention have been correctly placed and surrounded by minimum 1.5mm HDPE liner or approved equivalent;
- iv. The bio-retention systems have been installed with a minimum filter area of 210 m<sup>2</sup> for Bio-Retention Basin 1, 350 m<sup>2</sup> for Bio-Retention Basin 2 and 40 m<sup>2</sup> for Bio-Retention Basin 3, clear of pits, batters, flow spreaders and scour protection.
- v. The western rainwater tank T2 is a minimum of 35.0 KL between the top of the mains water refill level and the invert of the overflow.

- vi. The northern rainwater tank T4-1 is a minimum of 110 KL between the top of the mains water refill level and the invert of the overflow.
- vii. There is a minimum roof area of 5310 m<sup>2</sup> draining to western rainwater tank T2.
- viii. There is a minimum roof area of 7770 m<sup>2</sup> draining to northern rainwater tank T4-1.
- ix. All the signage and warning notices have been installed
- x. That the Rocla CDS units have been installed in accordance with the manufacturer's directions and that each unit has an oil baffle fitted.
- xi. That the two Humes Jellyfish JF10-18-4 units have been installed in accordance with the manufacturer's directions.
- xii. The 200 micron Enviropods have been installed to the grated inlet pits 1/3, 1/1, 3/19 and 1/20 in accordance with the manufacturer's directions.

- 11.11.1.5 A Geotechnical Engineer is to undertake in-situ Saturated Hydraulic Conductivity Testing of each of the bio-retention systems in accordance with Practice Note 1 of the FAWB guidelines. For bio-retention systems with a filter area less than 50 m<sup>2</sup>, *in situ* hydraulic conductivity testing should be conducted at three points. For systems with a filter area greater than 50 m<sup>2</sup>, an extra test point should be added for every additional 100 m<sup>2</sup> or part thereof. Points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of by 100 mm/hr (tolerance -0% to +400%), remediation works will be required over the filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for each of the bio-retention systems.
- 11.11.1.6 After the hydraulic conductivity has been certified by the Geotechnical Engineer, a horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the bio-retention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.
- 11.11.1.7 Written evidence is to be provided 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(s) for the maintenance of the Rocla CDS units, the Humes Jellyfish, Enviropods, swales and bio-retention basins. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.
- 11.11.1.8 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Re-use Plan have been installed and are working correctly. A signed, works-as-executed Non-Potable Water Re-use Plan is to be provided to Council.
- 11.11.1.9 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. 4 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. Water efficient washing machines and dishwashers have been used.

#### 11.11.2 **Easements/Restrictions/Positive Covenants**

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

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

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

11.11.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control devices/system and outlet works.

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

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

b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

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

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

#### 11.12.4 **Inspections**

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

## **12 OPERATIONAL (PLANNING)**

### **12.1 Access/Parking**

12.1.1 All required off-street car parking spaces (50 spaces) and internal roads shall be maintained to a standard suitable for the intended purpose.

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

- 12.1.3 All vehicles must enter and exit the site in a forward direction.
- 12.1.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

## 12.2 Specific Uses

- 12.2.1 The approved “high technology industry” shall comply with the requirements of the following definition contained within Blacktown Local Environmental Plan 2015:

*“High technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:*

- (a) electronic or micro-electronic systems, goods or components,*
- (b) information technology (such as computer software or hardware),*
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,*
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,*
- (e) film, television or multi-media technologies, including any post production systems, goods or components,*
- (f) telecommunications systems, goods or components,*
- (g) sustainable energy technologies,*
- (h) any other goods, systems or components intended for use in a science or technology related field,*

*but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.*

**Note.** *High technology industries are a type of light industry.”*

- 12.2.2 The approved office spaces shall be used solely in conjunction with the high technology industry use of the building to which it is attached. The separate use or occupation of the approved office space(s) is not permitted by this consent.
- 12.2.3 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.
- 12.2.4 Any change of use of the development, other than a ‘high technology industry’, will

require separate development consent to be obtained from Council and will be required to provide the minimum number of car parking spaces as required by the Blacktown Development Control Plan 2015 for that new land use.

12.2.5 The development shall not include potentially hazardous or offensive storage establishments.

### 12.3 **Retailing Restrictions**

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

### 12.4 **General**

12.4.1 The 'high technology industry' is permitted to operate 24 hours a day, 7 days a week.

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

12.4.3 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.

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

12.4.5 No goods, materials or trade wastes are to be stored at any time outside of the building on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.

12.4.6 Arrangements shall be made for an effective commercial refuse removal service.

12.4.7 All loading and unloading operations shall take place at all times wholly within the confines of the land. All unloading activities are to be conducted in a manner that does not impact on the amenity of adjoining owners.

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

12.4.9 Removal of any graffiti visible from any public road or place is the responsibility of the property owner/s. Once identified, all graffiti must be removed within 48 hours.

## 13 **OPERATIONAL (ENVIRONMENTAL HEALTH)**

### 13.1 **Environmental Management**

13.1.1 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 NSW EPA's - 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.

13.1.2 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.