

Conditions of consent (draft)

Proposed development	Construction of a 2 storey Data Centre, associated car parking, landscaping and drainage works
Property description	Lot 22 DP 857350, 42 Sargents Road, Minchinbury

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 Part 6 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

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

1.3 Other Approvals

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

1.4 Services

- 1.4.1 The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Recognised energy provider
 - (c) Natural Gas Company

(d) The relevant local telecommunications carrier

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

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

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

- 1.4.1 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 1.5 **Tree Planting and Service Locations (After all other services)**
 - 1.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.
- 1.6 **Identification Survey**
 - 1.6.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

1.7 Payment of Engineering Fees

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

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

1.8 Road Damage

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

2 General

2.1 Scope of Consent

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

DRAWING REFERENCE	DATE
Architectural Plans prepared by dem Pty Ltd, Project Number 4493-00	
ar—cv00 Cover Sheet, Revision 03	17.08.2018
ar—0200, Site Plan, Revision 08	24.06.2019
ar—1201, Ground Floor Plan, Revision 08	24.06.2019
ar—1601, Admin Space, Ground Floor Plan, Revision 06	24.06.2019
ar—1202, Level 1 Plan, Revision 04	16.08.2018
ar—1203, Roof Plan, Revision 04	16.08.2018
ar—1602, Tech Space First Floor Plan, Revision 03	16.08.2018
ar—2101, Sections, Revision 05	24.06.2019
ar—2601, North & East Elevations, Revision 04	16.08.2018
ar—2602, South & West Elevations, Revision 04	16.08.2018
Landscape Plans prepared by dem Pty Ltd, Project Number 4493-01	
laskcv01, Landscape Cover Sheet, Revision A06	24.06.2019
lask0501, Landscape Concept Plan, Revision A06	24.06.2019
lask2001, Landscape Section, Revision A05	24.06.2019
Lask0001, Landscape Planting Palette, Revision A06	24.06.2019

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: Minchinbury

- 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: Minchinbury

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 On Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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.

2.5 **Other Necessary Approvals**

- 2.5.1 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)

2.6 **Other Matters/Drainage**

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

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

- 2.6.3 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity:

Required percentage reductions in post development average annual load of pollutants

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

- 2.6.4 Each year before 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 and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

3 Prior to Construction Certificate (General)

3.1 DA Plan Consistency

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

3.2 Biodiversity

- 3.2.1 Prior to any works commencing on site temporary Bushland Protection Fencing must be in place around the Cumberland Plain Woodland vegetation to be retained in the North Western Corner of the site. The temporary fence is to be a minimum chain-wire fence or parra-webbing or similar and be suitable to restricted unauthorised entry.
- 3.2.2 A Biodiversity Management Plan (BMP) shall be developed and submitted to Council's Natural Areas team for Council's satisfaction. The BMP is to include:
- A pre-clearance survey is to be undertaken by an appropriately qualified and experience ecologist to the site for hollow bearing trees and threatened species habitat. All hollows identified require replacement with suitable artificial hollows or nest boxes with three nest boxes replacing every natural hollows removed.
 - Identify appropriate fauna management strategies for pre-construction, construction and post-construction activities including environmental control measures for pre-clearing process
 - A procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring
 - Procedures for dealing with injured fauna or unexpected threatened species finds. The procedures must include, as a minimum, the following:
 - stop work arrangements in the immediate area of the threatened species;
 - notification and communication protocol;
 - consultation with the specialists to assess the significance of the find; and a
 - a list of approvals, licences or permits likely required prior to recommencing works.
 - Identified proposed strategies for the re-use of:

- hollow trees/ logs, woody debris and mulch generated from clearing
- seed, which may be collected from trees during felling where available, and
- top soil containing native seed
- Re-used materials are to be used onsite or in nearby Council reserves in consultation with Council's Natural Areas Team.

3.2.3 During construction and clearance activities the BMP is to be adhered to. An appropriately qualified and experienced ecologist is to be present when clearing trees onsite.

3.2.4 At the conclusion of clearance works a report detailing works undertaken in accordance with the Biodiversity Management Plan is to be provided to Natural Areas Team within 14 days of clearance works.

4 Prior to Construction Certificate (Planning)

4.1 Section 7.11 Contributions under Section 7.17 Directions

4.1.1 Contributions under Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue a Subdivision Certificate.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000.00 only. Any payments above \$10,000.00 must be made by cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

Contribution Item	Indexed Amount at date of consent	Relevant C.P.-
Trunk Drainage Ropes Creek	\$245,557.00	1
Local Road Sargents	\$ 328,755.00	2

The contribution will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan may be inspected/purchased from Council's Development Services Unit:

S.7.11 CP No. 1 – 1980's Release Areas

S.7.11 CP No. 2 – Local Roadworks

The Section 7.11 Contribution has been based on the developable area nominated below and the length of the road frontage.

Developable Area: 2.023 ha

Length of Road Frontage: 156.15 lm

4.2 Aesthetics/Landscaping

4.2.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. "Anti-glare" glazing is to be used to minimise any

glare affect. Details are to be provided as part of the Construction Certificate plans.

- 4.2.2 The landscaping/site treatment design plan showing visitor car parking spaces and all internal roads shall be constructed of brick paving or other materials having a similar aesthetic effect (eg, stamped concrete) and shall be submitted to and approved by Council.

4.3 Fencing

- 4.3.1 Fencing adjoining public roads is to be finished with an anti-graffiti coating.
- 4.3.2 Fencing is to be consistent with the approved materials and colours schedule and landscape plan.

4.4 Access/Parking

- 4.4.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.4.2 A minimum of 33 car parking spaces are required to be provided on site available to staff and visitor's at all times and designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6 m x 5.4 m

Disabled Car Space: 2.4 m x 5.4 m (plus shared zone)

- 4.4.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 4.4.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.

4.5 Endeavour Energy Requirements

- 4.5.1 Prior to the issue of any Construction Certificate the applicant shall submit documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation in accordance with Appendix 1 of this consent.

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).

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 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section

4.55 application

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

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Wood & Grieve Engineers	36782	CI-000-01	1	C	30/11/18
		CI-007-01	2	A	06/08/18
		CI-070-01	3	C	30/11/18
		CI-070-02	4	C	30/11/18
		CI-076-01	5	A	06/08/18
		CI-100-01	6	C	30/11/18
		CI-440-01	7	C	30/11/18
		CI-440-02	8	C	30/11/18
		CI-446-01	9	B	30/08/18
		CI-500-01	10	C	30/11/18
		CI-500-02	11	C	30/11/18
		CI-500-03	12	B	30/08/18
		CI-520-01	13	C	30/11/18
		CI-520-02	14	C	30/11/18
		CI-522-01	15	B	30/08/18
		CI-522-02	16	B	30/08/18
		CI-526-01	17	B	30/08/18
		CI-526-02	18	A	06/08/18
		CI-526-03	19	A	06/08/18
		CI-561-01	20	A	06/08/18

6.2 Construction Certificate Requirements

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

- Drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks

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

6.3 Roads Act Requirements

6.3.1 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:

- Kerb inlet pit connections or construction
- Vehicular crossings
- Path Paving

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

6.4 **Other Engineering Requirements**

- 6.4.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.
- 6.4.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.4.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.5 **Drainage**

- 6.5.1 Drainage from the site must be connected into Council's existing drainage system.
- 6.5.2 Civil Engineering Works by Wood & Grieve Engineers, Project No. 36782 (D), dated 28.10.19 are to be amended as follows:
 - 6.5.3 Dwg. CI-500-02(C) dated 30.11.18
 - i. Amend the plan to consider the 'West Landscape Catchment' as bypass as it currently sits below the top water level of the On-site Stormwater Detention (OSD).
 - 6.5.4 Dwg. CI-500-03(C) dated 30.11.18
 - i. Amend the plan to consider the 'West Landscape Catchment' as bypass as it currently sits below the top water level of the On-site Stormwater Detention (OSD)
 - ii. The specified bypass catchments need to be considered as bypass as per the OSD catchment calculations.
 - 6.5.5 Dwg. CI-520-01(D) dated 28.10.19
 - i. Kerb inlet pit B.7 is to have on OceanGuard as per MUSIC model.
 - ii. Provide a kerb inlet pit with OceanGuard insert detail.
 - iii. The driveway to the north east is to be regraded to fall away from the building. Otherwise provide suitable drainage pits to collect up to the 100 year storm and consider 300mm freeboard from the top of water level and the building.
 - iv. Provide a minimum of 80kL rainwater tank (inclusive of 20% loss) rather than the proposed 60kL as it is undersized.
 - v. The western landscape catchment is to be redesigned to bypass the OSD as it sits below the top water level of the OSD and will surcharge along the western side. This will not achieve the desired 1% AEP volume required. to resolve this issue pit F.2 is to connect directly to the kerb inlet pit G.1.
 - vi. All OceanGuards (Enviropods) are to be clearly notated as "200 micron OceanGuards (Enviropods)".
 - 6.5.6 Dwg. CI-526-01(C) dated 28.10.19
 - i. Amend the OSD spreadsheet parameters as follows and reflect this on all plans and reports:
 - a. The base of the OSD tank is to be the average of the highest and lowest from the invert of the 1.5 year orifice. Based on the current plans this is to be 40.70.
 - b. The site area is 20230m² and the bypass area is 3035m² considering the points above.
 - c. Revise all levels as a result and reflect this on the plans, sections & details.

Based on the revised OSD parameters as above, the OSD plan area is to be increased

to suit the volume.

- ii. Section 1 is to have maximum side levels of 40.60 rather than 41.00 to enable the calculations to reflect the actual built form of the OSD volume. Revise all levels as per amended OSD spreadsheet.
- iii. Revise section 2 to also reflect the emended OSD spreadsheet.

6.5.7 Dwg. CI-526-02(B) dated 28.10.19

- i. Revise the orifice diameters to match the amended OSD spreadsheet
- ii. Due to the revised OSD spreadsheet the Jellyfish Lweir is to be a minimum of 3.81m, revise all details and sections to reflect this.

6.5.8 Dwg. CI-561-01(B) dated 30.08.18

- i. The pit schedule is to be revised to match plan CI-520.

6.5.9 An experienced Drainage Engineer registered with NER is to certify that the internal drainage system is capable of carrying the 100 year ARI flows from the development site to the detention basin through either piped or surface flows.

6.5.10 Provide details for permanent coloured interpretive signage minimum A0 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.

6.5.11 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. Water efficient washing machines and dishwashers are to be specified.

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

- i. a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank),
- ii. a pump with isolation valves, control panel and a warning light to indicate pump failure;
- iii. a solenoid controlled mains water bypass;
- iv. flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
- v. a timer and control box for landscape watering, allowing for seasonal variations;
- vi. provide external taps around the building at maximum 60m spacing for general washdown.
- vii. ensuring all the rainwater reuse pipes are coloured purple;

- viii. an inline filter and preferably an automatic backwash inline filter.
 - ix. fitting rainwater warning signs to all external taps using rainwater.
- 6.5.13 Design the Landscape Irrigation system to automatically achieve an average minimum usage rate of 700 kL/year, excluding turf areas, as nominated in MUSIC. Allow for seasonal variations.
- a) at the depth of the invert of the existing pipeline,
 - b) at the depth of the invert of any proposed pipeline
 - c) designed and certified by a practising NER structural engineer to ensure the above is satisfied

6.6 Erosion and Sediment Control

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

6.7 On-Site Detention

- 6.7.1 On-site detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, or an S3QM Certificate

- 6.7.2 A registered engineer (NER) must certify that:

- The structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general accordance with Council's Engineering Guide for Development, DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#), S3QM Deemed to comply tool and Council's Standard Drawing A(BS)175M.

- 6.7.3 The following documents shall be submitted to accompany the on-site detention design in accordance with the design:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- On-site detention detailed design submission and calculation summary sheet
- A maintenance schedule that complies with Council's Water Sensitive Urban Design maintenance guidelines, signed and dated by the designer
- S3QM Deemed to Comply On-site detention summary details

6.8 Stormwater Quality Control

- 6.8.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

- 6.8.2 Bio-retention basin(s) to be designed in accordance with Council's Water Sensitive Urban Design standard drawings and Council's Engineering Guide for Development and DCP [Part J - Water Sensitive Urban Design and Integrated Water Cycle Management](#).

6.9 Vehicular Crossings

- 6.9.1 Plans to demonstrate the construction of a commercial and industrial vehicular crossing to Council's standard A (BS)103S.

7 Prior to Construction Certificate (Environmental Health)

7.1 Environmental Management

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

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995).
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992).

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

- 7.1.2 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

8 Prior to Development Works

8.1 Safety/Health/Amenity

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

Each toilet provided shall be:

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

- 8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with 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.

8.1.3 Should the development work:

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

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

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

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

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

8.1.5 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.

8.1.6 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

8.1.7 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.

8.2 Notification to Council

8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under 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.

8.3 Sydney Water Authorisation

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

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

8.4 Construction Details

8.4.1 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

9 During Construction (Building)

9.1 Safety/Health/Amenity

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

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

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

9.1.3 Should the development work:

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

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

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

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

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

9.1.6 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

9.1.7 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.

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

10.1 **Building Code of Australia Compliance**

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

10.2 **Nuisance Control**

10.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

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

10.2.3 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.

10.3 **Waste Control**

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

10.4 **Tree Protection**

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

10.5 **Construction Inspections**

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

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

The critical stage inspection "(f)" must be carried out by the Principal Certifier.

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

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

11 **During Construction (Engineering)**

11.1 **Notification of Works**

- 11.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 11.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.
- 11.2 **Insurances**
 - 11.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000 Indemnity and Workers Compensation.
- 11.3 **Service Authority Approvals**
 - 11.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.
- 11.4 **Soil Erosion and Sediment Control Measures**
 - 11.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
 - 11.4.2 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.
 - 11.4.3 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.
- 11.5 **Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
 - 11.5.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

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

11.6 Public Safety

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

11.7 Site Security

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

11.8 Traffic Control

- 11.8.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2009.
- 11.8.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 11.8.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 11.8.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (RMS) accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2009.
- 11.8.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

11.9 Other Matters - Drainage

- 11.9.1 The (24) 200 micron OceanGuards (Enviropods) and the Jellyfish JF-3250-19-4 supplied by Ocean Protect (Stormwater 360) are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

12 During Construction (Environmental Health)

12.1 Environmental Management

- 12.1.1 The recommendations provided in Acoustic Report, prepared by Andrew Verstappen-Wood Grieve Engineers, project no. 36782 dated 7 August 2018, must be implemented.
- 12.1.2 The recommendations provided in Detailed Site Investigation, prepared by Prensa Pty Ltd, report no. 26625, dated June 2018 must be implemented.
- 12.1.3 The recommendations provided in Onsite Fuel Storage, prepared by Wood Grieve Engineers, project no. 36782, dated 7 August 2018 must be implemented.
- 12.1.4 The recommendations provided in Construction Management Plan, prepared by Turner & Townsend Thinc Pty Ltd, rev, dated 29 November 2018 must be implemented.

- 12.1.5 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*.

12.2 Premises Construction

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

13. During Construction (NSW Police)

- 13.1.1 A security guard to be on site outside business hours including public holidays and weekends, from the day construction commences until completion.
- 13.1.2 It is suggested that suitable traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk.
- 13.1.3 During construction stage all tools and building materials must be stored in strong rooms with tamper proof security systems.
- 13.1.4 Lighting should be installed and operated on the grounds during construction

13.2 Building Design

- 13.2.1 The orientation of the buildings must allow for easy natural surveillance between the street, neighbouring property and surrounding buildings.
- 13.2.2 There must be adequate steps taken to ensure that person(s) cannot utilise the design of the building to climb from the outside.
- 13.2.3 There must be graffiti resistant materials used in the construction (masonry garden walls and fencing)
- 13.2.4 A sound reducing physical barrier in the form of a sound proof wall or similar to reduce noise from the licensed venue.

14 Prior to Occupation Certificate

14.1 Road Damage

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

14.2 Compliance with Conditions

- 14.2.1 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.
- 14.2.2 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 6.10 of the Environmental Planning & Assessment Act 1979.

14.3 Service Authorities

- 14.3.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 14.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Integral 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.
- 14.3.3 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
 - (b) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that arrangements have been made with the servicing authority for electrical services, including the provision of street lighting, to the development.
 - (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.
- 14.4 **Temporary Facilities Removal**
- 14.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 14.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 14.4.3 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.
- 14.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 14.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadwork's 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.
- 14.5 **Fire Safety Certificate**
- 14.5.1 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).

14.6 Landscaping/Car Parking

- 14.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

14.7 Fee Payment

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

14.8 Health

- 14.8.1 Where any air-handling system, warm-water system and water-cooling system is installed, the following shall be undertaken:
- a) A Compliance Certificate shall be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 2010, the Regulations thereunder, the NSW Code of Practice for the Control of Legionnaires Disease and Australian Standard 3666.1:2011.
 - b) The occupier of the premises shall be given both an operation and maintenance manual. All inspection results shall be kept on site.
 - c) Submit a Cooling Tower Registration form to Council.

14.9 Engineering Matters

14.9.1 Surveys/Certificates/Works As Executed plans

- 14.9.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 14.9.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.
- 14.9.1.3 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished floor levels (FFL) required by this consent have been achieved. The certificate must acknowledge that works and the construction of the floors have been complete. All levels must be to Australian Height Datum (AHD).
- 14.9.1.4 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.
- 14.9.1.5 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- 14.9.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

14.10 Easements/Restrictions/Positive Covenants

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

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the NSW Land Registry Services.

14.11 Inspections

- 14.11.1 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.

14.12 Other Matters - Drainage

- 14.12.1 Ocean Protect is to certify for the installation of the 200 micron OceanGuards (Enviropods) and Jellyfish that:
- i. They are installed in accordance with the Ocean Protect (Stormwater 360) standard operational guidelines and production drawings;
 - ii. The upstream Jellyfish diversion weir is a minimum of 310 mm high with a baffle 200 mm upstream extending to 170 mm below the weir.
 - iii. The Jellyfish unit JF-3250-19-4 installed matches the approved drainage plans.
- 14.12.2 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:
- i. all the non-potable water uses are being supplied by rainwater;
 - ii. all the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed to the required locations.
 - iii. the pumps, alarms and all other systems are working correctly; and
 - iv. The water from at least one wash down tap and one toilet from each unit have been tested to show no chlorine residual. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer.
- 14.12.3 A plumber, licenced with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Supply & Irrigation Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-excuted Non-Potable Water Supply & Irrigation Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 14.12.4 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 14.12.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 5 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. 3 star Water efficient washing machines and dishwashers have been used.
- 14.12.6 Provide a Restriction to User and Positive Covenant over the Stormwater Quality

Improvement Devices, Rainwater Tank and On-site Stormwater Detention in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or before 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the final occupation certificate.

- 14.12.7 Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the WSUD Inspection and Maintenance Guidelines available on Council's website. Where a proprietary device is not included within this guideline provide these separately in direct compliance with the supplier's maintenance requirements. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 14.12.8 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Rainwater Tank, Jellyfish and On-site Stormwater Detention, the contract must include a clause that replacement Jellyfish cartridges must be supplied by Ocean Protect . Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

15. Prior to Occupation Certificate (NSW Police Conditions)

15.1 Car park

- 15.1.1 The CCTV is installed throughout both the above and underground car park and be to the standard recommended below.
- 15.1.2 That the lighting is of a white light or similar that best reflects surfaces and supports CCTV recordings.
- 15.1.3 The walls and ceilings are painted white or of a light coloured concrete to enhance light.
- 15.1.4 The residential car parks facility area is restricted to non-residents by way of security gates.

15.2 Lighting

- 15.2.1 Light switches for all lights must be located in a secure area within the premises.
- 15.2.2 The power board must be enclosed in a cabinet room.

16.. Operational (Planning)

16.1 Access/Parking

- 16.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 16.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 16.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

16.2 Specific Uses

- 16.2.1 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:

- i. electronic or micro-electronic systems, goods or components,*
- ii. information technology (such as computer software or hardware),*
- iii. instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,*
- iv. biological, pharmaceutical, medical or paramedical systems, goods or components,*
- v. film, television or multi-media technologies, including any post production systems, goods or components,*
- vi. telecommunications systems, goods or components,*
- vii. sustainable energy technologies,*
- viii. 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.”

- 16.2.2 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.
- 16.2.3 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.
- 16.2.4 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.
- 16.2.5 The development shall not include potentially hazardous or offensive storage establishments.
- 16.3 **Retailing Restrictions**
- 16.3.1 This consent does not authorise the sale or display of goods for retail to the general public.
- 16.4 **General**
- 16.4.1 The ‘high technology industry’ is permitted to operate 24 hours a day, 7 days a week.
- 16.4.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 16.4.3 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.
- 16.4.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 16.4.5 No goods, materials or trade wastes are to be stored at any time outside the building

on either the internal vehicular driveway, car parking area, landscaping or footpath, other than in approved garbage receptacles.

- 16.4.6 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.

17. Operational (Environmental Health)

17.1 Environmental Management

- 17.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 17.1.2 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 17.1.3 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 17.1.4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 17.1.5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 17.1.6 The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of;
 - NSW WorkCover;
 - *Australian Standard 1940:2004 The Storage and Handling of Flammable and Combustible Liquids*; and
 - Environment Protection Authority Guidelines - *Technical BU Bunding and Spill Management*.

18. OPERATIONAL (NSW POLICE CONDITIONS)

The following conditions are imposed by the NSW Police and shall be adhered to all times.

18.1 Building Design

- 18.1.1 That entry/exit points to the building are secured and access granted with the use of a

security swipe card or other electronic security system.

18.1.2 Alcoves or recesses must be monitored by CCTV and lighting.

18.1.3 Garage bays must be locked to restrict unauthorised access.

18.1.4 There must be a 'Rapid Removal' Policy for graffiti.

18.2 Territorial Re-enforcement

18.2.1 Ambulance, Fire Brigade and Police must be able to access the site in an emergency.

18.2.2 Fire exit doors must be self-closing with regular inspections and maintained in working order.

18.2.3 Fire exit doors must be free from rubbish and other obstructions that hinder evacuation.

18.3 Surveillance:

18.3.1 The Application incorporates casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the car park and building surrounds. The buildings entrances will be visible from the surrounding roads and not be obstructed by landscaping.

18.3.2 All planting of landscaping to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the car park and building surrounds.

18.4 CCTV

18.4.1 That appropriate CCTV footage is installed in the car park as a crime prevention strategy and to be of a quality that records at a minimum rate of 10 frames per second as a storage aspect ratio of 720 x 480 pixels being medium resolution.

18.4.2 That any footage recorded have the correct time and date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

18.4.3 That a copy of footage required by police be reproduced on compact disk, DVD, USB memory stick.

18.4.4 Those Recordings be retained for a period of 30 days before being reused or destroyed.

18.4.5 Immediate access to the CCTV system and the ability to review recordings is granted to NSW Police Officers.

18.4.6 That any footage is reproduced upon request by any member of the New South Wales Police force within a reasonable time, a reasonable time being within 12 hours after being requested.

18.5 Lighting

18.5.1 That a security lighting maintenance program is put in place to ensure all lights are kept in working condition.

18.5.2 Security lighting must be installed and operating.

18.5.3 Lighting must be sufficient to support images obtained from CCTV footage

18.5.4 Entry and exit points including stair wells, walkways, garbage bin holding points and letter boxes must be well illuminated.

18.6 Landscaping

18.6.1 Vegetation must be kept and maintained at a suitable level to give clear sight lines and prevent concealment points.

