

Conditions of consent (draft)

Proposed development Partial demolition of the existing data centre and construction of an 8 storey extension with associated works.

Property description Lot 34 DP 1131779, 90 Peter Brock Drive, Eastern Creek

1 Deferred Commencement Matters

1.1 Façade Treatments

1.1.1 Material details shall be submitted for Council's City Architect's approval to ensure glare and reflection levels do not adversely impact on surrounding development.

1.2 Engineering Matters

- 1.2.1 The stormwater and civil plans by TTW (job no. 181658 dated 17 July 2020) are to be amended to include the following to the satisfaction of the Manager Asset Design:
- i. Show the configuration of the existing and proposed rainwater tank(s) on the plans including sizes, roof lines, overflow pipes, levels etc.
 - ii. Provide details how the proposed connection to the new rainwater tank will be integrated into the design and what will happen to the existing system draining to the original tanks. Demonstrate that the provision of reuse water to existing applications (i.e. provided by existing rainwater tank) as well as the new applications from the new development have been satisfied by the proposed rainwater tank. Consider bypass in large storm events.
 - iii. The internal pipe network is to be designed in accordance with the Council's Engineering Guide for Development 2005 to carry the minimum 5% AEP (20 year ARI) storm flows.
 - iv. On drawings C107(P2) and C108(P2) clearly identify all existing GPTs, water quality systems, proposed and existing rainwater tanks and pits with OceanGuards.
 - v. Provide a numbering system for the water quality devices and pits downstream of the Stormfilter chamber to assist in identification.
 - vi. Provide a detail of a pit fitted with an OceanGuard.
 - vii. All OceanGuards are to be clearly notated as "200 micron OceanGuards".
 - viii. OceanGuards treating only surface flows require a minimum clear depth of 550 mm below the grate to any inlet or outlet pipe obvert. OceanGuards treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown.
 - ix. Where OceanGuards are designed to treat upstream pipe flows, the invert levels on all pipes discharging to and from the pit are to be clearly shown. Provide a minimum clear depth of 500 mm from the invert of the upstream

pipes to be treated to the outlet pipe obvert.

- x. The current TSS hydraulic loading rate on the nine 690 Stormfilter cartridges is too high and will lead to premature failure of the devices. Increase the number of 690 cartridges to eleven.
 - xi. Ensure that the existing stormwater system is adequate to cater for runoff from the new development. The engineer is to ensure that the existing stormwater system is operating effectively and/or design new pits/pipes to replace damaged or absent stormwater systems.
 - xii. The current arrangement with the Stormfilter chamber does not provide any treatment as the Stormfilter weir is drowned by both the surface level in the upflow swale pit and height of the downstream GPT weir. In addition, the proposed upstream drainage system will also not function effectively as the top of the GPT weir is set at 77.72. Only the low flows go through the GPT (typically 4EY) and all other flows up to the 5% AEP event has to be conveyed over the top of the weir. Depending upon the length of the weir this depth of overflow could be typically 150 mm to 300 mm or more. Hence the HGL at the GPT could be close to RL 78. However, the surface level at P108 is about 77.55 and other pits are not much higher. These pits will surcharge and or may not convey any flow at all. It is likely that as these pits are lower than the GPT weir the stormwater may in fact backflow out through pit P108 or similar first.
- 1.2.2 To overcome the problems with the surface level in the upflow swale pit and height of the downstream GPT weir the 525 mm outlet pipe does not connect to the pit upstream of the GPT, but bypasses this entirely and independently connects at a grade greater than 0.5% to the pit at the lower end of the swale which has the 750 mm outlet pipe. To ensure effective operation of the Stormfilter cartridges the Stormfilter weir height needs to be increased to 1.0 m above the false floor. This arrangement avoids having water permanently in the new 525 pipe and in part of the Stormfilter chamber and the upstream drainage pits at P108 and similar are not surcharging. It also reduces the hydraulic loading on the swale which may improve its effectiveness. Check for a conflict with services. Amend drawings C107(P2) and C108(P2).
- i. Provide details of the proposed on-lot water quality treatment system. Details are to include the Stormfilter cartridges inside the manhole, levels, tailwater conditions, sections, weir, oil baffle etc. Ensure the Stormfilter weir length is a minimum of 2 m long, with the baffle set 0.25 m upstream of the weir and extending from 0.4 m below the weir to a minimum of 78.3 m AHD. Provide an inspection opening on the downstream side of the weir.
- 1.2.3 The Applicant is to pay to Council a fee of \$1,242.00 incl GST (6 hrs Goods and Services Item 5.2.7) for the Manager Asset Design's team to assess the deferred drainage details. Where payment is made after 30 June 2021 payments will increase in accordance with the Goods and Services Schedule. Send a copy of the receipt to floodadvice@blacktown.nsw.gov.au. Where the submission is unsatisfactory an additional fee is required for each revision.
- 1.3 All of the requirements listed in the above condition must be completed within 24 months of the date of this deferred commencement consent. Should these matters

not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

2 Advisory Notes

2.1 Terminology

- 2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 2.1.2 Any reference in this consent to a Construction, Compliance or Occupation or Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

2.2 Scope of Consent

- 2.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 2.2.2 The operational requirements of the existing data centre as approved by the former Department of Planning under Application No. 08/0108 are not altered by this approval.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
 - (a) the removal of any tree(s) not indicated on the approved plans
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not approved by this consent
 - (d) the installation of vehicular footway crossings servicing the development, and
 - (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

2.4 Services

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

- 2.4.2 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.
- 2.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.4.4 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.
- 2.4.5 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 2.4.6 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.

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

- 2.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.
- 2.5.2 Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

2.6 Demolition

- 2.6.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health

risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

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

2.7 Identification Survey

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

2.8 Engineering Notes

- 2.8.1 All works requiring approval under the *Roads Act 1993* (except standard vehicular crossings) or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate or Subdivision Works Certificate.

2.9 Payment of Engineering Fees

- 2.9.1 If the applicant wishes for Council to issue the Construction Certificate or Subdivision Works Certificate as nominated in the ‘Prior to Construction Certificate please:
 - Complete application form
 - Submit all relevant plans produced by a suitably qualified person and in accordance with Council’s Standards.

2.10 Road Damage

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

3 General

3.1 Scope of Consent

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

DRAWING REFERENCE	DATE
Architectural Plans prepared by Greenbox, Job Number 160537 Issue A inclusive	

DRAWING REFERENCE	DATE
Existing Site/Demolition Plan DA005	15.08.2019
Proposed Site Plan and Section DA010	15.08.2019
Proposed Ground Floor Plan DA100	15.08.2019
Proposed Level 1 Floor Plan DA101	15.08.2019
Proposed Level 2 Floor Plan DA102	15.08.2019
Proposed Level 3 Floor Plan DA103	15.08.2019
Proposed Level 4 Floor Plan DA104	15.08.2019
Proposed Level 5 Floor Plan DA105	15.08.2019
Proposed Level 6 Floor Plan DA106	15.08.2019
Proposed Level 7 Floor Plan DA107	15.08.2019
Proposed Plant Floor Plan DA108	15.08.2019
Proposed Roof Plan DA109	15.08.2019
Building Elevations – North	15.08.2019
Building Elevations – East	15.08.2019
Building Elevations – West	15.08.2019
Building Elevations – South	15.08.2019
Section AA	15.08.2019
Section BB	15.08.2019
Landscape Plan prepared by Geoscapes, Project Number 190704 Dwg Nos LDA01 - LDA07 (7 sheets)	16.08.2019

* Except as altered by other conditions in this consent

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

- 3.1.2 This consent does not authorise the fit out and use of the approved building extension. A separate application for development consent shall be lodged with Council for any proposed fit out of any floor in the building (which includes any fixed internal partition wall/display/storage racking/machinery /equipment and the like) that was not approved by this consent.

This condition does not apply to work or development that is Exempt Development or Complying Development under State Environment Planning Policy (Exempt and Complying Development Codes) 2008 or any other relevant environmental planning instrument.

3.2 Services

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

3.3 Suburb Name

- 3.3.1 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: Eastern Creek

- 3.3.2 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: Eastern Creek

3.4 Engineering Matters

3.4.1 Design and Works Specification

- 3.4.1.1. 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

3.4.2 Other Necessary Approvals

- 3.4.2.1. 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)

3.5 Other Matters/Drainage

- 3.5.1 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.

- 3.5.2 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer WSUD@blacktown.nsw.gov.au.

- 3.5.3 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Office at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse.

- 3.5.4 The area of development covered by this consent must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the life of the development

- 3.5.5 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

4 Prior to Construction Certificate (General)

4.1 DA Plan Consistency

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

4.2 Other Matters

- 4.2.1 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.

5 Prior to Construction Certificate (Planning)

5.1 Aesthetics/Landscaping

- 5.1.1 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.
- 5.1.2 The Eucalyptus tree on the southern side of the property in the buffer zone that according to the Demolition Plan is to be removed, shall be instead transplanted to an appropriate location elsewhere within the site. Details of its location and methods of its transplantation shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 5.1.3 Other tree removals are allowed only to those identified to be removed in the approved Demolition Plan of this consent.

5.2 Access/Parking

- 5.2.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 5.2.2 A minimum of 80 car parking spaces are required to be provided on site for this data centre operation and are to be available to staff and visitors 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)
- 5.2.2.1. 35 car spaces are to be allocated for staff and its visitors to the existing data centre and its intended use of the 1st level of the new data hall (ground floor).
- 5.2.2.2. The remaining 45 car spaces are to be shared for use by the leasees of the remaining 7 levels in the data centre complex for their staff and visitors.
- 5.2.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 5.2.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.

Bushfire matters

- 5.2.5 The recommendations of Bushfire Risk Assessment report prepared by BPAD Bushfire Planning and Design dated 17 August 2019 for the site shall be detailed in the plans submitted for a Construction Certificate.

5.3 Service Authorities

- 5.3.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Construction Certificate:
- a) 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.
 - b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

6 Prior to Construction Certificate (Building)

6.1 Building Code of Australia Compliance

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

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

The external walls and any cladding attached to the external walls is to comply with the National Construction Code, Building Code of Australia Volume One-2019 including, but not limited to, A0.2 (a) and (c), A2.2, Part C and Part F.

6.2 Site Works and Drainage

- 6.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under an environmental planning instrument), 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.
- 6.2.2 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.

- 6.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 6.2.4 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.
- 6.2.5 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

6.3 Demolition

- 6.3.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be attached to the Construction Certificate.

7 Prior to Construction Certificate (Engineering)

7.1 General

- 7.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 7.1.2 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	Drawing Title	Job No.	Revision	Dated	Council Ref
ARUP	Hydraulic Services Stormwater Schematic	268910	01	11/09/2019	D20/128830

ARUP	Hydraulic Services Site West Layout	268910	01	11/09/2019	D20/128831
Taylor Thomson Whitting (TTW)	Stormwater and Civil Plans	181658	P2	17/07/2020	D20/434585
Taylor Thomson Whitting (TTW)	Stormwater Management Report	181658	E	17/07/2020	D20/434585
MUSIC Model: "200717 DCI Eastern Creek – MUSIC.sqz"					D20/434585

7.2 Construction Certificate Requirements

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

- Drainage construction
- Water quality treatment
- Earthworks

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

7.3 Local Government Act Requirements

7.3.1 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.

7.4 Roads Act Requirements

7.4.1 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
- Kerb inlet connections or construction

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

7.5 Other Engineering Requirements

7.5.1 If the estimated cost is \$25,000 or greater proof of long service levy payment is required.

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

7.6 Drainage

7.6.1 Drainage from the site must be connected into Council's existing drainage system.

7.7 Erosion and Sediment Control

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

Earthworks

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

7.8 Stormwater Quality Control

7.8.1 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](#).

7.8.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

7.8.3 Provide details for a permanent coloured interpretive signage minimum A1 size to be installed to highlight the water conservation and water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures the rainwater tanks and Stormfilter Cartridge system both proposed and existing 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 in an area accessible by the public. The wording and details are to be approved by Council.

7.8.4 An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the 20 year ARI flows without surcharge at any pits.

7.8.5 Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Stormfilter Chamber in accordance with Council's Engineering Guide for Development 2005.

7.8.6 Pits containing OceanGuards are to be clearly detailed on the drainage plans.

7.8.7 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.

8 Prior to Construction Certificate (Environmental Health)

8.1.1 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 nearby (regardless of whether any door or window to that room is open) between the hours of 10 pm and 7 am.

9 Prior to Demolition Works

9.1 Safety/Health/Amenity

- 9.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 9.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 9.1.3 Should the demolition work:
 - (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
 - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (c) involve the enclosure of a public place,
- 9.1.4 A hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.
- 9.1.5 Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place or adjoining land or place.
- 9.1.6 The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.
- 9.1.7 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.
Each toilet provided shall be:
 - (a) a standard flushing toilet, and
 - (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or

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

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

9.2 Site Investigation

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

9.3 Other Matters

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

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

10 During Demolition Works

10.1 Safety/Health/Amenity

- 10.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 10.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 10.1.3 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
- 10.1.4 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.5 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 10.1.6 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable SafeWork NSW requirements including the Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2005 (if applicable)
- 10.1.7 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 10.1.8 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 10.1.9 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 10.1.10 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

10.2 Nuisance Control

- 10.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 10.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7 am and 6 pm, Monday to Friday, and 8 am to 1 pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 10.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

11 Completion of Demolition Works

11.1 Final Inspection

- 11.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

11.2 Hazardous Materials and Waste

- 11.2.1 A clearance certificate prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos issued by a qualified occupational hygienist shall be obtained stating that, where the land has been affected by any contaminants (including asbestos and lead based paints), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the clearance certificate is to be lodged with Council.
- 11.2.2 Submit the receipt from the trade waste depot for disposal of any asbestos from the removal/demolition of the existing dwelling.

12 Prior to Development Works

12.1 Safety/Health/Amenity

- 12.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.
- Each toilet provided shall be:
- (a) a standard flushing toilet, or
 - (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.
- 12.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulation 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.
- 12.1.3 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.
- 12.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.1.5 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.
- 12.1.6 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.

12.2 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.

12.3 Notification to Council

12.3.1 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.

12.4 Sydney Water Authorisation

12.4.1 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.

12.5 Construction Details

12.5.1 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

12.5.2 All trees not approved to be removed shall be protected at all times during the construction phase of the development.

12.6 Construction and Traffic Management Plan

- 12.5.1 Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority and in discussion with the property owner of No. 10 Raceway Place, Eastern Creek. The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,

13 During Construction (Building)

13.1 Safety/Health/Amenity

- 13.1.1 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.
- 13.1.2 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.
- 13.1.3 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.

- 13.1.4 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.
- 13.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 13.1.6 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.
- 13.1.7 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.
- 13.1.8 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.

13.2 Building Code of Australia Compliance

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

13.3 Nuisance Control

- 13.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 13.3.2 The hours of any offensive noise-generating development works shall be limited to between 7 am to 6 pm, Mondays to Fridays: 8 am to 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 13.3.3 Construction work on all buildings shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

13.4 Waste Control

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

13.5 Tree Protection

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

13.6 Construction Inspections

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

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

14 During Construction (Engineering)

14.1 Notification of Works

- 14.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 14.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

14.2 Insurances

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

14.3 Soil Erosion and Sediment Control Measures

- 14.3.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 14.3.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 14.3.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.
- 14.4 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**
- 14.4.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).
- Where Council is appointed as the Principal Certifying Authority for the development, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.
- 14.5 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**
- 14.5.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993* or *Local Government Act 1993* must be made by Council's Development Overseers.
- Inspections must be pre-booked with a minimum 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, 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).
- 14.6 Public Safety**
- 14.6.1 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.
- 14.7 Traffic Control**
- 14.7.1 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 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.

- 14.7.2 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 accreditation and photo card to implement Traffic Control Plans.
- 14.7.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Traffic Controller accreditation and photo card and carry it with them.
- 14.7.4 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 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.
- 14.7.5 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 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 Roads and Maritime *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

14.8 Other Matters

- 14.8.1 The minimum twelve 200 micron OceanGuards and eleven 690 Stormfilter cartridges supplied by Ocean Protect as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

15 During Construction (Environmental Health)

15.1 Environmental Management

- 15.1.1 The recommendations provided in Acoustic Report for Base Building prepared by Arup dated 14 August 2019 must be implemented.
- 15.1.2 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.

15.2 Site Contamination - Unexpected Finds

- 15.2.1 All areas that are suspected to be contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with;
- NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*" (2011)
 - NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
 - NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*" (2006)

- National Environment Protection Council “*National Environment Protection (Assessment of Site Contamination) Measure*” (2011).
- 15.2.2 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act (NSW) 1997 and the NSW Environment Protection Authority’s Waste Classification Guidelines (2014).
- 15.2.3 Implementation of an unexpected finds protocol to manage any unexpected contamination that may be encountered.
- 15.2.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.2.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.2.6 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

16 Prior to Occupation Certificate

16.1 Road Damage

- 16.1.1 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.

16.2 Compliance with Conditions

- 16.2.1 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.
- 16.2.2 Prior to occupation/use of the building extension, 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.

16.3 Service Authorities

- 16.3.1 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.
- 16.3.2 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.

- 16.3.3 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) The bounded area around the full storage area is to meet the requirements of Councils' EHU unit and Safe Work NSW requirements

16.4 Temporary Facilities Removal

- 16.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 16.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 16.4.3 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.
- 16.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 16.4.5 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.

16.5 Fire Safety Certificate

- 16.5.1 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).

16.6 Landscaping/Car Parking

- 16.6.1 All landscaping shall be completed in accordance with approved landscaping design plan and other conditions as required previously. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

- 16.6.2 Directional arrows shall be provided for safe access and circulation of the internal driveway within the site.

16.7 Fee Payment

- 16.7.1 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.

16.8 Environmental Health

- 16.8.1 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.
- 16.8.2 A qualified acoustic engineer to verify the development has been constructed in accordance with the EPA Industrial Noise Policy criteria.

16.9 Engineering Matters

16.9.1 Surveys/Certificates/Works As Executed plans

- 16.9.1.1. 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.
- 16.9.1.2. 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.
- 16.9.1.3. 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.
- 16.9.1.4. 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.
- 16.9.1.5. A Chartered Civil Engineer registered with NER, is to certify that:
- a. all the requirements of the approved drainage plan have been undertaken;
 - b. the rainwater tanks have been provided as per the approved construction certificate plans collecting all of the roof area;
 - c. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

- d. the interpretative water quality sign has been correctly installed;
- e. all other signage and warning notice have been installed;
- f. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.

16.9.1.6. Ocean Protect is to certify for the installation of the 200 micron OceanGuards and Stormfilters that:

- i. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- ii. A minimum of 12 x 200 micron OceanGuards have been installed;
- iii. A minimum of 11 x 690 Stormfilter Cartridges have been installed
- iv. The Stormfilter manhole includes a baffle set 400 mm below the Stormfilter weir and set upstream 250 mm from the weir to retain floatables for the 690 mm cartridges
- v. The Stormfilter weir height is a minimum of 1 m above the false floor;
- vi. The Stormfilters have a minimum flow rate of 17.6 l/s at standard weir height;
- vii. A maintenance contract has been entered into for the maintenance of the Stormfilter cartridges.

16.9.1.7. 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. waterless urinals have been installed; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

16.10 Easements/Restrictions/Positive Covenants

16.10.1 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 NSW Land Registry Services.

16.10.1.1. Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works. The covenant requirements are to include the submission of a report on water treatment and an annual report non-potable water usage before 1 September each year.

- 16.10.1.2. Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Rainwater Tank(s). The covenant requirements are to include the submission of a report on water treatment and an annual report non-potable water usage before 1 September each year.
- 16.10.1.3. All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

16.11 Inspections

- 16.11.1 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.

16.12 Other Matters

- 16.12.1 Provide maintenance requirements for each of the proposed water quality devices including rainwater tanks generally in accordance with the Council's WSUD Inspection and Maintenance Guidelines available on Council's website. Where a proprietary device is not included within this guideline provide these separately in accordance with the manufacturer's requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than three years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD developer handbook. The filter cartridge must be replaced/refurbished by the filter manufacturer. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 16.12.2 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 OceanGuards, Stormfilter cartridge system and Rainwater Tank(s). 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.

16.13 Compliance with Bushfire Report

- 16.13.1 The recommendations of Bushfire Risk Assessment report prepared by BPAD Bushfire Planning and Design dated 17 August 2019 for the site shall be implemented.

17 Operational (Planning)

17.1 Access/Parking

- 17.1.1 All required off-street car parking spaces and internal driveways/roads shall be maintained to a standard suitable for the intended purpose.
- 17.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

- 17.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

17.2 Specific Uses

- 17.2.1 The approved office spaces shall be used solely in conjunction with the current 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.
- 17.2.2 The development shall not be used or converted for use for any purpose other than that:
- a) Granted consent by Council's Notice of Determination, or
 - b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 17.2.3 Any change of use of the development, other than a '*high technology industry*', will require separate development consent to be obtained from Council and the applicant will be required to provide the minimum number of car parking spaces required by the State Environmental Planning Policy (Western Sydney Employment Area) 2009 for that new land use. This will necessitate the removal of the electrical substations and fuel bunded areas and the provision of parking in accordance with indicative parking plan DWG No. ASK009 Issue A dated 14.02.2019 as prepared by Greenbox held on Council's file.
- 17.2.4 The development shall not include potentially hazardous or offensive storage establishments.

17.3 Retailing Restrictions

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

17.4 General

- 17.4.1 A maximum of 35 employees and visitors are allowed to use the 35 car spaces allocated on site for use by the existing data centre including the use of the ground level at the new data centre complex.
- 17.4.2 A maximum of 45 staff and visitors are to use the remaining 7 floors of the data centre complex.
- 17.4.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 17.4.4 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.
- 17.4.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 17.4.6 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.
- 17.4.7 Arrangements shall be made for an effective commercial refuse removal service.

- 17.4.8 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.
- 17.4.9 All landscaped areas provided in accordance with the approved landscaping design plan and other conditions as required by this consent shall be maintained at all times in a suitable manner.
- 17.4.10 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.

18 Operational (Environmental Health)

18.1 Environmental Management

- 18.1.1 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.
- 18.1.2 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.
- 18.1.3 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 18.1.4 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.