

Conditions of consent (draft)

Proposed development	Demolition of the existing warehouse facility and construction of a 4 storey data centre including car parking and associated amenities for the adjoining site at 35 Huntingwood Drive (or Airtrunk Pty Ltd)
Property description	Lot 201 DP 866346, 24 Healey Circuit, Huntingwood

1 [BO1] **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
 - (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.

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.

- 1.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.
- 1.4.5 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 **Demolition**

- 1.6.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may

be obtained from the following organisations and publications (including those which may supersede such publications):

- (a) Safework NSW (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
- (b) NSW Office of Environment & Heritage (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
- (c) “Code of Practice for the Safe Removal of Asbestos” 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.

1.7 Identification Survey

- 1.7.1 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.

1.8 Engineering Notes

- 1.8.1 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.

1.9 Payment of Engineering Fees

- 1.9.1 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.

1.10 Road Damage

- 1.10.1 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.

1.11 Water Quality

- 1.11.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of Blacktown DCP 2015 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
Total Hydrocarbons	90

- 1.11.2 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.

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 Greenbox, Job Number 190039	
Existing Site Demolition Plan DA005 Issue G	04.03.2020
Proposed Site Plan DA010 Issue G	20.11.2019
Level 0 GA Plan DA100 Issue L	04.03.2020
Level 1 GA Plan DA101 Issue L	21.11.2019
Level 2 GA Plan DA102 Issue J	21.11.2019
Level 3 GA Plan DA102 Issue J	21.11.2019
Level 2 GA Plan DA102 Issue J	16.08.2018
Roof Level GA Plan Issue I	20.11.2019
North & West GA Elevations Issue G	21.11.2019
South & East GA Elevations Issue G	21.11.2019
GA Section 1 Issue F	19.11.2019
Landscape Plan prepared by IScape, Project Number 156.19/346	November 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: Huntingwood

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

Suburb: Huntingwood

2.4 Engineering Matters

2.4.1 Design and Works Specification

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

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

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*.

- 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.

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 Consolidation of Lots

3.2.1 Lot 201 DP 866346 and Lot 2020 DP 877343 shall be consolidated into one title which shall be registered with the Land Registry Services (LRS). The proof of registration shall be submitted to Council for records.

3.3 Other Matters

3.3.1 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.

3.4 NSW Police

3.4.1 The Applicant shall consult with the Mt Druitt Local Area Command Police regarding any requirement including CPTED report to be submitted for their review and a written sign off must be obtained for proof that the development has been reviewed.

Any recommendations from the Police shall be implemented in the Construction and Occupation Certificate Plans, including any required measures to be undertaken During Construction and at Operational stages.

4 Prior to Construction Certificate (Planning)

4.1 Aesthetics/Landscaping

- 4.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20% 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.
- 4.1.2 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.
- 4.1.3 Amended landscape plan shall be submitted for Council's Open Space's approval, including the following requirement:
- Additional large trees within the deep soil area along the southern boundary of the site shall be provided of species compatible with the Cumberland Plain Woodland, to further soften the edge of the development, provide natural screening and contribute in minimising urban heat island effect.
 - Existing 2 Brushbox trees on the south-western boundary that adjoins 22 Healey Circuit must be retained, and included in the landscaping along this boundary. These changes are also to be made to the architectural plans for consistency with the landscape plan to be revised.

4.2 Façade Treatments

- 4.2.1 Amended architectural plans shall be submitted for Council's City Architect's approval, demonstrating the following treatments:
- Provision of architectural screens to the full perimeter extent of the equipment gantries, to ensure a cohesive streetscape presentation from the surrounding public domain, and
 - The concrete external wall panels shall be better articulated through subtle variance in concrete panel finishes, vertical blade elements, profiled concrete and the like.

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 28 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 any substation.

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	Job No.	Drawing No.	Sheet No.	Revision
Van der meer	SY192-088	DAC000, DAC001, DAC101, DAC201, DAC210, DAC211	C000, C001,C101, C201, C210, C211,	A (12.11.19)
		DAC432	C432	B (14.11.19)
		DAC401, DAC411, DAC421, DAC431, DAC441	C401, C411, C421, C431, C441	C (21.11.19)

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

- Water quality treatment
- Earthworks
- Path paving

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

6.3 **Local Government Act Requirements**

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

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

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

6.4 **Roads Act Requirements**

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

- Any works within Council's road reserve
- pit connections or construction
- Path Paving

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

6.5 **Other Engineering Requirements**

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

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

6.5.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.5.4 Submit written evidence from Sydney Water indicating compliance with all necessary requirements.

6.5.5 Submit written permission from the affected property owner for any works proposed on adjoining land.

6.6 **Drainage**

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

6.6.2 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.

6.6.3 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

6.6.4 Where the internal driveway cannot be drained to an internal pit a grated trench drain shall be provided at the property boundary.

6.7 **Erosion and Sediment Control**

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

6.8 **Earthworks**

- 6.8.1 Proposed lots must be filled so that the ground levels behind the building are a minimum of 500mm above the designed 100-year average recurrence interval flood level.
- 6.8.2 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 6.8.3 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.
- 6.9 **Stormwater Quality Control**
- 6.9.1 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](#).
- 6.9.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.
- 6.9.3 Engineering plans by Van der meer, Job No. SY192-088 (C), dated 21.11.19 are to be amended as follows:
 - a. Dwg. 401(C)
 - (i) Rename all Psorb cartridges to state ZPG cartridges.
 - (ii) Revise the number of cartridges to 30 rather than 28
 - (iii) Add a 600x600 pit (without an OceanGuard) towards the end of the proposed paved area to the south east at approximate RL of 63.60. This pit is to be connected to pit B02 via a 150mm pipe at minimum 0.5% grade.
 - (iv) From pit A07 to A11 provide a hit and miss kerb to drain the upstream landscaped area. Or elevate the landscape RL to be at the top of kerb to drain to the pits.
 - (v) All the proposed pits are to contain 200 micron OceanGuard. In total 12 OceanGuards are to be installed.
 - (vi) The charge pipe system conveying roof water to the above ground rainwater tanks are to be designed for the minimum 20 year ARI peak flows and be constructed in sewer grade PVC, with all joints solvent sealed and painted. The system is to contain a first flush system and charge line cleanout pit with a dribble hole through the screw cap at the lowest point in the system.
 - (vii) The combined rainwater tank size is to be increased to a minimum of 110m³. Ensure the tanks are interconnected at the top and near the bottom, above the sludge zone.
 - (viii) Pits containing OceanGuards (Enviropods) are to be clearly detailed on the drainage plans as "200 micron OceanGuards (Enviropods)".
 - (ix) All Downpipes (DP's) connecting to pit A01 to A05 are to be treated by ceanGuards i.e. the pipes are to discharge above the OceanGuards.
 - b. Dwg. 411(C)
 - (i) Amend the width of the stormfilter tank to 3.5 m rather than 3 m and dimension the length of the stormfilter tank.
 - (ii) Increase the stormfilter tank to 25m².
 - (iii) Show the energy dissipater in the stormfilter tank at all inlets
 - (iv) Provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir and extending from the sealed underside of the tank

to 400 mm below the top of the weir for the 690 mm Stormfilter cartridge to, to contain floatables including oil. The Stormfilter weir level is to be set 770 mm above the false floor.

- (v) Provide metal mosquito proof mesh welded under the access grate(s) into the Stormfilter tank.

c. Dwg. 421(C)

- (i) All pipes above 300mm dia. are to be RCP and not uPVC type.
- (ii) To ensure effective operation of the OceanGuards in pits A01 to A05 lower the invert of pit A01 by 0.2 5m and regrade the pipe from A01 to A05 to 0.5%. Review pipe sizes and capacity.
- (iii) OceanGuards (Enviropods) treating only surface flows require a minimum clear depth of 500 mm from the underside of 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.

- (d) Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the rainwater tank and Stormfilter tank in accordance with Council's Engineering Guide for Development 2005.

6.9.4 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.

6.9.5 Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.

6.9.6 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.

6.9.7 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 & wash down 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,
- iii. control panel and a warning light to indicate pump failure

- iv. a solenoid controlled mains water bypass;
 - v. **flow meters** on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage and % reuse;
 - vi. a timer and control box for landscape watering, allowing for seasonal variations;
 - vii. ensuring all the rainwater reuse pipes and taps are coloured purple;
 - viii. an inline filter and preferably an automatic backwash inline filter.
 - ix. Providing wash down tap external to the four walls at maximum 50 m spacings. Provide warning signs on all external taps connected to rainwater.
- 6.9.8 Provide a Landscape Watering Plan by a Landscape Irrigation specialist for a system designed to automatically achieve an average minimum usage rate of 400 kL/year, excluding turf areas, as nominated in MUSIC allowing for seasonal variations.
- 6.10 **Footpaths**
- 6.10.1 Path paving s to be provided generally in accordance with Council's Path Paving Policy, Blacktown City Council Engineering Guide for Development and Blacktown City Council Growth Centre Precincts Development Control Plan 2018 and as follows:

Street Name	Side	Paving Width	Length
Healey Cr	Along the full frontage boundary of the proposed of the proposed development site	Matching with existing footpath at Healey Cr	Full length of the front boundary of the proposed development lot

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

8 Prior to Demolition Works

8.1 Safety/Health/Amenity

- 8.1.1 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.
- 8.1.2 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.
- 8.1.3 Should the demolition work:
- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
 - (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (c) involve the enclosure of a public place,

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

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

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

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

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

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

8.2 Site Investigation

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

8.3 Other Matters

- 8.3.1 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

9 During Demolition Works

9.1 Safety/Health/Amenity

- 9.1.1 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.
- 9.1.2 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.
- 9.1.3 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.
- 9.1.4 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.1.5 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.
- 9.1.6 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)
- 9.1.7 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.
- 9.1.8 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 9.1.9 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.
- 9.1.10 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.

9.2 Nuisance Control

- 9.2.1 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.
- 9.2.2 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.

- 9.2.3 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.

10 Completion of Demolition Works

10.1 Final Inspection

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

10.2 Hazardous Materials and Waste

- 10.2.1 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.
- 10.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

11 Prior to Development Works

11.1 Safety/Health/Amenity

- 11.1.1 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.

- 11.1.2 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.

- 11.1.3 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.

- 11.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.1.5 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.
- 11.1.6 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.
- 11.1.7 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.

11.2 **Notification to Council**

- 11.2.1 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.

11.3 **Sydney Water Authorisation**

- 11.3.1 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.

11.4 **Construction Details**

- 11.4.1 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
- 11.4.2 The 2 existing brushwood trees and the 4 Cumberland bush land trees are to be cordoned off and protected at all times during the construction phase of the development.

12 During Construction (Building)

12.1 Safety/Health/Amenity

- 12.1.1 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.
- 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 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.
- 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) 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.
- 12.1.4 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.
- 12.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 12.1.6 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.
- 12.1.7 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.

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

12.2 Building Code of Australia Compliance

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

12.3 Nuisance Control

12.3.1 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.

12.3.2 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.

12.3.3 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.

12.4 Waste Control

12.4.1 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.

12.5 Tree Protection

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

12.6 Construction Inspections

12.6.1 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.

13 During Construction (Engineering)

13.1 Notification of Works

- 13.1.1 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.
- 13.1.2 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.
- 13.2 Insurances**
- 13.2.1 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.
- 13.3 Service Authority Approvals**
- 13.3.1 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.
- 13.4 Soil Erosion and Sediment Control Measures**
- 13.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 13.4.2 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.
- 13.4.3 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.
- 13.5 Filling of Land and Compaction Requirements**
- 13.5.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.
- 13.5.2 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 13.5.3 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and

timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.

- 13.5.4 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 13.5.5 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 13.5.6 Trucks transporting cut and fill must have their loads covered and provisions of “shaker pads” and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 13.5.7 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

13.6 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

- 13.6.1 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.

13.7 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

- 13.7.1 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. Councils 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).

13.8 Public Safety

- 13.8.1 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.

13.9 Site Security

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

13.10 Traffic Control

- 13.10.1 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.
- 13.10.2 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.
- 13.10.3 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.
- 13.10.4 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.
- 13.10.5 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.
- 13.11 **Other Matters**
- 13.11.1 Water Quality-The 12x200 micron OceanGuards (Enviropods) and 30 x690 mm high Stormfilter cartridges supplied by Ocean Protect (Stormwater 360) are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

14 During Construction (Environmental Health)

14.1 Environmental Management

- 14.1.1 The recommendations provided in *Operational Noise Assessment*, prepared by Noise and Sound Services, dated November 2019 (ref: nss 23120A – Final - Rev E), must be implemented.
- 14.1.2 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*.
- 14.1.3 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 Prior to Occupation Certificate

15.1 Road Damage

- 15.1.1 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.
- 15.2 Compliance with Conditions**
- 15.2.1 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.
- 15.2.2 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.
- 15.3 Service Authorities**
- 15.3.1 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.
- 15.3.2 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.
- 15.3.3 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.
 - (d) The bounded area around the full storage area is to meet the requirements of Councils' EHU unit and Safe Work NSW requirements
- 15.4 Temporary Facilities Removal**
- 15.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 15.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 15.4.3 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.

- 15.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 15.4.5 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.
- 15.5 **Fire Safety Certificate**
- 15.5.1 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).
- 15.6 **Landscaping/Car Parking**
- 15.6.1 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.
- 15.6.2 Directional arrows shall be provided for safe access and circulation of the internal driveway within the site.
- 15.7 **Fee Payment**
- 15.7.1 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.
- 15.8 **Environmental Health**
- 15.8.1 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.
- 15.8.2 SafeWork NSW shall be notified regarding 777,600L of diesel fuel stored on the premises for backup generators.
- 15.8.2.1 The bounded area around the full storage area is to be built to meet the requirements of Council's EHU and SafeWork NSW requirements
- 15.8.3 The sign off of an accredited SafeWork NSW consultant shall be recorded in the Occupation Certificate to be issued.
- 15.8.4 A qualified acoustic engineer to verify the development has been constructed in accordance with the EPA Industrial Noise Policy criteria.
- 15.9 **Engineering Matters**
- 15.9.1 **Surveys/Certificates/Works As Executed plans**
- 15.9.2 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.

- 15.9.3 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).
- 15.9.4 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.
- 15.9.5 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.
- When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.
- 15.9.6 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 minimum 110m³ rainwater tank has been provided collecting roof water from a minimum 2565 m² of roof area.
 - d. all the signage and warning notices have been installed;
 - e. the interpretative water quality sign has been correctly installed
 - f. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
 - g. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- 15.9.7 Ocean Protect (Stormwater 360) is to certify for the installation of the 200 micron OceanGuards (Enviropods) and Stormfilters that:
- i. They are installed in accordance with the Ocean Protect (Stormwater 360) standard operational guidelines and production drawings;
 - ii. A minimum of 12x 200 micron OceanGuards (Enviropods) and 30x690mm Ocean Protect Stormfilters have been installed;
 - iii. The Stormfilter tank includes a baffle 400mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 690mm cartridges
 - iv. The Stormfilter weir length is a minimum of 3.5m;
 - v. The Stormfilters have a minimum flow rate of 48L/s at standard weir height;
 - vi. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
 - vii. Energy dissipaters have been provided on all the inlets to the Stormfilter tank.
- 15.9.8 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 Plan have been installed to the required locations.

- iii. the flow meters have been installed on the solenoid controlled mains water bypass line and the pump outflow line
 - x. the pumps, alarms and all other systems are working correctly;
 - xi. the external washdown taps have been installed with warning signs and coloured purple at maximum 50 m intervals around the building.
 - xii. the water from at least two external washdown taps and two toilets (M/F) have been tested to show no chlorine residual.
 - xiii. A signed, works-as-executed Non-Potable Water Supply is to be provided to Council's WSUD Compliance Officer WSUD@blacktown.nsw.gov.au
- 15.9.9 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 .
- 15.9.10 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.
- 15.10 **Easements/Restrictions/Positive Covenants**
 - 15.10.1 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.
 - 15.10.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system (Stormfilter tank and OceanGuards) and outlet works.
 - 15.10.3 Restrictions and/ or positive covenant must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the overland flow-path.
 - 15.10.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.
 - 15.10.5 Provide a Restriction to User and Positive Covenant over the Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005.
 - 15.10.6 The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by 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.

- 15.10.7 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 accordance with the manufacturers recommendations. 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.
- 15.10.8 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 Stormfilters, OceanGuards and rainwater tanks. 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.
- 15.10.9 The maintenance contract is to contain a requirement that firstly all maintenance on the filter cartridges is undertaken by Ocean Protect and 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 tank in accordance with Council's WSUD Handbook. The flow test is to be repeated and passed each and every year after that for the filters to be retained, but the filters must be replaced after a maximum of 5 years.
- 15.11 **Inspections**
- 15.11.1 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.
- 15.12 **NSW Police Requirements**
- 15.12.1 Any condition to be imposed by the NSW Police shall be implemented accordingly.

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. This will necessitate the removal of the electrical substances and fuel bunded areas and the provision of parking in accordance with indicative parking plan DWG No. ASK009 Issue A dated 21.02.2019 as prepared by Greenbox.
- 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.

- 16.4.7 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.
- 16.4.8 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 16.4.9 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*.
- 17.1.7 The maximum volume limit of diesel storage on the premises is 777,600L. Any increase will require further Council's approval.

18 OPERATIONAL (NSW POLICE)

- 18.1 Any condition to be imposed by the NSW Police shall be adhered to all times.