
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-318/2011/A
Property: 8-14 Egerton Street, SILVERWATER
Description: Section 96(2) modification to a data storage centre including minor modification to built form, alternate staging and amendments to development contributions.

A. Amend Condition Nos. 1, 2, 4, 5, 16, 29, 33, 36, 73, 86, 91 and 93 to read as follows;

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
Drawing No. TP04 Demolition Plan	WatsonYoung	A	June 2011
Drawing No. TP05 Site Plan	WatsonYoung	A	February 2011
Drawing No. TP06 Site Analysis	WatsonYoung	A	February 2011
Drawing No. TP07 Staging Plan	WatsonYoung	A	February 2011
Drawing No. TP08 Ground Floor Plan	WatsonYoung	A	February 2011
Drawing No. TP09 First Floor Plan	WatsonYoung	A	February 2011
Drawing No. TP10 Second Floor Plan	WatsonYoung	A	June 2011
Drawing No. TP11 Elevations	WatsonYoung	B	June 2011
Drawing No. TP12 Elevations—Colour Scheme	WatsonYoung	B	June 2011
Drawing No. TP13 Site Section	WatsonYoung	A	June 2011
Drawing No. LPDA 12-46/1 Landscape Plan	Conzept Landscape Australia	C	12/08/2011
Drawing No. LPDA 12-46/2 Landscape Plan	Conzept Landscape Australia	B	10/08/2011
Drawing No. ar-0101 Stage 1 Layout Site Ingress/Egress as per Drawing No. ar-200	dem	DA01	21/06/2012

Drawing No. ar-0102 Stage 2 Layout <i>Site Ingress/Egress as per Drawing No. ar-200</i>	dem	DA01	21/06/2012
Drawing No. ar-0103 Stage 3 Layout <i>Site Ingress/Egress as per Drawing No. ar-200</i>	dem	DA01	21/06/2012
Drawing No. ar-0104 Stage 4 Layout <i>Site Ingress/Egress as per Drawing No. ar-200</i>	dem	DA01	21/06/2012
Drawing No. ar-0105 Stage 5 Layout <i>Site Ingress/Egress as per Drawing No. ar-200</i>	dem	DA01	21/06/2012
Drawing No. ar-0106 Stage 6 Layout <i>Site Ingress/Egress as per Drawing No. ar-200</i>	dem	DA01	21/06/2012
Drawing No. ar-0200 Site Plan	dem	DA02	07/08/2012
Drawing No. ar-0201 Ground Floor Plan	dem	DA01	21/06/2012
Drawing No. ar-0202 First Floor Plan	dem	DA01	21/06/2012
Drawing No. ar-0203 Roof Plan	dem	DA02	07/08/2012
Drawing No. ar-2100 Longitudinal Site Section	dem	DA01	21/06/2012
Drawing No. ar-2500 Elevations	dem	DA02	07/08/2012
Drawing No. la-0101 Landscape Staging Plan <i>Site Ingress/Egress as per Drawing No. ar-200</i>	dem	A05	20/06/2012
Drawing No. la-0501 Landscape Plan <i>Site Ingress/Egress as per Drawing No. ar-200</i>	dem	A04	20/06/2012
Drawing No. la-8901 Landscape Details	dem	A04	20/06/2012
Drawing No. SYD2-CIV-103 Stage 1 Layout Plan	dem	PD05	01/08/2012
Drawing No. SYD2-CIV-101 Civil Siteworks	dem	PD01	June 2012
Drawing No. SYD2-CIV-102 Civil Siteworks	dem	PD01	June 2012
Loading Dock Management Plan	Unnamed	-	Undated
Standard Exterior Colours & Finishes	WatsonYoung	-	Undated

DA Noise Impact Assessment	SLR Consulting Australia P/L	1	8 August 2011
Noise Impact Assessment - Stage 1 Required Acoustical Treatments	SLR Consulting Australia P/L	-	2 September 2011
Noise Impact Assessment Revised Layout Implications	SLR Consulting Australia P/L	-	14 June 2012
Drawing No. CG111513/-/SK/05 Stormwater and Pavement	Cardno	P5	01/09/2011
Drawing No. CG111513/-/SK/06 Sediment and Erosion	Cardno	P1	18/08/2011
Detailed Site Investigation Project No. 11004RP02 v02	Environmental Strategies	1	March 2011
Remedial Action Plan Project No. 11004c	Environmental Strategies	1	September 2011
Standard Security Design	Metronode	6	28/6/2011

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

2. **Staging of works**

The development shall be completed in accordance with the approved Staging Plans, prepared by DEM as listed within Condition No.1 from the date of this development consent

Reason:- To confirm and clarify the terms of this development consent.

4. **Staging requirements**

The conditions contained within this development consent notice apply separately and individually to each and every stage of the development. In this regard, all site preparation works (including remediation and civil works), demolition, landscaping and the construction of the car parking area and associated ring road are to be completed in accordance with the approved Staging Programme as per the amended architectural plans prepared by DEM:

Stage 1: Drawing No. ar-0101 – Rev DA01
 Stage 2: Drawing No. ar-0102 – Rev DA01
 Stage 3: Drawing No. ar-0103 – Rev DA01
 Stage 4: Drawing No. ar-0104 – Rev DA01
 Stage 5: Drawing No. ar-0105 – Rev DA01
 Stage 6: Drawing No. ar-0106 – Rev DA01

Site remediation will be undertaken prior to Stage 4 of the approved staging programme. No excavation works are to occur in Stages 4 to 6 without remedial works being undertaken.

The car parking as detailed within stage 1 works are to be available throughout the operational and construction phases of the development.

Reason:- to ensure essential services and facilities are available to the site to facilitate subsequent stages.

5. **Auburn DCP 2007: Section 94 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

A sum of **\$279,030** is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

The above sum is broken down to the following items:

Item	Amount
Employment Generating Development	\$279,030
TOTAL	\$279,030

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of any Construction Certificate for each stage of the development as outlined in the payment schedule below

Stage	Section 94 Payable
1	\$94,475
2	\$18,790
3	\$59,800
4	\$25,393
5	\$61,782
6	\$18,790
Total	\$279,030

Reason:- to assist in the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.

16. **Remediation and validation**

The following shall be complied with in respect of remediation and validation works at the property:

- a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan **prior to the completion of Stage 4 of the approved Staging Programme**. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development

Application pursuant to the *Environmental Planning and Assessment Act 1979*.

- b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, *Consulting Reporting on Contaminated Sites*, and shall:
- i) Describe and document all works performed;
 - ii) Include results of validation testing and monitoring;
 - iii) Include validation results of any fill imported on to the site;
 - iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
 - v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur to ground level courtyards and communal open space areas within the development.

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, **prior to the issuing of the Occupation Certificate for Stage 4 of the approved Staging Programme.**

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

Reason:- to ensure the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and the Contaminated Land Management Act are complied with.

29. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plan prepared by DEM and endorsed plan Drawing No ar-200, Revision DA-02, dated 7 August 2012, shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

33. **Compliance with Submitted Acoustic Report**

The noise control treatments recommended in the Noise Impact Assessment prepared by SLR Global dated 8 August 2011 (report number 640.10111-R1), subsequent letters prepared by Jim Antonopoulos of SLR dated 2 September 2011 (reference 640.10111LoA DA Additional Req 20110902) and Revised Layout Implication, dated 14 June 2012 (reference 640.10111 Revised Layout Acoustics RevB 20120614) shall be installed prior to the issuing of any occupation certificate for each relevant stage of the development. All noise reduction measures specified in

the acoustic report shall be complied with at all times during the operation of the premises.

Reason:- to ensure noise mitigation measures are undertaken.

36. **Submission of Construction Certificate**

Construction works are not to commence until such time that a construction certificate for each of the proposed stages of works has been issued by Council or an Accredited Certifier.

NOTES:

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 7 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the Environmental Planning and Assessment Act 1979 requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act and clause 142 of the Environmental Planning and Assessment Regulation 2000.

73. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary with the exception of Day Street where 3m setback is provided and Egerton Street where 2.5m setback is provided adjacent to HV switch room/pump room. Under no circumstances are gates to open over Council's footway or obstruct access to car parking spaces.

Reason:- to ensure the development operates in accordance with the approval and does not cause a nuisance or a hazard to the public.

86. **Air conditioning units – location and acoustics**

- a) The operation of air conditioning units shall be so:
 - (i) as not to cause "offensive noise" as defined under the Protection of the Environment Operations Act 1997;
 - (ii) ~~as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;~~
 - (iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.
- b) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require the beneficiaries of this consent to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

91. **Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate at each relevant stage. The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard,

- Council's on-site detention calculation sheets and submission checklist are to be submitted for the proposed OSD System.
- The proposed stormwater system shall be generally in accordance with the stormwater plans;
 - Drawing No. SYD2-CIV-103, Rev PD05, dated 01/08/2012, prepared by dem
 - Drawing No. SYD2-CIV-101, Rev PD01, dated June 2012, prepared by dem
 - Drawing No. SYD2-CIV-102, Rev PD01, dated June 2012, prepared by dem
- Outlet pipe from the proposed oil separator shall be realigned in such a way that the pipe shall run around the OSD tank and connect to the high early discharge pit.
- Stormwater discharge from the OSD area shall also be discharged through a stormwater treatment device.
- Maximum spacing between the access grate shall not exceed 5.0m.
- All access grates to the onsite detention facility shall be 900x900 with double (2/900x450) hinged grates.
- Detail cross section of the OSD tank showing the top water level, high early discharge pit, orifice, dry platform and overflow weir shall be submitted.
- Existing downstream pipe system shall be analysed in order to check whether downstream pipe capacity is adequate for conveying the flow from the subject development. If the pipe capacity is not adequate, pipe system shall be upgraded at no cost to Council. Details shall be submitted.

Note: "Auburn Development Control Plans 2010 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

93. **Structural detailed design of the underground tank**

A detailed structural design of the proposed underground tank shall be submitted to the Council/ Principal Certifying Authority with the relevant Construction Certificate application.

Reason:- to ensure the structural stability.

B. Insert Condition Nos. 111 and 112**111. Site Access –Egerton/Day Street Access**

Prior to the issue of any Construction Certificate for Stage 1 construction works, the following information is to be provided to Council or an Accredited Certifier;

- An entry and exit swept path for Egerton Street shall be provided showing full width of the road in order to ensure that the on-street parking spaces along the southern side of the Egerton Street are to remain unchanged. In this regard, written verification shall be obtained from a suitably qualified traffic consultant.
- A formal application to the Auburn Local Traffic Committee is to be made in regard to the proposed 'No Stopping' area on Day Street for the Committees consideration.

Note: The works shall be completed at no cost to Council prior to Issue of Occupation certificate subject to Local Traffic Committee approval.

- Details demonstrating the use of standard layback at each vehicular crossing are to be provided.

Reason:- to ensure suitable access is provided to the site without disrupting the provision of on-street parking.

112. Surrender of Previous Consent

Prior to the issue of a construction certificate for Stage 1 works, the following Development Consents, being DA-55/1985, DA-103/1985, DA-104/1985 and DA-30/2011, including all associated documentation are to be surrendered to Council in accordance with Clause 80A(5) of the Environmental Planning and Assessment Act 1979 and Clause 97 of the Environmental Planning and Assessment Regulation 2000.

Reason:- to ensure no conflicting approvals exist for the site.

113. Landscaping Staging Plan/Acoustic Wall

The landscaping to the eastern boundary including the acoustic wall and associated works shall be installed after the remediation works and before the construction of stage 4. In this regard, the areas stage 5 and stage 6 (i.e the areas running parallel to the eastern boundary) as marked on the Landscaping Staging Plan, Drawing No. Ia-0101, Rev A05, dated 20/06/2012 and prepared by DEM is completed before the construction of stage 4.

Reason:- to ensure landscaping and the acoustic wall are provided to ameliorate the development and enhance the amenity of adjoining properties.

C. Delete Condition No. 24**24. Landscape Plan – Modification of Species Selection**

~~The approved Landscape Plan, being Drawing No. LPDA 12-46/1, Revision C, dated 12/08/11 and prepared by Conzept Landscape Architects is to include the~~

following amendments;

- ~~The plant species *Corymbia maculata* is to be replaced by *Eucalyptus moluccana*~~
- ~~The plant species *Eucalyptus microcorys* is to be replaced by *Eucalyptus Longifolia* or *Eucalyptus Parramattensis*~~

Reason:- ~~to ensure Auburn native species are present on site.~~