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Our ref: DA 1310/2017/1
Our file: IDAS1102560
Your ref: DA 2017/1310/1

The General Manager
Camden Council
P.O. Box 183
Central Avenue, Oran Park
NSW, 2570

Attention: A M Sampson

15th January 2018

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA 2017/1310/1

Description of proposed activity: Construction and use of industrial building as a data centre, including earthworks, car parking, fencing, landscaping and associated works.

Site location: Lot 4331 DP 1194022 – 42A Bluett Drive, Smeaton Grange, NSW, 2567

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

“The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council”.

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Algis Sutas - ASUTAS
Water Regulation Officer
Water Regulatory Operations
NSW Department of Primary Industries – Water



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1102560
Issue date of GTA:	15 January 2018
Type of Approval:	Controlled Activity
Description:	Construction and use of industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works
Location of work/activity:	42A Bluett Drive Smeaton Grange NSW, 2567
DA Number:	1310/2017/1
LGA:	The Council Of Camden
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00004	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00002	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Crown Lands and Water Division.
Erosion and sediment controls	
GT0014-00003	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
Plans, standards and guidelines	
GT0002-00102	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2017.1310 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Wollongong Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00024	A. The application for a activity; controlled activity approval must include the following plan(s): - Detailed drainage plans. B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity .
GT0010-00003	All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.



General Terms of Approval

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under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1102560

Issue date of GTA: 15 January 2018

Type of Approval: Controlled Activity

Description: Construction and use of industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works

Location of work/activity: 42A Bluett Drive Smeaton Grange NSW, 2567

DA Number: 1310/2017/1

LGA: The Council Of Camden

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

GT0012-00002 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Crown Lands and Water Division.

GT0030-00001 The application for a controlled activity approval must include plans prepared in accordance with Crown Lands and Water Division's guidelines located on the website as follows: <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.

Rehabilitation and maintenance

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0016-00002 The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with 1310/2017/1 as provided by Council:

- Cover letter 17/10/2017
- Survey Plan 25/08/2017
- Stormwater report 01/09/2017
- SEE 09/2017
- Landscape drawings
- Civil Drawings 01/09/2017