

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CTY PLANNING PANEL

DATE OF DETERMINATION	30 July 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Peter Sidgreaves and Lara Symkowiak
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 13 July 2018 to 30 July 2018.

MATTER DETERMINED

2017SSW055 – Camden – DA1310/2017, Address – 42A Bluett Drive, Smeaton Grange
(AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

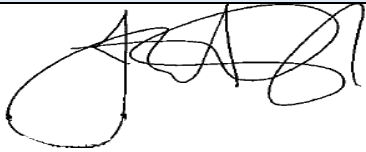




The reasons for the decision of the Panel were:

- The proposed development will provide a contemporary data storage facilities supporting commercial activity within the Sydney Western City District and more broadly within the Sydney metropolitan area.
- The Applicants request to approve the development notwithstanding the contravention of the development standard contained in Cl.4.3(2) of Camden LEP 2010 relating to height should be supported as strict compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impacts on nearby premises, remains consistent with the objective of the standard and will not result in development inconsistent in form and character with that in the adjoining industrial locality. Specifically (with reference to the relevant objectives of the standard) there are no unacceptable visual impacts, disruption of views, loss of privacy or loss of solar access. The proposed height is the same as that recently approved on the adjoining site at 42B Bluett Drive with the consent granted to DA/610/2017. Further the variation facilitates energy efficient cooling systems and noise emission measures.
- The proposal satisfies the relevant State legislation and State Environmental Planning Policies including Water Management Act, SEPP 55 Remediation of Land, SEPP 53 Hazardous and Offensive Development and SEPP (Infrastructure) 2007

- The proposal adequately satisfies the provisions of Camden LEP 2010 and Camden DCP 2011.
- The proposal will have no unacceptable impacts on the built or natural environment including nearby residential premises or the operation of the local road system.
- The conditions seem to adequately address the recommendations contained in the response received by the Council from the NSW Rural Fire Service.

CONDITIONS

The development application was approved subject to the updated conditions at Attachment A to this determination.

PANEL MEMBERS	
 Justin Doyle	 Nicole Gurran
 Bruce McDonald	 Peter Sidgreaves
 Lara Symkowiak	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSW055 – Camden – DA1310/2017
2	PROPOSED DEVELOPMENT	Construction and use of an industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works.
3	STREET ADDRESS	42A Bluett Drive, Smeaton Grange
4	APPLICANT/OWNER	Applicant – Greenbox Architecture Owners: Amazon Corporate Services Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value > \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	1. Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 33 – Hazardous

		<p>and Offensive Development</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River • Camden Local Environmental Plan 2010 <p>2. Draft environmental planning instruments: Nil</p> <p>3. Development control plans:</p> <ul style="list-style-type: none"> ○ Camden Development Control Plan 2011 <p>4. Planning agreements: Nil</p> <p>5. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</p> <p>6. Coastal zone management plan: Nil</p> <p>7. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>8. The suitability of the site for the development</p> <p>9. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>10. The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: June 2018 • Written submissions during public exhibition: Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>Site inspection and Briefing meeting – 22 January 2018</p> <p>Electronic meeting – 13 July 2018 to 30 July 2018</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with the report

***CONDITIONS APPROVED BY THE WESTERN SYDNEY CITY PLANNING PANEL BY
ELECTRONIC DETERMINATION MADE ON 1 AUGUST 2018***

Details of Conditions:

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Department of Primary Industries – Water, General Terms of Approval, reference IDAS 1102560, dated 15th January 2018.
2. Endeavour Energy correspondence dated 2nd November 2017.
3. New South Wales Rural Fire Service, reference D17/3753, correspondence dated 2nd November 2017.
 1. The entire property shall be managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ' Planning for Bush Fire Protection 2006 ' and the NSW Rural Fire Service's document ' Standards for asset protection zones ' /
 2. Water, electricity and gas are to comply with section 4.1.3 of ' Planning for Bush Fire Protection 2006. '
 3. A perimeter fire hydrant service shall be provided within the defendable space to the southwest of the proposed building.
 4. Fire hydrant spacing, sizing and pressures comply with AS 2419.1.
 5. Hydrants shall not be located within any carriageway.
 6. The proposed access shall have a minimum carriageway width of 6.5 metres, which is to be clear of any car parking.
 7. There shall be No Parking on the hydrant side of the proposed access road(s) to ensure accessibility to reticulated water for fire suppression.
 8. Arrangements for emergency and evacuation are to comply with section 4.2.7 of ' Planning for Bush Fire Protection 2006. '
 9. New construction on the south western elevation(s) shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 ' Construction of buildings in bush fire-prone areas ' or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 ' as appropriate and section A3.7 Addendum Appendix 3 of ' Planning for Bush Fire Protection 2006 '.
 10. Any new Class 10b structures as defined per the ' Building Code of Australia ' shall be non-combustible.

- (2) **Controlled Activity Approval** – The attached 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 a Controlled Activity Approval after consent has been issued by Council and before the commencement of any work or activity.

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.

- (3) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA - 003 Issue 8	Site / Ground Level plan	Greenbox	20/12/2017
DA – 004 Issue 7	First floor plan	Greenbox	6/9/2017
DA – 005 Issue 7	Roof Plan	Greenbox	20/12/2017
DA – 006 Issue 5	Sections	Greenbox	6/9/2017
DA – 007 Issue 6	Elevations & External finishes	Greenbox	20/12/2017
166.17/406	Landscape Plan	Iscape	February 2018
C-DR-001 Rev 1	General notes	ARUP	10/04/17
C-DR-200 Rev PO	Erosion & sediment control plan	ARUP	17/11/2017
C-DR-300 Rev PO	Stormwater and grading plan	ARUP	17/11/2017
C-DR-301 & C-DR-302 Rev PO	Stormwater details Sheet 1 of 2 & 2 of 2	ARUP	17/11/2017
C-DR-303 Rev PO	Catchment plan	ARUP	17/11/2017
C-DR-304 & C-DR-305 Rev PO	Drainage Long Sections Sheet 1 of 2 & 2 of 2	ARUP	17/11/2017
C-DR-306 Rev PO	Drainage Pit & Pipe Schedule	ARUP	17/11/2017

Document Title	Prepared by	Date
Geotechnical Interpretive Report, ROO DATA SYD56	ARUP	1 September 2017
Waste Management Plan	Willow Tree Planning	September 2017

- (4) **Modified Documents and Plans** - The development shall be modified as follows:
- a) Rainwater tanks shall be reconfigured to allow for collected and stored rain water to be utilised for non-potable uses such as the watering of landscaped areas.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate

- (5) **Separate Approval for Fit Out** – A separate development application for the fit out of the building shall be provided to, and approved by, the Consent Authority prior to that use commencing (unless the fit out is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (6) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (7) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (8) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (9) **Local Traffic Committee Concurrence** – Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State Roads.
- (10) **Demolition of Temporary Water Quality Facilities** – All temporary water quality facilities will be made redundant upon the provision of an approved permanent water quality facility. The temporary water quality facilities must be demolished and the area containing the facilities reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system, is to be rectified to Council's standards.

Prior to the commencement of any such demolition all contributing stormwater flows to the facilities must be diverted to the permanent water quality facilities by way of a stormwater drainage system approved by Council.

- (11) **Construction of Permanent Water Quality Facilities** – Permanent water quality facilities must be constructed:
 - a) in accordance with the approved plans;
 - b) to Council's standards; and
 - c) when 80% of the catchment is built out.

Earth batters associated with the facilities must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (12) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (13) **Infrastructure in Road and Footpath Area** – Infrastructure must not be removed and / or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

Note – The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

- (14) **Waste Bin Collection Points** - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting and other fixtures must be provided. This area is to be 3m long x 0.9m wide and provide a 3.9m clear vertical space to allow for the truck-lifting arm.
- (15) **Generator Enclosure** – The generators and individual enclosures shall be designed and installed so that they will:
 - 1) Comply with the mitigation measures and criteria outlined in the acoustic assessment report titled RU Data SYD56 Data Centre DA Acoustic Assessment, prepared by ARUP, Ref: AC01_v1_SYD56 and Dated 1 September 2017; and
 - 2) Will incorporate bunding and / or spill containment for the systems and associated refuelling points in accordance with AS1940.
- (16) **Street Tree Establishment and Maintenance Period** – For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment. At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Acoustic Report** – The development shall be constructed in accordance with the acoustic report titled RU Data SYD56 Data Centre DA Acoustic Assessment, prepared by ARUP, Ref: AC01_v1_SYD56 and Dated 1 September 2017. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (2) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (3) **Retaining Walls** – All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.
- (4) **Water Quality** – A water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

Where a Construction Certificate is required by this development consent, a detailed water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **Desilting Dams or Creeks** – A geotechnical report prepared by a suitably qualified geotechnical engineer and detailing works required to desilt any existing dams or creek beds, shall be provided to the Certifying Authority in conjunction with the engineering drawings with the Construction Certificate application.
- (6) **Parking Compliance** – All carparking areas must comply with AS2890.1, AS2890.2 and AS2890.6.
- (7) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the *Protection of the Environment Operations Act 1997*.

Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the *Protection of the Environment Operations Act 1997*.

- (9) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap must be provided.
- (10) **Detailed Lighting Plan** – A detailed lighting plan shall be submitted to the Certifying Authority with the Construction Certificate application. The plan must demonstrate that the orientation and intensity of lighting will comply with AS 4282 and AS 1158.
- (11) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications and the following requirements:
 - a. The plant schedule is to indicate plant species grid spacing.
 - b. The plant schedule is to indicate plant grid spacing or plant densities for all landscaped areas in accordance with the following grid spacing standard:
 - Ground cover plants 1 per 0.2m²;
 - Shrubs (up to 1.5m height) 1 per 1.5m²;
 - Tall shrubs / small trees (2 to 4m in height) 1 per 2.5m²; and
 - Trees (greater than 5m in height) 1 per 10m².
 - c. The landscape plan shall specify the landscape treatment of sloping land adjacent to Turner Road mirroring the landscape treatment of DA/2014/83/1 and at the above planting densities.

Details demonstrating compliance shall be provided to the Certifying Authority.

- (12) **Street Trees Installation** – The following tree species shall be planted at no cost to Council in accordance with the planting rate of one tree per 7 metres of frontage as per Clause D4.5.2(2) of Camden DCP 2011.
 - a) *Tristanopsis Laurina* (watergum) sourced as 75lts container stock;
 - b) Street trees are to be sourced in accordance with tests and measurements contained within AS2303-2015 Tree Stock for Landscape Use;
 - c) Root barrier to consist of 600mm deep by minimum of 1.5m wide to be installed between tree and kerb and between tree and footpath where applicable.

- (13) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (14) **Damages Bonds** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.
Note – An administration fee is payable upon the lodgement of a bond with Council.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - Construction or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Certifying Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

(6) **Site is to be Secured** - The site shall be secured and fenced.

(7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the PCA.

(8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

(9) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

(10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.

- (11) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (12) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (13) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the PCA.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (14) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the PCA and include the following:
- i. noise mitigation measures;
 - ii. noise and/or vibration monitoring;
 - iii. use of respite periods;
 - iv. complaints handling; and
 - v. community liaison and consultation.
- (15) **Protection of Adjoining Bushland and/or Waterfront Areas** – To limit the potential for damage to the adjoining bushland areas and/or waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.
- (2) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (4) **Site Management** - The following practices are to be implemented during construction:
 - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

- (8) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until issue of the Occupation Certificate. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

“WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution.”

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (9) **Seal Up Existing Redundant Laybacks** – All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.

- (10) **Vehicles Leaving the Site** - The construction supervisor must ensure that:

- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
- b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.

- (11) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (12) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

- (13) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.

- (14) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

- (15) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

- (16) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

- (17) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
 - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
- i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - iv) is suitable for its intended purpose and land use; and
 - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; and
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (18) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (19) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (20) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (21) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report ; “ *Salinity Hazard Assessment and Salinity Management Plan, Prepared by SMEC Australia Pty Ltd – Project No 31342.038, Dated March 2004*” and “*Additional Site Investigation and Detailed Salinity Management Plan, Prepared by SMEC Australia Pty Ltd, Project No 31342.038, Dated June 2004,*” and Letter “*Re: Contamination and salinity issues Lots 431 and 433 (previously Lot 432) Ironbark Estate Anderson Road Smeaton Grange, Prepared by GeoEnviro, Ref JG08108A-r2, Dated 22/08/12.*”
- (22) **Protection For Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (3) **Noise Management Plan** - Prior to a Construction Certificate being issued for the development, a noise management plan prepared by an appropriately qualified person is to be submitted to the Certifying Authority and the Consent Authority. The plan shall demonstrate the management principles that will be implemented at the site to ensure that the noise emissions from the premises will comply with the relevant noise criteria.

The plan shall include but is not limited to the following information:

- a. Details of management practices to be implemented to ensure the noise criteria will be complied with during the testing and maintenance of the backup generators.
- b. A complaint handling systems including details regarding how noise complaints from the use of the premises will be received, rectified, recorded and monitored.

All requirements of the approved Acoustic Management Plan are to be implemented at within one month of the use of the premises commencing and shall be complied with at all times during the operation of the premises.

- (4) **Section 73 Compliance Certificate** – A Compliance Certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to mains. A Section 73 Compliance Certificate must be completed before an Occupation Certificate will be issued. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

- (5) **Works as Executed Plan** – Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).

- (6) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (7) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (8) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming the building/s has been constructed in accordance with the approved acoustic report titled RU Data SYD56 Data Centre DA Acoustic Assessment, prepared by ARUP, Ref: AC01_v1_SYD56, Dated 1 September 2017.
- (9) **Directional Traffic Flow Signs** - All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times.
- (10) **Geotechnical Compliance Certificate** - A Certificate of Compliance prepared by a suitably qualified and experienced Geotechnical Engineer shall be provided to the PCA stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate shall accompany the Works as Executed plans.
- (11) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (12) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

- (13) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (14) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (15) **Inspection of Existing Street Trees** – All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (16) **Positive Covenant – Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the water quality facility on the property, prior to the issue of an Occupation Certificate.

The terms of the Section 88E instrument with positive covenant shall include the following:

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures.
- b) the proprietor shall have the facilities inspected annually by a competent person.
- c) the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSR, or failure to clean, maintain and repair the OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with Land and Property Information shall be provided to and approved by the PCA prior to the issue of an Occupation Certificate.

- (17) **Stormwater – Plan of Management (PoM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the water quality facility. The POM shall set out all design and operational parameters for the water quality facility including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the PCA for approval.
- (18) **Section 88B** – The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements and positive covenant:
 - a) Reciprocal right of carriageway (benefitting 42A Bluett Drive – Lot 4331 DP1194022, burdening 42B Bluett Drive – Lot 4332 DP1194022)(the owners of the subject properties burdened by the right of carriageway shall be responsible for on-going maintenance and the Public Liability of the right of carriageway) ;
 - b) A positive covenant that the entire property shall be managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.4 and Appendix 5 of ‘ Planning for Bush Fire Protection 2006 ‘ and the NSW Rural Fire Service’s document ‘ Standards for asset protection zones. ‘

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.

- (2) **Vehicle Access Restrictions** - Any 25m B-Doubles proposing to access the site via Hartley Road, Currans Hill shall adhere to the current access, travel conditions and travel restrictions of the Roads and Maritime Services, which provide a travel restriction of between 7am and 10pm only.
- (3) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (4) **Storage or Hazardous Goods** – Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover Authority requirements, dependent on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 ‘The Storage and Handling of Flammable and Combustible Liquids ‘.

Hazardous and / or industrial waste arising from the use shall be removed and / or transported in accordance with the requirements of the EPA and the NSW WorkCover Authority.

- (5) **Industrial Uses** - All industrial activity in connection with the use of the subject property is to be wholly confined within the building.

Any approved office space is to be used solely in conjunction with the industrial use of the premises to which it is attached. The separate use or occupation of the approved office space is not permitted by this consent.

The use of the factory unit for retail activities is prohibited.

- (6) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

- (7) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- (8) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (9) **Discharge into Waterways** - No wastewater, chemicals or other substances shall be permitted to discharge to the waterway that runs through the site or Council’s stormwater system. Only clean, unpolluted water is permitted to discharge. All liquids (such as oils lubricants, hydraulic fluids, fuel, paints, detergents and any other chemicals) shall be stored in a covered and suitably bunded area.
- (10) **Liquid Spills** - Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.
- (11) **Storage of goods** - The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (12) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.

- (13) **Pollution Control** - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

The use shall operate in accordance with the following:

- a) all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
 - b) all liquid wastes shall be collected and disposed of in a manner which does not pollute the stormwater system;
 - c) all paints chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
 - d) appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill; and
 - e) the emission of gases, vapours, dusts or other impurities which are in breach of the *Protection of the Environment Operation Act 1997* is forbidden.
- (14) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).

All noise reduction measures specified in the approved acoustic report shall be complied with at all times during the operation of the premises.

- (15) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (16) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (17) **Waste Water Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be

disposed of in accordance with relevant environmental protection and waste control legislation.

- (18) **Operation of backup generators:** Other than for emergency (blackout) situations, the generators must not be operated during the evening and night time periods. Any testing and maintenance of the generators shall be restricted to between 7am and 6pm Monday to Saturday.
- (19) **Acoustic Certification –** Within 1 month of the installation and commissioning of each generator, an acoustic report prepared by a suitably qualified acoustic consultant, is to be submitted to the consent authority demonstrating that the noise emitted from the generator(s) and premises complies with the criteria contain in the acoustic report titled RU Data SYD56 Data Centre DA Acoustic Assessment, prepared by ARUP, Ref: AC01_v_1_SYD56 and Dated 1 September 2017. Where the criteria are not met, the acoustic report is to include recommendations of noise control measures that are to be implemented to ensure compliance with the criteria.
- (20) **Public Address Systems and Amplified Music -** Public address systems and amplified music are not to be installed or used external to the building. The use of such equipment at the premises must not cause the emission of offensive noise (as define by the Protection of the Environment Operations Act 1997).

As a guide to minimise the likelihood of disturbance, the $L_{Aeq (15 \text{ minutes})}$ noise level due to the operation of amplified sound equipment should not exceed the background LA90 plus 5dB(A) sound level when measured in the immediate vicinity of the external structure of any nearby residence.