

## Conditions of consent (draft)

**Proposed development**      Stage 1 detailed design and Stage 2 concept approval of new data centre

**Property description**      Lot 4001 DP 1243178, 10 Eastern Creek Drive, Eastern Creek

### 1. Deferred Commencement Conditions

#### 1.1 Deferred Commencement Matters

- 1.1.1 The plans by aurecon are to be consistent with the amended MUSIC model (to be submitted) and the amended Stormwater Management Plan (also to be submitted).
- 1.1.2 The water conservation targets and calculations have not been addressed nor have they been clarified. All calculations and MUSIC modelling is to be submitted to Council including an updated stormwater management report that details the water conservation.
- 1.1.3 There is no report and model to prove that the 1% AEP overland flows from Old Wallgrove Road are contained within the existing 1200mm dia. pipe as proposed with pipe blockage factors. Submit the DRAINS modelling and provide a background to the modelling in the stormwater management report.
- 1.1.4 The MUSIC model and the plans are to be consistent in terms of areas and naming conventions.
- 1.1.5 Show the rainwater tanks, rainwater tank proposed locations, overflow pipe connection, sizing of the rainwater tank and whether below or above ground as part of the aurecon civil engineering plans.
- 1.1.6 All the Dwg. No. 3001 to 3008 have incorrect 'references for continuation'. These are to be fixed.
- 1.1.7 Note that landscape swales are not permitted within Council as a treatment device (if modelled).
- 1.1.8 The site is constructed in two (2) stages. Provide a clear demarcation between stage 1 and stage 2 and not simply stating "Southern Portion". Stage 1 and 2 has been identified in the SEE and the architectural plans, this should be consistent.
- 1.1.9 For the pipe long sections Dwg. No. 3013 to 3017 provide the design HGL clearly noted.
- 1.1.10 Amend Dwg. No. 3000 (E) dated 06.03.20 to address Councils concern:
  - a. Filter chamber 1 (36m<sup>2</sup>) is incorrectly labelled as 1 when it should be 2 as per Dwg. No. 3021.
  - b. Move the filter chamber (36m<sup>2</sup>) more to the south but within stage 1 to reduce the northern catchment draining into it. Unless this has been considered as part of the design.
  - c. There appears to be a fundamental problem in the sizing of the filter chambers. Filter chamber 2 (36m<sup>2</sup>) which is nominated as about half the size of filter chamber 1 (60m<sup>2</sup>), but appears to treat the southern portion which has a larger

area than the northern portion.

- d. Provide the Rainwater tanks on the plan and provide the reuse calculations separately.
  - e. Show the filter chamber grates as grated and not sealed.
  - f. There is a significant issue with the sizing of the pipe from A/21 to EX/01 as a 900 dia. A/20 to A/21 is a 900dia. and D/01 to A/21 is a 1200dia. The pipe from A/21 to EX/01 and extending out to the headwall needs to be upgraded to a minimum 1350dia. or possible 1500dia.
- 1.1.11 Amend Dwg. No. 3011 (E) dated 06.03.20 to provide a detailed water quality catchment plan:
- a. Clearly delineate the areas that drain to each stormfilter tank.
  - b. Clearly delineate the areas draining to OceanGuards.
  - c. Clearly label each source node and the respective treatment train. E.g. Roof area to Rainwater tank to OceanGuards to Stormfilter tank 1.
  - d. Provide areas and names of sub catchments as per MUSIC model. This is to be designed and modelled in detail for Council Engineers to make a proper assessment.
  - e. Show all bypass
  - f. Show catchment areas.
- 1.1.12 Amend Dwg. No. 3012 (E) dated 06.03.20 to address Councils concern:
- a. Review the flow in pipeline D. In comparing the northern portion flows flows in A20/21 (1.056m<sup>3</sup>/s) to D01/A21 (0.374m<sup>3</sup>/s) which drains the larger southern portion via a 1200 dia. pipe. Such flows need the fully developed flows in this table as it will impact the operation and effectiveness of the filter chambers.
- 1.1.13 Amend Dwg. No. 3020 and 3021 (E) dated 06.03.20 to address Councils concern:
- a. Delete all the 150mm dia. non-return pipes. The only stormfilter flows should be the underdrains and weir.
  - b. For filter chamber 1, provide a section parallel to the outlet pipe and another perpendicular to the outlet through the tank. Provide all the levels.
  - c. The levels are necessary together with the tank soffit levels that there is sufficient head room available to service and learn the stormfilters.
  - d. Delete all internal filter chamber separation walls to produce a single tank per filter chamber. Two isolated small columns could be used for structural integrity per tank together with the blade wall for stormfilter 1 at the end of the overflow pit.
  - e. Provide levels and sizes of all inlet and outlet pipes.
  - f. Filter chamber 1 measures 26.4m<sup>2</sup> whereas Dwg. Plan 3000 states 36m<sup>2</sup>. Ensure this is consistent with the amended MUSIC model (to be submitted);
  - g. Similarly filter chamber 2 measures 37.2m<sup>2</sup> whereas Dwg. 3000 states 60m<sup>2</sup>. Ensure this is consistent with the amended MUSIC model (to be submitted)
  - h. Provide levels on the plans.

- i. Within each filter chamber overflow grade the base of the chamber from the base of the false floor at a minimum of 2% to the pipe outlet. Lower the outlet pipe invert to match.
- j. Increase the weir height from 890mm to a minimum of 930mm
- k. On Dwg. No 3021 (E), the configuration of the inlet and outlet pipe does not match the orientation of the 1200dia. pipe on Dwg. 3000 (E).
- l. Check all lines scale bars on all plans as some are not correct especially Dwg. 3020.
- m. Filter chamber 2 section' does not have a section marker for reference to the plan layout
- n. 'Filter chamber 2 section' notes 45x690 filters whereas the plan layout notes 80. Amend the number on all plans and sections to state the correct total number of filters as per the MUSIC model (to be submitted).
- o. The minimum length of the Stormfilter weir (L) is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow (i.e.  $L > Q_{20} / (0.4 \times 0.25)$ , or  $L > 10 \times Q_{20}$ ) in m, where  $Q_{20}$  is in  $m^3/s$ ). Provide calculations.

### **Water Sensitive Urban Design (WSUD)**

- 1.1.14 Submit the MUSIC model for assessment.
- 1.1.15 The MUSIC model is to account for all bypass off the site. There appears to be substantial bypass to the front and north of the site.
- 1.1.16 In MUSIC delete the overflow chamber area from the detention basin node area.
- 1.1.17 Ensure a minimum of 95% imperviousness for Stage 1 and 2 to consider any future potential development. Use the conservative impervious/pervious areas as follows for MUSIC modelling:
  - a. 50% Roof area
  - b. 5% Pervious area
  - c. 40% Road
  - d. 5% other impervious.
- 1.1.18 Provide clarification as to how the MUSIC model roof source nodes are to be treated by OceanGuards presumably in the street pits. Are the street pits to contain a drop through OceanGuard? Provide details if such. Otherwise amend the MUSIC model roof source nodes and others to bypass the street pits but are to be treated by the stormfilters downstream.
- 1.1.19 Provide two separate and additional MUSIC models (pre and post) to demonstrate that the Stream Erosion Index (SEI) is less than 3.5 based on the technique in Council's WSUD Developer's Handbook 2019, available from council. The pre-development is to consider a vacant pervious block. Provide all calculations used to determine  $Q_{critical}$ . Provide all supplementary calculations such as SEI as part of the amended stormwater management plan.
- 1.1.20 Clearly identify all pits containing OceanGuards on the plans. This should match the amended MUSIC model.
- 1.1.21 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.

- 1.1.22 The false floor level of the Stormfilter tanks is to be set at/above the 1EY tailwater level in the immediate downstream pit. Detail the 1EY levels on the pits as a note.

## **Water Conservation**

- 1.1.23 The Aurecon Rainwater Harvesting Report and the latest Civil Engineering plans dated 06.03.20 by aurecon still do not address Council's requirements.
- a. A minimum 80% of non-potable water demand is to be met through the reuse of rainwater assessed using MUSIC for Stage 1 only. The 80% reuse is to be assessed using the node water balance function within MUSIC using Blacktown's standard rainfall. Non potable water demand is to include landscape watering and toilet/urinal flushing. Allow for a minimum usage rate of 0.1 kL per day internal use per toilet or urinal and a minimum of 0.4 kL per m<sup>2</sup> per year for landscape watering. The design rainwater tank volume to be shown on the drainage plans is to be a minimum of 20% greater than the rainwater tank volume used in MUSIC. Provide a calculation sheet to detail how the final non-potable usage rates have been determined for input into MUSIC.
  - b. All calculations (number of toilets etc.)/graphs/catchments and models are to be provided.
  - c. From the provided architectural plans for Stage 1, there are 18 toilets which equates to 1.54kL/day total toilet use based on a 6/7 working week.
  - d. Landscape watering is additional.

## **Overland Flooding**

- 1.1.24 Clarify or provide further information and modelling to show that the overland flow from the upstream old Wallgrove Road catchment is contained (as per aurecon's report section 2.2) within the dia. 1200mm constructed pipe whilst considering a 50% blockage (modelled as dia. 825mm pipe). Refer to conditions of consent for DA-18-00938 condition 4.4.1 for further information.
- 1.1.25 All of the requirements listed in the above condition must be completed within 24 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

**Note:** The final assessment of the satisfaction of the deferred commencement condition cannot be completed until payment of \$2758. Contact [floodadvice@blacktown.nsw.gov.au](mailto:floodadvice@blacktown.nsw.gov.au) to arrange payment.

## **1.2 Natural Resources Access Regulator**

- 1.2.1 Any General Terms of Approval from Natural Resources Access Regulator shall be complied with.

All of the requirements listed in the above conditions must be completed within 24 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred

Commencement" consent will lapse.

## **2 Advisory Notes**

### **2.1 Terminology**

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

### **2.2 Scope of Consent**

- 2.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 2.2.2 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.
- 2.2.3 Separate development consent may be required from Council prior to the use of any created residue allotment. In this regard, the applicant shall be required to submit a Development Application for any intended lot usage.

### **2.3 Other Approvals**

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 2.3.3 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) any fence, retaining wall, land excavation or filling, advertising structure or other development, and
  - (b) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

### **2.4 Services**

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

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

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](http://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.

- 2.4.2 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 2.4.3 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 2.4.4 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.
- 2.4.5 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.

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

- 2.5.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

## 2.6 Identification Survey

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

## 2.7 Engineering Notes

- 2.7.1 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.

## 2.8 Payment of Engineering Fees

- 2.8.1 If the applicant wishes for Council to issue the Construction Certificate or 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 Councils Standards.

## 2.9 Road Damage

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

# 3 General

## 3.1 Scope of Consent

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

DRAWING REFERENCE	DATE
Architectural Plans prepared by Aurecon, Project Number 190039	
Cover Sheet Drawing No. ODA-000	29.10.2019
Site Analysis Plan Drawing No. DA-001 Rev -	29.10.2019
Site Plan Drawing No. DA-002 Rev 1	13.03.2020
Ground Floor Plan Drawing No. DA-003 Rev -	29.10.2019
Level 1 Plan Drawing No. DA-004 Rev -	29.10.2019
Roof Plan Drawing No. DA-005 Rev -	29.10.2019
Elevations Drawing No. DA-006 Rev -	29.10.2019
Elevations	29.10.2019

<b>DRAWING REFERENCE</b>	<b>DATE</b>
Drawing No. DA-007 Rev -	
Sections Drawing No. DA-008 Rev -	29.10.2019
Site Elevations & Section Drawing No. DA-009 Rev -	29.10.2019
Guard House & Entry Plan Drawing No. DA-010 Rev -	29.10.2019
Shadow Diagrams Drawing No. DA-011 Rev -	29.10.2019
Architectural Visualisation Drawing No. DA-012 Rev -	29.10.2019
Site Layout Plan Project SYD055 Drawing No. SYD055 – MET-10-XX-DR-A-0020 Rev D	11.02.2020
General Site Plan Project Data Project SYD 055 Drawing No. SYD055 – MET-10-XX-DR-A-1000 Rev D	11.02.2020
Cover Sheet Project SYD 055 Drawing No. L-100 Rev - 1	21.02.20
Landscape Masterplan Project SYD 055 Drawing No. L-101 Rev - 1	21.02.20
Materials Schedule + Planting Schedule Project SYD 055 Drawing No. L-200 Rev - 1	21.02.20
Hardworks + Planting Project SYD 055 Drawing No. L-201 Rev - 1	21.02.20
Hardworks + Planting Project SYD 055 Drawing No. L-202 Rev - 1	21.02.20
Hardworks + Planting Project SYD 055 Drawing No. L-203 Rev - 1	21.02.20
Hardworks + Planting Project SYD 055 Drawing No. L-204 Rev - 1	21.02.20
Hardworks + Planting Project SYD 055	21.02.20

<b>DRAWING REFERENCE</b>	<b>DATE</b>
Drawing No. L-205 Rev - 1	
Detail Plan – Setout + Grading Project SYD 055 Drawing No. L-206 Rev - 1	21.02.20
Detail Plan + Hardworks Project SYD 055 Drawing No. L-207 Rev - 1	21.02.20
Landscape Sections Project SYD 055 Drawing No. L-300 Rev - 1	21.02.20
Landscape Sections Project SYD 055 Drawing No. L-301 Rev - 1	21.02.20
Landscape Details Project SYD 055 Drawing No. L-500 Rev - 1	21.02.20
Landscape Details Project SYD 055 Drawing No. L-501 Rev - 1	21.02.20

### **3.2 Suburb Name**

- 3.2.1 The land the subject of this consent is known to be located in the following suburb.  
This suburb name shall be used for all correspondence and property transactions:

Suburb: Eastern Creek

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

Suburb: Eastern Creek

### **3.3 Engineering Matters**

#### **3.3.1 Scope of Consent**

- 3.3.1.1 The area of the land not approved by this consent, as marked by Council on the submitted drawings, is not to be used for any purpose without the prior separate approval of Council.

#### **3.3.2 Design and Works Specification**

- 3.3.2.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:
- (a) Blacktown City Council's Works Specification - Civil (Current Version)
  - (b) Blacktown City Council's Engineering Guide for Development (Current Version)

- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

3.3.2.2 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.)

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

3.3.2.3 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets 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

3.3.2.4 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank/s in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer [WSUD@blactown.nsw.gov.au](mailto:WSUD@blactown.nsw.gov.au).

3.3.2.5 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Office at [WSUD@blactown.nsw.gov.au](mailto:WSUD@blactown.nsw.gov.au) a report outlining all non-potable water used annually and the percentage of non-potable reuse

### 3.3.3 Other Necessary Approvals

3.3.3.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

## 4 Prior to Construction Certificate (General)

### 4.1 DA Plan Consistency

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

### 4.2 Other Matters

4.2.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

### **4.3 Street Tree Planting**

4.3.1 The applicant must submit a Street Tree Plan detailing the proposed street tree planting and landscaping. The Street Tree Plan is to reflect the species palette in our Street Tree Guidelines and must include:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

**NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.**

The Street Tree Plan must show how the developer can decommission any median feature and road verge landscaping, and reinstate landscaping suitable to Blacktown City at handover.

Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

Street tree planting must not interfere with the street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting.

This information must be received before a construction certificate can be issued.

## **5 Prior to Construction Certificate (Planning)**

### **5.1 Aesthetics/Landscaping**

- 5.1.1 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.
- 5.1.2 A detailed landscaping plan must be prepared by a suitably qualified landscape architect showing street tree planting within the public domain. The detailed landscaping plan must be lodged and approved by Council's Public Domain Section prior to any Construction Certificate being issued.
- 5.1.3 The detailed landscape plan must show additional street trees, the street tree spacing's should be approximately 8 m apart taking into account vehicle sightlines and street light spill.
- 5.1.4 The species for the street trees should be Angophora floribunda and the container size should be a minimum of 100 Litre. The revised plan should also indicate a street tree planting detail including the use of root indicators installed to manufacturer's directions.
- 5.1.5 A minimum 1 m wide planting buffer within the boundary of the subject site along the front boundary adjacent and parallel to the driveway entry/exit points facing Eastern Creek Drive shall be provided.

### **5.2 Pumps, tanks and ancillary rooms**

- 5.2.1 Where practicable, tanks, pumps and ancillary rooms should be integrated into the

building footprint. Where this is not achievable, the external appearance of these elements should be of the same architectural character of the building to result in a cohesive development.

### **5.3 Fencing**

- 5.3.1 Fencing adjoining public roads is to be finished with an anti-graffiti coating.
- 5.3.2 Fencing is to be consistent with the approved materials and colours schedule and landscape plan.

### **5.4 Access/Parking**

- 5.4.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 5.4.2 A minimum of 60 car parking spaces including 2 disabled car parking are required to be provided on site available to staff and visitors at all times and designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Commercial Car Space: 2.6 m x 5.4 m

Disabled Car Space: 2.4 m x 5.4 m (plus shared zone)

- 5.4.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 5.4.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 5.4.5 A minimum 6 bicycle parking spaces are to be provided on site and are to be designed in accordance with Australian Standard 2890.1.

### **5.6 Endeavour Energy Requirements**

- 5.6.1 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 in accordance with Appendix 1 of this consent.

### **5.7 Transport for NSW (RMS)**

- 5.7.1 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- 5.7.2 All buildings and structures together with any improvements integral to the future use of the site should be clear of the land acquired for road and proposed easement (unlimited in height or depth) along the Eastern Creek Drive boundary.

Note – Transport for NSW has previously acquired land for widening of Eastern Creek Drive along the Old Wallgrove Road frontage of the subject property, as shown by blue colour on the attached Aerial – “X”. The subject property is also affected by a proposed easement for drainage as shown on DP 1206129.

### **5.8 Acoustics**

- 5.8.1 The design of the development is to meet the requirements of the EPA's Industrial Noise Policy.

## **5.9 Natural Resources Access Regulator**

- 5.9.1 Any relevant GTAs received in the deferred commencement conditions are to be complied with.

## **6 Prior to Construction Certificate (Building)**

### **6.1 Building Code of Australia Compliance**

- 6.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :
- (a) Complying with the deemed to satisfy provisions, or
  - (b) Formulating an alternative solution which :
    - (i) complies with the performance requirements, or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
    - (iii) A combination of (a) and (b).

## **7 Prior to Construction Certificate (Engineering)**

### **7.1 General**

- 7.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.
- 7.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application

Construction Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Project No.	Council Ref No.	Revision	Dated
AURECON	SYD055 DATA CENTER	D20/120694	E	06 MAR 2020

### **7.2 Construction Certificate Requirements**

- 7.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate is required. These works include but are not limited to the following:
- drainage construction
  - Water quality treatment
  - Earthworks
  - Paving

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

### **7.3 Local Government Act Requirements**

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

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

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

#### **7.4 Roads Act Requirements**

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

- Any works within Council's road reserve
- Vehicular crossings
- Path Paving

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

#### **7.5 Other Engineering Requirements**

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

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

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

#### **7.6 Drainage**

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

7.6.2 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.

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

7.6.4 Engineering plans from aurecon, Job No. SYD055 (F) are to be amended as follows:

- a. Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks and stormfilter tanks in accordance with Council's Engineering Guide for Development 2005.

7.6.5 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 100year ARI flows without surcharge at any pits.

7.6.6 Provide details for permanent coloured interpretive signage minimum A0 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.

- 7.6.7 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- (i) 4 star dual-flush toilets;
  - (ii) 3 star showerheads;
  - (iii) 5 star taps (for all taps other than bath outlets and garden taps);
  - (iv) 3 star urinals; and
  - (v) Water efficient washing machines and dishwashers are to be specified.
- 7.6.8 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 / m<sup>2</sup> 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 50m spacings. Provide warning signs on all external taps connected to rainwater.
- 7.6.9 Stage 1: 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.

## **7.7 Erosion and Sediment Control**

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

## **7.8 Earthworks**

- 7.8.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.
- 7.8.2 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

## **7.9 Stormwater Quality Control**

7.9.1 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](#).

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

## **7.10 Vehicular Crossings**

7.10.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

## **7.11 Footpaths**

7.11.1 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
Eastern Creek Dr	Along front boundary	Same width as existing footpath available at Eastern Creek Dr	Full frontage length

# **8 Prior to Construction Certificate (Environmental Health)**

8.1 A certificate must be provided by a qualified acoustic engineer stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an  $L_{Aeq}$  sound pressure level of 5dB (A) above the ambient background noise level when measured
  - at the most effected point on or within any residential property boundary or
  - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

8.2 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 "*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*" (2011)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*" (2006)
- National Environment Protection Council "*National Environment Protection (Assessment of Site Contamination) Measure*" (2011).

8.3 A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement

shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

- 8.4 all the requirements of SafeWork NSW shall be strictly met in storing diesel fuel on the site.

## **9 Prior to Development Works(building)**

### **9.1 Safety/Health/Amenity**

- 9.1.1 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.

- 9.1.2 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.

- 9.1.3 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.

- 9.1.4 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.

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

- 9.1.6 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.

- 9.1.7 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 9.1.8 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.
- 9.1.9 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

## **9.2 Notification to Council**

- 9.2.1 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.

## **9.3 Construction Details**

- 9.3.1 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

## **9.4 Sydney Water Authorisation**

- 9.4.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 1300 082 746 for assistance.

## **10 Prior to Development Works (engineering)**

### **10.1 Engineering matters**

- 10.1.1 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.

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

- 10.1.3 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.

- 10.1.4 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.

- 10.1.5 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

## **10.2 Notification to Council**

- 10.2.1 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.
- 10.2.2 At least 5 full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$20,000,000.

## **11 During Construction (Building)**

### **11.1 Safety/Health/Amenity**

- 11.1.1 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.
- 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.
- 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) 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.
- 11.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.
- 11.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 11.1.6 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 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

- 11.1.7 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.
- 11.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
  - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
  - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 11.1.9 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.

## **11.2 Building Code of Australia Compliance**

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

## **11.3 Surveys**

- 11.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

## **11.4 Nuisance Control**

- 11.4.1 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.
- 11.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 11.4.3 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.

## **11.5 Waste Control**

- 11.5.1 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.

## **11.6 Construction Inspections**

- 11.6.1 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 Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA 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.

## **12 During Construction (Engineering)**

### **12.1 Notification of Works**

- 12.1.1 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.
- 12.1.2 A notification of works flyer (letter drop) is to be provided to all 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.

### **12.2 Insurances**

- 12.2.1 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.

### **12.3 Service Authority Approvals**

- 12.3.1 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.

### **12.4 Soil Erosion and Sediment Control Measures**

- 12.4.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 12.4.2 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.
- 12.4.3 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.

## **12.5 Filling of Land and Compaction Requirements**

- 12.5.1 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.
- 12.5.2 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.
- 12.5.3 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.
- 12.5.4 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.
- 12.5.5 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.
- 12.5.6 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.

## **12.6 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.**

- 12.6.1 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.

## **12.7 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993**

- 12.7.1 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).

## **12.8 Public Safety**

- 12.8.1 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.

## **12.9 Site Security**

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

## **12.10 Traffic Control**

- 12.10.1 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.
- 12.10.2 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.
- 12.10.3 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.
- 12.10.4 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.

- 12.10.5 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.
- 12.10.6 Water quality requirements: Stage 1 and part Stage 2: the 25x200 micron OceanGuards (Enviropods) and 210x690mm 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.

### **13 During Construction (Environmental Health)**

- 13.1 The recommendations provided in *Acoustic Assessment, prepared by Aurecon, project no. 507182, dated 23 October 2019* must be implemented.
- 13.2 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.
- 13.3 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.

The recommendations provided in *Dangerous and Hazardous Goods Report, prepared by Aurecon, project no. 507182, dated 23 October 2019* must be implemented.

### **14 During Construction (NSW POLICE)**

- 14.1 A security guard shall be on site outside business hours including public holidays and weekends, from the day construction commences until completion.
- 14.2 Suitable traffic control and safety messages shall be incorporated throughout the construction process to increase safety to motorists and minimise risk.
- 14.3 During construction stage all tools and building materials must be stored in strong rooms with tamper proof security systems.
- 14.4 Lighting should be installed and operated on the grounds during construction.

#### **14.5 Territorial Re-enforcement**

- A perimeter fence shall be erected around the property.
- Fences must be fitted with locks and maintained in good condition.

- Ambulance, Fire Brigade and Police must be able to access the site in an emergency.
- Sensor lighting to be installed throughout the complex.
- Fire exit door must be self-closing with regular inspections and maintained in working order.
- Fire exit doors must be free from rubbish and other obstructions that hinder evacuation.

#### **14.6 Surveillance:**

- The application incorporates casual surveillance within the construction plan with a focus on avoiding any potential hidden areas within the car park and building surrounds. The building's entrances will be visible from the surrounding roads and not be obstructed by landscaping.
- All planting of landscaping to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the car park and building surrounds.

### **15 During Construction Transport for NSW (Formerly Roads and Maritime Services)**

- 15.1 A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Old Wallgrove Road during construction activities.
- 15.2 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Old Wallgrove Road.
- 15.3 The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- 15.4 The proposed secondary entry shall not have any adverse impact on the road network efficiency in that vicinity.

### **16 Prior to Occupation Certificate (Planning)**

#### **16.1 Surrender of consent**

- 16.1.1 The applicant shall surrender the following Development Consent in accordance with the provisions of Clause 97 of the Environmental Planning & Assessment Regulation 2000.

Development Consent No: DA-18-01592

Dated: 20 June 2019

#### **16.2 Compliance with Conditions**

- 16.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other

than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

- 16.2.2 Prior to occupation/use of 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.

### **16.3 Service Authorities**

- 16.3.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 16.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc.) has not previously been issued.
- 16.3.3 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://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

### **16.4 Landscaping/Car Parking**

- 16.4.1 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.
- 16.4.2 Directional arrows shall be provided for safe access and circulation of the internal driveway within the site.
- 16.4.3 The area proposed for Stage 2 building is to be suitably cordoned off and grassed for future development.

## **16.5 Access/Parking**

- 16.5.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 16.5.2 A minimum of 60 car parking spaces including 2 disabled car parking for both stages 1 and 2 are required to be provided on site available to staff and visitors at all times and designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:
  - Commercial Car Space: 2.6 m x 5.4 m
  - Disabled Car Space: 2.4 m x 5.4 m (plus shared zone)
- 16.5.3 The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction.
- 16.5.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 16.5.5 A minimum 6 bicycle parking spaces are to be provided on site and are to be designed in accordance with Australian Standard 2890.1.

## **17 Prior to Occupation Certificate (building)**

### **17.1 Compliance with Conditions**

- 17.1.1 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.
- 17.1.2 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 6.9 of the Environmental Planning & Assessment Act 1979.

### **17.2 Temporary Facilities Removal**

- 17.2.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 17.2.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 17.2.3 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.
- 17.2.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 17.2.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks 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.

### **17.3 Fire Safety Certificate**

- 17.3.1 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).
- 17.3.2 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

### **17.4 Fee Payment**

- 17.4.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

## **18 Prior to Occupation Certificate (engineering)**

### **18.1 Road Damage**

- 18.1.1 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.

### **18.2 Compliance with Conditions**

- 18.2.1 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.
- 18.2.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the Environmental Planning and Assessment Act 1979.

### **18.3 Temporary Facilities Removal**

- 18.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 18.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 18.3.3 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.
- 18.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 18.3.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks 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.

## **18.4 Fee Payment**

- 18.4.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

## **18.5 Engineering Matters**

### **18.5.1 Surveys/Certificates/Works As Executed plans**

- 18.5.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 18.5.1.2 A certificate from a Registered Surveyor must be obtained and submitted to Council verifying that all finished surface levels (FSL) for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum (AHD).
- 18.5.1.3 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.
- 18.5.1.4 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.

- 18.5.1.5 A Chartered Civil Engineer registered with NER, is to certify that:

- (a) all the requirements of the approved drainage plan have been undertaken;
- (b) a minimum 300m<sup>3</sup> rainwater tank for stage 1 has been provided collecting roof water from a minimum 4000m<sup>2</sup> of roof area.
- (c) all the signage and warning notices have been installed;
- (d) the interpretative water quality sign has been correctly installed
- (e) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.

- 18.5.1.6 Ocean Protect (Stormwater 360) is to certify for the installation of the 200 micron OceanGuards (Enviropods) and Stormfilters that:

- (a) They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- (b) A minimum of 25x 200 micron OceanGuards (Enviropods) and 210x690mm Ocean Protect Stormfilters have been installed for both stage 1 and 2;

- (c) The Stormfilter tanks 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
- (d) The Stormfilter weir length is a minimum of 7.11m for Filter chamber 1 and 2;
- (e) The Stormfilters for Stage 1 and 2 have a minimum flow rate of 336L/s at standard weir height;
- (f) Mosquito proof screens have been provided under all grated accesses into the Stormfilter tanks; and
- (g) Energy dissipaters have been provided on all the inlets to the Stormfilter tanks.

18.5.1.7 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- (a) all the non-potable water uses are being supplied by rainwater;
- (b) all the requirements of the detailed Non-Potable Water Supply Plan have been installed to the required locations.
- (c) the flow meters have been installed on the solenoid controlled mains water bypass line and the pump outflow line
- (d) the pumps, alarms and all other systems are working correctly;
- (e) the external washdown taps have been installed with warning signs and coloured purple at maximum 50m intervals around the building.
- (f) the water from at least two external washdown taps and two toilets (M/F) have been tested to show no chlorine residual.
- (g) A signed, works-as-executed Non-Potable Water Supply is to be provided to Council's WSUD Compliance Officer [WSUD@blacktown.nsw.gov.au](mailto:WSUD@blacktown.nsw.gov.au)

18.5.1.8 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](mailto:WSUD@blacktown.nsw.gov.au)

18.5.1.9 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:

- (a) 4 star dual-flush toilets;
- (b) 3 star showerheads;
- (c) 5 star taps (for all taps other than bath outlets and garden taps);
- (d) 3 star urinals; and
- (e) 3 star Water efficient washing machines and dishwashers have been used.

## **18.5.2 Easements/Restrictions/Positive Covenants**

18.5.2.1 Any easement(s) or restriction(s) and positive covenant (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 and positive covenant 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 Land Registry Services (LRS).

- 18.5.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services (LRS) over the Stormwater Quality Control devices/system including Stormfilter tanks, OceanGuards, Rainwater Tanks and outlet works. The covenant requirements for the rainwater tank/s are to include the submission of an annual report on non-potable water usage and percent reuse.
- 18.5.2.3 Provide a Positive Covenant over Stage 2 for future development to achieve a minimum of 80% of the non-potable water uses on-site using rainwater and/or stormwater.
- 18.5.2.4 Provide a Positive Covenant over Stage 2 for future development to provide water quality in accordance with the requirements of Council's DCP 2015 Part J.
- 18.5.2.5 Provide a Positive Covenant over Stage 2 for future development to be below the Stream Erosion Index of 3.5 for the site.
- 18.5.2.6 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.
- 18.5.2.7 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 manufacturer's 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.
- 18.5.2.8 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. The maintenance contract is to include a requirement that the stormfilters must only be maintained by or supplied by Ocean Protect. 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](mailto:WSUD@blacktown.nsw.gov.au) . This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.
- 18.5.2.9 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.

### **18.5.3 Inspections**

- 18.5.3.1 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.

## **19 Prior to Operation (Environmental Health)**

19.1 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.

## **20 Operational (Planning)**

### **20.1 Access/Parking**

- 20.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.
- 20.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 20.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 20.1.4 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.
- 20.1.5 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 Employment Lands Precincts Plan – Eastern Creek Precinct Plan for that new land use.
- 20.1.6 The development shall not include potentially hazardous or offensive storage establishments.

### **20.2 Retailing Restrictions**

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

### **20.3 General**

- 20.3.1 The 'high technology industry' is permitted to operate 24 hours a day, 7 days a week.
- 20.3.2 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 20.3.3 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.

- 20.3.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 20.3.5 No goods, materials or trade wastes are to be stored at any time outside the building on either the internal vehicular driveway, loading docks, car parking areas, landscaping or footpath, other than in approved garbage receptacles.
- 20.3.6 Arrangements shall be made for an effective commercial refuse removal service.
- 20.3.7 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.
- 20.3.8 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 20.3.9 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.

#### **20.4 Acoustics**

- 20.4.1 A post operation Acoustic report shall be submitted after 3 months of the operation of the data centre to ensure the acoustic measures applied are effective in containing the noise emitted are below background levels in accordance with the EPA's Industrial noise policy especially during the sleep disturbance time of between 10pm and 7am.

### **21 Operational (Environmental Health)**

- 21.1 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.
- 21.2 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 facility operating to validate the Acoustic reports findings.
- 21.3 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.
- 21.4 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.
- 21.5 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.

- 21.6 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*.