

By email
27 July 2022

Department of Planning and Environment
Our ref 288255-00

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Dear Sir/Madam

Project Echidna

Request for Industry Specific SEARS

This letter has been prepared to request the provision of Industry Specific SEARs for Project Echidna, a Data Centre Building. This letter intends to demonstrate that the SSD application:

- Is wholly permissible
- Does not meet thresholds for designated development
- Is not a concept development application.

Of note, a previous DA was approved on site (SPP-19-00013) for the industrial development of a Detailed Design Stage 1 and a Concept Design Approval. The Concept Design Approval included an outline for Stage 2, which is the subject site of this request. This is included in Appendix B-E. The proposal is subject to the triggers under Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021. The total CIV of the proposal will be in excess of the threshold applied to the previous consent (in excess of \$50 million), therefore it will not be supported by the original planning approval pathway.

1. Applicant Details

The applicant details for the proposed development are listed in the following table.

Table 1: Applicant Details

Descriptor	Proponent Details
Full Name(s)	Arup Australia Pty Ltd
Postal Address	Level 5, 151 Clarence Street, Sydney, NSW 2000
ABN	76 625 912 665
Nominated Contact	Ben Hooper
Contact Details	Ben.Hooper@arup.com

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287434-00

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2. Development Description

The key components of the proposed development are listed in the following table. A copy of the architectural masterplan drawings is submitted with this request for SEARs.

Table 2 Project Details

Descriptor	Project Details
Proposal Area	The building has a GFA of approximately 9,000 square metres comprising two data floors (Ground floor + First Floor).
SSD Trigger	The data centre building will have a capacity of over 10MW, which triggers the proposal as a State Significant Development under the Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021.
Expected Capital Investment Value (CIV)	The expected CIV is over \$50 million.
Staging	The proposal will include a phased fitout of the data halls and associated plant and equipment and electrical rooms. The proposal will comprise offices, support spaces, plant equipment rooms, electrical rooms, mechanical galleys and data halls.
Building Details	Building height – approx. 25 metres including rooftop equipment GFA – approx. 9,000 square metres MW capacity – approx. 35MW Number of data halls – approx. 8-10 data halls Number of plant and equipment – approx. 20 backup generators and approx.. 20 transformers
Hazardous Materials	Approximately 400 kL of diesel fuel stored on site. Approximately 140 tonnes of lithium ion batteries.

2.1 Demonstrate the proposal is wholly permissible

The subject site is identified within the State Environmental Planning Policy (Industry and Employment) 2021 (formerly the State Environmental Planning Policy (Western Sydney Employment Area) 2009). The SEPP is therefore the primary Environmental Planning Instrument (EPI) applicable to the site and prevails over any other EPI where any inconsistency occurs. The applicable SEPP controls for Precinct 2 (Eastern Creek) have been assessed and provided in detail below:

- The site is not subject to a height of buildings control.
- The site is not subject to a floor space ratio control.

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- The site is zoned IN1 General Industrial. Data storage facilities are a form of development permitted with consent in this zone as provisioned under Division 3, Clause 2.31 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

2.2 Demonstrate that the proposal does not meet thresholds for designated development

The proposal does not meet any designated development definitions or thresholds set under Schedule 3 of the Environmental Planning and Assessment Regulation 2021.

2.3 Demonstrate that the proposal is not a concept development

The proposal will include a phased fitout of the datahalls and associated plant and equipment and electrical rooms, which will have a capacity of over 10MW, which triggers the proposal as a State Significant Development under the Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021. The proposal is thus not a concept development.

3. Matters requiring no further assessment in the EIS

The following matters detailed in Table 3 below do not require further assessment, as such, waivers will be requested as detailed below. Please see referenced reports attached.

Table 3: Matters requiring no further assessment in the EIS

Standard SEARs matters requiring no further assessment	Justification
<p>9. Biodiversity:</p> <p>“Assess any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land”</p>	<p>A BDAR waiver has been prepared for the Site in accordance with the Industry Standard SEARs (9. Biodiversity) as the site has undergone earthworks previously as part of the approved DA (DA-18-00938). Due to this, there is no vegetation on site and the immediate surrounds. The BDAR waiver is attached as Appendix G.</p>
<p>19. Aboriginal Cultural Heritage</p> <p>“Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site.”</p>	<p>No known objects or places of Aboriginal heritage significance were identified within the Proposal site or immediate surrounds. The Proposal site is located within an established industrial area and has been approved for development prior to this Proposal. Therefore, it is unlikely that objects or places of Aboriginal heritage significance would be impacted by the Proposal</p> <p>An ACHAR waiver has been prepared as Aboriginal Heritage was assessed under DA-18-00938 for site establishment works. Further investigation was not required, and this was justified and approved under SPP 19-00013 by Blacktown Council. The ACHAR Waiver is attached as Appendix F.</p>

4. Overview

I trust the information provided with this letter provides sufficient details to provide the Department with a comprehensive understanding of the proposed development to facilitate the issue of industry specific SEARs. Please see attached reports as appendices:

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-
- Appendix A – Echidna Masterplan
 - Appendix B – Statement of Environmental Effects
 - Appendix C – Notice of Determination of a Development Application (SPP-19-00013)
 - Appendix D – Modification to Notice of Determination (SPP-19-00013)
 - Appendix E – Modification Report (SPP-19-00013)
 - Appendix F – ACHAR Waiver
 - Appendix G – BDAR Waiver

If you require any further information, please do not hesitate to contact the undersigned to discuss.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B Hooper', with a stylized, cursive script.

Ben Hooper
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Appendix A – Echidna Masterplan

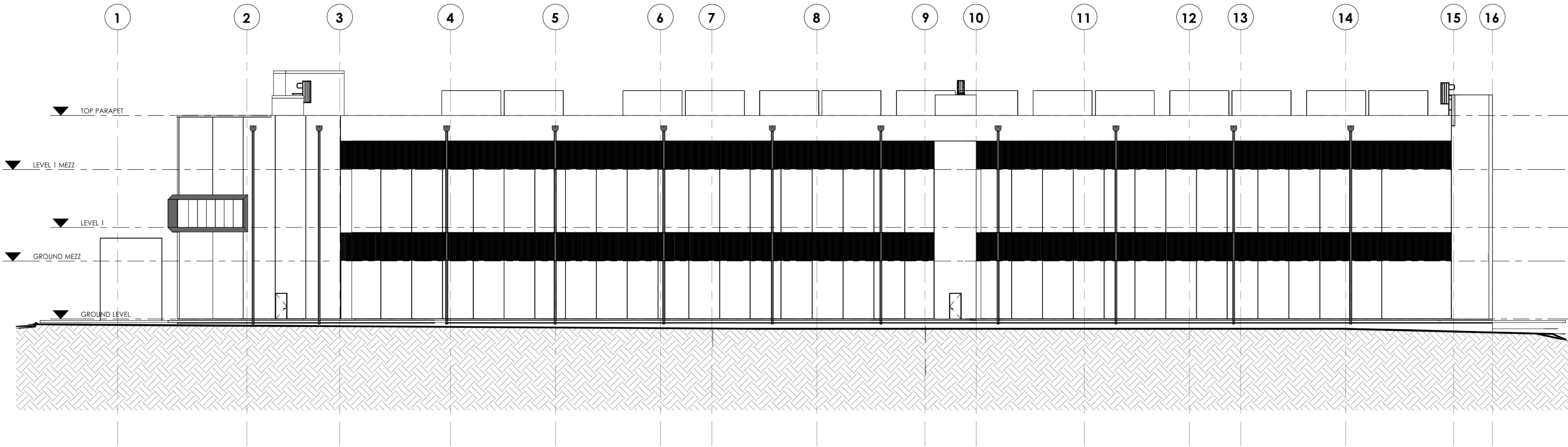
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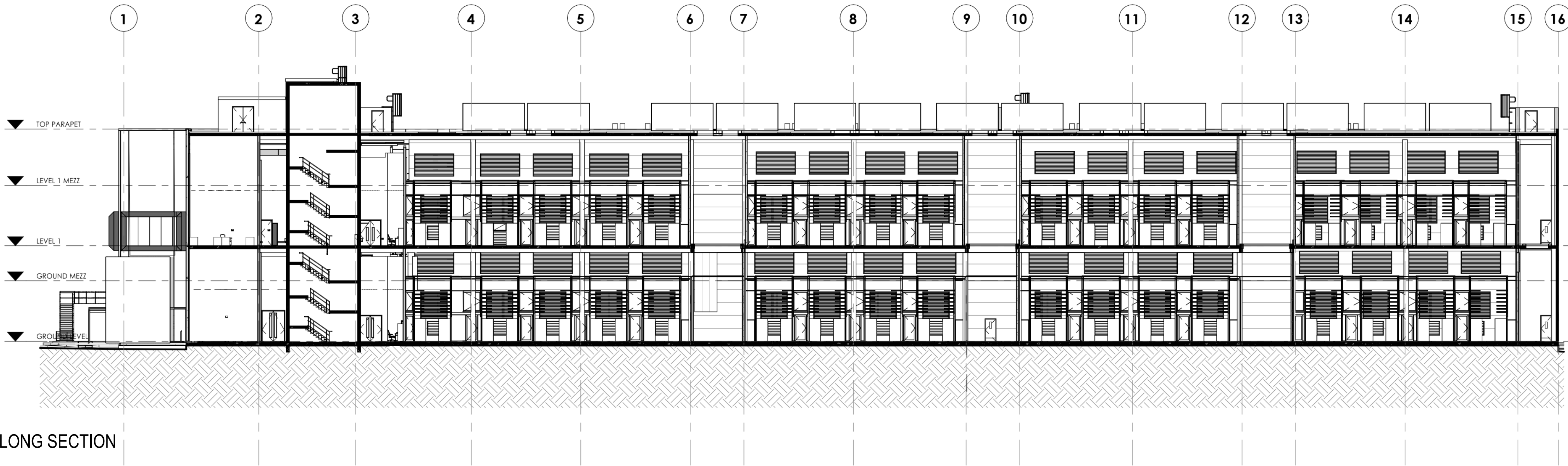
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EASTERN ELEVATION



WESTERN ELEVATION



LONG SECTION

NOTES

KEYNOTES

LEGEND

A	14JUL22	ISSUE FOR MASTERPLAN	DS	DS	ST	ST
REV	DATE	DESCRIPTION	DRN	ENG	CHK	APP

CONSULTING ENGINEERS

ARUP

ARCHITECT

GENTON

PROJECT.: ECHIDNA

TITLE.: OVERALL ELEVATIONS AND SECTIONS

DRAWING NO.: -GEN-00-XX-DR-A-1200

A1	SCALE:	AGILE No.:	REV: A
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Appendix B – Statement of Environmental Effects

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10 Eastern Creek Drive, Eastern Creek

Statement of Environmental Effects for an industrial
development to be used for the purposes of warehousing
Detailed Design (Stage 1) and Concept Development Application

On behalf of
Bieson Pty Ltd
October 2019



Project Director

Adam Coburn

Director

Planning Lead

Mason Stankovic

Contributors

Luke Zajac

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

Contact

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Executive Summary

Project Overview

The subject Development Application (DA) has been prepared on behalf of Aurecon Australasia Pty Ltd (Aurecon) in support of an industrial development at 10 Eastern Creek Drive, Eastern Creek. It describes the proposed development of the site and surrounding area in the context of the relevant planning controls and policies. Furthermore, the SEE demonstrates the merit of the development in this location through providing an assessment of those relevant heads of consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

Linesight has calculated the cost of development for the proposal to be \$41,835,701 (inc. GST) as per the Quantity Surveyors Report accompanying the DA.

The DA will be regional development on the basis that the project constitutes a warehouse development with a capital investment value greater than \$30 million. As a result, the Sydney Central City Planning panel will be the relevant consent authority.

The DA seeks approval for both Detailed DA and Concept Approval for the industrial development at the subject site including the following:

- **Stage 1 - Detailed Design Approval** including detailed design approval for the northern building, associated car parking, landscaping and other site works; and
- **Concept Design approval** for the southern building use, envelope and future substation footprint proposed.

A summary of the key aspects of the DA is provided in the table below.

Table 1 – Summary of Industrial Development Application		
DA Component	Aspect	Description
Detailed Design (Stage 1) DA	Building design	Base build construction of a 2 storey industrial building to be used for the purposes of warehousing, comprising: <ul style="list-style-type: none">• 6,711sqm of storage area;• 3,011sqm of ancillary office space; and• 8,595sqm of mechanical plant room space;
	Access and car parking area;	Vehicular crossover to Eastern Creek Drive servicing the broader site and providing access to secure onsite car parking and loading facilities comprising 60 spaces (including 2 accessible spaces);

Table 1 – Summary of Industrial Development Application

DA Component	Aspect	Description
	Landscaping	A total of 5,142sqm of the site will be landscaped.
	Other development	<p>A total of 18 generator flues are proposed along the southern elevation of the building.</p> <p>Two satellite dishes are proposed on the northern section of the roof.</p> <p>A fuel storage area is proposed in the south-eastern corner of the Stage 1 area.</p> <p>An MV switch room is proposed immediately adjacent to the south-western corner of Building 1.</p>
Concept Approval	Building Envelope	Concept approval for Stage 2 of the proposed warehouse which includes an envelope for Building 2 which is to include a warehouse and ancillary office space.
	Substation footprint	Concept approval for a building envelope.
	Landscaping	Concept approval of quantity of landscaped area within Stage 2.

Subject Site

The subject site is known as 10 Eastern Creek Drive, Eastern Creek NSW and legally referred to as Lot 4001 DP1243178. It is located within the Western Sydney Employment Area and the Blacktown Local Government Area (LGA) and has an area of approximately 5.69ha. It offers a wide street frontage of approximately 300m on Eastern Creek Road and 181m to old Wallgrove Road.

Early works are currently being undertaken on the site in accordance to DA-18-00938, which is discussed in further detail below.

Planning Assessment

SEPP 55 – Remediation of land

SEPP 55 states that a consent authority, in determining a DA, is to give consideration to whether the land is contaminated and is suitable, or can be remediated and made suitable, for the proposed development. This DA is submitted with a preliminary site investigation which confirms the site is suitable for industrial/commercial use in accordance with SEPP 55.

SEPP (Western Sydney Employment Area) 2009

The proposed development is permissible within the IN1 General Industrial zone under the SEPP (WSEA) 2009 as it is defined as a 'warehouse or distribution centre'. The provision of the development at the subject site is considered consistent with the relevant zoning objectives. In addition, the proposal complies with relevant principal development standards and requirements outlined in the SEPP.

SEPP (Infrastructure) 2007

The proposed development is considered traffic generating development in accordance with Schedule 3 of SEPP (Infrastructure) 2007. Consequently, the development proposed is required to be referred to RMS comment in relation to the potential impacts on traffic and the road network during the DA process.

SEPP (State and Regional Development) 2011

Subject to Schedule 7 of the SEPP SRD, the development will be classified as Regional Development as it has a Capital investment Value (CIV) of over \$30 million. Subsequently, Blacktown Council will be responsible for the assessment of the DA whilst the Sydney Central City Planning Panel will determine the application.

SEPP 33 – Hazardous and Offensive Development

In determining whether the proposed development constitutes 'potentially hazardous development' in accordance with State Environmental Planning Policy (SEPP) No. 33 – Hazardous and Offensive Development, an assessment against the Department of Planning's Applying SEPP 33 Guidelines has been undertaken.

In summary, the report concludes that the development is not a Potentially Hazardous Industry as described by SEPP 33 and does not require a Preliminary Hazard Analysis to be conducted.

SREP 20 – Hawkesbury-Nepean River (No 2-1997)

Clause 4 of SREP 20 states that a consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls under BLEP 2015.

As demonstrated in **Section 4.7** in this SEE, the development generally complies with the development standards and controls established within the Eastern Creek Precinct Plan. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

Employment Lands Precinct Plan – Eastern Creek Precinct Plan

The proposal generally meets the provisions of the Precinct Plan. The development complies with relevant setbacks and built form is considered suitable for the site. The proposed development will deliver a high-quality industrial development that promotes economic growth and employment within Western Sydney. This is further discussed in **Section 4.7** of this SEE.

Environmental Assessment

The environmental assessment of the proposed development makes the following findings:

- The bulk and scale of the development is consistent with the local context and complied with the height, FSR and setback provisions;

- The actual traffic generation rates will not adversely impact upon the broader traffic network.
- An BCA report has been provided to demonstrate the development application is able to comply with the relevant BCA requirements.
- An access report has been provided to demonstrate the proposal is able to comply with the provisions outlines in the BCA, Australian Standards and Commonwealth Disability (Access to Premises) Standard 2010.
- An acoustic report has been provided and concludes that further studies will be required to determine the potential acoustic impacts of the development. It is noted that no adverse impacts have been identified at this initial review stage.
- A geotechnical report has been provided to obtain geotechnical information on subsurface conditions as a basis for recommendations on excavation;
- A waste management plan has been provided for the development during its operation;
- A stormwater management plan has been provided to ensure the proposal complies with relevant council guidelines;
- A preliminary site investigation has been provided and concludes the site is suitable for the proposed development; and
- A Dangerous and Hazardous Goods Report has been provided and concludes the proposed development is not a Potentially Hazardous Industry as described by SEPP 33 and does not require a Preliminary Hazard Analysis to be conducted.

Conclusion

Given the above planning and environmental assessment, the proposed DA for an industrial development at 10 Eastern Creek Drive, Eastern Creek has planning and environmental merit. Accordingly, the proposed development is considered to be consistent with Clause 4.15 of the EP&A Act as:

- The proposal is consistent with the relevant Environmental Planning Instruments including SEPP 55, SEPP (WSEA) 2009, SEPP (Infrastructure) 2007, SEPP (State and Regional Development) (SRD) 2011, SEPP 33 and SREP 20;
- The proposal is generally consistent with the Eastern Creek Precinct Plan;
- The proposal does not have any significant environmental impacts; and
- The site is considered suitable for the site and is in the public interest.

Therefore, we request that Council recommend that the proposed development be granted development approval.

1 Introduction

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Aurecon Australasia Pty Ltd (Aurecon) in support of a Stage 1 detailed design and Concept DA for an industrial development located at 10 Eastern Creek Drive, Eastern Creek. The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the SEE includes the following information:

- Description of the site in its local and regional context;
- Identification of what is proposed on the site;
- Assessment of the project against relevant SEPPs, EPIs and DCPs;
- Assessment of all environmental impacts of the project; and
- Identification of measures for minimising or managing the potential environmental impacts.

Linesight has calculated the cost of development for the proposal to be \$41,835,701 (inc. GST) as per the Quantity Surveyors Report accompanying the DA.

This SEE is also supported by the following environmental assessment reports and management plans, which are provided separately:

- Appendix 1: Survey Plan;
- Appendix 2: Architectural Plans;
- Appendix 3: Landscape Plans;
- Appendix 4: Civil Plans;
- Appendix 5: WSEA Compliance Table;
- Appendix 6: Eastern Creek Precinct Plan Compliance Table;
- Appendix 7: BCA Capability Statement;
- Appendix 8: Accessibility Report;
- Appendix 9: Traffic Report;
- Appendix 10: Acoustic Report;
- Appendix 11: Geotechnical Report;
- Appendix 12: Preliminary Site Investigation;
- Appendix 13: Preliminary Risk Screening Analysis
- Appendix 14: Sustainability Report;
- Appendix 15: Stormwater Quality and Management Report;
- Appendix 16: CPTED Report;
- Appendix 17: Waste Management Plan;
- Appendix 18: Quantity Surveyors Report;
- Appendix 19: Notification Plans; and
- Appendix 20: Pre-DA minutes

1.1 Proponent and Project Team

The Development Application and SEE Report have been prepared on behalf of Polis Constructions Pty Ltd, and the project team is outlined in the table below.

Table 2 – Project Team

Item	Description
Architects	Metier3 Pty Ltd Architects
Urban Planning Assessment	Mecone
Landscape Plans	Arcadia Landscape Architecture
Engineering Plans	Aurecon
Quantity Surveyor	Linesight
BCA	MBC
Accessibility	Code Consulting Group
Traffic	Aurecon
Acoustic	Aurecon
Geotechnical	Arup
Preliminary Site Investigation	Aurecon
Dangerous Hazardous Goods Report	Aurecon
Sustainability Report	Aurecon
Stormwater Quality and Management Report	Aurecon
CPTED Report	Mecone
Waste Management Plan	Applicant

1.2 Planning History

An overview of previous planning approvals relevant to the subject DA and proposed works is provided below:

- **DA-18-00196:** Consent was granted for the *'Torrens Title subdivision of 1 lot into 1 industrial lot and 1 residue lot'* of Lot 532 DP 1236811 which created the subject lot.
- **DA-18-00938:** On 6 December 2018 consent was granted for *'Bulk earthworks entailing cut and fill across the site to facilitate suitable site levels for future built form (subject to future approval)'*. The associated Construction Certificate is CC-19-00320. These earthworks are currently being undertaken on site and nearing completion. The subject development proposed has been designed to respond to these works.

- **DA-18-01592:** On 20 June 2019 consent was granted for the construction of a warehouse and distribution facility comprising 33,250sqm of GFA, 266 vehicles and site landscaping. Construction of this project has not commenced at this time. It is intended that this DA, which this SEE supports, will supersede this existing approval.

1.3 Pre-Application Meeting

A Pre-Application-Meeting (PAM) was held with Council on 25/09/19 to discuss the proposed industrial development for the use of warehousing at 10 Eastern Creek Drive, Eastern Creek. The table below outlines the primary matters raised in the meeting by Council which are addressed throughout the SEE accordingly. The minutes have been provided as **Appendix 20**.

Table 3 – Pre-DA Meeting Key Points Raised by Council	
Council's Advice	Applicant Response
1. The following environmental planning instruments (EPIs) and development control plans (DCPs) are relevant to the site of this proposal:	
<p>The following environmental planning instruments (EPIs) and development control plans (DCPs) are relevant to the site of this proposal:</p> <ul style="list-style-type: none"> • SEPP (WSEA) 2009; • SEPP 55 – Remediation; • SEPP (Infrastructure) 2007; • SEPP (State and Regional Development) (SRD) 2011; • Protection of the Environment Operations Act 1995; • SEPP 33; • SREP 20; and • Employment Lands Precinct Plan – Eastern Creek Precinct Plan. 	<p>The various EPIs and DCP identified in Council's advice have been considered throughout this SEE and in the various accompanying reports.</p>
2. The following controls and development standards are of particular relevance to this proposal:	
<p>Permissibility</p> <p>A “warehouse or distribution centre” is a permissible land use in the IN1 General Industrial zone under State Environmental Planning Policy (Western Sydney Employment Area) 2009. You are required to demonstrate how you comply with the definition of a “warehouse or distribution centre” where this use is pursued on the site. The definition is as follows:</p> <p>“warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or</p>	<p>The industrial development is defined as a warehouse development, given the storage of data, in accordance with the standard instrument definition. Details of how this definition is complied with are provided in 4.1.1 of the SEE.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>materials) ending their sale, but from which no retail sales are made'.</p>	
<p>Contributions</p> <p>Section 7.11 contributions are payable at updated rates for this development. Unless the contributions required for the development approved on the site in Determination No. DA-18-01592 are paid, these currently remain outstanding.</p>	<p>This will be determined and calculated by Council at development assessment stage.</p>
<p>Heritage</p> <p>The property is within close proximity to a heritage item of local significance being I123 ("Southridge"). This is located at 1 Southridge Street, Eastern Creek. Any potential impacts on the heritage item are to be addressed. Applicant is to check with Sue Galt, Council's Heritage advisor to ascertain if a Heritage Impact Assessment is required or not.</p>	<p>The impact of the proposed development is considered in 5.12 of the SEE. The assessment identifies that there will be no adverse heritage impact as a result of the industrial development and there is no requirement for a separate heritage impact assessment.</p>
<p>Integrated Development</p> <p>Council have identified the development as integrated development subject to the Water management Act 2000.</p>	<p>The development application is nominated integrated development in response to Council's advice.</p>
<p>Voluntary Planning Agreements</p> <p>There is a possibility of a Voluntary Planning Agreement (VPA) required to be executed. For details, contact Council's Manager Development Contributions, Dennis Bagnall.</p>	<p>N/A</p>
<p>3. Will any NSW legislation cause the proposal to be integrated development (under the Environmental Planning & Assessment Act 1979)?</p>	
<p>Will the proposal be integrated development in accordance with any of the following:</p> <ul style="list-style-type: none"> Water management Act 2000. 	<p>The development application is nominated integrated development in response to Council's advice.</p>
<p>4. Physical Characteristics of the Site</p>	
<p>Configuration of industrial sites that do not compromise the amenity of the locality requires careful and skilful execution of site planning and building layout. Site planning should:</p> <ul style="list-style-type: none"> Ensure the site layout and building location respond to the unique characteristics of the site and the surrounding context. 	<p>Site planning is detailed within architectural plans prepared by Metier 3, attached as Appendix 2.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<ul style="list-style-type: none"> Ensure development achieves adequate levels of natural lighting and ventilation, privacy, visual amenity and spatial separation from the neighbouring properties. 	
<p>Particular issues to be addressed in the first instance include:</p>	
<p>Infrastructure, drainage and earthworks:</p> <p>An easement is located at the northern boundary of the site. You are to investigate whether you can connect to the existing drainage system; and ensure that the drainage infrastructure in place is capable of servicing the proposed development.</p> <p>You are to ensure that any proposed earthworks relative to any approved levels are demonstrated in survey plans.</p> <p>You are advised to request information from Council's Governance Team, including any relevant Works As Executed (WAE) plans held for the site, and any Construction Certificates including engineering CC's. This will inform the scope of the proposed application with regard to the status of site works.</p>	<p>A Stormwater Management Plan has been prepared by Aurecon and is provided as Appendix 15.</p> <p>A survey plan has been provided as Appendix 1, along with a copy of DA Stamped Civil Plans demonstrating approved levels. An updated Survey Plan will be lodged after submission.</p>
<p>Car parking:</p> <p>The proposed development does not comply with the required on site car parking. You are required to justify the formal parking provision for development and also show the provisional parking.</p> <p>You are to illustrate that sufficient area is available on site to satisfy the required car parking rates outlined in Employment Lands Precinct Plan – Eastern Creek Precinct Plan so that car parking provision can be met on site for any future change of use of the site.</p> <p>Please refer to the required car parking rates later in the report.</p>	<p>A Traffic Impact Assessment has been prepared by Aurecon and is provided as Appendix 9.</p> <p>The report concludes that a reduced car parking rate is adequate given the nature of the proposed development. This is further discussed in the report and Sections 4.7.3 and 5.3 of this SEE.</p>
<p>Contamination</p> <p>State Environmental Planning Policy No 55 – Remediation of Land Clause 7 'Contamination and remediation to be considered in determining development applications' applies. A stage 1 site contamination report prepared by a suitably qualified accredited and EPA recognised geotechnical engineer must be submitted in accordance with SEPP 55 with the DA. If the</p>	<p>In order to assess the suitability of the land for the purposes of the proposed development a preliminary site investigation (PSI) has been undertaken and provided in Appendix 12 of the SEE. The PSI and previous reports and investigations undertaken under DA-18-00938 confirm that the site is suitable for industrial/commercial use.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>preliminary report recommends further testing then a stage 2 report will be necessary and a remediation action plan (RAP) prepared if it identifies any remediation work to National Environment Protection Measure (NEPM) 2013 Guidelines, necessary to make the site suitable for the end use.</p>	
<p>Salinity/Geotechnical report</p> <p>A salinity/geotechnical report prepared by a suitably qualified professional is required to be submitted with the DA.</p>	<p>A Geotechnical Report has been prepared for the site by Arup based on desktop review and site investigation before bulk earthworks were completed on the lot. The report is provided in Appendix 11.</p>
<p>Easements</p> <p>It is the responsibility of the applicant to conduct a Property Title Search through NSW Land and Registry Services (LRS) for any easements affecting the property and annotate these on the site plans. Any proposed easements or encumbrances must be clearly indicated on plans submitted with the DA.</p>	<p>A drainage easement is located along the western boundary of the site as identified in the Site Survey, provided as Appendix 1.</p>
<p>Landscaping</p> <p>A landscape concept plan is required.</p>	<p>A Landscaping Plan has been prepared by Arcadia Landscape Architecture and is provided as Appendix 3.</p>
<p>Heritage and Archaeology</p> <p>An Archaeological Due Diligence report under the National Parks and Wildlife Act 1974 is required for all new development in the Growth Centres. This is to be prepared by a suitably qualified aboriginal heritage consultant and must be submitted with the DA.</p>	<p>The site is not located within either the North West or South West Growth Centres. A Due Diligence report has therefore not been provided. Considerations of archaeological impacts were considered as part of DA-18-00938 for site establishment, therefore it is not necessary for any further assessment under this DA.</p>
<p>Traffic</p> <p>A comprehensive traffic impact report prepared by a suitably qualified traffic professional is to be submitted with the DA.</p>	<p>A Traffic and Parking Assessment has been prepared by Aurecon and is attached as Appendix 9.</p>
<p>Building Code of Australia</p> <p>All proposed works are to comply with the Building Code of Australia (BCA). A BCA compliance report is to be submitted with the DA.</p>	<p>A Building Code of Australia (BCA) capability statement has been provided in relation to the proposed development by MBC and is provided Appendix 7.</p> <p>The capability statement confirms that compliance with the Deemed-to-Satisfy Provisions and Performance Requirements of the BCA are achievable at the site.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>Cut and fill and retaining walls</p> <p>Details of any cut and fill are to be verified on a separate cut and fill plan. All retaining wall details (e.g. location, top-of-wall height, bottom-of-wall height, sections, elevations etc.) are to be clearly shown on plans and must be constructed of masonry material. The cut and fill plan and details of retaining walls are to be submitted with the DA.</p>	<p>Civil engineering plans have been prepared by Aurecon and are provided as Appendix 4. The set includes cut and fill plans.</p>
<p>Statement of Environmental Effects</p> <p>A Statement of Environmental Effects is required with your application. Note that an Environmental Impact Statement is required where the development has a Capital Investment Value of \$50 million or more for a "warehouse or distribution centre" in accordance Schedule 1 of State Environmental Planning Policy (SEPP) for State and Regional Development 2011. Where this is the case, the Department of Planning, Industry and Environment (DPIE) would be the determining authority. You would be required to discuss any development assessment process with DPIE where they are the determining authority.</p>	<p>A Statement of Environmental Effects has been provided. The works are estimated to cost \$41,835,701 (inc. GST) as per the Quantity Surveyors Report accompanying the DA. As such, the proposal does not require an EIS to be submitted, nor is it State Significant Development.</p>
<p>Architectural drawings</p> <p>Architectural drawings are required, including site analysis plan, site plan, floor plans, sections and elevations.</p>	<p>Architectural plans have been prepared by Metier3 and are provided as Appendix 2.</p>
<p>Notification plans</p> <p>Notification plans are required.</p>	<p>Notification plans have been prepared by Metier3 and are provided as Appendix 19.</p>
<p>Site Survey</p> <p>A site survey is required.</p>	<p>Architectural plans have been prepared by Metier3 and are provided as Appendix 2.</p>
<p>Stormwater quality and management report</p> <p>A stormwater quality and management report is required.</p>	<p>A Stormwater Quality and Management Report has been prepared by Aurecon and is provided as Appendix 15.</p>
<p>Erosion and sedimentation plan</p> <p>A stormwater quality and management report is required.</p>	<p>An erosion and sediment control plan has been prepared by Aurecon and is provided within Appendix 3.</p>
<p>Stormwater management plan</p> <p>A site water management plan is required.</p>	<p>A Stormwater Quality and Management Report has been prepared by Aurecon and is provided as Appendix 15.</p>

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<p>Section J Report</p> <p>A section J report is required</p>	<p>A Section J assessment has been undertaken within the Sustainability Report, prepared by Aurecon and provided as Appendix 14.</p>
<p>Waste Management</p> <p>A waste management plan (WMP) is to be submitted with the DA.</p>	<p>A Waste Management Plan has been prepared and is submitted as Appendix 17.</p>
<p>Crime Prevention Through Environmental Design (CPTED)</p> <p>A CPTED report is to be submitted with the DA. Council's CPTED checklist template (prepared by a NSW Police Force LAC) is to be completed and submitted with the DA.</p>	<p>A CPTED report has been prepared by Mecone and is provided as Appendix 16. Council's checklist has also been submitted with the report.</p>
<p>SEPP 64</p> <p>A SEPP 64 Assessment is required where signage is proposed.</p>	<p>No signage is proposed at this stage and if required later it would be subject to separate consent.</p>
<p>Acoustic and vibration report</p> <p>A comprehensive acoustic and vibration report prepared by a suitably qualified professional is to be submitted with the DA. For details, please see "Environmental Health" comments later in this report.</p>	<p>An acoustic report has been prepared by Aurecon and is provided as Appendix 10.</p>
<p>Accessibility</p> <p>An Accessibility Report from a suitably qualified accessibility consultant is required to confirm the design will be accessible from the boundary of the site to common areas of the site.</p>	<p>An accessibility report has been prepared by Code Consulting and is provided as Appendix 8. The assessment confirms that subject to the recommended measures being appropriately considered, compliance with the Deemed-to-Satisfy Provisions and Performance Requirements of the BCA are readily achievable.</p>
<p>Operational Plan of Management</p> <p>An Operational Plan of Management is required that addressed how the above referred matters are addressed and managed. This includes, though is not limited to:</p> <ul style="list-style-type: none"> • Waste management; • Safety and security; • Hours and days of operation; • Noise management; • Car parking management, • Emergency response; 	<p>This can be conditioned as part of any consent.</p>

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<ul style="list-style-type: none"> • Signage (directional and advertising). 	
<p>Compliance Tables</p> <p>Tables are required to be included in the Statement of Environmental Effects (SEE) that demonstrate compliance with the relevant environmental planning instruments, development control plans and guidelines</p>	<p>The WSEA SEPP compliance table has been provided as Appendix 5 of this report. A table demonstrating compliance with the Precinct Plan has been provide as Appendix 6.</p>
<p>Owners Consent</p> <p>All land owners to which the proposed development application relates are to provide consent to the lodgement of the development application.</p> <p>Please note, where the land is in company ownership, it may be necessary to provide an ASIC or confirmation of authority respectively to support the owner's consent in accordance with Section 127 of the Corporations Act.</p> <p>A copy of any power of attorney will be required where owners consent relies upon it.</p>	<p>Owners consent has been prepared in accordance with the applicable requirements and has been provided with this DA package.</p>
<p>Quantity Surveyors Report</p> <p>A QSR is required to detail both the:</p> <ul style="list-style-type: none"> • Cost of the work according to the Department of Planning and Environment's circular "Calculating the genuine estimated cost of development", and • the Capital Investment Value as defined under the Environmental Planning and Assessment Regulation 2000. 	<p>A QS report has been prepared by Linesight as Appendix 18.</p>
<p>5. The proposed development within the context of the site.</p>	
<p>The DA must address the contextual aspects influencing urban form such as: -</p> <ul style="list-style-type: none"> • Neighbourhood/locality context, street layout and hierarchy and prevailing development densities • Open space distribution and quality, topography, views and built form rhythm • Heights, alignments and massing of surrounding buildings • Prevailing character elements, such as roof forms, building articulation and 	<p>A site analysis plan has been provided within the Architectural Package, provided as Appendix 2.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>modulation and the range and combinations of materials and details</p> <p>The DA must be accompanied by a context analysis of the existing prevailing built and natural features of the site/in the streetscape and provide a suitable design response.</p> <p>You are therefore required to submit a context/site analysis in the form of a scaled plan addressing the specific details and format requirements identified in the DA Guide.</p>	
<p>7. Issues discussed at PAM</p>	
<p>Site Context</p> <p>Following the PAM, in an email dated 30 September 2019, the applicant stated that they were in contact with the landowner in relation to the existing DA's and works having been undertaken at the subject site, and that a meeting was going to be held to discuss issues raised in the meeting (the subject of this PAM). It was stated that this would be useful in understanding works are required prior to the site being ready for any construction for the proposed use.</p> <p>In an email dated 2 October 2019, it was confirmed that the works approved at the site in Determination No. DA-18-00938 were being completed prior to being handed over to the new owner and that the warehouse proposed will be designed according to the continued status of the works, and that consent to modify the earthworks may be pursued where required under the new DA if this is found to be required.</p>	<p>Noted.</p> <p>Post PAM, the Design team has sought clarification on the approved works and current works being undertaken on site. It is understood that no modifications are required to the previous DA approval.</p>
<p>Planning</p>	
<p>Permissibility</p> <p>You are required to demonstrate that the proposed land use is permissible. A "warehouse or distribution centre" is a permissible land use with consent in the IN1 General Industrial zone under State Environmental Planning Policy (Western Sydney Employment Area) 2009.</p>	<p>The proposed 'warehouse and distribution centre' is a permitted use with consent in the IN1 General industrial zone subject to the WSEA SEPP. This is further discussed in the SWEA SEPP compliance table, provided as Appendix 5.</p>
<p>Compatibility of the proposal with the surrounding development</p>	<p>The proposal is considered to be compatible with surrounding industrial development</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>Compatibility of all the uses proposed within the development is to be demonstrated. Compatibility of the proposed development with other adjoining and surrounding development is also to be demonstrated.</p>	<p>within the WSEA, as demonstrated within Section 4.1.1 of this SEE.</p>
<p>Decision Making</p> <p>The Sydney Planning Panel will determine matters referred in Schedule 7 (Regionally Significant Development) of the State Environmental Planning Policy (SEPP) for State and Regional Development 2011. This includes the following:</p> <p>“2 General development over \$30 million</p> <p>Development that has a capital investment value of more than \$30 million.”</p> <p>Where the development exceeds the \$30 million Capital Investment Value (CIV) threshold, the development constitutes ‘regional development’ and will require a referral to the Sydney Planning Panel for determination.</p>	<p>The DA has been submitted with the understanding that it will be considered regional development. This is on the basis that the project constitutes a warehouse development with a capital investment value of greater than \$30 million. As a result, the Sydney Central City Planning Panel will be the relevant consent authority.</p>
<p>Staging</p> <p>You are to provide details of any proposed staging of the development in your application. Any proposed staging is to ensure the co-ordinated and orderly development of the site.</p>	<p>The development is to be split into multiple stages. A staging plan has been prepared by Metier3 and is provided within Appendix 2. Associated landscaping will be subsequently staged as well.</p>
<p>Built form, scale and design</p> <p>You are to address “Urban Design” criteria as provided within the Employment Lands Precinct Plan – Eastern Creek Precinct Plan.</p> <p>You are to demonstrate that the building heights proposed are consistent with surrounding development and that the proposed height will not adversely impact on the amenity of surrounding development, including nearby residential zones.</p> <p>You are to ensure that the development is of a high design quality and that a variety of materials and external finishes for the external facades are incorporated. Large expanses of blank and poorly articulated facades will not be supported. Plans demonstrating proposed finishes for elevations are required.</p> <p>You are to ensure that the scale and character of the development is compatible with other employment generating development in the precinct. The applicant was advised to address</p>	<p>The proposal is considered to generally comply with the provisions of the Precinct Plan, providing for a high-quality development that adequately responds to the site and surrounds, providing appropriate setbacks, building heights and urban design outcomes. The proposal is not considered to adversely impact upon the amenity of the immediate locality or wider WSEA.</p> <p>Further details of the substation and future southern building will be provided with a future DA.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>the design of the dish and ensure that the scale of it will not impact on surrounding residential or industrial development.</p> <p>You are to ensure that any ancillary fixtures such as vents, shafts and the like are sympathetic to the architectural design, are of high aesthetic design and are well incorporated into the development.</p> <p>You are to ensure that the design does not impact on the amenity of surrounding development. Screening of the substation is required.</p> <p>No fencing details have been provided. Please comply with the fencing controls outlined in Employment Lands Precinct Plan – Eastern Creek Precinct Plan.</p> <p>The minimum allotment size is to be 5,000sqm. The minimum allotment dimension is to be 35m at the building line.</p> <p>Entrance to buildings should be clearly visible to pedestrians and integrated into the form of the building for way finding purposes.</p> <p>Finishes, colours and materials are required with the DA.</p>	
<p>Car Parking and Traffic</p> <p>It is noted that the proposal does not comply with the car parking spaces required on site. You are required to demonstrate how you are going to comply with the required car parking spaces which are:</p> <ul style="list-style-type: none"> • Buildings 7500sqm or less – 1 space per 100sqm; and • Buildings greater than 7500sqm – in addition to the 1 space per 100sqm for buildings <7500sqm, the provision of 1 space per 200sqm GFA only for the area in excess of 7500sqm; • 1 space per 40sqm office GFA; • Developments of more than 50 car parking spaces must provide at least 2% of those spaces for disabled drivers, clearly marked and signposted for those purposes. <p>Based on calculation using the above rates, approximately 130 car parking spaces or more could be required. You are to demonstrate that you comply with the required rates and break</p>	<p>A Traffic and Parking Assessment has been prepared by Aurecon and is provided as Appendix 9.</p> <p>The report concludes that a reduced provision of car parking rates is adequate given the nature of the proposed warehouse development. This is further discussed in the report and Sections 4.7.3 and 5.3 of this SEE.</p> <p>Furthermore, it is confirmed that access arrangement permit vehicles to enter and leave the site in a forward direction.</p> <p>Dedicated entry gates have been provided, with a median and security gates provided to stop cars entering in the wrong direction.</p> <p>Adequate signage is expected to be implemented to mitigate potential conflicts between pedestrians and vehicles.</p> <p>Potential queuing impacts have been addressed within the report and found to be generally acceptable, posing minimal impacts upon Eastern Creek Drive.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

down the GFA against the required rates in a table. This will need to be shown also on the plans as provisional parking on the plans in the event of a future change of use.

The proponent needs to demonstrate that there is sufficient parking on site and that there will be no on street parking or truck queuing traffic related issues resulting from the proposed development. Uses proposed cannot create on street parking problems and must be able to cater for their own car parking and truck demands within the subject site.

The development will also be referred to Roads and Maritimes Services (RMS) by Council for their concurrence in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 given that the proposed warehouse or distribution centre has a size of more than 8,000sqm in site area and gross floor area.

A car parking and traffic impact assessment report is required. This is to address compliance with the relevant Australian Standards, and include, though not being limited to, confirming compliant entry and exit arrangements for the proposed use at this site.

All vehicle crossings are to meet the street at a 90 degree angle from the property boundaries. There were 2 versions of plans submitted. The following comments are provided as comment for traffic arrangement discussed for "Option 02" which was tabled at the meeting and that was discussed:

- You are to implement dedicated entry and exit gates where general staff and visitors enter through one gate and exit through the other. A median isle may need to be incorporated into the entrance of the site to not allow for cars entering in from the wrong entrance.
- Trucks are to only enter and exit through the "secondary entry" gate which has been proposed.
- Signage needs to ensure that conflict isn't created with the traffic arrangement between general staff and visitors, and trucks entering and exiting the site.

Table 3 – Pre-DA Meeting Key Points Raised by Council

<ul style="list-style-type: none"> You are to address how queuing will be managed to avoid negative impacts on traffic in the locality. This is to be redesigned to prevent vehicles entering from the exit only gate. <p>Any proposed alternative traffic arrangement needs to ensure all required vehicles on site can enter and exit in a forward direction.</p> <p>You are to provide details including the size of the trucks that are expected on site and provide swept paths of the trucks. You are to ensure that they are able to manoeuvre safely on the site.</p>	
<p>Setbacks</p> <p>The site is located at the corner of Wallgrove Road and Eastern Creek Drive. You are to comply with the required setbacks. The following setbacks apply:</p> <ul style="list-style-type: none"> 20m from the boundary from Wallgrove Road; and 10m of the primary front property boundary with an industrial collector road (Eastern Creek Drive is identified as a "main collector road" in Employment Lands Precinct Plan – Eastern Creek Precinct Plan). 	<p>The required setbacks have been provided along Old Wallgrove Road and Eastern Creek Drive.</p>
<p>Vegetation</p> <p>All setbacks are to be landscaped according with the landscaping controls outlined in Employment Lands Precinct Plan – Eastern Creek Precinct Plan.</p>	<p>As illustrated in the Landscape Plans provided as Appendix 3, all setbacks will be landscaped as each stage is competed.</p>
<p>Private Open Space</p> <p>You are to comply with the private open space controls in the Employment Lands Precinct Plan – Eastern Creek Precinct Plan. This includes, though is not limited to, the following:</p> <p>Each development shall be provided with at least 1 private open space area for the use and enjoyment of all employees of that development. The private open space area shall be suitably landscaped and directly accessible from the main office component of the development.</p> <p>The private open space area shall be provided at a rate of 5% of the total gross floor area of the office component of the development or a</p>	<p>Due to the layout of the site, and private open space area slightly smaller than required has been accommodated within the site. Nevertheless, the area will provide for adequate amenity, including two barbeques, an architecturally designed shade structure located in a landscaped space.</p> <p>Landscape plans have been provided as Appendix 3.</p>

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<p>minimum of 50 square metres, whichever is the greater, to a maximum area of 100 square metres.</p> <p>Within the main private open space area a minimum square of 7m x 7m must be provided. The remaining area must have a minimum dimension in any direction of 2.5m. The area shall not be disproportionately elongated in shape, as it must be useable and provide reasonable amount of amenity for the users of this space.</p> <p>Small pockets of landscaping designed to enhance the appearance of the development are encouraged. Car parking areas, manoeuvring areas, nor landscaped setback areas will contribute towards the minimum private open space areas required.</p>									
<p>Site Coverage</p> <p>You are to demonstrate that the site coverage for the footprint of all buildings and canopy areas (excluding hardstand areas) to the area of the allotment does not exceed 65%.</p>	<p>Across a total site area of 56,800sqm, the proposal will occupy 19,376sqm, equivalent to 35% of the site, below the maximum 65% site coverage control.</p>								
<p>Acoustics, noise and vibration</p> <p>An acoustic and vibration report must be submitted as part of the DA.</p> <p>You are to ensure that development does not cause adverse environmental impacts from noise and vibration. The subject site is located in "Noise Emission Zone 5" as outlined in Employment Lands Precinct Plan – Eastern Creek Precinct Plan. The optimised noise level goals for this zone is as follows:</p> <table border="1" data-bbox="288 1406 863 1536"> <tr> <th>Period</th><th>Zone 5</th></tr> <tr> <td>Day</td><td>49 dBa</td></tr> <tr> <td>Evening</td><td>39 dBa</td></tr> <tr> <td>Night</td><td>34 dBa</td></tr> </table>	Period	Zone 5	Day	49 dBa	Evening	39 dBa	Night	34 dBa	<p>An Acoustic Report has been prepared by Aurecon and is provided as Appendix 10. The report concludes that further studies will be required to determine the potential acoustic impacts of the development. It is noted that no adverse impacts have been identified at this initial review stage.</p>
Period	Zone 5								
Day	49 dBa								
Evening	39 dBa								
Night	34 dBa								
<p>Site Services</p> <p>You are to demonstrate that adequate arrangements have been made on site for connection to sewer, water, electricity, telecommunications and gas. This may involve consultation with all service providers to ensure appropriate levels of servicing can be achieved for the site and proposed use.</p>	<p>As demonstrated in the Civil Engineering Plans provided as Appendix 4, adequate provision of site services has been made.</p>								
<p>Fuel Storage</p> <p>Please confirm the storage capacity of any on site fuel storage and provide details for its safe</p>	<p>Full details of the preliminary risk screening analysis undertaken in accordance with SEPP 33 is in Appendix 13 of the SEE. The</p>								

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<p>storage and maintenance. Please address the Protection of the Environment Operations(POEO) Act 1995 to confirm whether the application requires licensing by the Environment Protection Authority (EPA).</p> <p>A Preliminary Hazard Analysis (PHA) will be required under SEPP 33 if the threshold volumes are exceeded.</p>	<p>analysis confirms that based on the type and amount of fuel storage/materials to be located at the site that the proposed development does not constitute hazardous industry.</p>
<p>Waste Management</p> <p>A waste management plan is to be submitted with the DA.</p> <p>Waste storage areas are to be shown on the architectural plans and are to accord with Council's waste policy. Waste vehicles associated with the use are to enter and exit the site in a forward direction. Waste is to be collected and stored on site. Waste storage and collection locations are to be integrated into the design of the structure so that they are screened from view.</p> <p>You are to ensure that you provide details of any proposed waste collection areas and ensure these do not conflict with the operation.</p>	<p>A Waste Management Plan has been submitted as Appendix17.</p> <p>Loading zones have been identified clearly on the plans and are considered to be appropriately screened from view.</p>
<p>Cut and Fill</p> <p>Details of any cut and fill are to be shown on a separate plan including details of any retaining walls (including top of wall and bottom of wall heights) relative to natural ground level.</p>	<p>A cut and fill plan has been provided within Appendix 4.</p>
<p>Accompanying Reports</p> <p>Where you rely on a report required that was submitted as part of a previous development application (i.e. salinity report, Aboriginal Archaeology report, Geotechnical report, or the like), you are required to address the age and relevance of the documents and demonstrate that the findings of the report(s) are still relevant.</p>	<p>No reports prepared as part of a previous DA have been provided.</p>
<p>WSEA Infrastructure Levy</p> <p>In accordance with Clause 29 of State Environmental Planning Policy (Western Sydney Employment Area) 2009, the applicant must make arrangements with the Department of Planning, Industry and Environment to contribute to the provision of regional transport infrastructure and services.</p> <p>The application will be referred to DPIE, but cannot be determined until satisfactory</p>	<p>Noted.</p>

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arrangements have been made with DPIE and a written clearance advice is provided to Council by DPIE	
Engineering (Drainage)	
<p>General</p> <p>In addition to full compliance with the engineering requirements in DA-18-00938, our drainage comments and water quality requirements for this development are required and are based on the general requirements under Part J & A of Council's DCP 2015, WSUD Developer's Handbook Part 4 and Engineering Guideline 2005.</p> <p>Note: Any changes required to be done to approved bulk earthworks in DA-18-00938 to facilitate this development require either a modification application to DA-18-00938 or are to be dealt with in this new building DA.</p>	Noted.
<p>OSD</p> <p>OSD is exempt for the site location.</p>	Noted. No OSD is proposed as part of the DA.
<p>WSUD</p> <p>2. Permanent water quality treatment is required the development. The GPT can also be in the form of an oil baffle within the stormfilter chamber. Contact Council for further information.</p> <p>3. Council accepts bio-retention systems to satisfy the water quality requirements. This is provided by using MUSIC to assess the performance of the water quality systems and provide an electronic copy to Council for assessment. Alternatively the water quality can be addressed using proprietary products. Draft MUSIC modelling guidelines for Blacktown are available through the WSUD Developer's Handbook Part 4. This can also be assessed through www.s3qm.com.au</p> <p>4. Refer to Councils "Water Sensitive Urban Design (WSUD) Standard Drawings", Plan No: A(BS)175M and WSUD Developers Handbook. Both documents are found on Councils web page.</p> <p>5. Refer to Section 4.2 of Part J of DCP 2015 for load reduction requirements.</p> <p>6. Provide a MUSIC catchment plan if on-lot water treatment is proposed.</p>	<p>A Stormwater Quality and Management Report has been prepared by Aurecon and is provided as Appendix 15.</p> <p>A MUSIC model has been provided as part of this application.</p>

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<p>Water Conservation</p> <p>7. A Rainwater tank is required to meet water the conservation targets under Part J for the development. A minimum of 80% of non-potable water demand for the development is to be met through the reuse of rainwater. Non potable water demand is to include landscape watering and toilet/urinal flushing.</p> <p>8. Allow for a minimum usage rate of 0.1 kL/day/toilet or urinal and a minimum of 0.4 kL/m2/ year for landscape watering (excluding turfed areas if need be).</p> <p>9. Where the development is used 6 days/week, the toilet/urinal usage can be discounted by 6/7.</p> <p>10. MUSIC is generally used to assess the performance of the rainwater tank using the node water balance and an electronic copy of the MUSIC model needs to be provided to Council for assessment. This can also be assessed through www.s3qm.com.au</p> <p>11. Draft MUSIC modelling guidelines including water usage rates for Blacktown are available through the WSUD Developer's Handbook Part 4.</p> <p>12. Allow for a 20% loss in rainwater tank size volume in MUSIC to that shown on the design plans to allow for anaerobic zones, mains water top up levels and overflow levels. e.g. where a 50,000 L tank is specified on the drainage plan it is to be modelled in MUSIC as 40,000 L.</p> <p>13. All calculations (number of toilets etc.)/graphs/catchments and models are to be provided.</p>	<p>A Stormwater Quality and Management Report has been prepared by Aurecon and is provided as Appendix 15.</p> <p>Further details regarding the proposed Rainwater Tanks have been provided within the above report.</p> <p>A MUSIC model has been provided as part of this application.</p>
<p>Overland Flow Assessment</p> <p>14. Review the overland flow through the site from Old Wallgrove Road assuring a 50% blockage in 100year ARI event. This may have been completed under the original DA and so will need to be revised to take into account the proposal.</p>	<p>This has been addressed in the Stormwater Quality and Management Report that has been prepared by Aurecon and is provided as Appendix 15. The proposed development site used to be a greenfield site, bound by existing roads along the western and southern boundaries, with a small creek running through the site from the southwest corner to northeast corner.</p> <p>Works have been carried out to the site under Determination No. DA-18-00938 which was bulk earthworks, site remediation, retaining walls and land overflow diversion from Old Wallgrove Rd. The overflow diversion includes an underground pipe network to the western</p>

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	side of the site. This network will be located within a registered easement. It is our understanding that this pipe network has been designed to account for the 100 year ARI event off Old Wallgrove Rd assuming a 50% blockage.
<p>Submission</p> <p>15. Submit a drainage concept plan along with the engineering checklist and any electronic modelling/reports undertaken.</p>	<p>A Drainage concept plan has been prepared by Aurecon and is provided as Appendix 4.</p>
<p>Environmental Health</p>	
<p>1. You are to address noise and vibration impacts of the development on the amenity of the area including distance to closest residential areas and operations on site.</p> <p>2. You are to satisfy State Environmental Planning Policy (SEPP) No.55 – Remediation of Land to show that the land is suitable for the proposed development. As a minimum this should take the form of a Stage 1 – Preliminary Site Investigation.</p> <p>3. You are to provide details on fuel storage at the facility and ensure bunding is designed and installed in accordance with:</p> <ul style="list-style-type: none"> 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. <p>4. You are to provide the details of proposed cooling towers.</p> <p>5. A preliminary risk screening in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011) is to be prepared, with a clear indication of class, quantity and location of all dangerous goods and hazardous</p>	<p>An acoustic report has been prepared by Aurecon and is provided as Appendix 10.</p> <p>A Preliminary Site Investigation has been prepared by Aurecon and is provided as Appendix 12.</p> <p>Details of proposed fuel storage facilities have been provided within the Dangerous and Hazardous Goods Report, provided as Appendix 13. The report confirms that the proposal does not constitute 'potentially hazardous development'.</p> <p>Details of the proposed cooling towers have not been provided at this stage.</p> <p>Eighteen generator flues are proposed as part of the development. Each will be approx. 30m tall and will be covered in a silver grey perforated metal screen. The flues are not expected to create adverse visual impacts from the streetscape given their location within the centre of the site.</p> <p>General kitchen facilities are to be provided but no cooking or selling of food or related items is proposed.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>materials associated with the development. Should the preliminary risk screening indicate that the development is "potentially hazardous", a Preliminary Hazard Analysis (PHA) must be prepared, in accordance with SEPP 33 Guidelines.</p> <p>6. Where the preparation and/or sale of food is pursued on the site, you are to provide plans and specifications that show compliance with the requirements of the;</p> <ul style="list-style-type: none"> Food Act 2003 and Regulations there under. <p>Australian Standard 4674-2004 Design, construction and fit-out of food premises.</p>	
<p>Traffic Engineering</p> <p>No comments provided.</p>	
<p>Waste</p> <p>No comments provided.</p>	
<p>Building:</p> <p>No comments provided.</p>	
<p>Development Engineering:</p> <p>No comments provided.</p>	
<p>Asset Design:</p> <p>No comments provided.</p>	
<p>DA Submission and Supporting Documentation</p>	
<p>Owners Consent</p> <p>The owner's names must match those recorded on Council's rates system. If the names differ, then proof of change of ownership must be provided. If there is more than one owner on Council's rates system, then all owners must sign. Where the owner is a company, owner's consent must be provided in the form of a letter on the company letterhead or stamped by the company seal and be signed by a Director of the company.</p> <p>Where the owner is a strata corporation, owner's consent must be on the strata corporation letterhead or stamped by the strata seal.</p> <p>If the owner company does not have company letterhead or a company seal, the owner's consent must be executed in accordance with</p>	<p>Owners consent has been prepared in accordance with the applicable requirements and has been provided with this DA package.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>Corporations Act 2001 (Cth) Section 127 – Execution of Documents. This requires the signature of two directors of the company, or a director and a company secretary, or by the sole director.</p> <p>If the owner's consent is signed on the owner's behalf by their legal representative, documentary evidence (eg Power of Attorney, Executor or Trustee) must be provided.</p> <p>Important: Applications lodged without complete owner's consent will be rejected.</p>	
<p>Supporting Documents</p> <p>A survey plan of the property indicating existing levels to Australian Height Datum (AHD). Location and roof ridge and eave levels of dwellings on adjoining properties must also be indicated on the plans. Existing trees on site must be identified on the survey plan.</p> <p>Details of proposed external colours, materials and finishes (for new buildings).</p> <p>Shadow diagrams must be submitted with any DA and must focus on existing and proposed shadows cast by the development on the site during the critical stages as outlined in the DCP (i.e. between 9am and 3pm on 21 June). The shadow diagrams must not include shadows cast by existing structures on the subject and surrounding sites. However, a supplementary plan in addition to the required shadow diagrams to demonstrate the extent of the existing shadowing may assist in the assessment of the extent of additional overshadowing caused.</p> <p>Detailed landscape calculations as part of a comprehensive landscape plan indicating suitable communal outdoor space with a component of deep soil which is capable of accommodating the planting of more substantial trees. Relevant landscaping calculations (overall and permeable) must be provided to demonstrate compliance against numerical controls.</p> <p>Retaining wall and boundary fencing details (if applicable) to be constructed on site as part of the development shall be submitted at DA stage, including proposed use of materials and RLs to AHD for the top of the walls. Please note that Council requires the construction of masonry</p>	<p>A survey plan has been provided as Appendix 1.</p> <p>A schedule of Materials and Shadow Diagrams have been provided as part of the architectural plans provided as Appendix 2.</p> <p>A landscape plan has been provided as Appendix 3. The plan demonstrates that the site provides for adequate deep soil zones within the setback areas to provide for landscaping.</p> <p>A total of 5,142sqm of landscaping area has been provided.</p> <p>Retaining walls were approved under the previous earthworks DA-18-00938. Fencing details have been provided in Appendix 2 and 4.</p> <p>A Drainage concept plan has been prepared by Aurecon and is provided as Appendix 4.</p>

Table 3 – Pre-DA Meeting Key Points Raised by Council

<p>retaining walls (i.e. no timber walls) on property boundaries.</p> <p>Detailed stormwater plans (to the standards required by Council's drainage engineers) prepared by a qualified hydraulic engineer. This may necessitate separate discussions with the engineers.</p>	
<p>Estimated Cost of Works</p> <p>The DA must nominate the estimated cost of development (which includes consultant fees and GST) as defined in Clause 255 of the Environmental Planning and Assessment Regulation 2000. Please note this must be accompanied by either a Cost Summary Report for development costs less than \$3,000,000 or a Registered Quantity Surveyor's Detailed Cost Report for development costs more than \$3,000,000.</p>	<p>Linesight on behalf of Aurecon has calculated the cost of development for the proposal to be \$41,835,701 (inc. GST) as per the Quantity Surveyors Report accompanying the DA.</p>
<p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>Where the cost of works exceeds a capital investment value of \$50,000, BASIX certification is required to be obtained for the proposal and submitted in support of the application. All relevant commitments listed in BASIX Certificates must be shown on the drawings.</p>	<p>BASIX certification does not apply to industrial development.</p>
<p>Fees in addition to the DA fee</p> <p>A \$320 cheque needs to be provided to each integrated referral authority the DA will be referred to if the application is an integrated development. An administration cost of \$140 will also be payable. Additional fees are also payable if a newspaper advertisement is required, in which case the fee for an advertisement is \$1,105.</p>	<p>The \$320 referral fee and \$140 administration fee have been provided for as part of the application. Additional fees, based upon a fee quote obtained from Council, have been provided.</p>

2 The Site

2.1 Site Context and Surrounds

The subject site is known as 10 Eastern Creek Drive, Eastern Creek NSW and legally referred to as Lot 4001 DP1243178.

The site is located in Blacktown LGA on the corner of Eastern Creek Drive and Old Wallgrove Road on a land parcel approximately 5.69ha in size. The land is currently vacant and identified as within Western Sydney Employment area.

The surrounding area is of an industrial nature and generally consists of various industrial uses, supplier warehouses, distribution centres and freight transport facilities. Additionally, there are substantial undeveloped parcels of land in the vicinity of the property to the north.

The subject site contains convenient access to the major interchange of the M4 Western Motorway and Westlink M7 with further proximity to the Erskine Park Road Upgrade. The Erskine Park Road is a vital corridor servicing the growth in the Western Sydney Employment Area with slated upgrades to enhance road safety and traffic flow efficiency for local residents and businesses within the area. Public transport is facilitated by various nearby bus stops along Old Wallgrove Road, connecting the site to Mount Druitt, Rooty Hill, St Marys and Wetherill Park

Figure 1 and the Survey Plan in **Appendix 1** depict the site and surrounds.



Figure 1: Site aerial map (Source: NearMaps)

2.2 Site Description

The following table provides an outline of the site and the figures below illustrate the site and surrounding development.

Table 4 – Pre-DA Meeting Key Points Raised by Council	
Item	Description
Legal Description	Lot 4001 DP1243178
Site Area	5.69ha

Table 4 – Pre-DA Meeting Key Points Raised by Council	
Street Frontage	<p>Approx. 300m (Eastern Creek Drive boundary)</p> <p>Approx. 181m (Old Wallgrove Road boundary)</p>
Site Description	The subject site is located on the north eastern corner of the intersection of Eastern Creek Drive and Old Wallgrove Road. It is a corner lot with a relatively flat topography and currently offers a vacant site.
Surrounding development	The surrounding area is characterised by industrial uses, warehouses, distribution centres and freight transport facilities. Additionally, there are substantial parcels of greenfield industrial to the north.
Existing Site Drainage	<p>The proposed development site used to be a greenfield site, bound by existing roads along the western and southern boundaries, with a small creek running through the site from the southwest corner to northeast corner.</p> <p>Works have been carried out to the site under Determination No. DA-18-00938 which was bulk earthworks, site remediation, retaining walls and land overflow diversion from Old Wallgrove Rd. The overflow diversion includes an underground pipe network to the western side of the site. This network will be located within a registered easement. It is Aurecon's understanding that this pipe network has been designed to account for the 100year ARI event off Old Wallgrove Rd assuming a 50% blockage.</p>
Transport Network	The subject site contains convenient access to the major interchange of the M4 Western Motorway and Westlink M7 with further proximity to the Erskine Park Road Upgrade. The Erskine Park Road is a vital corridor servicing the growth in the Western Sydney Employment Area with slated upgrades to enhance road safety and traffic flow efficiency for local residents and businesses within the area. Public transport is facilitated by various nearby bus stops along Old Wallgrove Road, connecting the site to Mount Druitt, Rooty Hill, St Marys and Wetherill Park.

The site's surrounding development context is presented in the following figures.



Figure 2: View of subject site looking east from Eastern Creek Road (Source: Mecone)



Figure 3: View of adjoining development to the west of the site, immediately opposite Eastern Creek Drive (Source: Mecone)



Figure 4: View of development immediately east of the site, looking north from Old Wallgrove Road. (Source: Mecone)



Figure 5: Development to the north of the site, looking north from Eastern Creek Drive.
(Source: Mecone)

3 The Proposal

3.1 Development Overview

The DA seeks approval for Stage 1 Detailed Design and Stage 2 concept approval of a new industrial development located at 10 Eastern Creek Drive. The industrial development will be used for warehouse purposes, specifically the storage of data. The proposed development will be undertaken in multiple stages, with the second stage to be subject to a further detailed development application process following concept approval.

Details of the development proposed are provided in Appendix 2 of the SEE. In addition, key aspects of the development proposed are provided in the table below:

Table 5 – Summary of Industrial Development Application		
DA Component	Aspect	Description
Detailed Design (Stage 1) DA	Building design	<p>Base build construction of a 2 storey industrial building comprising:</p> <ul style="list-style-type: none"> • 6,711sqm of warehouse area; • 3,011sqm of ancillary office space; and • 8,595sqm of mechanical plant room space;
	Access and car parking area;	Vehicular crossover to Eastern Creek Drive servicing the broader site and providing access to secure onsite car parking and loading facilities comprising 60 spaces (including 2 accessible spaces);
	Landscaping	A total of 5,142sqm of the site will be landscaped.
	Other development	<p>A total of 18 generator flues are proposed along the southern elevation of the building.</p> <p>Two satellite dishes are proposed on the northern section of the roof.</p> <p>A fuel storage area is proposed in the south-eastern corner of the Stage 1 area.</p> <p>An MV switch room is proposed immediately adjacent to the south-western corner of Building 1.</p>

Table 5 – Summary of Industrial Development Application

DA Component	Aspect	Description
Concept Approval (Stage 2)	Building Envelope	Concept approval for Stage 2 of the proposed warehouse which includes an envelope for Building 2 which is to include a warehouse and ancillary office space.
	Substation footprint	Concept approval for a building envelope.
	Landscaping	Concept approval of quantity of landscaped area within Stage 2.

Figure 6 below identifies the staging of works proposed at the site while the table provides a summary of the quantitative aspects of the DA.

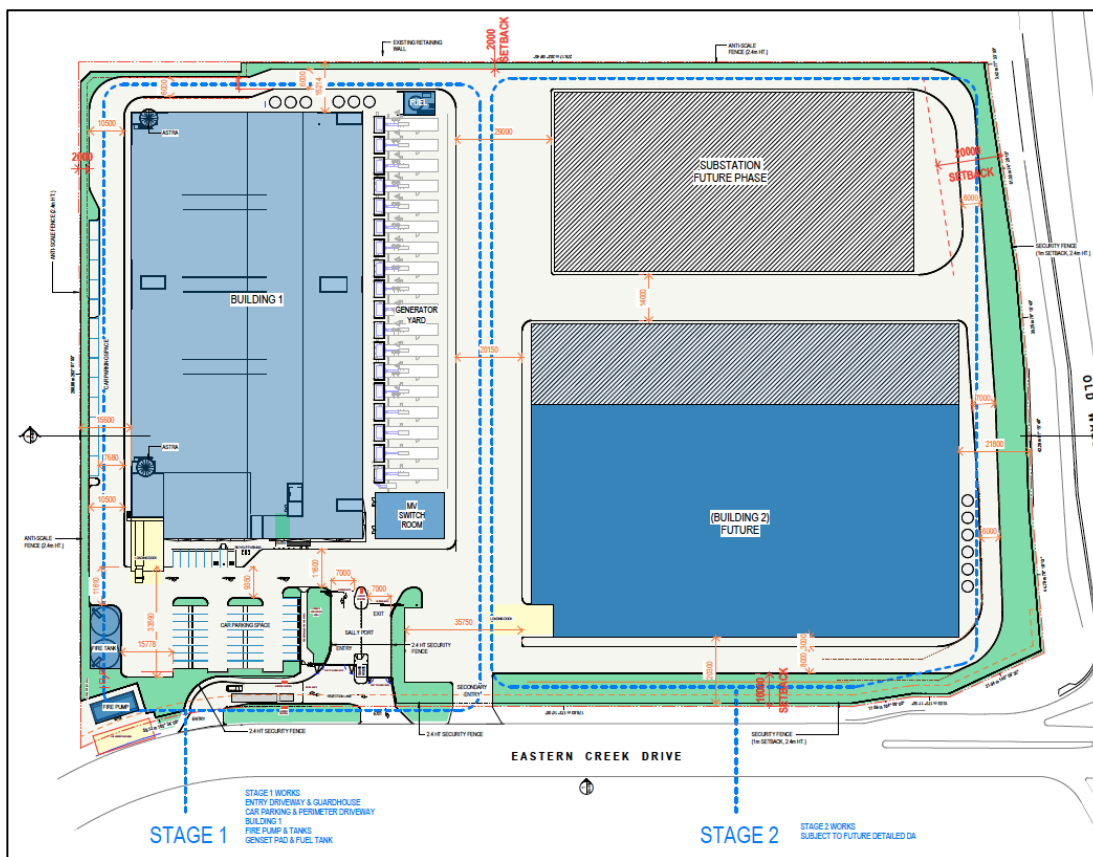


Figure 6: Project Staging Plan (Source: Metier3)

3.2 Detailed Design Approval

Detailed design approval of Stage 1 of the proposed industrial development including the following:

- Base build construction of a 2 storey industrial building comprising:
 - 6,711sqm of data hall area;

- 3,011sqm of ancillary office space; and
- 8,595sqm of mechanical plant room space;
- Vehicular crossover to Eastern Creek Drive servicing the broader site;
- Secure onsite car parking and loading facilities comprising 60 spaces (including 2 accessible spaces);
- 5,142sqm of landscaping.

3.3 Concept Approval

Concept approval of Stage 2 of the proposed industrial building including the following:

- Stage 2 building envelope approval for a proposed warehouse ancillary office space and landscaping.
- Substation footprint approval.

As stated above, a detailed DA will be required to be submitted in the future to enable those works seeking concept approval only.

3.4 Stage 1 Detailed Design

Scale and Built Form

The proposal ultimately includes two industrial buildings and an associated substation. The development provides for a compatible built form with surrounding industrial uses.

The incorporation of a concentrated area of high-quality landscaping in the front setback and a contemporary façade provides for a development outcome which will ensure that the bulk and scale of the development is appropriate locality.

The angular panels that form the front façade serve to provide an appropriate level of articulation, sparking interest and creating a unique industrial façade.

The Figure provided below provide a visual perspective of the proposal as viewed from Eastern Creek Drive and demonstrate the enhancement of the streetscape which will result from the development.



Figure 7: Proposed development as viewed from Eastern Creek Drive (Source: Metier3)

Landscaping

5,142sqm of landscaping will be provided across the site.

All setbacks will be landscaped by a mixture of local and exotic species, serving to soften the bulk and scale of the development and contribute to the character of the locality.

The carpark will also be appropriately landscaped to reduce visual impact and provide for amenity.

Landscape plans have been prepared by Arcadia Landscape Architects and are provided as **Appendix 3**.

Parking

The development proposes a total of 60 car parking spaces inclusive of two DDA compliant spaces.

The spaces will be provided in an at-grade carpark located adjacent to the northern entry of the site off Eastern Creek Drive and additional bays located along the northern boundary.

Car parking provided at the site will cater for anticipated traffic generation and as detailed within the Traffic Impact Assessment as provided as **Appendix 9**.

It is noted that the proposed car parking does not meet the required numbers as stipulated in the Precinct Plan. The Traffic Report concludes however that a reduced provision of car parking rates is adequate given the nature of the proposed development. It should be noted that the proposed carparking will cater for the expected traffic demand from all future stages. This is further discussed in the report and **Section 5.3** of this SEE.

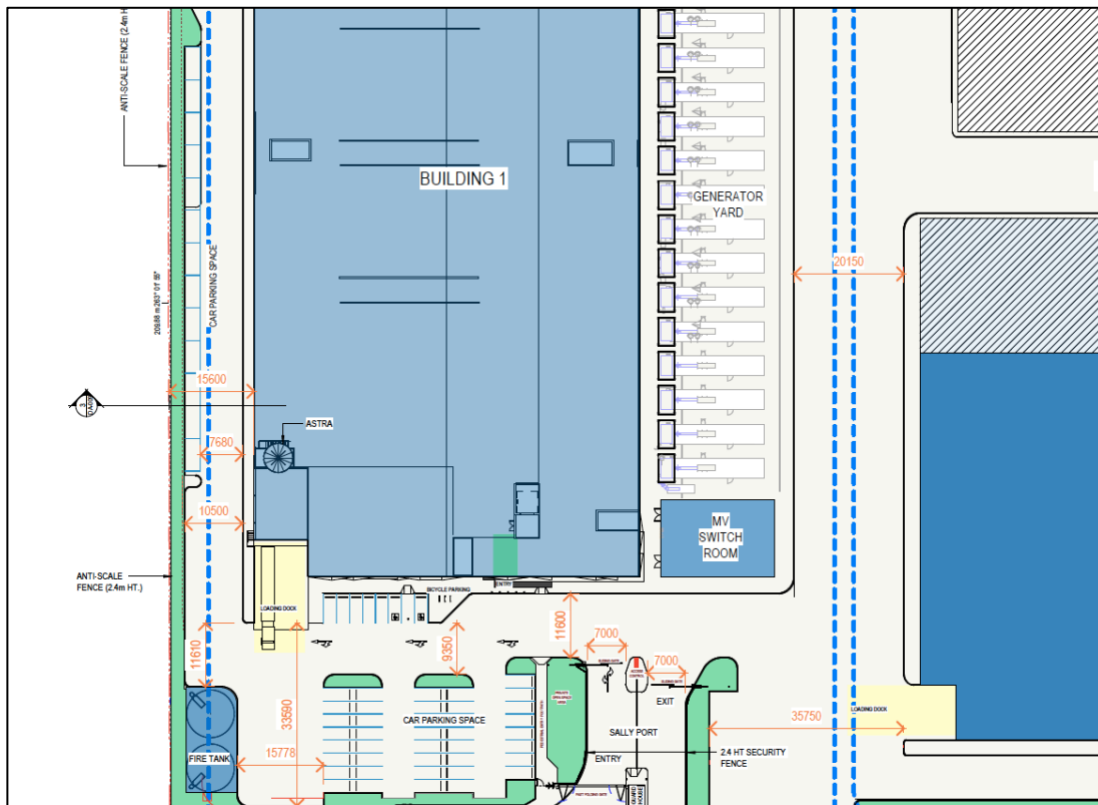


Figure 8: Site plan demonstrating proposed car parking (Source: Metier3)

Access

Two access points along Eastern Creek Drive are proposed. The sites primary access point to the north will be used by both light and heavy delivery vehicles.

The secondary access point is provided to the south, primarily to be used for construction access and the phased fit out of Building 1 and future construction of Building 2 and the Substation.

The figure below demonstrates access arrangements proposed to the site as well as vehicular facilitation facilitated by the layout.

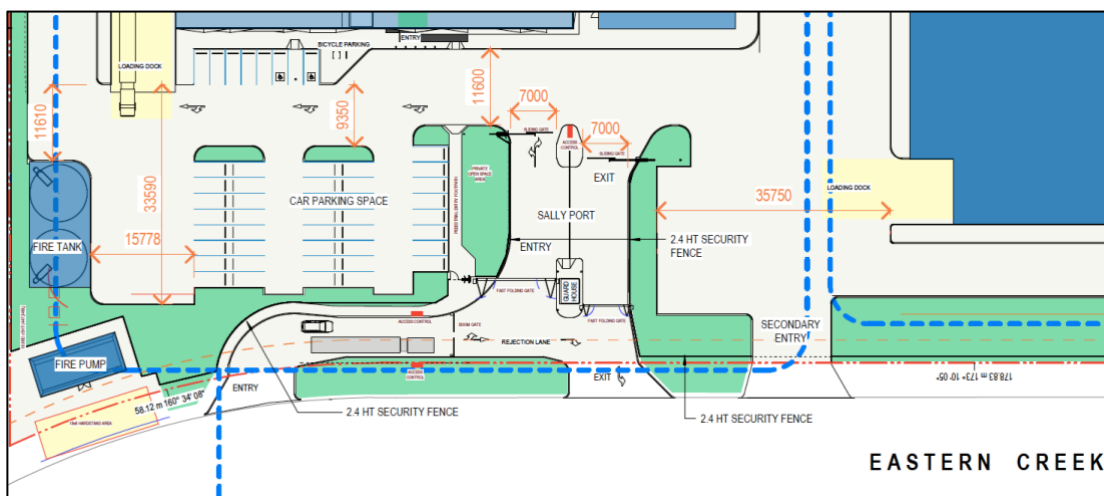


Figure 9: Proposed Site Access (Metier3)

Waste Management

As detailed within the Waste Management Plan (**Appendix 17**), private contractors will be engaged to collect the garbage and recycling from the site to an agreed schedule.

Materials

The main part of the building is proposed to be painted precast concrete panels. Glazing infill panels, metal frames, painted concrete renders and metal screens have also been adopted to improve the quality and diversify the materials of the building. Refer to **Appendix 2** for detailed description of the proposed materials.

Hours of Operation

The development will be operational 24 hours a day seven days a week. Office staff will work 9:00am to 5pm, whilst operational staff will rotate across two shifts, with changeovers at 6am and 6pm.

4 Planning Assessment

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA) and should be read in conjunction with information annexed to this report as outlined in the Table of Content.

4.1 State Environmental Planning Policy (Western Sydney Employment Area) (WSEA) 2009

The subject site is identified within the Eastern Creek Precinct (Precinct 2) of the Western Sydney Employment area under SEPP (WSEA). The SEPP is therefore the primary Environmental Planning Instrument (EPI) applicable to the site and prevails over any other EPI where any inconsistency occurs. The applicable SEPP controls have been assessed and provided in detail below.

4.1.1 Zoning

The site is zoned IN1 General Industrial and which permits warehouse and distribution centres with consent of which similar facilities that store data are commonly considered. Permissibility of the development and consistency with the zoning objectives is further addressed in the Compliance Table in **Appendix 4: Civil Plans**;

Appendix 5 of the SEE.

4.1.2 Height of buildings

The site is not subject to a height of buildings control.

4.1.3 Floor Space Ratio

The site is not subject to a floor space ratio control.

4.2 State Environmental Planning Policy No. 55 – Remediation of Land

The aim of SEPP 55 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with Section 7 of SEPP 55, a consent authority must not consent to the carrying out of development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In order to assess the suitability of the land for the purposes of the proposed development a preliminary site investigation (PSI) has been undertaken and provided in **Appendix 12** of the SEE. The PSI and previous reports and investigations undertaken under DA-18-00938 confirm that the site is suitable for industrial/commercial use.

4.3 State Environmental Planning Policy (Infrastructure) 2007

The proposed development is considered traffic generating development in accordance with Schedule 3 of SEPP (Infrastructure) 2007. Consequently, the DA is required to be referred to RMS during the assessment process to provide comment in relation to the potential impacts on traffic and the road network.

4.4 State Environmental Planning Policy (State and Regional Development) 2011

Subject to Schedule 7 of the SEPP SRD, the development will be classified as Regional Development as it has a Capital investment Value (CIV) of over \$30 million. It is understood that Blacktown Council will be responsible for the assessment of the DA whilst the Sydney Central City Planning Panel will determine the application.

4.5 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

In order to determine whether the proposed development is a Potentially Hazardous development, a risk screening method applying SEPP 33 Hazardous and Offensive Development Application Guidelines was applied to the proposed development. The risk screen process undertaken determined there are no dangerous goods on the site that are above the threshold values as described in SEPP 33. The proposed development is therefore not a 'Potentially Hazardous Industry' as described by SEPP 33 and does not require a Preliminary Hazard Analysis to be conducted.

Full details of the preliminary risk screening analysis undertaken in accordance with SEPP 33 is in **Appendix 13** of the SEE.

4.6 Sydney Regional Environmental Plan No. 20 -Hawkesbury-Nepean River (No. 2-1997)

Clause 4 of SREP 20 states that a consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls under BLEP 2015.

As demonstrated in **Section 4.7** below, the development generally complies with the development standards and controls established within the Eastern Creek Precinct Plan. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

4.7 Employment Lands Precinct Plan – Eastern Creek Precinct Plan

The Employment Lands Precinct Plan – Eastern Creek Precinct (Precinct Plan) is the primary development control plan that applies to the site and provides controls that relate to the proposal and development within Eastern Creek Employment area.

An assessment of the proposal demonstrates that the proposal is generally compliant with relevant controls of the Precinct Plan and wholly consistent with the relevant

objectives specific to land zoned IN1 General Industrial within the Eastern Creek Precinct.

Where non-compliance with the Plan's controls are proposed, it is considered that Council should act reasonably and allow for flexibility in their application as it is clearly demonstrated that the objectives of these controls will continue to be achieved.

A detailed Precinct Plan compliance table has been provided in **Appendix 6** of the SEE. Furthermore, the primary sections of the Plan are addressed below.

4.7.1 Built form

The proposal ultimately includes two industrial buildings and an associated substation. The development provides for a compatible built form with surrounding industrial uses.

The incorporation of a concentrated area of high-quality landscaping in the front setback and a contemporary façade provides for a development outcome which will ensure that the bulk and scale of the development is appropriate for the locality.

The angular panels that form the front façade serve to provide an appropriate level of articulation, sparking interest and creating a unique industrial façade.

The proposal therefore represents an appropriately designed scheme that meets the objectives of the Precinct Plan and delivers a compatible building design with the surrounding area.

4.7.2 Setbacks

Setbacks have been provided in accordance with the Precinct Plan.

This includes a 10m setback to Eastern Creek Drive, a 20m setback to Old Wallgrove Road and 2m setbacks to the rear and side boundaries.

All setbacks will be landscaped in accordance with the landscape plans provided as **Appendix 3**.

4.7.3 Parking

The development proposes a total of 60 car parking spaces inclusive of two DDA compliant spaces.

The spaces will be provided in an at-grade carpark located adjacent to the northern entry of the site off Eastern Creek Drive.

Car parking provided at the site is expected to cater for anticipated traffic generation and as detailed within the Traffic Impact Assessment as provided as **Appendix 9**.

It is noted that the proposed car parking does not meet the required rates set out within the Precinct Plan.

The report has conducted an Empirical Assessment of car parking requirements, which determines, based on operational staff numbers and low visitor demands, that the proposed 60 spaces are adequate for the development.

Furthermore, the report notes that the calculation of car parking space based on GFA is inaccurate as large amounts of the proposed floor space are allocated to non-traffic generating uses such as storage and plant.

The Traffic Report concludes that a reduced provision of car parking rates is adequate given the nature of the proposed development.

4.7.4 Landscaping

5,142sqm of soft landscaping will be provided across the site, as demonstrated within the Landscape Plans provided as **Appendix 3**. The proposed landscaping will screen the development from the street, improve the amenity of the streetscape and create a pleasant environment.

Local native species will be incorporated into the design.

Additionally, an appropriate irrigation system will be installed within the landscaped zones.

Landscaping will be provided within the car parking area to provide for shade and greater visual amenity.

As confirmed in the Stormwater Management Report (**Appendix 15**), rainwater harvesting will satisfy 100% of greywater needs, including landscaping.

5 Environmental Assessment

5.1 Context and setting

The proposed industrial development is consistent with the present and envisioned development of land within the WSEA. The proposal will enable the efficient and sustainable use of designated employment lands for employment-generating development and therefore, through the preservation of industrial lands and the provision of significant employment, the proposal will benefit the local and regional economy and populations.

The proposed development will prove compatible with surrounding industrial land uses including and is not considered to result in adverse environmental impacts. Furthermore, the site is not located in proximity of any residential development or other sensitive land uses.

The proposed site layout and building design will ensure the functional operation of the facility in accordance with the needs of the end user, whilst not impacting on any other operations.

The proposal will not exhibit any significant environmental impacts and will not adversely impact on the amenity or operations of any adjoining sites. Therefore, the proposal is considered compatible with the site context.

5.2 Bulk and scale

The proposal ultimately includes two industrial buildings and an associated substation. The development provides for a compatible built form with surrounding industrial uses.

The incorporation of a concentrated area of high-quality landscaping in the front setback and a contemporary façade provides for a development outcome which will ensure that the bulk and scale of the development is appropriate locality.

The angular panels that form the front façade serve to provide an appropriate level of articulation, sparking interest and creating a unique industrial façade.

The scale and character of the proposed development is therefore considered to be consistent with surrounding development, presenting, and functioning, as a large scale but appropriately presented industrial development.

5.3 Traffic, transport and parking

A Traffic Impact Assessment has been prepared by Aurecon and is provided as **Appendix 9**.

Traffic

It is anticipated that the development will generate a total of 122 vehicle movements per day from each building, adding up to a total of 244 vehicle movements for the whole site.

The development will generate 24 trips within the AM peak and 31 trips within the PM peak.

The Traffic Impact Assessment concludes that given the location of the proposal within business park land and roads designed appropriately so, the low peak and daily generations of the development are not anticipated to have a material impact on the surrounding road network.

Car Parking

The development proposes a total of 60 car parking spaces inclusive of two DDA compliant spaces.

Car parking provided at the site however is expected to cater for anticipated traffic generation and as detailed within the Traffic Impact Assessment.

The report has conducted an Empirical Assessment of car parking requirements, which determines, based on operational staff numbers and low visitor demands, that the proposed 60 spaces are adequate for the development. Furthermore, the report notes that the calculation of car parking space based on GFA is inaccurate as large amounts of the proposed floor space are allocated to non-traffic generating uses such as storage and plant.

The Traffic Report concludes that a reduced provision of car parking rates is adequate given the nature of the proposed development.

5.4 Geotechnical

A Geotechnical Report has been prepared for the site by Arup based on desktop review and site investigation. The report is provided in **Appendix 11**. The Report has been prepared in a manner suitable for DA stage and summarises the findings of the site investigation as well as providing an interpretation of the sub-surface soil and rock properties of the site. A further detailed geotechnical report will be required for the detailed design stage of the proposed industrial development as geotechnical works were completed prior to the undertaking of the bulk earthworks.

5.5 Contamination

A Preliminary Site Investigation has been prepared in relation to the proposed development by Aurecon and is provided as **Appendix 12**.

The report provides an assessment of contamination related liabilities on the site based on data reviewed in the context of the proposed development and to provide recommendations for any further assessment required.

The assessment has been made upon the results of a desktop review and a site investigation. Aurecon conclude that the site represents a **low risk** with regards to potential contamination.

The report concludes that the site is considered suitable for future industrial land uses.

5.6 Hazardous Industry

Full details of the preliminary risk screening analysis undertaken in accordance with SEPP 33 is in **Appendix 13** of the SEE. The analysis confirms that based on the type and amount of fuel storage/materials to be located at the site that the proposed development does not constitute hazardous industry.

5.7 Building Code of Australia (BCA)

A Building Code of Australia (BCA) capability statement has been provided in relation to the proposed development by MBC and is provided **Appendix 7**. The purpose of the assessment is to provide surety to the Consent Authority, Blacktown Council, that the buildings design is capable of complying with the BCA and that subsequent compliance with the provisions of Parts C, D E, F & J of the BCA will not give rise to further modifications to the building that may necessitate additional design changes

The capability statement confirms that compliance with the Deemed-to-Satisfy Provisions and Performance Requirements of the BCA are achievable at the site.

5.8 Accessibility

An assessment has been undertaken in relation to accessibility requirements by Code Consulting Group and is provided in **Appendix 8** of the SEE. The assessment confirms that subject to the recommended measures being appropriately considered, compliance with the Deemed-to-Satisfy Provisions and Performance Requirements of the BCA are readily achievable.

5.9 Aboriginal Heritage

Aboriginal Heritage was assessed under DA-18-00938 for site establishment works. Given this DA seeks to use the site based on old approval, there is no requirement for further investigation.

5.10 European Heritage

The site is not identified being located within a Heritage Conservation Area or containing a heritage item.

As identified in the Pre-DA meeting however, the site is located approx. 300m to the north west local heritage item #1123 ("Southridge"), located at 1 Southridge Street, Eastern Creek.

The proposed development will not be visible from the heritage item and is physically separated by multiple industrial developments and the Old Wallgrove Road corridor.

As such, no further investigations have been undertaken.

5.11 Noise Impacts

An Acoustic Assessment has been undertaken by Aurecon and is provided as **Appendix 10**. The purpose of the assessment is to determine whether the potential environmental noise impacts associated with the operational phase of the development complies with the relevant local authority requirements.

The report identifies the three potentially noise-sensitive receivers:

- Residential Receiver 1 (RR1) – Private residential property located at 146 Burley Road, Horsley Park, approx. 1.6km to the south.
- Residential Receiver 2 (RR2) – Residential properties located along Farrington Street, Minchinbury, on the northern side of M4 Western Motorway (west of M7 Interchange), approx. 1.7km to the north.

- Commercial Receiver – Ricoh Sydney Distribution Centre offices, located along the eastern façade of the warehouse development at 1 Eastern Creek Drive, Eastern Creek.

The report concludes, given the distance of the nearest residential receiver (1.6km), all future plant can be satisfactorily attenuated to ensure cumulative noise emissions comply with the project noise emission goals.

It should be noted that additional noise emission assessments are recommended given that proposed service design and the likely plant/equipment associated with the design are not provided at this early (Da) stage. Furthermore, an acoustic study is recommended during the detailed design or CC stage when loading dock use and operations are confirmed.

5.12 Crime Prevention through Environmental Design

A CPTED Report has been prepared by Mecone and is included at **Appendix 16**. The assessment has been prepared in accordance with the CPTED framework and the Australian and New Zealand Risk Management Standard AS/NZS 31000:2009.

The assessment determines that the existing and post development site is rated within the 'low' risk category. The assessment has reviewed the Architectural Plans and Landscape Plans at **Appendix 2** and **Appendix 3** and confirms that the internal and external design is appropriate and is unlikely to give rise of anti-social behavior or occurrences of crime. It confirms that site is capable of achieving a high degree of compliance with the CPTED principles subject to the adoption of the recommendations set out in Section 5.9 of the report. It is noted that most of these recommendations relate to measures that would typically be adopted at the occupation phase.

5.13 Stormwater Management

A Stormwater Management Plan has been prepared by Aurecon in relation to the proposal and is provide as **Appendix 15**. The report provides a strategic overview of the management of stormwater within the development site, as well as providing a framework to address a range of environment protection and water quality issues in a coordinated, integrated and prioritised manner.

The report also contains a Rainwater Harvesting Report, which concludes that 100% of the total annual rainwater reuse demand will be satisfied by the proposed 20kl tank.

5.14 Waste Management

A Waste Management Plan (WMP) has been provided with the DA as **Appendix 17**. The WMP details expected waste production amounts throughout the construction and operational phases of the development, as well as stipulating where and how waste will be disposed of.

5.15 Sustainability

A Sustainability Report has been prepared by Aurecon in relation to the proposed development and is attached as **Appendix 14**. The report provides an overview of key

sustainability initiatives proposed as part of the development as well as addressing relevant Section J controls.

5.16 Site Suitability

The proposed development is considered suitable for the site given it provides a permissible use within the IN1 industrial zone and meets the objectives of the zone. The proposed development is considered suitable as the development is designed to minimise adverse impacts on surrounding land uses and will provide a desirable use within the area.

5.17 Public Interest

The proposed development is in the public interest because it would provide for a high-quality warehouse which is consistent with the character of the area and applicable development standards and controls related to the site and development type.

6 Section 4.15 Compliance

The table below provides a summary assessment of the development application against all provisions under Section 4.15 of the Act.

Table 6 – Section 4.15 Summary Assessment

Clause No.	Clause	Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	The development application has been assessed against the relevant provisions the SEPP (WSEA) 2009. Other applicable instruments including The proposal is consistent with the relevant Environmental Planning Instruments including SEPP 55, SEPP (Infrastructure) 2007, SEPP(State and Regional Development) (SRD) 2011, SEPP 33 and SREP 20 have been considered as part of this application.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable, there are no draft environmental planning instruments of relevance for the subject application.
(iii)	Any development control plan, and	The proposal has been assessed against the relevant provisions of the Eastern Creek Precinct Plan.
(iiia)	Any planning agreement that has been entered into under Section 93F, or any draft planning agreement	No planning agreement has been offered.

Table 6 – Section 4.15 Summary Assessment

Clause No.	Clause	Assessment
	that a developer has offered to enter into under Section 93F, and	
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	There are no prescribed matters in the Environmental Planning and Assessment Regulation 2000 that apply to this DA.
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	The site does not require any coastal zone management plan.
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely environmental, social and economic impacts of the development have been discussed throughout this SEE and have been shown to be acceptable.
(c)	The suitability of the site for the development,	The site is considered suitable for the proposed development. The development provides a service that meets the needs of the surrounding locality.
(d)	Any submissions made in accordance with this Act or the regulations,	Any submissions made as part of the notification process will be considered.
(e)	The public interest.	<p>The proposal is considered to be in the public interest as:</p> <ul style="list-style-type: none"> • Provide a high-quality development consistent with the character of the industrial area; • Provide high technology industry jobs; • Complies with applicable EPI's; and • Potential environmental impacts have been shown to

Table 6 – Section 4.15 Summary Assessment

Clause No.	Clause	Assessment
		be acceptable and will be appropriately mitigated.

Conclusion

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Aurecon Australasia Pty Ltd (Aurecon) in support of a Concept and Stage 1 Detailed Design Development Application for an industrial development located at 10 Eastern Creek Drive, Eastern Creek.

This SEE describes the proposed development of the site and surrounding area in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the SEE provides an assessment of the relevant heads of consideration pursuant to Section 4.15 of the EP&A Act.

The proposal provides a permissible development within the IN1 General Industrial zone under the SEPP (WSEA) 2009. It is considered consistent with the zoning objectives of this zone as it provides a wide range of industrial and warehouse land uses needs, as well as providing for high technology industrial land uses and encourage employment opportunities along the M4/M7 corridor. The proposal complies with relevant principal development standards outlined in the SEPP (WSEA) 2009.

The proposal generally meets the provisions of the Eastern Creek Precinct Plan. The development complies with relevant setbacks and built form is considered suitable for the site. The proposed development will deliver a high-quality industrial development that promotes economic growth and employment within Western Sydney.

Given the above planning and environmental assessment, the proposed DA for an industrial development at 10 Eastern Creek Drive, Eastern Creek has planning and environmental merit. Accordingly, the proposed development is considered to be consistent with Clause 4.15 of the EP&A Act as:

- The proposal is consistent with the relevant Environmental Planning Instruments including SEPP 55, SEPP (WSEA) 2009, SEPP (Infrastructure) 2007, SEPP (State and Regional Development) (SRD) 2011, SEPP 33 and SREP 20;
- The proposal is generally consistent with the Eastern Creek Precinct Plan;
- The proposal does not have any significant environmental impacts; and
- The site is considered suitable for the site and is in the public interest.

Therefore, we request that Council recommend that the proposed development be granted development approval.



Suite 1204B, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000

info@mecone.com.au

mecone.com.au

Appendix C – Notice of Determination of a Development Application (SPP-19- 00013)

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 4.18)

Bieson Pty Ltd C/- Mecone
Mason Stankovic
Level 12
179 Elizabeth Street
SYDNEY NSW 2000

Determination Number:
SPP-19-00013

Property Description: Lot 4001 DP 1243178 H/N 10 Eastern Creek Drive EASTERN CREEK

Development: Stage 1 detailed design and Stage 2 concept approval of new data centre

Determination: *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF A DEFERRED COMMENCEMENT CONSENT SUBJECT TO CONDITIONS ATTACHED ON THE FOLLOWING PAGES

BY SYDNEY CENTRAL CITY PLANNING PANEL

Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

Date 07 May 2020

PART 1 – ‘Deferred Commencement’ conditions under Section 80(3) of the Environmental Planning and Assessment Act 1979.

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 (36m²) is incorrectly labelled as 1 when it should be 2 as per Dwg. No. 3021.
 - b. Move the filter chamber (36m²) 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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council’s codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson
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Per 
Blacktown City Council
7 May 2020

- c. There appears to be a fundamental problem in the sizing of the filter chambers. Filter chamber 2 (36m²) which is nominated as about half the size of filter chamber 1 (60m²), 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 (1.056m³/s) to D01/A21 (0.374m³/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

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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 26.4m² whereas Dwg. Plan 3000 states 36m². Ensure this is consistent with the amended MUSIC model (to be submitted);
- g. Similarly filter chamber 2 measures 37.2m² whereas Dwg. 3000 states 60m². 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 m³/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

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- 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 Qcritical. 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 m² 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

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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 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.

PART 2 – General conditions

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

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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

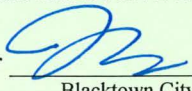
regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

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

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and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 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 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

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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

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DRAWING REFERENCE	DATE
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 Drawing No. DA-007 Rev -	29.10.2019
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 [REDACTED] Drawing No. [REDACTED] – MET-10-XX-DR-A-0020 Rev D	11.02.2020
General Site Plan Project Data Project SYD 055 Drawing No. [REDACTED] – 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	21.02.20

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DRAWING REFERENCE	DATE
Project SYD 055 Drawing No. L-200 Rev - 1	
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 Drawing No. L-205 Rev - 1	21.02.20
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	21.02.20

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DRAWING REFERENCE	DATE
Drawing No. L-501 Rev - 1	

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

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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.

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 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

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- 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)

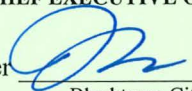
5.1 Aesthetics/Landscaping

- 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

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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.

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- 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

These conditions are imposed for the following reasons:

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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	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.

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- 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. [REDACTED] (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

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site including all toilet/urinal flushing & wash down and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

- (i) a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank);
- (ii) a pump with isolation valves,
- (iii) control panel and a warning light to indicate pump failure
- (iv) a solenoid controlled mains water bypass;
- (v) flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage and % reuse;
- (vi) a timer and control box for landscape watering, allowing for seasonal variations;
- (vii) ensuring all the rainwater reuse pipes and taps are coloured purple;
- (viii) an inline filter and preferably an automatic backwash inline filter.
- (ix) Providing wash down tap external to the four walls at maximum 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.

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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;
- o NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*" (2011)
 - o NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
 - o NSW Environment Protection Authority's "*Contaminated Sites: Guidelines for NSW Site Auditor Scheme*" (2006)

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- 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,

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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

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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, 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

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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

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CHIEF EXECUTIVE OFFICER

Per 

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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.

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- 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

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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

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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

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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.

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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*

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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.

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- 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.

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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, 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

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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.

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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).

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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.

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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 300m³ rainwater tank for stage 1 has been provided collecting roof water from a minimum 4000m² 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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per



Blacktown City Council
7 May 2020

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

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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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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 . 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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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7 May 2020

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.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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7 May 2020

- 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

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Blacktown City Council
7 May 2020

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*.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

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7 May 2020

Appendix D – Modification to Notice of Determination (SPP-19-00013)

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File no: MOD-21-00447 to SPP-19-00013

30 December 2021

Mr Mason Stankovic
Mecone NSW Pty Ltd
12/179 Elizabeth Street,
SYDNEY NSW 2000

Dear Mr Stankovic ,

Properties: Lot: 4001 DP: 124317810 Eastern Creek Drive, EASTERN CREEK
Proposal: Modification to Notice of Determination No. SPP-19-00013 under
Section 4.55 of the Environmental Planning & Assessment Act 1979

Reference is made to the Section 4.55(2) application MOD-21-00447 lodged with us on 2 September 2021 requesting a modification to approved Notice of Determination No. SPP-19-00013 at the above property to include a microscale data centre building, augmentation of the development staging, reduction in the size of the footprint of the future substation building and an additional 4 car parking spaces.

Please be advised that consideration has been given to your modification application, and Council hereby agrees to modify Notice of Determination No. SPP-19-00013 to include this amended proposal in the following manner:

Condition 3.1.1 is deleted and replaced with the following condition: -

- 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 19021	
Cover Sheet Drawing No. ODA-000	18.8.2021
Site Analysis Plan Drawing No. DA-001 Rev 1	18.8.2021
Site Plan Drawing No. DA-002 Rev 6	18.08.2021
Ground Floor Plan Drawing No. DA-003 Rev -	29.10.2019
Level 1 Plan Drawing No. DA-004 Rev -	29.10.2019

Connect - Create - Celebrate

Council Chambers - 62 Flushcombe Road - Blacktown NSW 2148

Telephone: (02) 9839 6000 - DX 8117 Blacktown

Email: council@blacktown.nsw.gov.au - Website: www.blacktown.nsw.gov.au

All correspondence to: The Chief Executive Officer - PO Box 63 - Blacktown NSW 2148

Roof Plan Drawing No. DA-005 Rev -	29.10.2019
Elevations Drawing No. DA-006 Rev -	29.10.2019
Elevations Drawing No. DA-007 Rev -	29.10.2019
Sections Drawing No. DA-008 Rev -	29.10.2019
Site Elevations & Section Drawing No. DA-009 Rev 4	18.08.2021
Guard House & Entry Plan Drawing No. DA-010 Rev 2	24.08.2020
Shadow Diagrams Drawing No. DA-011 Rev 1	18.08.2021
Architectural Visualisation Drawing No. DA-012 Rev -	29.10.2019
Site Layout Plan Stage 1 Drawing No. – MET-10-XX-DR-A-0020 Rev F	01.09.2020
General Site Plan Project Data Drawing No. – MET-10-XX-DR-A-1000 Rev F	01.09.2020
Ground Level Drawing No. DA-110 Rev -	18.08.2021
Level 1 Drawing No. DA-111 Rev -	18.08.2021
Roof Level Drawing No. DA-112 Rev -	18.08.2021
North And South Elevation Drawing No. DA-210 Rev -	18.08.2021
West And East Elevation Drawing No. DA-211 Rev -	18.08.2021
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	21.02.20

Drawing No. L-201 Rev - 1	
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 Drawing No. L-205 Rev - 1	21.02.20
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

Condition 3.4 is added and read as follow:

- 3.4 The air emissions from the diesel generators shall not exceed the EPA air emission limits specified in the Protection of the Environment Operations Act 1997.

Condition 5.4.2 is deleted and replaced with the following condition:

- 5.4.2 A minimum total of 64 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 to the data centre at all times and designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Industrial Car Space: 2.6 m x 5.4 m

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

Condition 7.1.2 is deleted and replaced with the following condition:

- 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.	Revision	Dated
AURECON	DATA CENTER	G	26.08.2020
AURECON	PUGGLE	C	8.09.2021

Condition 7.6.4 is deleted and replaced with the following condition:

- 7.6.4 Engineering plans from aurecon, Job No. (G), dated 26.08.20 **and Job No. (C), dated 8.09.2021** are to be amended as follows:
- 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.

Condition 13.4 is added and read as follow: -

- 13.4 The recommendations provided in *Acoustic Assessment (Ref: 512365), prepared by Aurecon Australia Pty Ltd, dated 20 August 202, are to be implemented.*

Condition 16.5.2 is deleted and replaced with the following condition:

- 16.5.2 A minimum total of 64 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 to the data centre at all times and designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Industrial Car Space: 2.6 m x 5.4 m

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

Condition 19.2 is added and read as follow: -

- 19.2 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.

The above modification has been made under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979. In seeking this modification, Council is satisfied that the modified development is substantially the same as the development that was originally consented to and that no person shall be adversely affected by the modification.

Please note that all other conditions of SPP-19-00013 and Mod-20-00217, Mod-20-00389 and DA-20-001387 remain unaltered and therefore must still be complied with.

Right of Appeal:

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Right of Review:

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. The request must be

made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged within 28 days and determined within 12 months of the date of the determination.

Note: To enable the Section 8.2 review to be considered within the six (6) months' time frame prescribed by the *Environmental Planning and Assessment Act 1979*, you must lodge the application for review under Section 8.2 within 28 days to facilitate the statutory timeframes.

Section 8.2 does not apply to a determination of an application to modify a complying development certificate, a determination in respect of designated development, a determination made by the council under section 4.33 in respect of an application by the Crown, or a determination that is taken to have been made because the council has failed to determine an application.

Note: Sections 8.3, 8.4 and 8.5 apply to a review under this section.

If you would like to discuss this matter further, contact our Assistant Team Leader Planning Assessment, Luma Araith on 9839 6000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Portelli', with a stylized flourish at the end.

Judith Portelli
Manager Development Assessment

Appendix E – Modification Report (SPP-19-00013)

Level 5
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Modification Report

10 Eastern Creek Drive, Eastern Creek

ON BEHALF OF
AURECON AUSTRALASIA PTY LTD
August 2021

Project Director

Mason Stankovic

Date

23 August 2021

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Aurecon Australasia Pty Ltd (Aurecon) in support of an application to modify development approved originally under SPP-19-00013. The subject approval relates to a data centre development located at 10 Eastern Creek Drive, Eastern Creek.

The proposal seeks to make several amendments to the existing approval, with the most notable changes being the introduction of a microscale data centre building on the site in lieu of a substation building. Other changes include augmentation of the development staging plan, reduction in the size of the footprint of the future substation building and providing 4 additional car parks at the site.

The proposal seeks to modify the design of the data centre development in accordance with 4.55(2) of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), which allows a consent authority to modify a consent where it remains substantially the same as originally approved.

In accordance with 4.55(3), the SEE also includes an assessment of the proposed modification in terms of the matters for consideration under 4.15 of the EP&A Act 1979 and should be read in conjunction with the following appended information:

- Appendix 1 Architectural Drawings
- Appendix 2 Civil Drawings
- Appendix 3 Traffic Impact Assessment
- Appendix 4 Acoustic Report
- Appendix 5 BCA Report
- Appendix 6 Stormwater Management Plan

As addressed in the SEE, the proposal will result in a development outcome which is considered substantially the same as that originally approved under SP-19-00013. Furthermore, the development will continue to comply with relevant statutory requirements and not result in any adverse environmental impacts.

1.1 Planning Background

1.1.1 Previous Approvals

An overview of previous planning approvals relevant to the site is provided below:

- **DA-18-00196:** Consent was granted for the 'Torrens Title subdivision of 1 lot into 1 industrial lot and 1 residue lot' of Lot 532 DP 1236811 which created the subject lot.
- **DA-18-00938:** On 6 December 2018 consent was granted for 'Bulk earthworks entailing cut and fill across the site to facilitate suitable site levels for future built form (subject to future approval)'.
- **DA-18-01592:** On 20 June 2019 consent was granted for the construction of a warehouse and distribution facility comprising 33,250sqm of GFA, 266 vehicles and site landscaping. However, the development associated with this consent was never constructed.

1.1.2 Data Centre Approval under SP-19-00013

On 7 May 2020, development consent was granted under SPP-19-00013 for a staged data centre development at the site. The consent provides approval for the following:

- **Detailed approval (Stage 1)** for a 2 storey data centre, 60 car parking spaces and associated landscaping and site works; and
- **Concept approval (Stage 2)** for a further 2 storey data centre, private substation and associated landscaping and site works.

Subsequent modifications to the consent were approved in accordance with 4.55(1A) of the EP&A Act 1979 on 16 June 2020 and 7 September 2020, respectively. These modifications made minor changes to approved conditions of consent.

1.1.3 Subject 4.55(2) Modification Application

The subject modification application has been prepared following site investigations being undertaken which support a reduction in the size of the future substation building required at the site. In turn, this lead to the proposition of a microscale data centre being introduced within a revised stage 1 boundary.

Council was consulted in relation to the proposal on 13 July 2021, with Patch providing a preliminary set of concept architectural drawings and a letter which provided an overview of the proposal, the intended planning pathway to be pursued, and details of the application intended to be submitted.

Following receipt of the abovementioned information, Council wrote to Patch informing that the development was appropriate for assessment in accordance with 4.55(2) of the EP&A Act 1979 given the proposal represented a minor change within the context of what was originally approved.

The modification application was submitted to Council via the NSW Planning Portal on 23 August 2021.

2 The Site

2.1 Site Context and Description

The subject site is known as 10 Eastern Creek Drive, Eastern Creek and legally referred to as Lot 4001 DP1243178.

The site is within the Blacktown LGA on the corner of Eastern Creek Drive and Old Wallgrove Road and is approximately 5.69ha in size. It currently has approval under SP-19-00013 for a 2-stage data centre development (stage 1 detailed design and stage 2 concept), with stage 1 currently under construction.

The surrounding area is of an industrial nature and generally consists of various industrial uses, supplier warehouses, distribution centres and freight transport facilities. Additionally, there are substantial undeveloped parcels of land in the vicinity of the property to the north.

The site is zoned IN1 General industrial in accordance with *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP).

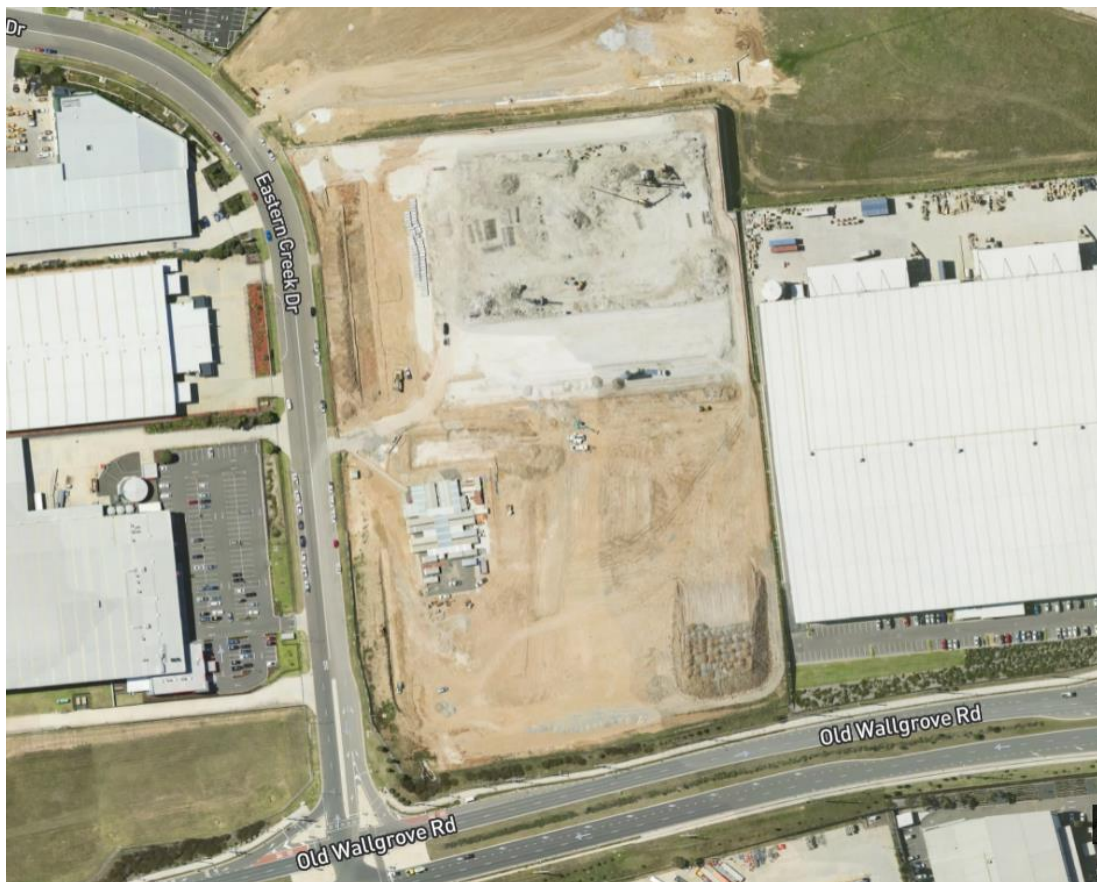


Figure 1 - Aerial of the site

3 Proposed Modification

The proposal seeks to make several changes to the existing consent, with the most notable being the introduction of a small micro scale data centre building on the site, replacing what was previously intended to be a substation building in the future.

Other changes include augmentation of the development staging plan, reducing the footprint of the future substation building, and introducing 4 new car parks to the site.

The figures below provide a comparison of development as approved and as proposed to be modified under the subject application.

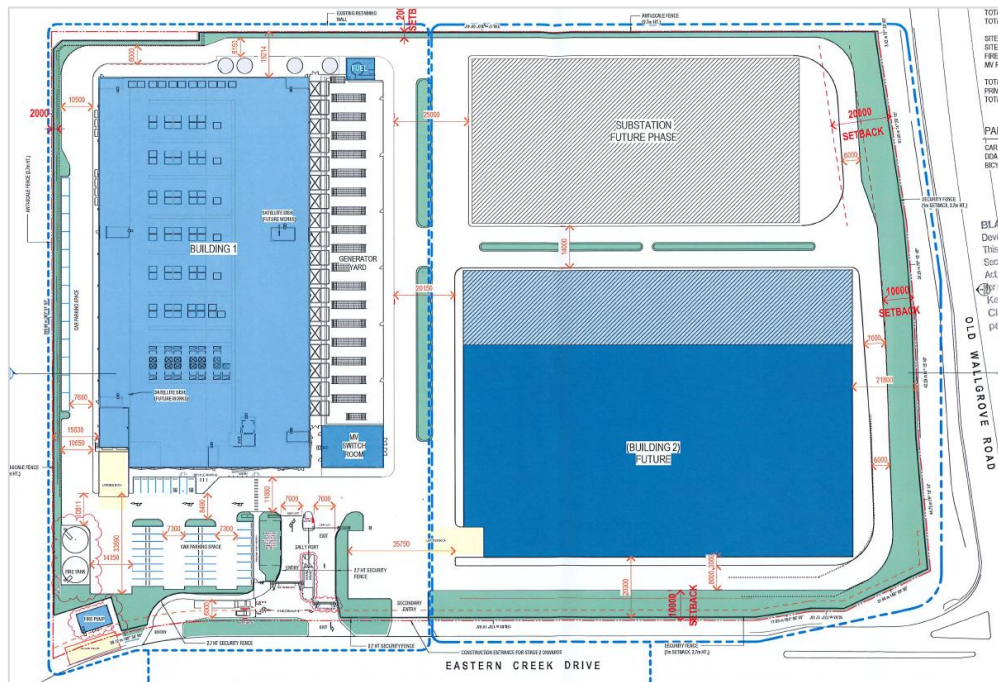


Figure 2 - Site plan as originally approved under SP-19-00013

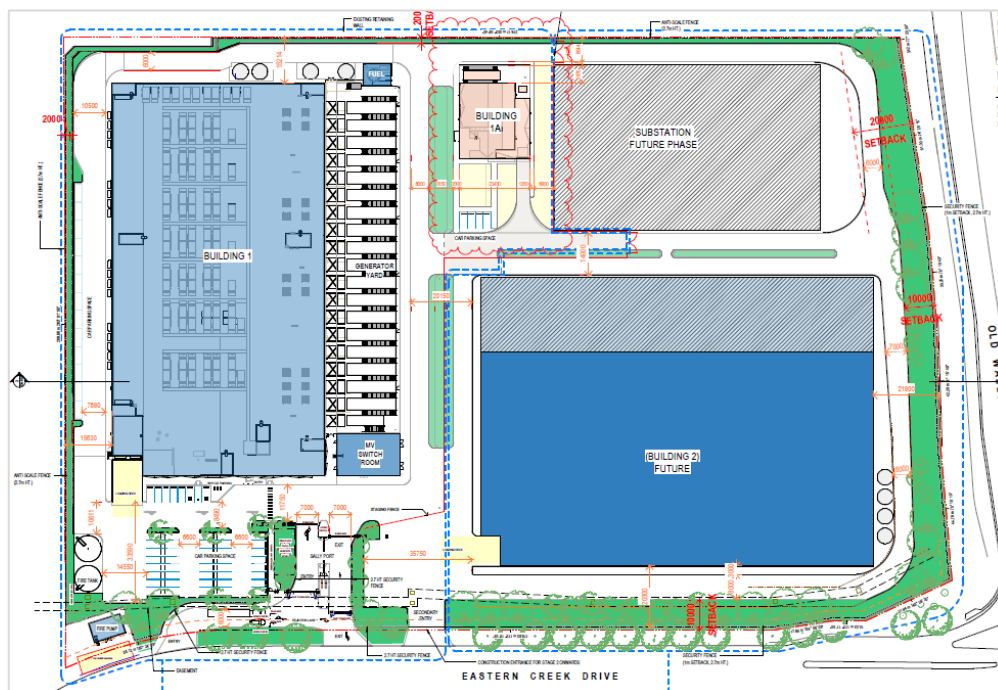


Figure 3 - Site plan as proposed to be modified by this application

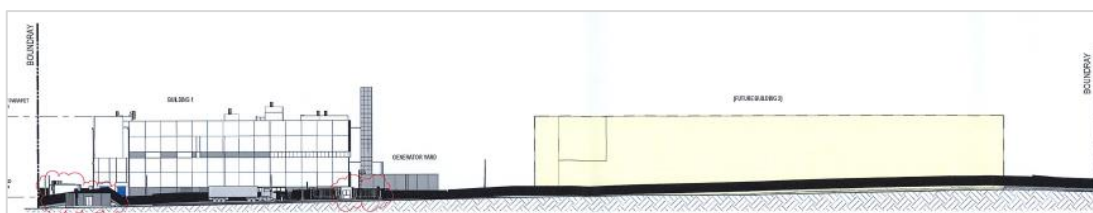


Figure 4 - Elevation as approved from Eastern Creek Drive under SP-19-00013

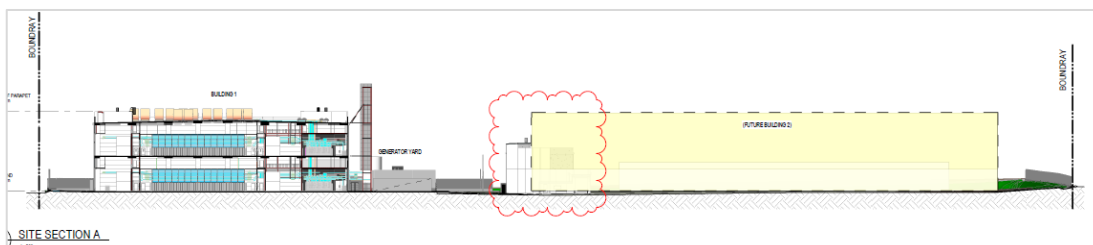


Figure 5 - Elevation as proposed to be modified from Eastern Creek Drive



Figure 6 - Elevation as approved from Old Wallgrove Drive under SP-19-00013

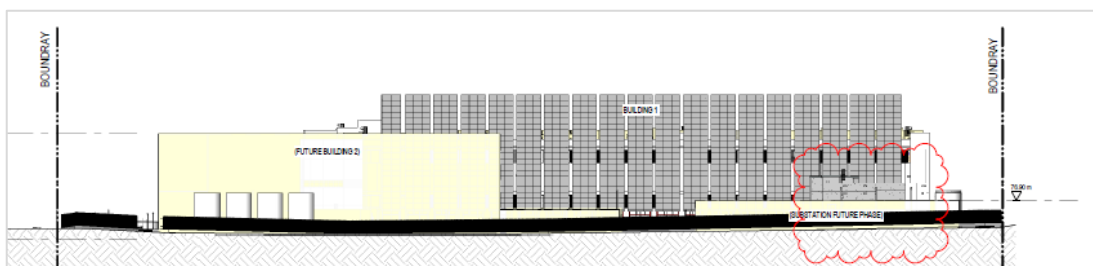


Figure 7 - Elevation as modified from Old Wallgrove Drive

Details of the proposal are summarised in the table below, whilst a description of the modified aspects of the proposal is provided in the subsections which follow.

Summary of the Proposed Development as modified		
Stage of Project	Component	Description
Stage 1 (Detailed Design Approval)	Building 1	<p>As approved, building 1 consists of a 2 storey data centre comprising:</p> <ul style="list-style-type: none"> • 6,711sqm of data warehouse space; • 3,011sqm of ancillary support space; and • 8,595sqm of plant space.

Summary of the Proposed Development as modified		
Stage of Project	Component	Description
		In addition, it includes supporting generator yard and other associated infrastructure.
	Building 1A	<p>Building 1A is proposed in an area previously nominated to be a substation building, and consists of a 2 storey microscale data centre comprising:</p> <ul style="list-style-type: none"> • 550sqm of data hall space; • 188sqm of ancillary support space; • 666sqm of plant space; and • 29sqm Loading dock area <p>In addition, it includes supporting generator yard and other associated infrastructure.</p>
	Access and car parking areas	Vehicular crossover to Eastern Creek Drive servicing the broader site and providing access to secure onsite car parking and loading facilities comprising 64 spaces (60 previously).
	Landscaping	Installation of landscaping identified within stage 1. A total of 5,462sqm of landscaping is provided overall.
Stage 2 (Concept Approval)	Building Envelope	<p>Concept approval for a stage 2 data centre comprising:</p> <ul style="list-style-type: none"> • 6,711sqm of data warehouse space; • 3,011sqm of ancillary support space; and • 8,595sqm of plant space.
	Substation	Concept approval for a substation building footprint.
	Landscaping	Installation of landscaping identified within stage 2. A total of 5,462sqm of landscaping is provided overall.

3.1 Proposed Design Changes

3.1.1 Building 1A and associated works

The proposal seeks approval for a microscale data centre within stage 1 of the development, which is referred to as Building 1A throughout this report and 'Puggle' in some of the appended documentation. Building 1A is proposed in an area which was previously nominated to be a private substation building undertaken as a part of stage 2.

Building 1A comprises a 2-storey microscale data centre with a maximum height of 12.56m and consists of the following:

- 550sqm of data warehouse space over two levels;
- 188sqm of ancillary support space;
- 666sqm of plant space; and
- Loading dock and waste storage areas.

A small generator yard and paved/gravel areas are located around the perimeter of the building. Furthermore, 4 additional car parks are also proposed to support the development, resulting in 64 in total at the site.

The figures below depict Building 1A as provided in the Architectural plans in Appendix 1.

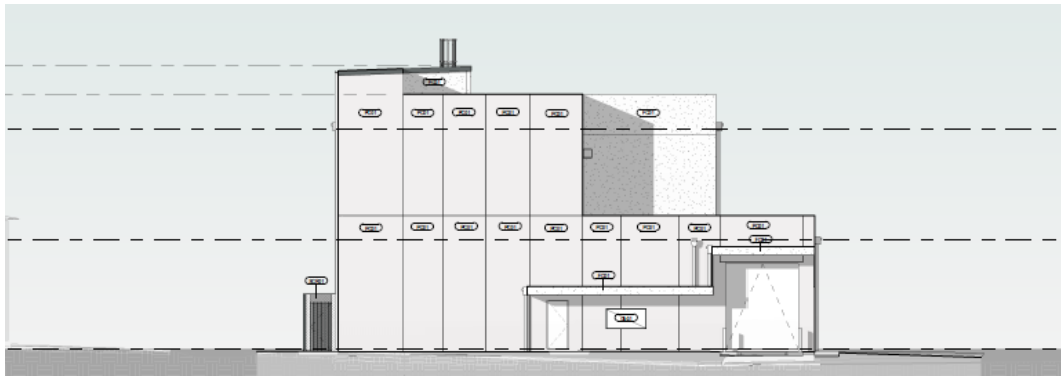


Figure 8 - Western elevation as provided in the architectural plans

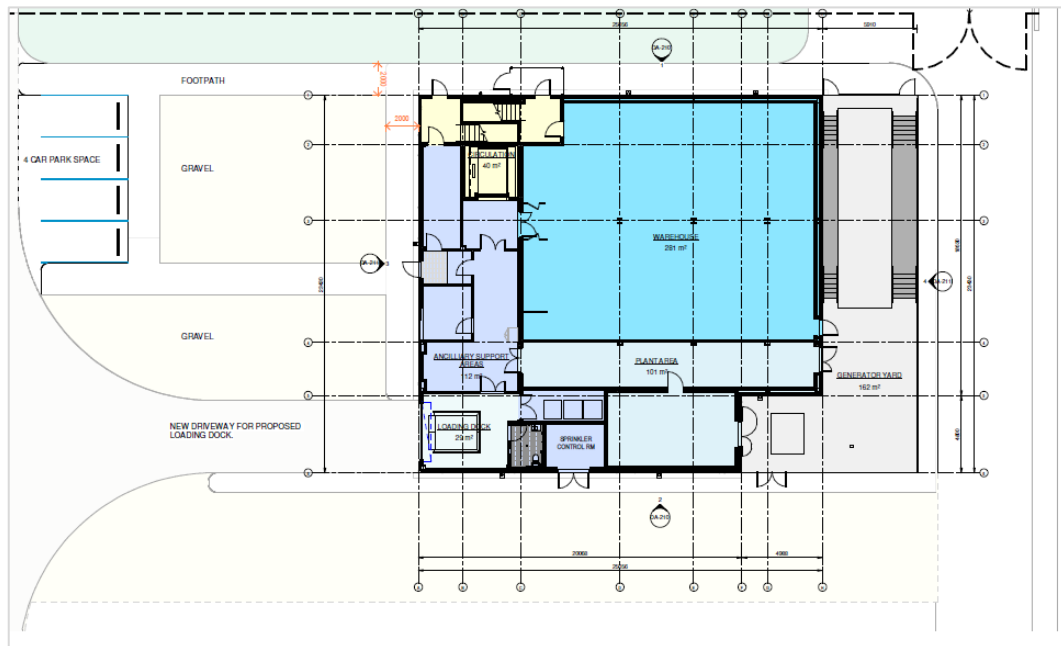


Figure 9 - Ground floor level plan

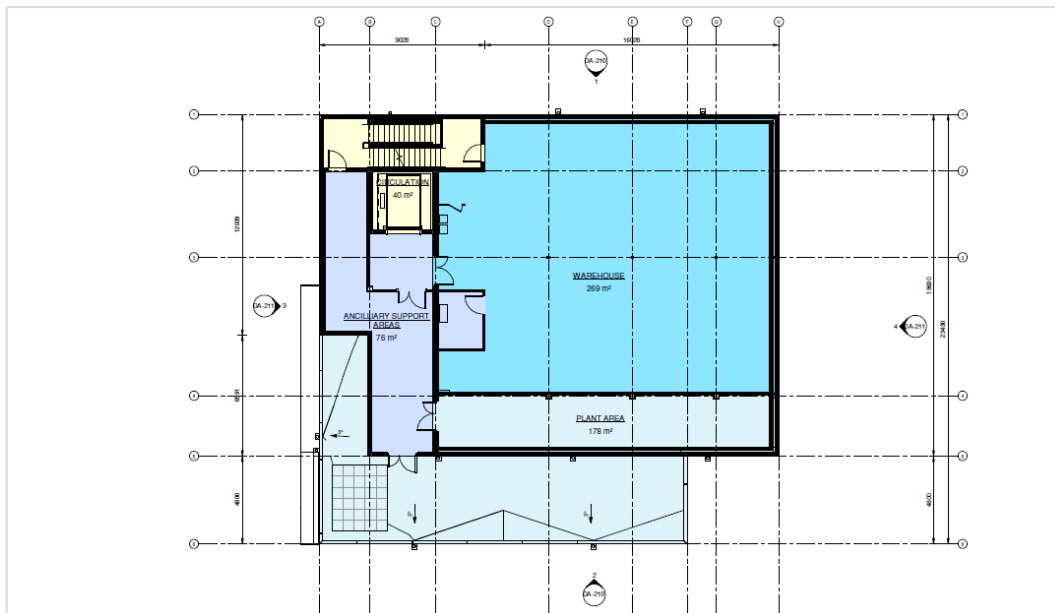


Figure 10 - Level 1 floor plan

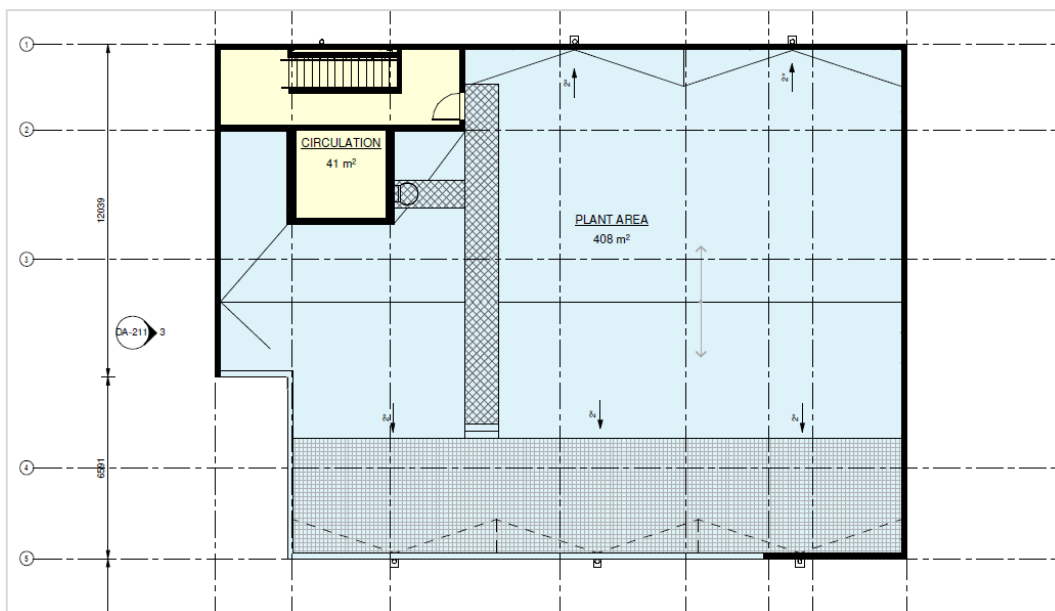


Figure 11 - Roof plan

3.1.2 Augmentation of Development Staging

The proposal seeks to amend the staging of development under the existing consent. This would involve a minor expansion of the stage 1 area to accommodate Building 1A and associated works.

The site plan (DA-002 Rev 6) provided in Appendix 1 of the SEE reflects the revised staging areas proposed. Furthermore, the figure below identifies the additional area proposed to be included within stage 1 of the development as provided in the civil engineering drawings in Appendix 2.

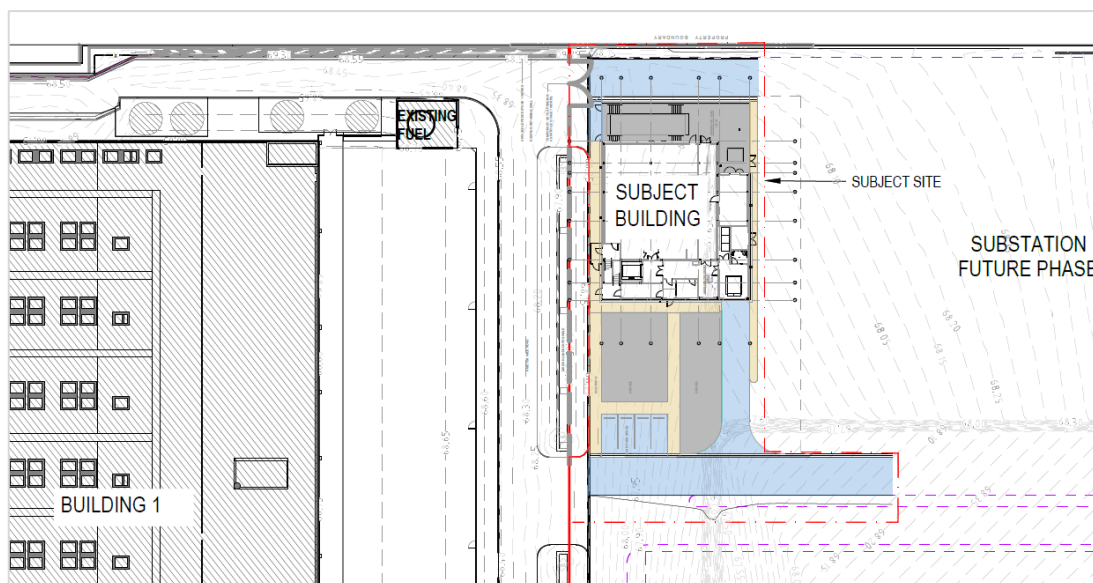


Figure 12 - Extract from the civil site location plan showing the additional area proposed to be included in stage 1.

3.2 Administrative Modifications

The proposed modification application will result in a requirement to amend condition 3.1.1 as follows:

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 Drawings set	
Site Analysis Plan Drawing No. DA-001 REV 1	18.08.21
Site Plan Drawing No. DA-002 REV 6	18.08.21
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-004 Rev -	29.10.2019
Elevations Drawing No. DA-006 Rev -	29.10.2019
Elevations Drawing No. DA-007 Rev -	29.10.2019
Sections Drawing No. DA-008 Rev -	29.10.2019
Site Elevations and Sections Drawing No. DA-009 REV 4	18.08.21
Guard House & Entry Plan	24.08.20

Drawing Reference	Date
Drawing No DA-010 Rev 2	
Shadow Diagrams Drawing No. DA-011 REV 1	18.08.21
Ground Level Drawing No. DA-110 REV -	18.08.21
Level 1 Drawing No. DA-110 REV -	18.08.21
Roof Level Drawing No. DA-112 REV -	18.08.21
North and South Elevation Drawing No. DA-210 Rev -	18.08.21
West and East Elevation Drawing No. DA-211 Rev -	18.08.21

No other administrative changes are proposed to be made under the modification application.

4 Planning Assessment

4.1 4.55(2) of the Environmental Planning & Assessment Act 1979

As was the opinion of Council communicated during consultation prior to lodgement, the proposal is suitable for assessment in accordance with 4.55(2) of the EP&A Act 1979 as it is considered 'substantially the same' development as originally approved.

The assessment that the works are 'substantially the same' is supported by the findings of Bignold J in *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999)*, which supports that development is suitable for consideration in accordance with 4.55(2) of the EP&A Act 1979, where a comparison with the original development identifies that it is 'essentially or materially' the same as approved.

In relation to how the comparative task that should be undertaken, Bignold J (1999) provided the following:

"The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the development being compared in their proper contexts (including the circumstances in which the development consent was granted)."

Taking into consideration the above, it is considered that the development is suitable for assessment under 4.55(2) of the EP&A Act 1979 for the following reasons:

- The modification proposed does not change the inherent nature of the development proposed as the use of the land will remain solely for the purpose of a data centre as originally approved.
- The intensity of the land use will remain relatively unchanged as a result of the modification proposed. The introduction of Building 1A will result in a 3.3% increase in development intensity upon completion of both stage 1 and stage 2 of development;
- The bulk and scale of development will remain relatively consistent with what is contemplated under the original DA and result in minimal (if any) built form related impacts on surrounding sites;
- Access to the site will remain unchanged as a result of the modification and continue to be provided from Eastern Creek Drive;
- The internal road network will remain generally unchanged from what was originally approved under the original consent;
- The development will not result in any reduction in the quantum of landscaping approved across the site under the original DA, with 5,462sqm of landscaping proposed to be delivered overall;
- The footprint of development will remain generally consistent with what was approved under the original DA, with building 1A being proposed in an area nominated to be utilized for a private substation building under the original approval;
- The new built form proposed as a part of the modification application will result in a visual outcome which is hardly discernible from what is currently approved at the site; and

- Environmental impacts associated with the proposal are commensurate with the impacts of the originally approved development.

Taking into consideration the above, it is considered that the fundamental essence of the development will remain substantially the same as a result of the design changes proposed. Furthermore, it is clear that the modified proposal will not result in radical change from what was originally approved. As a result, it is appropriate to enable assessment of the proposal in accordance with 4.55(2) of the EP&A Act 1979.

4.2 4.55(3) of the Environmental Planning & Assessment Act 1979

In accordance with 4.55(3), *"In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application..."*

Relevant matters referred to in 4.15(1) are addressed in the subsections below and in section 5 of this report.

4.2.1 Environmental Planning Instruments

State Environmental Planning Policy (Western Sydney Employment Area) 2009

The proposal as modified remains wholly consistent with the WSEA SEPP 2009 and the development remains permissible within the IN1 General zone and consistent with the principal development standards outline in Part 5.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

As confirmed in the preliminary site investigation submitted with the original DA, the site is suitable for the intended purpose of a data centre.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

As determined under the original DA, the proposal does not constitute a potentially hazardous industry as defined under SEPP 33. It therefore does not require a preliminary hazard analysis to be undertaken or further consideration of the SEPP.

4.2.2 Development Control Plans

Employment Lands Precinct Plan - Eastern Creek Precinct Plan

The proposal remains generally consistent with the Eastern Creek Precinct Plan, which is the primary development control plan applying to the site.

The modified design maintains appropriate setbacks, landscaping provision, car parking and built form response, and remains consistent with the objectives of the Plan.

5 Environmental Assessment

5.1 Built Form

The proposal will facilitate the development of 2 large scale data centre, a microscale data centre, and substation building at the subject site.

The incorporation of a concentrated area of high-quality landscaping in the front setback and a contemporary façade provides for a development outcome which will ensure that the bulk and scale of the development remains appropriate for the locality.

In summary, through the maintenance of appropriate setbacks from adjacent roads and adjoining properties, the incorporation of a concentrated areas of landscaping, and the inclusion of appropriate façade treatments, an appropriate built form outcome will continue to be achieved at the subject site.

5.2 Traffic, car parking and access

The SEE is accompanied by a traffic assessment in Appendix 3 which forms an addendum to the traffic assessment submitted with the original DA. The addendum report provides a revised assessment of traffic, car parking and access requirements.

The proposal will generate up to 133 vehicle movements per day at completion of stage 1, and 255 vehicle movements per day at completion of the whole site. In addition, the proposal will generate 26 trips within the AM peak and 33 trips within the PM peak. Comparatively, this represents a minor increase from what is currently approved under SPP-19-00013 and will not have a material impact on the surrounding road network.

In relation to car parking, the provision of 64 car parking spaces is deemed sufficient to cater for demand at the site. This is based on an empirical assessment which considers the number of staff and visitors intended to frequent the site once operational.

5.3 Civil and Stormwater Management

An updated stormwater management plan has been prepared by Aurecon in relation to the proposal and is provided in Appendix 6 of the SEE. The report is provided as an update to include consideration of Building 1A and the amended staging footprint at the site proposed.

The stormwater management plan addresses stormwater drainage, overland flow, control of discharge from the site, water quality treatment, and erosion and sediment control as it relates to Building 1A.

The stormwater management plan includes concept civil drawings which are also provided separately within Appendix 2 of the SEE.

5.4 Noise Impacts

An Acoustic Assessment has been undertaken by Aurecon and is provided in Appendix 4 of the SEE.

It confirms that the proposal continues to result in acceptable acoustic impacts and will be consistent with the requirements of the EPA's Industrial Noise Policy as required in accordance with Condition 5.8.1 of SPP-10-00013.

5.5 Waste Management

During construction waste management will continue to be undertaken in accordance with the original waste management plan approved under SP-19-00013.

Once operational, private contractors will be engaged to collect the garbage and recycling from the site to an agreed schedule.

5.6 Building Code of Australia

The SEE is accompanied by a BCA Capability Statement in Appendix 5 which confirm that compliance with the Deemed-to-Satisfy Provisions and Performance Requirements of the BCA are readily achievable.

5.7 Site Suitability

The proposal remains suitable for the site for the following reasons:

- The proposal provides a permissible use within the IN1 industrial zone in line with the relevant objectives;
- The proposal responds appropriately to surrounding development;
- The proposal remains generally consistent with relevant planning requirements; and
- The proposal will not result in an adverse environmental or amenity related impacts.

5.8 The Public Interest

The proposal is in the public interest because it will provide for development which contributes to the evolution of the digital economy and for the reasons provided in 5.7 above.

6 Conclusion

This SEE has been prepared on behalf of Aurecon to support a Section 4.55(2) application to modify development approved under SP-19-00013.

The proposal seeks to make several amendments to the existing approval, with the most notable changes being the introduction of a new microscale data centre building on the site in lieu of a substation building. Other changes include augmentation of the development staging plan, reducing the footprint of the future substation building, and introducing 4 new car parks to the site.

The planning and environmental assessments undertaken in this report demonstrate that the proposal represents a development outcome which is 'substantially the same' as originally approved and is therefore suitable for consideration in accordance with 4.55(2) of the EP&A Act 1979.

Furthermore, the assessment undertaken in accordance with 4.15(1) demonstrates that there are no adverse impacts associated with the proposal and that it is therefore in the public interest.

In conclusion, taking into consideration the merit of this application demonstrated throughout this report, it is requested that Council show their support for the proposal by way of issuing an amended development consent as requested.



Appendix F – ACHAR Waiver

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SSD

Project Echidna

Waiver Request

Aboriginal Cultural Heritage Assessment Report (ACHAR)

27 July 2022

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number **288255-02**

Arup Australia Pty Ltd | ABN 76 625 912 665

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1. Introduction

Arup is seeking development consent to construct a data centre (the Proposal) at 10 Eastern Creek Drive, Eastern Creek NSW, legally described as Lot 4001 DP 1243178 (the Site). The Proposal site is shown in Figure 1 below.

This memo has been prepared to provide an assessment of impacts to Aboriginal cultural heritage values associated with the Proposal and to support an Aboriginal Cultural Heritage Assessment Report (ACHAR) waiver application.

2. Background

The Proposal involves the construction of a two-storey data centre comprising of data halls, mechanical and electrical equipment rooms, offices, other ancillary support spaces, and external/rooftop mechanical and electrical equipment. The site is situated within the Blacktown Local Government Area (LGA) on the corner of Eastern Creek Drive and Old Wallgrove Road. The parcel of land is currently vacant. The previous DA (SPP-19-00013) was approved on site for the industrial development of a Detailed Design Stage 1 and a Concept Design Approval. The Concept Design Approval included an outline for Stage 2, which is the subject site. The proposed development, construction and operational use of the Data Centre will serve Sydney and the wider region in providing for increasing cloud-based storage and compute requirements. The Data Centre will positively impact the social and economic conditions of Eastern Creek and the Blacktown City Council LGA, creating jobs during both construction and operation.

Division 4.7 of Part 4 of the EP&A Act covers State significant development (SSD). The Proposal is identified as SSD by virtue of meeting thresholds defined under Schedule 1, Clause 25 of the *State Environmental Planning Policy (Planning Systems) 2021*. Specifically, the Proposal is more appropriately classified as a data storage development with a capacity of more than 10 megawatts (see Chapter 4 (Strategic context) for further detail). Arup is committed to delivering a high-quality development with economic and employment benefits for the Eastern Creek District and the residents and visitors of the region through effective collaboration with key stakeholders, including State government agencies and Blacktown City Council.

The EIS must consider the requirements of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs) including any additional requirements issued by the Secretary (SEARs), which may include the preparation of an ACHAR.

As outlined in this memo, no known objects or places of Aboriginal heritage significance were identified within the Proposal site or immediate surrounds. The Proposal site is located within an established industrial area and has been approved for development prior to this Proposal. Therefore, it is unlikely that objects or places of Aboriginal heritage significance would be impacted by the Proposal.

This memo has been prepared to demonstrate that the Proposal would not impact on Aboriginal cultural heritage values, and as such, an ACHAR is not required.


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 HOURLY SUN POSITION
 LOT BOUNDARY
 ADJACENT DEVELOPMENT
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 © COPYRIGHT AND CONFIDENTIAL
 REVISION A

CONTEXT ANALYSIS

Project Echidna
ACHAR Waiver Request

3. Impacts to Aboriginal cultural heritage values

The Proposal site is located in Eastern Creek within a primarily industrial use area. The site is currently vacant with substantial undeveloped parcels of land in the vicinity of the property to the north. The Site is located within a IN1 General Industrial Area under the State Environmental Planning Policy (Industry and Employment) 2021, comprising of various industrial uses, supplier warehouses, distribution centres and freight transport facilities.

Aboriginal heritage was assessed and approved under DA-18-00938, for site establishment works. The site is presently disturbed as a result of the bulk earthworks conducted under DA-18-00938. There are no known items or areas of Aboriginal heritage within or immediately surrounding the site, therefore it is highly unlikely that objects or places of Aboriginal heritage significance would be impacted. As the proposal does not alter the size or location of the subject site as assessed within the approved DA for the industrial development of a Detailed Design Stage 1 and Concept Design Approval, it continues to be highly unlikely that objects or places of Aboriginal heritage significance would be impacted.

An assessment of the Proposal against potential impacts to Aboriginal cultural heritage values is presented in Table 1.

Table 1 Impacts to Aboriginal cultural heritage values

Relevant Legislation	Potential Impacts	Approval or Assessment Requirement
<i>National Parks and Wildlife Act 1974</i> (NPW Act)	Disturbance of any objects or places of Aboriginal heritage significance	<p>Under Section 4.41 of the EP&A Act development applications assessed as SSD do not require an Aboriginal heritage impact permit (AHIP) (under Section 90 of the NPW Act).</p> <p>As noted above, the DA for the site establishment works included an Aboriginal Heritage Assessment for the subject site. The assessment identified no known objects or places of Aboriginal heritage significance within the boundaries of the site.</p> <p>The assessment concluded that given the site and locality is extensively disturbed, it is highly unlikely that objects or places of Aboriginal heritage significance would be impacted by the proposal.</p>
<i>Heritage Act 1977</i> (Heritage Act)	Disturbance to any object that is of state or local heritage significance	<p>N/A</p> <p>The Proposal would not impact on any item of heritage significance (Aboriginal or non-Aboriginal).</p>

4. Heritage mapping

4.1 Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) database from Heritage NSW was undertaken. The AHIMS search did not identify any objects or places of Aboriginal heritage significance within the Proposal site or immediate surrounds. The AHIMS search identified 16 Aboriginal sites within a 1-kilometre (km) buffer zone, however, none of these sites were within 200m of the proposal site as seen below in Figure 2 and Figure 3.

Given that the Proposal site and surrounding industrial area have been extensively disturbed, it is considered highly unlikely that objects or places of Aboriginal heritage significance would be impacted as a result of the Proposal.

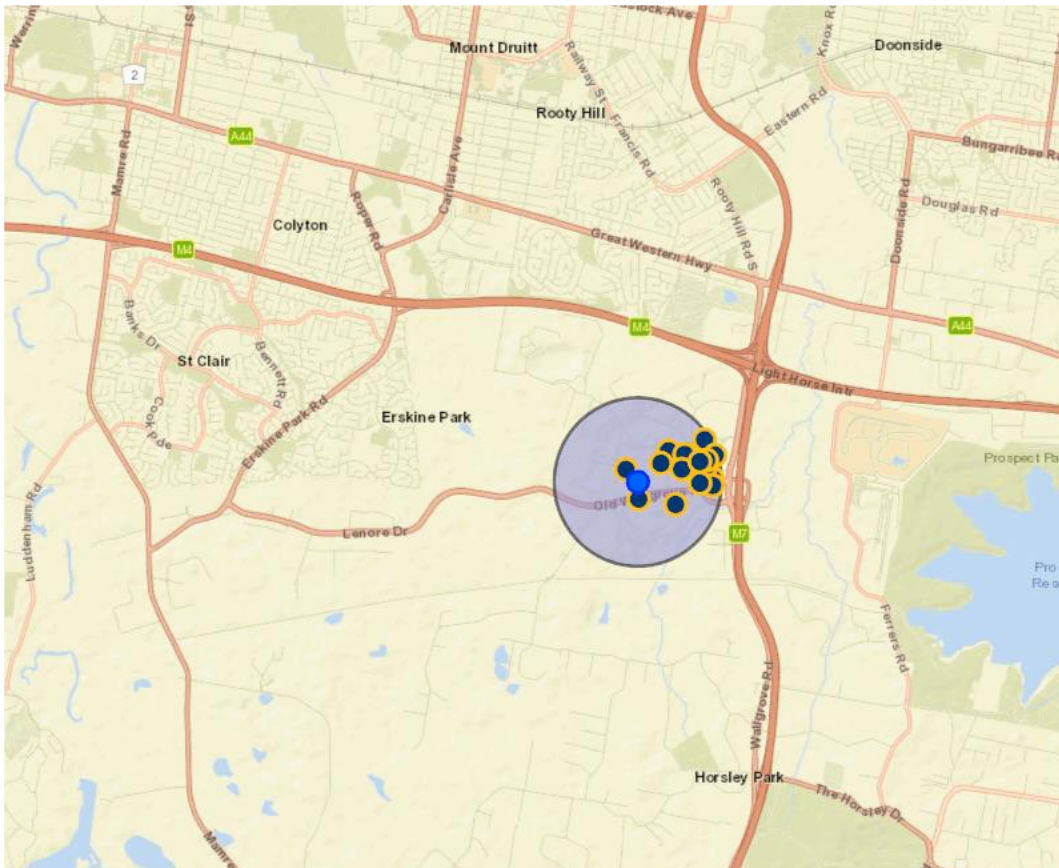


Figure 2 Aboriginal site records within a 1km buffer surrounding the Proposal site

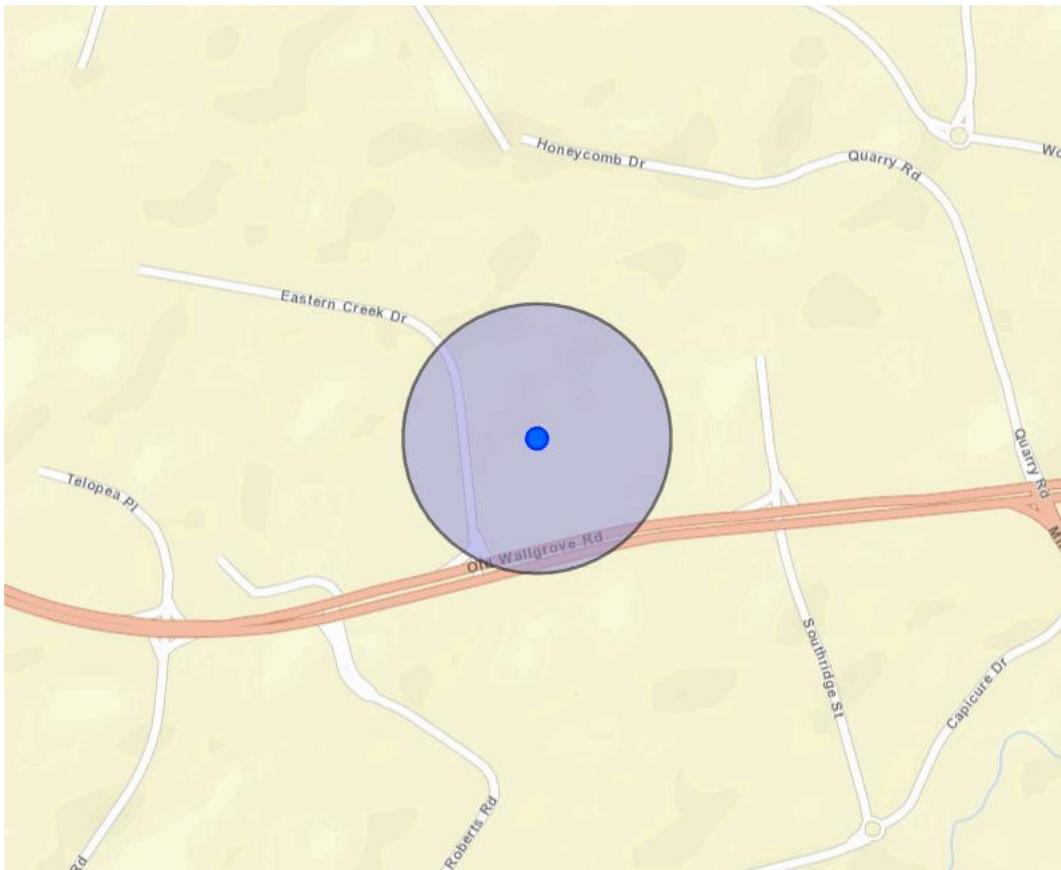


Figure 3 Aboriginal site records within a 200m buffer surrounding the Proposal site

4.2 Aboriginal Places & State Heritage Inventory

A State Heritage Inventory (SHI) database search was undertaken on 25 July 2022. Figure 4 below shows a map of declared Aboriginal Places and items listed on the SHI. As can be seen in the below map, no Aboriginal places or items were found at the Proposal site or immediate surrounds. The closest place listed on the SHI is located approximately 300m southeast of the Proposal site. This item is known as ‘Southridge’ local heritage item #1123 and is located at 1 Southridge Street, Eastern Creek.

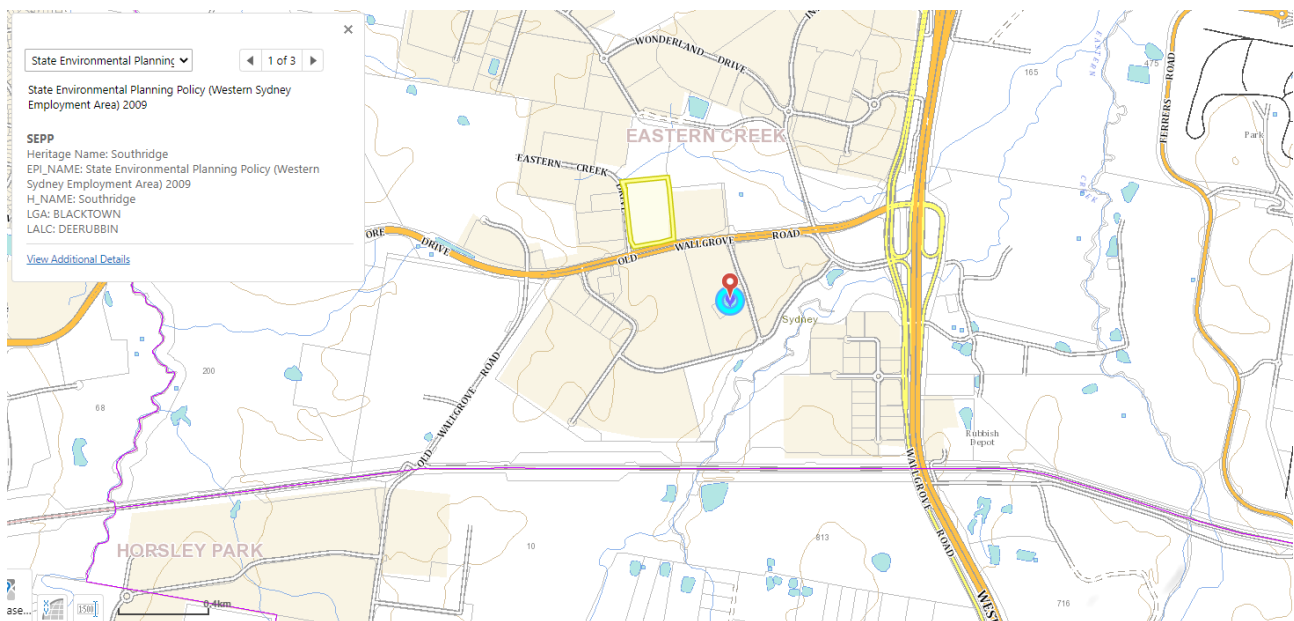


Figure 4 Aboriginal Places and State Heritage Inventory. Proposal site identified with a yellow outline.

5. ACHAR waiver request

The site has been extensively disturbed and is also located within an established industrial area. As part of the previous approval for bulk earthworks entailing cut and fill works across the site to facilitate future built form (DA-18-00938), an Aboriginal Heritage Assessment was prepared. The assessment concluded that it is considered highly unlikely that objects or places of Aboriginal Heritage significance would be present. Additionally, no known objects or places of Aboriginal heritage significance have been identified within the site or immediate surrounds. Due to history of disturbance at the site it is considered highly unlikely that any non-recorded objects or places of Aboriginal Heritage significance exist. Given this, there is no potential for impact to identified or non-recorded Aboriginal Heritage values (i.e. unexpected finds).

An ACHAR waiver is requested as Aboriginal Heritage was assessed under DA-18-00938 for site establishment works. Further investigation was not required, and this was justified and approved under SPP-19-00013 by Blacktown Council.

6. Conclusion

This memo has considered the potential impacts of the Proposal on Aboriginal cultural heritage values prescribed in the NPW Act and relevant heritage mapping database, including AHIMS and SHI. The Proposal would have no impact on these Aboriginal cultural heritage values.

Based on the above Aboriginal heritage search, no known objects or places of Aboriginal heritage significance were identified within the site or immediate surrounds. The site is located within an established industrial area at Eastern Creek. Therefore, it is unlikely that objects or places of Aboriginal heritage significance would be impacted by the Proposal. In light of the above findings, it is requested that the Proposal be exempt for requiring preparation of an ACHAR.

7. References

Heritage NSW (2022) *Aboriginal Heritage Information Management System (AHIMS) Web Services*. Basic Search. Accessed on 25 July 2022 from: [Aboriginal Heritage Information Management System \(AHIMS\) Web Services \(nsw.gov.au\)](https://www.environment.nsw.gov.au/ahimsweb/ahimswebsearch.aspx)

Heritage NSW (2022) *State Heritage Inventory*. Basic Search. Accessed on 25 July 2022 from: <https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

Appendix G – BDAR Waiver

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Project Echidna

Biodiversity Development Assessment Report Waiver Request

Final | 27/07/2022

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 288255

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1. Introduction

The proposed development site is located on the north-eastern intersection of 10 Eastern Creek Drive and Old Wallgrove Road, Eastern Creek in New South Wales (NSW) (Lot 4001, DP1243178). The proposal area encompasses approximately 5.69 hectares (ha) in size and is located 40km west of the Sydney Central Business District (CBD) (the site) (Figure 1).

The Eastern Creek Precinct Plan is the primary development control plan that applies to the site and provides controls that relate to the proposal and development within Eastern Creek Employment area. Since SEPP 59 has been repealed as of 2021, Part 2, Section 2.18 of the State Environmental Planning Policy (Industry and Employment) 2021 consents that new developments can be prepared within precinct plans previously prepared under SEPP 59. The subject site is identified within the State Environmental Planning Policy (Industry and Employment) 2021 (formerly the State Environmental Planning Policy (Western Sydney Employment Area) 2009). The SEPP is therefore the primary Environmental Planning Instrument (EPI) applicable to the site and prevails over any other EPI where any inconsistency occurs. The site is zoned IN1 General Industrial under this SEPP. Data storage facilities are permitted in this zone as per the Transport and Infrastructure SEPP. Broadly, the surrounding areas are zoned IN1 and include industrial and commercial facilities on the east, west and southern boundaries. Approximately 250 metres south-west of the site is an electricity substation and switchyard, zoned Electricity Transmission and Distribution (SP2).

A previous development application (DA) (SPP-19-00013) was approved on site for the industrial development of a Detailed Design Stage 1 and a Concept Design Approval. The Concept Design Approval included an outline for Stage 2, which is the subject site. During preliminary site investigations, the site was fenced and undergoing bulk earthworks to facilitate suitable site levelling for future building. There are several trees located on the southern boundary of the site, however these are located on Lot 23 DP 1202129 and are not included within the footprint of the proposal. Furthermore, this sparse vegetation is situated adjacent to a stormwater drain. The southern boundary also contains active public and transport links along Old Wallgrove Road, including one bus stop and a cycleway/walkway.

The proposal involves the construction of a two-storey data centre comprising of data halls, mechanical and electrical equipment rooms, offices, other ancillary support spaces, and external/rooftop mechanical and electrical equipment (the proposal) (Figure 3).

The proposal has been identified as a State Significant Development (SSD) by meeting the thresholds defined under Schedule 1, Clause 25 of the State Environmental Planning Policy (Planning Systems) 2021.

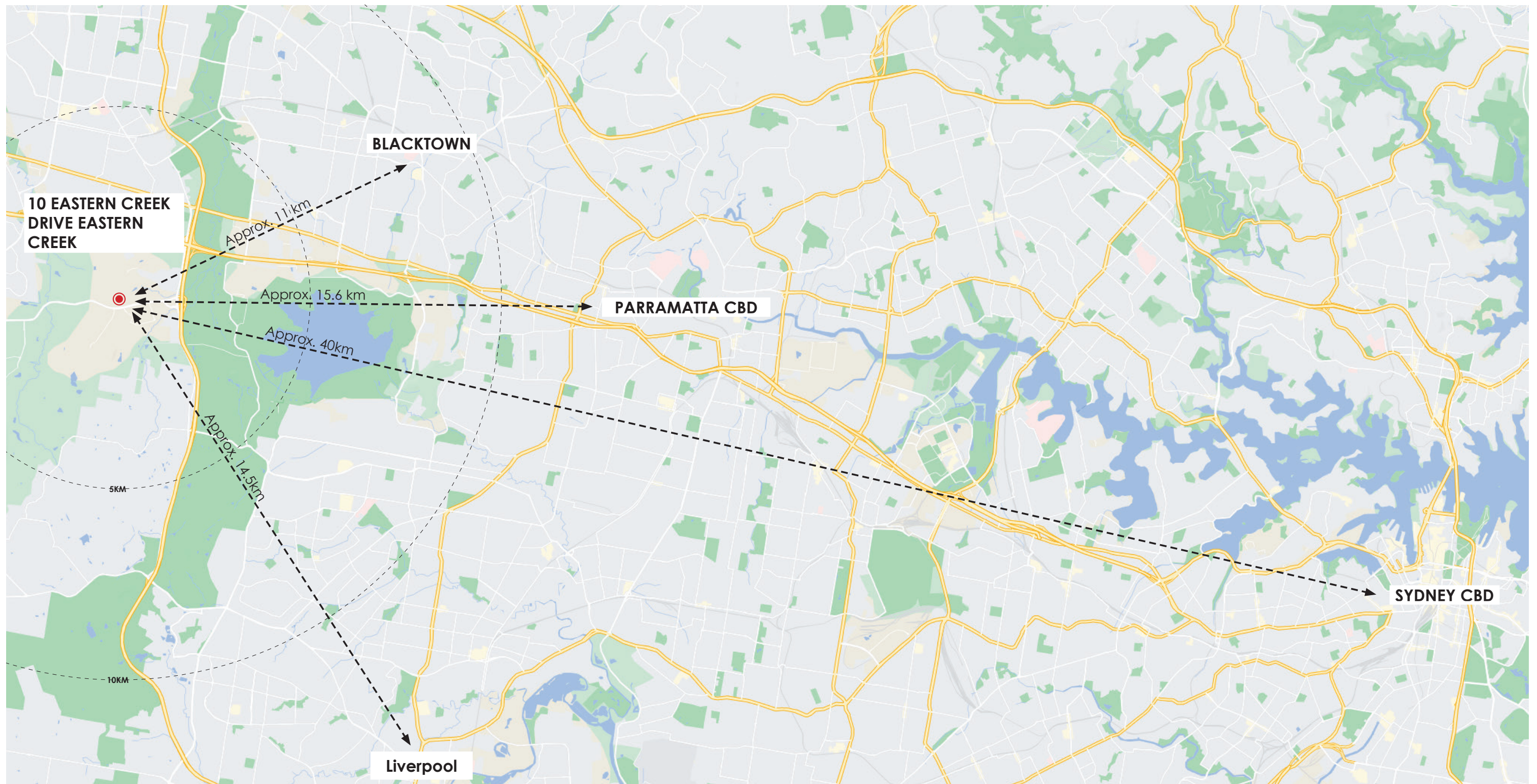
As described in Table 2, the proposal is in a highly modified and previously cleared environment with no remaining vegetation within the proposal footprint. Vegetation within the region is severely limited because of the industrial nature. The closest vegetation consisting of minimal planted amenity trees on the southern border of the site along Old Wallgrove Road.

As there is no vegetation remaining onsite, no inspection has been carried out onsite as part of this Biodiversity Development Assessment Report (BDAR) Waiver request. However, due to previous clearing and earthworks already having undertaken, impacts to any biodiversity are considered highly unlikely. As such, the proponent requests that the requirement for a Biodiversity

Development Assessment Report (BDAR) be formally waived as per section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) on the basis that the proposal would:

- Not impact any native plant communities
- Not result in any threatened species impacts due to a lack of suitable habitat
- Not result in the removal of any vegetation

The intention is to assess the proposal's limited biodiversity impacts in the Environmental Impact Statement, currently under development by Arup.



The adjacent image indicates the plot proximity to key locations in Sydney.

The site address is:

10 EASTERN CREEK DRIVE EASTERN CREEK

The plot areas are outlined below:

14.04 acres; 56,850 m²

Note: All areas approximate. Areas obtained from Six Maps.
Image Source: Google Maps

CONCEPT DRAWINGS ONLY, SUBJECT TO AUTHORITY / CONSULTANT APPROVAL

2. BDAR Waiver Request – Proposal Information

Table 1 provides relevant information in relation to the proposal and the BDAR Waiver Request.

Table 1- BDAR waiver request information requirements

Information	Details
Administration	Proponent and contact details Arup Australia Pty Ltd Chris Fay, Chris.Fay@arup.com
	Project Name Project Echidna
	Biodiversity Values Assessor Heather Duff – Ecologist, Bachelor of Science (Hons) Geology & Bachelor of Science (Majors: Botany, Ecology and Geology). Elijah Elias (Reviewer) – Senior Ecologist, Bachelor of Biodiversity and Conservation, Macquarie University NSW (2014), Accredited NSW Biodiversity Assessment Method Assessor (BAAS21012) (2021)
Site Details	Street address 10 Eastern Creek Drive Eastern Creek New South Wales 2766
	Involved Lots and DPs Lot 4001, DP1243178
	Local Government Area (LGA) Blacktown City Council Local Government Area
	Description of existing development site The proposal will be carried out on a site within an industrial area that has previously undergone approved earthworks and vegetation clearance.
Proposed Development	Proposal Description The proposal is defined as the construction of a data centre, including: <ul style="list-style-type: none"> - Offices - Support spaces - Plant equipment rooms - Electricity rooms - Mech galleries - Data halls

Information	Details
	The proposal will be carried out in one stage. See Figure 3 for the site masterplan.
	<p>Proposed Site Plan</p> <p>The works will be undertaken within the lot boundaries, bound by Eastern Creek Avenue in the west and Old Wallgrove Road to the south. Refer to Figure 2 for the site boundary.</p>
Impacts to Biodiversity	Refer to Table 2 below with BDAR waiver requirements.



Image Source: SIX MAP

- B BUS STOPS
 - HOURLY SUN POSITION
 - LOT BOUNDARY
 - ADJACENT DEVELOPMENT
- CONCEPT DRAWINGS ONLY, SUBJECT TO AUTHORITY / CONSULTANT APPROVAL

Table 2 - BDAR Waiver Requirements

Biodiversity Value	Meaning	Potential Impacts
Vegetation abundance – 1.4(b) Biodiversity Conservation Regulation 2017 (BC Regulation)	Occurrence and abundance of vegetation at a particular site	<p>The site has previously been cleared of vegetation and approved for earthworks under a previous Development Application (DA) (application number DA-18-00938). The earthworks have been undertaken and no vegetation remains. Therefore, a site visit was not completed and not necessary as part of the assessment process.</p> <p>The nearest vegetation is situated along the southern site boundary, located between the fence line and the pedestrian / cyclist paths along Old Wallgrove Road. The vegetation between a main road and construction site is associated with a constructed drainage channel and is comprised of native landscape species, minimal regrowth, and exotic grasses. Important to note, this vegetation is contained within Lot 23/DP1206129 and is not associated with this Proposal nor contained within the development footprint, and therefore will not be directly impacted by the proposal. Any impacts will be restricted to indirect noise, vibration, or dust during construction times.</p> <p>In summary, as no vegetation is present within the proposal area, no vegetation will be removed or directly impacted by this development and the proposal is not considered likely to have a significant impact on vegetation abundance.</p>
Vegetation integrity 1.5(2a) BC Act	Degree to which the composition, structure, and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state	<p>Vegetation is not currently present within the site because earthworks have previously commenced. Therefore, there can be no similarity between the vegetation on this site to the near natural state that would have existed.</p> <p>In addition, there are no native vegetation patches adjacent to the site boundaries as they are bordered by roadways, building, and vacant cleared land.</p> <p>It is noted that the small patch of vegetation is present adjacent to the southern site boundary. This may contain native flora or fauna and will be subject to indirect impacts such as noise, vibration, and dust during construction. However, due to the proximity to the recently upgraded Old Wallgrove Road and placement adjacent to a drain that may undergo maintenance, this highly disturbed and modified vegetation also would not resemble its near natural state.</p> <p>Due to the absence of vegetation, it is highly unlikely the proposal will have a significant impact on vegetation integrity.</p>
Habitat suitability 1.5(2b) BC Act	Degree to which the habitat needs of threatened	As no vegetation is present onsite, the proposal provides little to no habitat value for threatened species in the context of the wider locality. The closest vegetation that may provide roosting or foraging habitat for threatened species is located approximately 200 meters west of site in the form of

Biodiversity Value	Meaning	Potential Impacts
	species are present at a particular site	<p>patchy remnant and regrowth vegetation and 700 metres south-east of the site boundary at Reedy Creek (refer to Figure 2). Reedy Creek remains heavily vegetated and would act as a corridor for species accessing the Western Sydney Parklands or remnant vegetation within Horsley Park. As the proposal site is devoid of vegetation and the surrounded land use is heavily disturbed, it is unlikely species utilize the site for foraging or breeding habitat.</p> <p>It is noted that the sparse vegetation on the southern border may provide general foraging habitat for transient species. However, as this is not contained within the construction footprint, it will not be lost. Disturbance to this vegetation will be restricted to indirect noise, vibration and dust impacts during construction. As there is suitable habitat within the region (Reedy Creek), it is likely that transient species will utilize these areas preferentially during times of increased disturbance.</p> <p>The proposal is not likely to have a significant impact on habitat suitability due to the absence of vegetation.</p>
Threatened species abundance 1.4(a) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	<p>The site has previously been cleared of all vegetation and earthworks have been undertaken. For this reason, the site is not considered to provide habitat for any threatened ecological communities or threatened species.</p> <p>It is noted that the presence of microbats is possible in the adjacent properties where sheds and buildings exist. However, as the area is largely industrial, already subject to high disturbance and provide little to no foraging habitat in the surrounding areas, it is unlikely that microbats use these structures for roosting or long-term occupancy.</p> <p>The proposal is not likely to have a significant impact on threatened species abundance.</p>
Habitat connectivity 1.4(c) BC Regulation	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species	<p>Due to the absence of vegetation onsite, the highly disturbed nature of the adjoining properties and surrounding industrial facilities, it is unlikely that this site is facilitating the movement of threatened species.</p> <p>It is noted that while the site has not been previously mapped on the Biodiversity Values Map (BV Map) (OEH, 2022) (Appendix A), there is vegetation to the south-west of the boundary at the intersection of Old Wallgrove Road and Roberts Road that has been mapped as containing Biodiversity Value. Although the proposal site is separated from this vegetation by the four-lane road, it is possible that transient species like birds could travel this distance. If fauna are using the site as a corridor to access the BV mapped vegetation or nearby Reedy Creek, the existing road traffic and frequent truck movements are likely discouraging the fauna from nesting or permanently using the vegetation. The indirect impacts from construction are not likely to increase disturbance. In addition,</p>

Biodiversity Value	Meaning	Potential Impacts
	across their range	the vegetation does not provide substantial habitat compared to the size of regional vegetation, therefore fauna will likely use alternate areas with more habitat value to move through the region. The proposal is not likely to have a significant impact on habitat connectivity.
Threatened species movement 1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	Due to the absence of vegetation, the site provides no foraging or dispersal habitat that contributes to the movement of any threatened species to maintain their lifecycle. The proposal is not likely to have a significant impact on threatened species movement.
Flight Path integrity 1.4 (e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	It is possible that threatened species would fly over the site whilst moving within their home range. This is most likely the case for threatened microbats, raptors, woodland birds and potentially forest owls. However, the site is in an already modified landscape comprised of industrial units. The proposal does not include any additional infrastructure that would increase interference with the flight path of any protected animals. The proposal is not likely to have a significant impact on flight path integrity.
Water sustainability 1.4 (f) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	There are no waterbodies within the proposal footprint. The proposal will not have a significant impact on water quality, waterbodies, or hydrological processes.

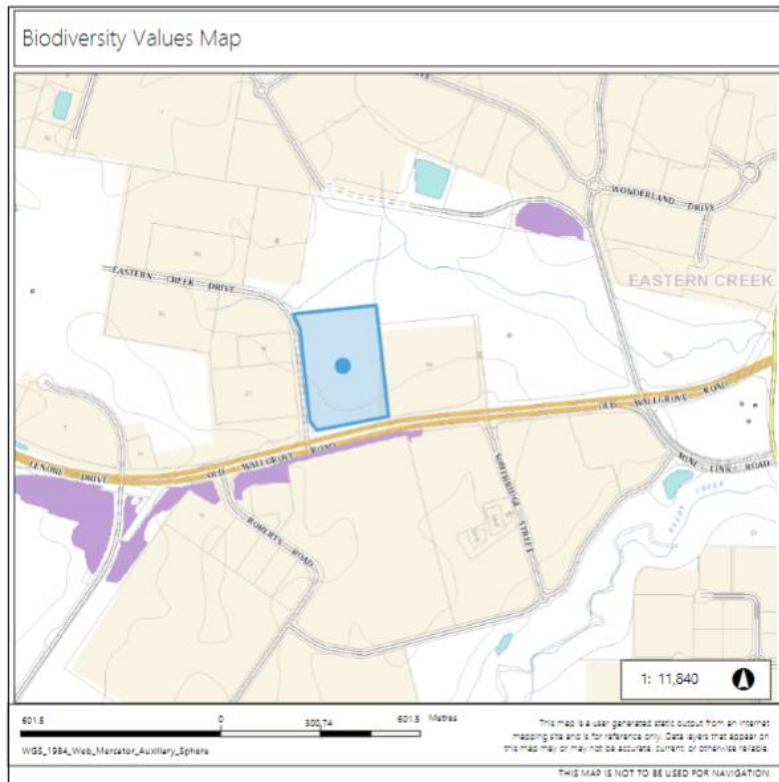
3. Conclusion

The proposal is situated on a site that earthworks has been undertaken and therefore contains no vegetation. The closest vegetation to the site is south of the proposal footprint, between the recently upgraded Old Wallgrove Road and the fence line. This vegetation occurs outside the proposal area and will only be impacted indirectly by noise, vibrations, and dust during construction.

Due to the absence of vegetation and commenced earthworks, there are no threatened species that may be present onsite. Should fauna be able to access the vegetation south of the site, due to the sparsity of vegetation they are likely to be attracted to more favourable foraging locations locally including Reedy Creek, where denser vegetation would provide better quality foraging habitat.

Overall, there is no indication that the proposal would have any material or significant biodiversity impact, which is the purpose of progressing with a BDAR waiver request. Accordingly, in accordance with Section 7.9 of the BC Act, it is reasonable that the impacts could be assessed within the wider EIS. Therefore, it is reasonable to request a waiver for the BDAR requirements, as the proposal is consistent with the provisions of Section 7.9(2) of the BC Act.

Appendix A – Biodiversity Map (BV Map)



Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

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