

# ATTACHMENT

## SSD Referral – 706 Mowbray Rd Data Centre West - recommended conditions:

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

#### 1. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- (a) The National Construction Code:
  - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
  - (ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. (Reason: Health and compliance)

#### 2. Noise Assessment of Proposed Mechanical Services and Plant

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017). Details of the proposed equipment, siting, appropriate noise criteria, any attenuation required and recommendations shall be prepared by an appropriately qualified acoustic consultant and presented in an acoustic report. This report shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reference should be made to Tables 27 and 36 from the acoustic report prepared by Arup Pty Ltd, Ref. No. SYD04\_Y-R-0000 Rev.8, dated 27 September 2022. (Reason: Amenity, environmental compliance and health)

#### 3. Diesel Fuel Storage Facilities

All works associated with the design and construction of the diesel storage tanks, piping and pumping facilities, fuel transfer points and bunds must comply with the requirements of:

- (a) Australian Standard AS 1940 - 2017: The Storage and Handling of Flammable and Combustible Liquids;
- (b) Australian Standard AS 1692 - 2006: Steel Tanks for Flammable and Combustible Liquids;
- (c) Australian Standard AS 4041 - 2006: Pressure piping; and

(d) Model Code of Practice: Managing risks of hazardous chemicals in the workplace  
2018 SafeWork Australia

Detailed design plans of the diesel storage tanks, piping and pumping facilities, fuel transfer points and bunds, specifications and certification of compliance with the above requirements shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Environmental Protection)

## **PRIOR TO WORKS COMMENCING**

### **4. Noise and Vibration from Excavation, Demolition, Siteworks and Construction**

A Construction Noise & Vibration Management Plan (CVMP) shall be developed by a suitably qualified person to address potential noise and vibration impacts on surrounding development and receivers. Mitigation measures shall include, but not be limited to the following:

- Screening noise through the use of acoustic barriers;
- Utilisation of acoustic enclosures, engine silencers and mufflers;
- Maintaining plant and equipment properly so that they are in good working condition;
- Locating equipment away from sensitive noise receivers where feasible;
- Avoiding the simultaneous operation of equipment;
- Ensuring contractors and site workers are inducted and trained about noise reduction and management; and
- Implementing a noise and vibration complaint register and process to log, investigate and resolve unnecessary disturbance.

### **5. Hazardous Building Material Assessment**

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

### **6. Community Liaison Officer**

The Applicant shall appoint a Community Liaison Officer for the duration of the project works. The name and contact details of the Community Liaison Officer shall be included on signage around the project site and any notification letter or written information material distributed to the local community.

(Reason: Amenity)

## **DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

**The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.**

### **7. Hazardous Materials – Clearance Certificate**

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

### **8. Further Investigation and Remediation**

The processes outlined in the Remedial Action Plan (RAP) prepared by Arup Australia Pty Ltd, Ref. SYD04\_Y-R-0024 (Rev A), dated 31 March 2022, shall be implemented and the following measures and documentation be developed and carried out to ensure the risks and impacts during the remediation works are controlled in an appropriate manner and in accordance with the EPA's *Contaminated Sites Guidelines for the NSW Site Auditor Scheme (3<sup>rd</sup> Edition 2017)*, *SEPP (Resilience and Hazards) 2021* and the *Draft Contamination Land Planning Guidelines*:

- (a) A combined geotechnical investigation and Detailed Site Investigation (DSI) shall be carried out following demolition of the existing site structures;
- (b) The results and recommendations from the DSI shall be used to determine whether the Remedial Action Plan (RAP) requires revision;
- (c) The site must be remediated in accordance with the approved RAP. Any variations must be approved in writing by DPIE prior to the commencement of further work;
- (d) Prior to the commencement of remediation works, a Remediation Environmental Management Plan (REMP) shall be prepared which documents the environmental and management measures required to be implemented during the remediation and construction-related activities on the site;
- (e) Prior notice of remediation work must be given to Council at least 30 days before the commencement of the work in accordance with SEPP (Resilience and Hazards) 2021; and
- (f) A Validation Report, clearly stating that the objectives stated in the approved RAP have been achieved and the land is suitable for the use, together with notice of completion of remediation, pursuant to Clause 4.15 of SEPP (Resilience and Hazards) 2021, must be submitted to DPIE, and approval obtained in writing.

(Reason: Environmental protection, public health and safety)

## 9. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the *Environment Protection Authority (EPA) Waste Classification Guidelines* prior to being disposed of to a NSW approved landfill or to a recipient site. (Reason: Environment and health protection)

## 10. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination. (Reason: Environment & Health Protection)

## 11. Dust Control

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- (c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

## 12. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG) and noise and vibration mitigation and management measures as contained in the Construction Noise and Vibration Management Plan (CVMP). Noise levels generally should not exceed the following noise criteria:

- Affected residential properties (during ICNG recommended standard hours) – Noise affected level of RBL + 10dB and Highly noise affected level (i.e. noise level above which there may be strong community reaction) – 75 dB(A) <sub>Leq(15mins)</sub>
- Affected classrooms (childcare centre) – 55dB(A) <sub>Leq(15mins)</sub>
- Affected commercial premises (i.e. office, retail outlets etc.) – 70dB(A) <sub>Leq(15mins)</sub>
- Affected industrial premises – 75 dB(A) <sub>Leq(15mins)</sub>

A noise and vibration monitoring plan shall be implemented during all phases of the construction process. Where noise or vibration levels are above the relevant criteria, appropriate measures to control excessive noise detailed in the CVMP shall be implemented immediately.

(Reason: Amenity)

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate.**

### **13. Acoustic Works – Report**

The necessary acoustic attenuation works shall be carried out in accordance with the acoustic report prepared by Arup Pty Ltd, Ref. No. SYD04\_Y-R-0000 Rev.8, dated 27 September 2022, and the mechanical plant acoustic report referred to previously in this consent. Certification and accompanying acoustic measurement shall be provided by a suitably qualified and practising acoustic engineer, upon completion of the works, to the Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: Amenity, environmental compliance and health)

### **14. Certification – Ventilation**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

### **15. Electromagnetic Emissions**

Upon completion of all construction works, including the fit-out, EMI and EME measurements shall be taken by a suitable qualified person within the approved tenancy to be occupied to confirm that emissions do not exceed the relevant ARPANSA general public exposure limits and other WH&S standards.

Any exceedances shall require mitigation strategies to be developed and follow-up measurements to be taken. Certification and accompanying documented evidence in a report, as well as details of any necessary mitigation works, stating that the EMI and EME levels are compliant with the relevant limits/standards, shall be provided to the certifying Authority prior to the issue of any Occupation Certificate.

(Reason: Health & Safety)

### **16. Detailed Management Plan**

Prior to the issue of the Occupation Certificate, submit to the Certifying Authority for approval, detailed Management Plans in relation to the operation and maintenance of diesel fuel, oils and other chemicals stored on site.

The plan should specify a person responsible for operation and maintenance of diesel fuel storage tanks, piping and pumping facilities, fuel transfer points and bunds.

(Reason: Ensure compliance)

**17. Detailed Emergency Management Plan**

Prior to the issue of the Occupation Certificate, submit to the Certifying Authority detailed Emergency Management Plans that assume a loss and spillage of the diesel fuel, oils and other chemicals stored on site.

The plan should specify a person responsible for management of an emergency related to diesel fuel storage tanks, piping and pumping facilities, fuel transfer points and bunds, and define the requirements of a spills kit.

(Reason: Ensure compliance)

**ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

**18. Noise Control – Offensive Noise and Vibration**

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to noise levels that exceed the criteria contained in the EPA's *Noise Policy for Industry* (2017).

(Reason: Amenity)

**19. Mechanical Ventilation Systems with Regulated Air Handling and Water Systems**

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) shall be registered with Council on completion of the installation in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*.

(Reason: Health protection)

**20. Storage of Diesel Fuel**

All liquids, including diesel fuel, oils and other chemicals must be stored in a covered and bunded area. The bund is to be made of any impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% the total stored volume.

The construction, operation and maintenance of the storage tanks, piping and pumping facilities, fuel transfer points and bunds must comply with the requirements of:

(a) Australian Standard AS 1940 - 2017: The Storage and Handling of Flammable and Combustible Liquids;

(b) Australian Standard AS 1692 - 2006: Steel Tanks for Flammable and Combustible Liquids;

(c) Australian Standard AS 4041 - 2006: Pressure piping; &

(d) Model Code of Practice: Managing risks of hazardous chemicals in the workplace  
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(Reason: Environmental Protection)

**21. Pollution Prevention – Water**

The site, including storage, holding and re-fuelling of diesel storage tanks shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997 and any current Environment Protection Authority (EPA) requirements or guidelines.

(Reason: Environment Protection)