

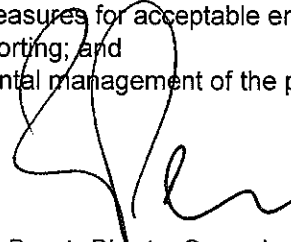
# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Deputy Director-General  
Development Assessment & Systems Performance  
Department of Planning

Sydney

16<sup>th</sup> November

2010

### SCHEDULE 1

**Application No.:**

MP08\_0222

**Proponent:**

Global Switch Property (Australia) Pty Ltd

**Approval Authority:**

Minister for Planning

**Land:**

273 Pyrmont Street, Ultimo  
Lot 3 and 13 in DP 632526, Lot 10 in 840467, Lot 1 DP 109652

**Project:**

Construction of a six-storey data centre building and three basement levels, including:

- site preparation works;
- excavation;
- 12 car parking spaces;
- plant and equipment;
- landscaping and street upgrade works; and
- building identification sign

## DEFINITIONS

In this approval the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Council** means City of Sydney Council.

**DECCW** means the Department of Environment, Climate Change and Water

**Department** means the Department of Planning or its successors.

**Director General** means the Director General of the Department of Planning or delegate.

**Environmental Assessment (EA)** means the Environmental Assessment prepared by dem (aust) Pty Ltd dated March 2010 and as amended by Preferred Project Report prepared by dem (aust) Pty Ltd dated August 2010.

**Major Project No. 08\_0222** means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A, and Condition A2.

**Minister** means the Minister for Planning.

**PAC** means the Planning Assessment Commission

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**PPR** means Preferred Project Report.

**Project** means development that is declared under Section 75B of the EP & A Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

**Project Application** means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, and Condition A2.

**Regulations** mean the Environmental Planning and Assessment Regulations, 2000 (as amended).

**RTA** means the Roads and Traffic Authority.

**SHFA** means the Sydney Harbour Foreshore Authority.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

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## SCHEDULE 2

### CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION No. MP 08\_0222

#### PART A – ADMINISTRATIVE CONDITIONS

##### A1. Development Description

Project Approval is granted for the construction of a six-storey data centre building and three basement levels.

##### A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

<b>A. Environmental Assessment report for Global Switch Sydney 2 dated March 2010, including appendices and Preferred Project Report prepared by dem (aust) Pty Ltd dated August 2010 including appendices</b>			
<b>B. Statement of Commitments prepared by dem (aust) Pty Ltd contained in Schedule 3</b>			
<b>C. Architectural Drawings prepared by dem (aust) Pty Ltd dated February 2010, itemised as follows:</b>			
Drawing No	Issue	Name of Plan	Date
CV-00	B01	Cover Sheet, Drawings List, Abbreviations	22/02/2010
0200	B01	Site Plan	22/02/2010
1200	B01	Basement Level 3	15/02/2010
1201	B01	Basement Level 2	22/02/2010
1202	B01	Basement Level 1	22/02/2010
1203	B02	Ground Floor	06/07/2010
1204	B01	First Floor	22/02/2010
1205	B01	Second Floor	22/02/2010
1206	B01	Third Floor	22/02/2010
1207	B01	Fourth Floor	22/02/2010
1208	B01	Fourth Floor Mezzanine	22/02/2010
1209	B01	Fifth Floor	22/02/2010
1210	B01	Fifth Floor Mezzanine	22/02/2010
1211	B01	Roof	22/02/2010
2100	B01	Section One	15/02/2010
2101	B02	Section Two	06/07/2010
2102	B01	Section Three	22/02/2010
2103	B01	Section Four	22/02/2010
2500	B01	North & South Elevations	22/02/2010
2501	B02	East Elevation	06/07/2010
5004	B01	Signage Views	22/02/2010
0501	A02	Landscape Plan Ground Floor	15/02/2010
0502	A02	Landscape Plan Roof Level	15/02/2010

##### A3. Inconsistency between Plans and Documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

**A4.      *Lapsing of Approval***

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless the development has been substantially commenced.

**A5.      *Standards***

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, and Schedule 2 of this approval.

**A6.      *Interim Rail Corridor Requirements***

The proponent of the development must allow in the design, construction and maintenance of the development for the future operation of railway tunnels in the vicinity of the development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety.

**A7      *Environment Protection Licence (EPL)***

An Environment Protection Licence issued under the *Protection of the Environment Operations Act 1997* must be obtained for the development for the construction phase (if required) and for the operational phase.

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## **PART B—PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **B1 Section 94 Contribution**

#### **Contribution required**

In accordance with Section 94(2) of the *Environmental Planning and Assessment Act 1979* and Sydney City Council's "Ultimo Pyrmont Section 94 Contributions Plan," a cash contribution shall be paid in the form of a bank cheque made out to the Sydney Harbour Foreshore Authority and lodged with the Department of Planning.

#### **Amount of contribution**

The amount of the contribution shall be calculated in accordance with the Ultimo Pyrmont Section 94 Contributions Plan and agreed between the proponent and SHFA. The agreed amount of the contribution shall be notified to the Department of Planning and endorsed by the Director General.

#### **Timing of Payment**

The contribution shall be paid prior to the release of any Construction Certificate.

#### **Indexing**

If the contribution is paid after 31 December of the year in which the approval is granted, then the figure calculated shall be indexed in accordance with clause 19 of the Ultimo Pyrmont Contributions Plan 1994.

### **B2 Existing Rail Line/Light Rail Corridor**

- (a) A Construction Certificate shall not be issued until the measures detailed in this condition of approval have been incorporated into the construction drawings and specifications. Prior to the commencement of works the PCA shall provide verification to RailCorp and Sydney Metro Transport Pty Ltd that this condition has been complied with.
  - (b) Prior to the issue of a Construction Certificate, the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the applicant must discuss with RailCorp and Sydney Metro Transport Pty Ltd as to whether these services are to be relocated or incorporated within the development site.
  - (c) All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by Jeffery and Katauskas Pty Ltd dated 23 April 2009. This document can be amended with the written agreement of RailCorp and Sydney Metro Transport Pty Ltd.
  - (d) The following items are to be submitted to RailCorp and Sydney Metro Transport Pty Ltd for review and endorsement prior to the issuing of a Construction Certificate:
    - i. Final construction details of any proposed piling, sheet piling, batter, walls, levee walls and footings.
    - ii. Final construction methodology with details pertaining to structural support during excavation.
    - iii. Tunnel monitoring details proposed to be installed during excavation and construction phases.
    - iv. A rail safety plan including instrumentation and the monitoring regime.
  - (e) Prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp and Sydney Metro Transport Pty Ltd.
  - (f) The proponent shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's and Sydney Metro Transport Pty Ltd's representative.
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- (g) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp and Sydney Metro Transport Pty Ltd for review and comment on the impacts on rail corridor. The PCA shall not issue the Construction Certificate until written confirmation has been received from RailCorp and Sydney Metro Transport Pty Ltd confirming that this condition has been satisfied.
- (h) Prior to the issue of a Construction Certificate, the applicant is to submit to RailCorp and Sydney Metro Transport Pty Ltd a plan showing all craneage and other aerial operation for the development and must comply with all RailCorp and Sydney Metro Transport Pty Ltd requirements. The PCA shall not issue the Construction Certificate until written confirmation has been received from RailCorp and Sydney Metro Transport Pty Ltd confirming that this condition has been satisfied.
- (i) Prior to the issue of a Construction Certificate, the proponent must hold current public liability insurance cover for a sum to be determined by RailCorp and Sydney Metro Transport Pty Ltd. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The proponent is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate, the PCA must witness written proof of this insurance in conjunction with RailCorp's and Sydney Metro Transport Pty Ltd written advice to the proponent on the level of insurance required.
- (l) Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for a Construction Certificate.

### **B3      *Stormwater and Drainage***

- (a) Prior to the issue of a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standards requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to a Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An 'Application for Approval of Stormwater Drainage Connections' must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

### **B4      *Footpath Damage Bank Guarantee***

- (a) Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way.

### **B5      *Public Domain Plan***

- (a) A detailed Public Domain Plan must be prepared and lodged with Council's Public Domain Section and approved by Council prior to the issue of a Construction Certificate being issued for new building work, excluding approved preparatory, demolition or shoring work.
  - (b) The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and the Ultimo Pyrmont Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan being any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
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Note: A security deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges. You should contact Council to determine the deposit amount prior to payment.

**B6      *Bicycle Facilities***

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3-1993 Parking Facilities Part 3: Bicycle Parking Facilities.

**B7      *Car Parking Spaces and Dimensions***

A maximum of 12 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1-2004 Parking Facilities. The details must be submitted to and approved by the PCA prior to a Construction Certificate being issued.

**B8      *Accessible Parking Spaces***

The design, layout, signage, line marking and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6-2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the PCA prior to a Construction Certificate being issued.

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## **PART C—PRIOR TO THE COMMENCEMENT OF WORKS**

### **C1 Construction Management Plan**

Prior to commencing construction, a Construction Management Plan and Traffic Management Plan will be prepared and submitted to and be approved by the PCA, and forwarded to Council and the Department. This plan will include:

- (a) Development of a site specific soil erosion and sediment control plan,
- (b) Construction hours,
- (c) Air quality/dust control procedures,
- (d) Asbestos material control,
- (e) Noise management procedures,
- (f) Waste management plan,
- (g) Community Safety Plan,
- (h) Arrangements for temporary pedestrian and vehicular access,
- (i) Storage and Handling of Materials Procedures,
- (j) Environmental Training and Awareness,
- (k) Contact and complaints handling procedures,
- (l) Emergency Preparedness and Response.

The Traffic Management Plan shall include:

- a. A report with Traffic Control Plans attached.
- b. Commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors.
- c. Construction vehicle routes for approach and departure to and from all directions.
- d. A site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.
- e. The Traffic Control Plans are to be prepared by a qualified person (red card holder). Plans must be provided for each of the following stages of the works:
  - Demolition
  - Excavation
  - Concrete pour
  - Construction of vehicular crossing and reinstatement of footpath
  - Traffic control for vehicles reversing into or out of the site.
- f. Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

### **C2 Development Staging**

The proponent is to comply with the conditions contained in this instrument for all stages of development subject to this approval.

Prior to the commencement of each stage of works, the proponent is to notify the Department and Council of the proposed works and compliance to date with this approval. The proponent, or any party acting upon this approval, shall also submit a report addressing future compliance with all relevant conditions of this approval.

### **C3 Dilapidation Report**

Prior to the commencement of any demolition or excavation works on site, the PCA shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the existing public infrastructure over the full site frontage and adjacent areas (in colour) has been completed and submitted to SHFA and Council. The photos must include detail of:

- The existing footpath
  - The existing kerb and gutter
  - The existing full road surface between the opposite kerb
  - The existing verge area
  - The existing driveway and layback where to be retained
  - Any existing drainage infrastructure including pits, lintels, grates.
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Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the proponent as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

#### **C4      *Notice of Commencement***

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the PCA form shall be submitted to Council.

#### **C5      *Site Notice***

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, PCA and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

#### **C6      *Notification of Builder's Details***

Prior to the commencement of any development or excavation works, the PCA shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

#### **C7      *Erosion and Drainage Management***

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the PCA. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

#### **C8      *Geotechnical Report***

Prior to the commencement of any bulk excavation works on site, the proponent shall submit to the PCA, the detailed geotechnical investigation for the site. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations
- any amendments resulting from consultation with RailCorp and Sydney Metro Transport Pty Ltd

The recommendations of the report are to be implemented during the course of the works.

#### **C9      *Mechanical Plant***

All mechanical plant rooms/machinery are to be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS 1668.2.

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#### **C10      *Use of Mobile Cranes***

For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council or SHFA (if applicable) for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimum traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council or SHFA, will create significant traffic disruptions.

#### **C11      *Loading and Unloading During Construction***

All loading and unloading must be accommodated on site. If, during excavation it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council or SHFA (if applicable). If a Works Zone is warranted, an application must be made to Council or SHFA (if applicable) prior to the commencement of the relevant works on site.

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## **PART D—DURING CONSTRUCTION**

### **D1      *Approved Plans to be On Site***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department.

### **D2      *Erosion and Sediment Control***

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

### **D3      *Excavation***

Excavation is to be undertaken in accordance with the recommendations of the Geotechnical Investigation Report. A geotechnical engineer is to be present during excavation to recommend any necessary support requirements during excavation.

### **D4      *Vibration Specialist***

A suitably qualified vibration specialist/engineer is to be engaged during the entire excavation process, where excavation is being undertaken within 20 metres or less of adjoining properties/buildings. The specialist is to monitor onsite vibrations and instruct on suitable excavation equipment.

### **D5      *Disposal of Seepage and Stormwater***

All seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### **D6      *Dust Control Measures***

The proponent must implement adequate measures to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface shall be dampened slightly to prevent dust from becoming airborne but shall not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

### **D7      *Waste Management***

- a) All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and leas shall be in accordance with work Cover requirements and relevant Australian Standards.
  - b) Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the *Protection of the Environmental Operations (Waste) Regulation 2005*.
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**D8      *Hours of Construction***

All building work shall be restricted to within the hours of 7.30 am to 5.30 pm between Monday to Friday, and 7.30 am to 3.30 pm on Saturday, with no work on Sundays and/or Public Holidays. Measures shall be undertaken to ensure no adverse noise or amenity impacts occur to any residential premises.

**D9      *Noise***

All work, including demolition, excavation and building work shall be conducted in accordance with Australian Standard AS 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

**D10      *Use of Road or Footpath***

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations.

**D11      *Classification of Waste***

Prior to the exportation of waste from the site, the waste materials must be classified to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility.

**D12      *Loading and Unloading***

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

**D13      *No Obstruction of Public Way***

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances. Non-compliance with this requirement will result in the issue of a notice of Council to stop all work on site.

**D14      *Approved Driveways to be Constructed***

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's 'Driveway Specifications' to the satisfaction of Council.

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## **PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **E1      *Occupation Certificate to be Submitted***

An Occupation Certificate must be obtained from the PCA and a copy submitted to the Department and Council prior to the commencement of occupation or use of the building.

The following documents should be forwarded to the Department and Council within two (2) days of the date of the Certificate being determined:

- (1) A copy of the determination;
- (2) Copies of any documents that were lodged with the Occupation Certificate application;
- (3) A copy of Occupation Certificate, if it was issued;
- (4) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- (5) A copy of any missed inspections; and
- (6) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

### **E2      *Infrastructure Repair***

Prior to issue of the Occupation Certificate, the PCA must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

### **E3      *Existing Light Rail Line Corridor***

Prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and Sydney Metro Transport Pty Ltd and the proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Prior to the issue of an Occupation Certificate, the proponent is to submit to RailCorp a copy of the final As-Built drawings and surveyed location of all rock anchors used.

### **E4      *WAE Plans for Stormwater Management and Disposal***

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed (WAE) survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the PCA prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the PCA stamped construction certificate stormwater plans.

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**E5      *Sydney Water Section 73 Compliance Certificate***

Prior to issue of an Occupation Certificate, the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the PCA.

**E6      *Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to Council for all the Essential Fire or Other Safety Measures forming part of this approval.

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

**E7      *Mechanical Ventilation***

Following completion, installation and testing of all the mechanical ventilation systems, the PCA shall be satisfied of the following prior to the issue of any Occupation Certificate:

- The installation and performance of the mechanical systems complies with:
  - the Building Code of Australia
  - Australian Standard AS1668
  - Australian Standard AS3666 where applicable
- The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the PCA prior to the issue of the Occupation Certificate.

**E8      *Accessibility***

Prior to the issue of an Occupation Certificate, the PCA shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**E9      *Works as Executed Plans***

Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Council for information purposes only.

**E10      *Post-Construction Dilapidation Report***

The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

The report is to be submitted to the Department and the Council and is to:

- (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
  - (b) Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory
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arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the Department.

**E11      *Cooling Towers***

Prior to the commencement of use, the owner or occupier of the premises must apply to Council for the registration of water cooling systems and warm water systems installed on the premises in accordance with the *Public Health (Microbial Control) Regulation 2000*.

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## **PART F — POST OCCUPATION**

### **F1      Annual Fire Safety Certification**

The owner of the building shall certify to Council and the NSW Fire Brigade every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **F2      Outdoor Lighting**

All outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

### **F3      Noise Control - Operational**

- (1) The  $L_{aeq}$ , 15 minutes noise level emitted from the use must not exceed 5dB above the background ( $L_{90}$ ) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 7.00 am and 12 midnight when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.
- (2) The  $L_{aeq}$ , 15 minutes noise level emitted from the use must not exceed the background ( $L_{90}$ ) noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) between the hours of 12 midnight and 7.00 am when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.
- (3) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, to any affected receiver.

Notwithstanding the noise limits specified in F3 above, the use of the premises must always operate in accordance with noise limits specified in the environmental protection licence issued under the *Protection of the Environment Operations Act 1997* for the development. If there is an inconsistency with the noise limits outlined above with those specified in the Environmental Protection Licence, the noise limits specified in the Environmental Protection Licence shall prevail.

### **F4      Noise Control – Plant and Machinery**

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (1) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (2) A sound pressure level at any affected residential property that exceeds the background ( $LA_{90}$ , 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.
- (3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
- (4) Notwithstanding the noise limits specified in (1), (2) and (3) above, the use of the premises must always operate in accordance with noise limits specified in the environmental protection licence issued under the *Protection of the Environment Operations Act 1997* for the development. If there is an inconsistency between the noise limits outlined above with those specified in the Environmental Protection Licence, the noise limits in the Environmental Protection Licence prevail.

### **F5      Loading**

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All loading and unloading, including deliveries to and from the site in connection with the use, must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

**F6      Cooling Towers**

All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:1995 (or AS 3666.3:2000 subject to prior notification of Council), the *Public Health Act 1991*, and *Public Health (Microbial Control) Regulation 2000*.

A true copy of the annual certificate as stipulated in clause 9(2) of the *Public Health (Microbial Control) Regulation 2000* which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to Council prior to the period ending 30 June each year.

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## **ADVISORY NOTES**

### **AN1      *Requirements of Public Authorities for Connection to Services***

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

### **AN2      *Application for Hoardings and Scaffolding***

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's policies.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

### **AN3      *Use of Mobile Cranes***

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### **AN4      *Roads Act 1993***

A separate application shall be made to Council for approval under Section 138 of the *Roads Act 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

### **AN5      *Road Repairs Necessitated by Excavation and Construction Works***

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the proponent, owner and relevant contractor for the balance.

### **AN6      *RailCorp***

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Where a condition of consent requires RailCorp's endorsement the PCA shall not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

**AN7      *Stormwater Drainage Works or Effluent Systems***

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the Local Government Act, 1993 require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

**AN8      *Sydney Water Requirements***

Sydney Water is to be consulted on stormwater drainage, the provision of covenants over the detention and water quality treatment systems and the need for a revised flood study.

**AN9      *Temporary Structures***

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

**AN10    *Excavation – Historical Relics***

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

**AN11    *Long Service Levy***

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act 1979* this payment must be made prior to commencement of building works.

**AN12    *Movement of Trucks Transporting Waste Material***

The proponent shall notify the RTA's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

**AN13    *Disability Discrimination Act***

This application is to comply with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

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## **SCHEDULE 3**

### **STATEMENT OF COMMITMENTS**

#### **1. Documentation**

The development will be undertaken generally in accordance with architectural and landscape drawings prepared by DEM (Aust) Pty Ltd and all documentation appended to the Environmental Assessment report dated February 2010 and the Preferred Project Report dated August 2010, listed as follows:

- Architectural Drawing Nos. ar--cv00 revB01, ar--0200 revB01, ar--1200 revB01, ar--1201 revB01, ar--1202 revB01, ar--1203 revB02, ar--1204 revB01, ar--1205 revB01, ar--1206 revB01, ar--1207 revB01, ar--1208 revB01, ar--1209 revB01, ar--1210 revB01, ar--1211 revB01, ar--2100 revB01, ar--2101 revB02, ar--2102 revB01, ar--2103 revB01, ar--2500 revB01, ar--2501 revB02, ar--5000 revB01, ar--5001 revB01, ar--5002 revB01, ar--5003 revB01.
- Landscape Drawings Nos. la--cv00 revA02, la--0201 revA02, la--0501 revA02, la--0502 revA02, la--3301 revA02.
- Landscape Maintenance Strategy dated February 2010.
- Signage Plan ar-5003 prepared by DEM (Aust) Pty Ltd.
- External Finishes Schedule prepared by DEM (Aust) Pty Ltd.
- Part 3A Acoustic Report, Ref: 36148-013-01, dated 29 January 2010 Rev 01
- Engineering Response Report, Ref: 36148/3.8 dated 15 March 2010 Rev 4.
- Air Quality & Greenhouse Gas Impact Assessment dated February 2010 Rev00
- Assessment of Transport, Traffic & Parking Implications Ref 0953 dated February 2010
- Geotechnical Investigation Report Ref: 22706VTrpt dated 23 April 2009.
- BCA Assessment Report No. 1321-15 Rev 02 dated 17 February 2010.
- Construction Management Plan.
- Access Report dated 19 February 2010.
- PB response letter, Ref: 2117107ARev/ALT\_2686 dated 26 August 2010.
- AUR Environmental Noise Criteria Report, Ref: 36148-013-01, dated 30 June 2010.

#### **2. Lot Consolidation & Easements**

Easements and restrictions as to user affecting Lots 3 and 12 in DP 632526 will be extinguished and relocated, where necessary.

#### **3. Acoustics**

All appropriate recommendations and commitments detailed in the Part 3A Acoustic Report prepared by Aurecon, Ref: 36148-013-01, dated 29 January 2010 Rev 01 and updated Environmental Noise Criteria Report prepared by Aurecon, Ref: 36148-013-01, dated 30 June 2010 will be implemented. A SoundPLAN environmental noise model will be developed during the detailed design stage which consists of:

- A 3D model of the affected area incorporating topography and existing structures
- Identifying and modelling all of the noise emissions from site based on specifications of equipment and operating conditions/scenarios
- Noise propagation to be calculated utilising the ISO 9613-2 method
- Calculate total noise emission from the development site to the affected sensitive receivers
- Develop noise contours showing the extent of noise emissions from site

The results of this model will then be used during the design process to optimise the noise emissions from site through the introduction of additional noise mitigation measures to ensure compliance with the applicable project specific noise emission criteria.

#### **4. Utilities & Services**

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All appropriate recommendations and commitments detailed in the Engineering Response to Director General's Requirements Report, Ref 36148/3.8 dated 15 March 2010 Rev 4 will be implemented, in relation to the following services:-

- Electrical
- Telecommunications
- Security
- Mechanical
- Fire
- Hydraulic

## **5. Emissions**

All mitigation and management measures recommended in Section 10.2 of Air Quality & Greenhouse Gas Impact Assessment dated February 2010 Rev00 and updated PB additional Preferred Project Report response letter Ref. 2117107ARevA/LT\_2686 dated 26 August 2010 to control emissions in the operation phase of the data centre will be implemented.

## **6. Traffic & Parking**

Access, servicing and parking arrangements will be undertaken in accordance with the architectural drawings and Assessment of Transport, Traffic & Parking Implications Report prepared by Transport & Traffic Planning Associates, Ref 0953 dated February 2010.

## **7. Geotechnical**

Recommendations contained within the Geotechnical Investigation Report Ref 22706VTpdt dated 23 April 2009 will be implemented. In reference to site remediation, the applicant will implement the recommendations contained within Section 6 of Geotechnical Investigation Report Ref 22706VTpdt dated 23 April 2009

## **8. Drainage**

A detailed stormwater drainage plan will be prepared to the satisfaction of the Director General to harvest rainwater for re-use, and dispose of excess rainwater to the existing street drainage system.

## **9. Reflectivity**

A reflectivity study to assess the impact of solar reflectivity and glare from materials of the new building façade will be prepared as part of the Construction Certificate.

## **10. Energy Performance (ESD)**

An ESD Performance Report that investigates appropriate benchmarking for data centre facilities, as the application of NABERS Office Energy & NABERS Office Water tools are considered not appropriate for use due to protocol limitations. The report will also reference international guidelines of the U.S. Green Building Council's LEED program. This will be the basis against which the design, construction and ongoing operation phases of the building will be assessed. The elements of sustainability that will be addressed will include:

- Local planning provisions where applicable to the development type
- Energy & water efficiency measures and benchmarks
- Materials & waste minimisation
- Operational monitoring & reporting.

## **11. Access & Mobility**

An Access & Mobility Assessment of the detailed design of the building will be prepared and demonstrate how the proposed development satisfies the following statutory and regulatory guidelines to ensure effective, appropriate and safe use by all people including those with a disability:

- AS 1428.1, AS 1428.2, AS 1428.4, AS 1735.12, AS2890.1.
- Parts D3.2, D3.3, D3.6, D3.8, E3.6, and F2.4 of the Building Code of Australia (BCA)
- Disability Discrimination Act

## **12. Archaeological & Aboriginal Relics**

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In the event that archaeological resources are unearthed during any stage of the development, work in the immediate vicinity is to cease and an archaeologist contacted to make an assessment of the find. Consultation with the Heritage Branch and further assessment may be required prior to works progressing on site. Further research may be required. It should be noted by the Client that further research and an application for an excavation permit would delay construction schedules.

In the event that objects pertaining to the Aboriginal cultural values are unearthed during any stage of the development, works will cease and an archaeologist contacted to make an assessment of the find. Consultation with the Department of Environment, Climate Change and Water may be required prior to works progressing on the site.

### **13. BCA**

All proposed building works will comply with the deemed-to-satisfy provisions of BCA, or will be supported by an alternative solution to demonstrate compliance with the performance requirements of the BCA.

### **14. Waste Management**

A detailed waste management plan will be prepared in accordance with the recommendations of Section 8.2.3 of the Engineering Response to Director General's Requirements Report, 36148/3.8 dated 15 March 2010 Rev 4.

### **15. Construction & Traffic Management**

All measures and recommendations contained within the construction management plan prepared by Global Switch will be implemented in relation to the following services:-

- Public safety, Amenity and Site Security;
- Operating Hours, Noise and Vibration Controls;
- Air and Dust Management;
- Stormwater and Sediment Control;
- Waste and Materials Re-Use; and
- Traffic Management and Materials handling.

Additional mitigation and management measures relating to dust and vehicle emissions as recommended in Section 10.1 of Air Quality & Greenhouse Gas Impact Assessment dated February 2010 Rev00 will be incorporated into the construction management plan.

### **16. Erosion & Sediment Control**

An erosion and sediment control plan will be prepared as part of the Construction Certificate and will be implemented and maintained by the Contractor responsible for carrying out the works.

### **17. Hours of Operation**

#### **Operational –**

The Data Centre will operate 24 hours, 7 days per week.

#### **Construction –**

The construction hours, including the delivery of materials to and from the site, will be restricted as follows:

- Between 7.00 am and 5.00 pm Mondays to Fridays;
  - Between 8.00 am and 1.00 pm Saturdays;
  - No work on Sundays and Public Holidays.
-