

Development Consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

I, the Chief Executive Officer, of the Sydney Olympic Park Authority, pursuant to section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, Clause 22 of the *Sydney Olympic Park Authority Act 2001*, and in accordance with the delegations invested to my office by the Minister for Planning, grant development consent to the development 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.



Chief Executive Officer
Sydney Olympic Park Authority

Date: 18/07/2019

SCHEDULE 1

Development Application:	DA 13-11-2018
Application made by:	The Data Exchange Network Limited
To:	Sydney Olympic Park Authority
In respect of:	5 Parkview Drive, Sydney Olympic Park
For the following:	Alterations and additions to the existing building for use as a data centre.
Determination:	Consent granted subject to conditions in the attached SCHEDULE 2 .
Date of commencement of consent	This development consent commences on the date of approval.
Advisory Notes	<p>The Applicant is solely responsible for any additional consents and agreements that are required from other authorities.</p> <p>The Applicant has the right to appeal to the Land and Environment Court in the manner as set out in the <i>Environmental Planning and Assessment Act 1979</i>, and the <i>Environmental Planning and Assessment Regulations 2000</i> (as amended).</p>

SCHEDULE 2
CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 13-11-2018

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Development Consent is granted only to carrying out of the development as described, and at the premises referred to, in **SCHEDULE 1** above.

These conditions of consent do not relieve the proponent of its obligations under the *Environmental Planning and Assessment Act 1979*, and any other Act.

A2 Development in Accordance with Plans and Documentation

The development shall be undertaken in accordance with the following stamped drawings:

Architectural Plans prepared by Patrick O’Carrigan + Partners Pty Ltd			
Drawing No.	Issue	Name of Plan	Date
00	-	Cover Sheet and Legend	-
04	B	Site Demolition Plan	29/11/2018
05	B	Roof Demolition Plan	29/11/2018
06	D	Site Plan	20/12/2018
07	B	Ground Plan	29/11/2018
08	B	Roof Plan	29/11/2018
09	B	Elevations	29/11/2018
10	B	Section A-A	29/11/2018
11	B	Section B-B + C-C	29/11/2018
12	B	Kiosk Substation Screen	29/11/2018
13	C	Fences + Gates	20/12/2018
14	B	Loading Bay	29/11/2018
15	B	Verandah Panel Screen	29/11/2018
16	B	Generator Enclosure Stage 1	29/11/2018
17	B	Generator Enclosure	29/11/2018
18	C	Signage Schedule	20/12/2018
Landscape Concept Plans prepared by Site Image			
000	C	Landscape Cover Sheet	29.11.2018
101	C	Landscape Plan	29.11.2018
501	B	Landscape Details	28.11.2019
Acoustic Assessment Report, Revision 7 prepared by Acoustic Logic, dated 22 February 2019			
Traffic Impact Assessment, Issue B prepared by GTA Consultants (NSW) Pty Ltd, dated 21 December 2018			
Arboricultural Impact Assessment, Version 4, prepared by Eco Logical Australia, dated 21 November 2018			
Flood Risk Assessment prepared by BG&E, dated 27 November 2018			
Statement of Environmental Effects prepared by Knight Frank Town Planning, dated November			

except for:

1. any modifications which are 'Exempt and Complying Development' as identified in the relevant State Environmental Planning Policy (SEPP) or as may be necessary for the purpose of compliance with the Building Code of Australia (BCA) and any Australian Standard (AS) incorporated in the BCA;
2. otherwise provided by the Conditions of this Consent;
3. otherwise as necessary to comply with other NSW and Commonwealth legislation.

A3 Inconsistency between documents

In the event of any inconsistency between Conditions of this Consent and the details referred to in Condition No. A2, the Conditions of this Consent prevail.

A4 Lapsing of Consent

This consent will lapse five (5) years from the date of this consent unless the development has physically commenced.

A5 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulations 2000* in relation to the requirements of the BCA.

A6 Standards and Codes

All works shall be constructed in accordance with safe work practices and complying with the relevant adopted Australian Standards, Codes of Practice and the current Building Code of Australia requirements.

A7 Critical Stage Inspections

The *Environmental Planning and Assessment Act 1979* Section 109E (3)(d), requires that inspections be carried out by the Principal Certifying Authority (PCA) or another Accredited Certifier with the prior consent of the PCA.

A8 Long Service Levy

For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 14 41.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Modification of details of the development (Section 4.17(1)(g) of the Act)

Prior to the issue of the Construction Certificate, the proposal must be amended in the following manner:

- a) The freestanding business identification sign at Gate VG02 on Parkview Drive must be deleted.

Plans detailing these amendments must be shown on the Construction Certificate plans.

B2 Structural Certification

Prior to the issue of a relevant Construction Certificate, the Applicant must submit, to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:

- a) the relevant clauses of the Building Code of Australia (NCC/BCA); and
- b) the adequacy of the existing structure to accommodate the additional loads.

B3 Building Code of Australia (alternative solutions)

Any non-deemed to satisfy compliance issues are to be included as alternative solutions in the final design to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate. A copy must be provided to SOPA's Senior Manager, Planning.

B4 Construction Environmental Management Plan

Prior to the issue of a relevant Construction Certificate, a **Construction Environmental Management Plan** (CEMP) must be submitted to the Certifying Authority. The CEMP must address, but not be limited to, the following matters, where relevant:

- a) hours of work;
- b) 24 hour contact details of site manager;
- c) protection of adjoining properties;
- d) erosion and sediment control measures in consultation with SOPA's Senior Manager, Engineering Services; and
- e) tree protection measures for all protected and retained trees.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent prevails.

The Applicant must submit a copy of the CEMP to SOPA's Senior Manager, Planning prior to commencement of work.

B5 Pre-Construction Dilapidation Report

The Applicant is to engage a suitably qualified person to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all existing roads and public infrastructure within the 'zone of influence'. A copy of the Pre-Construction Dilapidation Report must be submitted to SOPA's Senior Manager, Engineering Services.

B6 Installation of Electricity Substation Kiosks

All Ausgrid kiosks must be accommodated entirely within the site. No isolation pillars or cabinets are permitted on footpaths, in the public domain or publicly accessible areas.

The kiosk must be located, designed and screened to have minimum visual impact on the public domain. Screening of any substation kiosks located outside of buildings must be in accordance with the approved plans or to the satisfaction of SOPA's Director, Environment and Planning.

Details of compliance must be shown on the Construction Certificate plans.

B7 Traffic and Pedestrian Management Plan

Prior to the issue of a relevant Construction Certificate, a **Traffic and Pedestrian Management Plan** (TPMP) prepared by a suitably qualified person must be approved by SOPA's Director, Environment and Planning and submitted to the Certifying Authority.

The Plan must address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the Subject Site;
- b) loading and unloading, including construction zones;
- c) predicted traffic volumes, types and routes;
- d) pedestrian and traffic management methods;
- e) construction activities during major events;
- f) details of special event and clearway conditions on surrounding roads in the vicinity of the site during special events;
- g) potential impacts to pedestrian access and public transport infrastructure including bus services and measures to mitigate impacts including temporary relocation of services; and
- h) access for owners and occupiers during special events.

The Applicant must submit a copy of the final Plan to SOPA prior to the commencement of work.

PART C – PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate

A Construction Certificate is to be issued by an Accredited Certifier in accordance with the requirements set out in Section 6.6 of the *Environmental Planning and Assessment Act 1979*. A copy of the Construction Certificate must be provided to SOPA's Senior Manager, Planning prior to the commencement of work.

C2 Principal Certifying Authority

Works are not to commence until a Principal Certifying Authority (PCA) has been appointed, as set out in Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

PART D – DURING CONSTRUCTION

D1 Development in accordance with the *Building Code of Australia*

The works must be in accordance with the current Building Code of Australia (BCA) and the adopted Australian Standards and relevant SOPA policies, guidelines and manuals.

Note: Sufficient information must be forwarded to the PCA illustrating compliance with the relevant requirements of the current *Building Code of Australia* and adopted *Australian Standards*. Sufficient information may include but not limited to, reports or certifications issued by an appropriately qualified person. Please contact your relevant PCA to discuss requirements prior to submission of the application for Construction and Occupation Certificates.

D2 Work Health and Safety Act 2011

All works are to be carried out in accordance with the *NSW Work Health and Safety Act 2011* and the *Regulation 2017*.

D3 Hours of Work

All works (including site deliveries) shall only be carried out between the following hours:

- 7.00am to 6.00pm on Monday to Fridays (inclusive)
- 7.00am to 3.00pm on Saturdays
- No work on Sundays and Public Holidays (except with the prior written consent of SOPA's Director – Environment and Planning).

D5 No Obstruction of Public Way

The public way and road reserves must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless this occurs in accordance with a Works Permit. Non-compliance with this requirement will result in the issue of a Notice by the Authority to stop all work on the site.

Note: Further information about Work Permits can be obtained from www.sydneypark.com.au

D6 Protection of Trees

The Applicant must ensure:

- a) no street trees are trimmed or removed unless it forms a part of this development consent or prior written approval from SOPA's Director, Environment and Planning is obtained or is required in an emergency to avoid the loss of life or damage to property.
- b) all trees on the subject site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures, are to be provided to protect root system, trunk and branches, during construction, in accordance with AS 4970:2009.
- c) the removal works are undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture, and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007.

D6 Fire Safety

All existing base building Essential Fire Safety measures including all the required exits are to be preserved within the base building areas and maintained or upgraded if required to accommodate the proposed new fit-out.

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

E1 Occupation Certificate

An Occupation Certificate must be obtained from the Certifying Authority upon completion of the new building works and prior to commencement of use in accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*. A copy of the Occupation Certificate must be submitted to SOPA's Senior Manager, Planning.

E2 Structural Inspection Certificate

A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact SOPA for specific electronic format) shall be submitted to SOPA's Manager, Building Services after:

- the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E3 Repair of Damage (Roads and Public Domain)

Any public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following any damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to the satisfaction of SOPA's Senior Manager, Engineering Services prior to the issue of any occupation certificate in respect of the development.

E4 Acoustic Certification

Prior to the issue of an Occupation Certificate, the applicant must provide certification from a suitably qualified acoustic engineer to the Certifying Authority, that the noise associated with the use of mechanical plant and equipment will not give rise to any one or more of the following:

- a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- b) Exceeding the maximum noise level criteria in Section 4.1 of the approved 'Acoustic Assessment Report, Revision 7, prepared by Acoustic Logic, dated 22 February 2019. The background noise level must be measured in the absence of noise emitted from the use in accordance with *Australian Standard AS1055 – 1997*. If it is not possible to measure background noise levels at the relevant time and place in the absence of noise that is being investigated, it should be measured at a similar location in accordance with the requirements of *Australian Standard ASS1055.2 1997*.

Any amendment to the design of the acoustic enclosure around the back-up generators must achieve compliance with the maximum noise level criteria in Section 4.1 of the approved 'Acoustic Assessment Report, Revision 7, prepared by Acoustic Logic, dated 22 February 2019.

PART F – DURING OCCUPATION AND USE

F1 Acoustic Monitoring

The operator must carry out acoustic monitoring within 3 months of the occupation of any residential building on the adjoining property at 2 Figtree Drive to demonstrate that the noise levels at the closest sensitive receiver do not exceed the maximum noise level criteria in in Section 4.1 of the approved 'Acoustic Assessment Report, Revision 7, prepared by Acoustic Logic, dated 22 February 2019.

A copy of the acoustic monitoring must be provided to SOPA's Senior Manager, Planning.

The acoustic monitoring must be repeated within 12 months of the initial monitoring, and a copy of results must also be provided to SOPA's Senior Manager, Planning..

If either acoustic monitoring report demonstrates that noise levels at the closest sensitive receiver exceed the maximum noise level criteria, the operator must rectify the non-compliance within 60 days, or a timeframe agreed in writing by SOPA's SOPA's Senior Manager, Planning.

F2 Noise Control – Plant and Equipment

At any point during the operation of the use, noise associated with the operation of any plant, chillers or other equipment on the site, must not give rise to any one or more of the following:

- a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy; or
- b) A sound pressure level at any nearby receiver that exceeds the maximum noise level criteria in Section 4.1 of the approved 'Acoustic Assessment Report, Revision 7, prepared by Acoustic Logic, dated 22 February 2019.

F3 Complaints Register

The operator of the premises must maintain a register of any noise complaints that includes:

- the date and time of the complaint;
- the name and address of the person making the complaint; and
- any actions taken in response to the complaint.

The operator must provide a copy of the register to SOPA at any time upon request.

F4 Testing of Back-Up Generators

Monthly and annual scheduled testing of the back-up generators must only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday.

F5 Annual Fire Safety Certificate

An annual Fire Safety Statement must be given to the relevant Local Council Authority (Parramatta City Council) and the NSW Fire Brigade within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued.

END OF CONSENT