

JRPP No.	2011SYW102
Applicant	Metronode Pty Ltd C/-Silverton Group Pty Ltd
Owner	Mr C Tolani and Mr J Tolani
Application No.	DA-318/2011
Description of Land	Lot 101 DP 717759, 8-14 Egerton Street, SILVERWATER
Proposed Development	Demolition of existing buildings, removal of trees and construction of electronic data storage facility (including 24 hours operation) with associated car parking, landscaping and drainage works
Site Area	16820.00m ²
Zoning	Zone IN1 - General Industrial
Disclosure of political donations and gifts	Nil disclosure
Issues	Residential Amenity

Recommendation

- That Development Application No. DA-318/2011 for demolition of existing buildings, removal of trees and construction of electronic data storage facility (including 24 hours operation) with associated car parking landscaping and drainage works on land at 8-14 Egerton Street, SILVERWATER be approved subject to the conditions of development consent.***

18 July 2011

A pre-lodgement application (PL-34/2011) was initially lodged with Council on the 18 July 2011 proposing the construction of a Data Storage Centre.

A subsequent meeting was held with the applicant and consultant staff on the 12 August 2011 to discuss the proposal. Council staff were of the opinion that the proposal was generally compliant with Council's development controls and applicable local statutory requirements; however there were concerns particularly with regard to the amenity of the residents adjoining the subject site to the east.

As part of this meeting and subsequent meeting notes issued on 26 August 2011, the applicant was advised to investigate the potential of the development to generate unacceptable levels of Electromagnetic Radiation (EMR) and its effect on adjoining premises in reference to relevant standards associated with EMR (i.e. ARPANSA – Australian Radiation Protection and Nuclear Safety Agency). Additionally, the proponent was required to investigate the appropriate consent authority for the application in reference to State Environmental Planning Policy (Major Development) 2005 as the Capital Investment Value for the development was yet to be determined.

The proponent was also advised that the development would be considered as a traffic generating development in accordance with Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. In this regard, any formal lodgement of an application would be forwarded to the NSW Roads and Traffic Authority.

5 September 2011

The subject development application (DA-318/2011) was formally lodged with Council on 5 September 2011. The subject development related to the demolition of existing buildings, removal of trees and construction of electronic data storage facility (including 24 hours operation) with associated car parking landscaping and drainage works.

9 September 2011

Following the formal lodgement of the application (DA-318/2011), a preliminary assessment of the application was undertaken revealing that the cost of works for the proposal was \$165,231,000. The applicant was advised by letter dated 9 September 2011 that due to the nature and costs of works for the proposal, the development would constitute a Part 3A project (i.e. Council would not be the consent authority).

Council advised that a copy of a Clause 6C certificate made in accordance with SEPP (Major Projects) 2005 and issued by the Director-General was required to support the application, stating that the development was suitable for assessment by Council under Part 4 of the Environmental Planning and Assessment Act 1979. A Clause 6C Certificate was subsequently received by Council on 16 September 2011 giving Council authority to assess the application for the determination by the Joint Regional Planning Panel.

27 September 2011

Council officers received a petition of support from a proponent of the application. The petition contains 51 signatures of persons within the locality, supporting the development application.

29 September 2011

Council officers met with applicant regarding progress of application and imposition of Section 94 contributions. Applicant was advised that the application was progressing well.

and that there were a few outstanding matters that were required to be addressed. The matters related to some additional information in regard to several drafting errors, some supporting information regarding loading bays and the submission of a Remedial Action Plan which had not been received by officers. Council officers advised that this request for further information would be put in writing. This is further detailed below.

30 September 2011

Council officers received correspondence from the applicant, including the submission of the Remedial Action Plan. Additionally, the unknown height of the acoustic wall, positioned parallel to the eastern boundary, was confirmed to be 3.5 metres.

5 October 2011

Council officers received correspondence from the applicant regarding loading dock information.

7 October 2011

The applicant was advised via writing that there were several items to be addressed for the application to proceed. These are summarised as follows;

Architectural/Submission Requirements

- Confirmation of the height of the acoustic wall within the landscaped buffer area.
- Submission of the RAP in accordance with the recommendations of the Phase 2 Contamination Report submitted to Council.
- The position of the disabled access ramp, positioned on the western (Day Street) boundary, as nominated on Drawing No. TP05 (Site Plan) does not correspond with the position of the disabled access ramp on the elevation drawings (Drawing Nos. TP11 and TP12).
- The Egerton Street fence line between the services building and the Day Street frontage (as shown on Drawing No. TP05), should be set back to 4.5 metres to be consistent with the proposed fence line along the entirety of Egerton Street.
- Comparison shall be made to similar developments in order to determine the required amount of loading bays to be provided for the proposed development. This may be in the form of an addendum to the submitted traffic and parking report.
- Swept path analysis of left turn entry and exit for proposed articulated vehicle shall be submitted. The plan shall show the centre line of the road also in order to verify whether proposal will have any significant impact on the street traffic.

Stormwater Requirements

- A detailed cross section of the OSD tank showing the top water level, high earthenly discharge pit, orifice, dry platform and overflow weir shall be submitted.
- Within the OSD tank, 900mm x 900mm size grated access openings shall be provided at minimum 5.0m intervals.
- On-site detention calculation sheets and Council's submission checklist are to be submitted which address all required items.
- Details of proposed stormwater treatment device shall be submitted.
- Stormwater discharge from the OSD area shall also be discharged through the stormwater treatment device.

The applicant responded on the same day, being 7 October 2011, addressing the above mentioned matters. The following is a summary of the response;

- Confirmation of acoustic fence height and submission of the RAP was provided within earlier correspondence (30 September 2011)

- Applicant will endeavour to amend architectural regarding disabled ramp
- Applicant advised that boundary fencing will be set at 4.5 metres as nominated
- Loading bay information provided as per earlier correspondence (5 October 2011)
- Applicant will endeavour to submit swept path analysis as requested.
- Applicant requested that stormwater detail form part of a condition/s of consent.

11 October 2011

Council officers received correspondence from the applicant, including revised drawings regarding the disabled ramp.

Site and Locality Description

The subject site is legally described as Lot 101 DP 717759 and is known as 8-14 Egerton Street, Silverwater. It is located on the eastern corner of the intersection of Egerton Street and Day Street. The land is regular in shape and comprises a total area of 16,822 square metres with the following dimensions:

- Northern boundary – 140.97 metres to adjoining industrial building on Day Street;
- Southern boundary – 140.97 metres to Egerton Street frontage;
- Eastern boundary – 119.33 metres adjoining residential boundaries (Newington);
- Western boundary – 119.33 metres to Day Street frontage;

The development site currently contains an expansive concrete slab of 7,950 square metres on the western side of the site, a transport depot, including a 2 storey warehouse/office building, two single storey demountable sheds, a detached single storey amenities shed, a detached single storey wash shed and a detached single storey workshop, all sitting on a expansive paved area with existing landscaping separating the eastern and western sides and along Egerton Street.

The site has three existing vehicular accesses off Egerton Street and one existing vehicular access off Day Street.

Surrounding developments located in the immediate vicinity consists of a mix of land uses:-

Directly to the north, west and south of the site are predominately industrial uses. The area has been historically used for this type of development and there is not a foreseeable change to these uses. The premises adjoining the sites northern boundary, contains several individual industrial tenancies used for a mixed variety of uses. The industrial buildings are typically 1 and 2 storey buildings.

Directly to the east of the site is an area of residential properties (forming part of Newington). These residential dwellings are 2 storey and share a common boundary with the subject site. Access to these dwellings is off separate roads, being Louis Avenue and Watt Avenue.

The land slopes from the east to the west, having a stepped fall of approximately 6 metres. The slope is continued from the eastern boundary to the residential properties as nominated above.

The location of the site is shown below:-



Description of Proposed Development

Council has received a development application for the demolition of existing buildings, removal of trees and construction of electronic data storage facility (including 24 hours operation) with associated car parking landscaping and drainage works.

The data centre is a low intensity land use that is built to securely and discretely store electronic information in a stable environment. The information is held in and distributed by computers and servers which receive the electronic information and are managed remotely. Optical fibre is used to connect the data centre to other data centres and to customers' offices off site.

The proposed development is reliant on Bladeroom technology, being 2 level data halls accessed from a technical space where security, delivery and equipment testing and preparation functions take place. The Bladerooms are highly technical prefabricated structures which provide the climate controlled environment for computers. The services required for the operation of the Bladeroom are power, water and a fibre optic connection. The power is connected to the Bladerooms through the associated plant rooms which houses equipment that conditions the power to the load and quality required by the computers. The computers are housed in secure cabinets and are accessible on a 24 hour basis to customers who lease the area used by their equipment.

In this regard the development can be defined into three areas, being the Bladerooms (data halls), technical space and plant rooms.

Bladerooms

Twelve Bladerooms are proposed at the data centre. They are to be arranged in groups of four, in a set of three, installed over two levels with a pair of Bladerooms on each level. Each pair of rooms would measure:

- Length: 49.90 metres.
- Width: 31.15 metres.
- Height: 8.23 metres with an additional 2.5 metres for roof louvres around roof mounted mechanical equipment.

Plant Rooms

A total of 15 plant rooms are proposed at the northern end of the site, 8.45 metres from the site's northern boundary. Each group of five plant rooms is associated with a group of four Bladerooms.

The plant rooms are prefabricated two storey structures and function as restricted access facilities housing generators, electrical switchboards and uninterruptible power supplies. These would be accessed by asset management staff and service contractors only. The facility would operate on high voltage power from a power retailer such as AusGrid. Generators would be provided to ensure no business interruption in the event of power failure. The generators are to be powered by diesel fuel. This fuel is to be stored in 2 x 50,000L individual tanks located near the eastern boundary, suitably separated and screened from the residential properties. The equipment would have regular testing and would be operated periodically to ensure its capacity to respond in a power failure. Each set of five rooms would measure:

- Length: 32.24 metres.
- Width: 17.04 metres.
- Height: 10.5 metres.

Open bridges and stairs would connect the plant rooms to the adjacent Bladerooms.

Technical Space

The technical space is a permanent work space for asset and security management staff. The area includes secure access, delivery assembling and servicing areas for computer equipment as well as staff amenities. There would also be incidental (casual) work space for customers programming their equipment as well as an area for disaster recovery/technical support. The technical space is located in 2 and 3 storey buildings attached to the Bladerooms for access purposes. The highest point of this structure is 15.575 metres.

Access to the technical space is via steps to the eastern and western sides of the development and disabled access to the western portion of the site (associated with the provision of disabled parking). The technical space is service via two internal lift shafts providing adequate access to all levels.

Site access is to be provided via Egerton Street, including the removal of three existing crossovers and the establishment of one new crossover to accommodate all access. The access point will lead to 23 parking spaces for customers (inclusive of 1 disabled parking space), 20 parking spaces for staff, 12 overflow parking spaces and 2 loading docks.

Larger vehicles would use the 8 metre internal Ring Road to exit onto Day Street. The Ring Road can accommodate the largest design vehicle anticipated to access the site, a 19.0 metre articulated vehicle. Access to the Ring Road would be restricted. Once the data centre is fully completed and operational, larger vehicles are only anticipated to access the site four to five times per year for delivery of fuel to storage tanks, service or replacement of major plant items such as generators. The Ring Road would also be used for construction of later stages of the project.

The largest design vehicle anticipated to access the site on a regular basis is a heavy rigid vehicle (HRV), and the internal road environment has been geared to allow a vehicle of this size to enter and exit via Egerton Street. Delivery of computers to site would be by 12.5 metre rigid body trucks or smaller vans which would be able to enter and exit the site via Egerton Street.

The proposal also incorporates extensive landscaping on the eastern, southern and western boundaries. Due to the location of residential properties to the east, the applicant has provided an adequate 19.4 metre landscape buffer on the eastern boundary, including an

acoustic wall to protect the amenity of the adjoining residents. The proposal also incorporates a 2.7 metre corrugated metal fence and security gates suitably setback from the southern and western boundaries.

A small services room is positioned on the western corner of the site frontage, 2.5 metres from the front boundary. This service building contains essential services including a substation and pump room for the fire brigade.

Drainage works are also to form part of the proposal.

Staged Works

The development is primarily made up of a series of modules which are craned onto site. The modular design of the Bladroom technology allows data centres to be developed in stages without disruption to the operational sections. The proposal is to be built in 6 stages which are nominated as Stages 1A, 1B, 2A, 2B, 3A and 3B.

Stage 1A would involve:

- Demolition.
- Site preparation including establishing three benched levels for the Bladrooms.
- Provision of services and landscaping to the site.
- The first pair of Bladrooms with associated plant rooms and technical space.

The required staging area for construction services and facilities will be established on the tandem carpark area on the southern boundary, and would be utilised as car park except during construction of further stages. Subsequent stages would be carried out without disruption to the earlier stages as the buildings are manufactured off site and erected with only limited on site works.

Each subsequent stage incorporates the construction of an additional pair of Bladrooms with associated plant rooms and technical space.

The expected timing of on-site works is seven months from commencement on site for Stage 1A, and 4 months for each subsequent stage.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that although there is no in principle objection to the proposal, several points in relation to on site detention requirements, loading/unloading requirements and access turning paths. This is to be clarified with the applicant during assessment.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has raised no objections to the proposed development subject to conditions of consent.

Health and Environment Unit

The development application was referred to Council's Health and Environment Unit for comment that has raised no objections to the proposed development subject to conditions of consent.

Landscape Architect

The development application was referred to Council's Landscape Architect for comment who has raised no objections to the proposed development subject to conditions of consent.

The conditions will relate to the replacement of certain species of trees to more reflective of the Auburn area. This includes the replacement of *Corymbia maculata* for *Eucalyptus moluccana* (native to Auburn area) and *E.microcorys* be substituted with *E. longifolia* or *E.parramattensis*.

External Referrals

NSW Police

In accordance with Section 8.0 of the Policy on Crime Prevention Through Environmental Design, the development application is to be referred to NSW Police for comment. A referral was sent to NSW Police on 13 September 2011.

NSW Police responded on 23 September 2011 advising that they had no objection to the proposal.

NSW Roads and Traffic Authority

In accordance with clause 104 and schedule 3 – traffic generating development, the application was required to be referred to the NSW Roads and Traffic Authority. A referral was sent to the RTA on 14 September 2011.

On 7 October 2011, Council officers received formal comment from the Sydney Regional Development Advisory Committee (SRDAC) on behalf of the RTA. The correspondence nominated the following;

1. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
2. The swept path of the longest vehicle (including garbage trucks) 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.
3. A demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the first Construction Certificate.
4. The number of car parking spaces should be provided to Council's satisfaction.
5. All vehicles are to enter and leave the site in a forward direction.
6. All vehicles should be wholly contained on site before being required to stop.
7. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

Council officers will incorporate the SRDAC comments as conditions of development consent.

The provisions of any Environmental Planning Instruments (EP&A Act s79C(1)(a)(i))

State Environmental Planning Policies

(a) State Environmental Planning Policy No. 55 – Remediation of Land

The requirement at clause 7 of SEPP No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Details of contamination investigations carried out at the site:</p> <p>The site will be used as a data storage facility, however will require extensive excavation to facilitate the use. The proposal has been supported by a Phase 1 and subsequently Phase 2 site investigation report, prepared by Environmental Strategies and dated March 2011 (T068796/2011). The recommendations of this report include that a remediation action plan be prepared to mitigate the contamination concerns onsite. Council officers received a Remedial Action Plan prepared by Environmental Strategies and dated September 2011 (T078558/2011). The reports have been forwarded to Council's health and environment unit whereas no objections were raised subject to the imposition of conditions. It is recommended that a condition be placed on the consent to ensure compliance with the mitigation measures and actions as listed within this plan.</p> <p>Accordingly, on receipt of all relevant information, it is considered that the site is suitable to accommodate the proposed development as Council is required to be satisfied per clause 7 of SEPP 55.</p>	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

(b) State Environmental Planning Policy (Infrastructure) 2007

In accordance with clause 104 and schedule 3 – traffic generating development, the application was required to be referred to the NSW Roads and Traffic Authority.

Council officers received commentary from the Sydney Regional Development Advisory Committee (SRDAC) on 7 October 2011. Refer to external referral section above for further detail.

(c) State Environmental Planning Policy (Major Development) 2005

In accordance with Clause 13B of the SEPP a development proposal of this nature and with a capital investment value of \$10 million or more is classified as a "regional development". The consent authority for any such development is the Joint Regional Planning Panel (JRPP) – Sydney West (Council remains the assessment authority). Additionally, in accordance with Clause 6(1)(a), development of a kind that is described in Schedule 1 or 2 is declared to be a project to which Part 3A of the Act applies.

Clause 12 within Group 4 under Schedule 1 specifies that Development for the purpose of container storage facilities, or storage or distribution centres, with a capital investment value (CIV) of more than \$30 million is declared to be a project to which Part 3A of the Act applies.

The development is for a data storage facility (storage facility) with a proposed CIV of \$64,000,000 and an estimated cost of works of \$165,231,000.

Due to recent changes in legislation and Clause 6C of the above mentioned SEPP, the Director-General may, on the application of the proponent of development to which this clause applies, certify in writing that the particular development is suitable for assessment under the Act (other than Part 3A of the Act). The applicant has applied to the director-general and has since received said certification. This has been forwarded onto Council officers and as such Council can be the assessing authority for the proposal with the consent authority remaining as the JRPP.

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

Consideration of the SEPP is required as the proposal requires the installation of two 50,000 Litre tanks to store diesel fuel to facilitate the operation of the backup generators when required in an emergency situation (i.e. if the mains power is disconnected). Diesel is classified as a C1 (Combustible Liquid). In accordance with the Department's Guideline "Applying SEPP 33", if class C1 and/or class C2 are present on site and are stored in a separate bund or within a storage area where they are the only flammable liquid present they are not considered to be potentially hazardous.

The proposal incorporates a separate storage area for the tanks where diesel is the only flammable liquid present. Hence, the proposal is not considered to be potentially hazardous and no further investigation is required. It is noted that diesel is classified as a dangerous good and if greater than 100,000 litres of diesel (stored separately) is proposed to be stored on site, WorkCover NSW must be notified, a MSD and manifests and emergency plans must be developed. Any consent can be conditioned to ensure appropriate procedure is followed.

Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues in terms of consistency with the requirements and objectives of this planning instrument or the associated Development Control Plan.

Local Environmental Plans

Auburn Local Environmental Plan (LEP) 2010 (Version 13 July 2011)

The relevant objectives and provisions of Auburn LEP 2010 have been considered in the following assessment table:

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan				
This Plan is <i>Auburn Local Environmental Plan 2010</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1 AA Commencement				
This Plan commences on the day on which it is published on the NSW legislation website.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan was gazette d o n 2 9 October 2010.
1.3 Land to which Plan applies				
(1) This Plan applies to the land identified on the Land Application Map. Note. Part 23 of Schedule 3 to the <i>State Environmental Planning Policy (Major Development) 2005</i> applies to certain land identified on the Land Application Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan will apply to the site.
(2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.4 Definitions				
The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
1.6 Consent authority				
The consent authority for the purposes of this Plan is (subject to the Act) the Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In accordance with Clause 13B of the SEPP (Major Development) 2005 a development proposal of this nature and with a capital investment value of \$10 million or more is classified as a "regional development". The consent authority for any such development is the Joint Regional Planning Panel (JRPP) – Sydney West (Council remains the assessment authority). Note: Refer to SEPP commentary above in regard to Part 3A applications.
1.7 Maps				
(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name: (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
Minister. (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both. Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled <i>Standard technical requirements for LEP maps</i> and <i>Standard requirements for LEP GIS data</i> which are available on the Department of Planning and Infrastructure website.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.8A Savings provision relating to development applications If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced. <u>Note.</u> However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant land is appropriately amended or, if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The savings provisions of the previous local environmental plan do not apply to this application.
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The state policies stated below are not relevant to this application.
<i>State Environmental Planning Policy No 1—Development Standards</i> <i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i> (clause 6, clause 10 and Parts 3 and 4) <i>State Environmental Planning Policy No 60—Exempt and Complying Development</i> <i>Sydney Regional Environmental Plan No 24—Homebush Bay Area</i>				
1.9A Suspension of covenants, agreements and instruments (1) For the purpose of enabling development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
RE2 Private Recreation				
Environment Protection Zones E2 Environmental Conservation Waterway Zones W1 Natural Waterways				
2.2 Zoning of land to which Plan applies For the purposes of this Plan, land is within the zones shown on the L and Zoning Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3 Zone objectives and land use table				
(1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and (c) development that may be carried out only with consent, and (d) development that is prohibited.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A storage premises is permitted with consent in the IN 1 General Industrial Zone.
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) In the Table at the end of this Part: (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) This clause is subject to the other provisions of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Notes. 1. Schedule 1 sets out additional permitted uses for particular land. 2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act. 3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent). 4. Clause 2.6 requires consent for subdivision of land. 5. Part 5 contains other provisions which require consent for particular development. 6. Part 6 contains local provisions which require consent for particular development.				
2.4 Unzoned land				

Clause	Yes	No	N/A	Comment
(1) Development may be carried out on unzoned land only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is within the IN1 General Industrial Zone.
(2) Before granting consent, the consent authority:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5 Additional permitted uses for particular land				
(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) with consent, or				
(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.6 Subdivision—consent requirements				
(1) Land to which this Plan applies may be subdivided, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision is not proposed.
<u>Notes:-</u>				
1 If a subdivision is specified as exempt development in a n applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.				
2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.7 Demolition requires consent				
The demolition of a building or work may be carried out only with consent. Note. If the demolition of a building or work is identified in a n applicable environmental planning instrument, such as this plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development, the Act enables it to be carried out without development consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demolition work is included in the works to be carried out.

Clause	Yes	No	N/A	Comment
Land Use Table Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies: <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (including provision for secondary dwellings) <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> <i>State Environmental Planning Policy (Infrastructure) 2007</i> (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems) <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> <i>State Environmental Planning Policy (Rural Lands) 2008</i> <i>State Environmental Planning Policy No 33—Hazardous and Offensive Development</i> <i>State Environmental Planning Policy No 50—Canal Estate Development</i> <i>State Environmental Planning Policy No 62—Sustainable Aquaculture</i> <i>State Environmental Planning Policy No 64—Advertising and Signage</i>				
Zone IN1 General Industrial 1 Objectives of zone <ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. To encourage economic growth of the locality. To minimise adverse effects on the natural environment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The relevant objectives are complied with.
2 Permitted without consent Nil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3 Permitted with consent Building identification signs; Business identification signs; Depots; Freight transport facilities; General industries; Industrial training facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Restaurants or cafes; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed activities are considered to fall within the definition of "storage premises" which is not specified within item 2 or 4 and hence is permitted with consent within the IN1 – General Industrial zone and the new building is considered to be appropriate within the context of the zone. storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land. Data is considered to be classified as a 'good' and as such falls within this definition.
4 Prohibited Agriculture; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Funeral homes; Health services facilities; Heavy industries; Highway service centres; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Office premises; Passenger transport facilities;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
Places of public worship; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Residential day care centres; Restricted premises; Retail premises; Rural industries; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities				
Part 4 Principal development standards				
4.1 Minimum subdivision lot size				
(1) The objective s of this clause are as follows: (a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and (b) to ensure that subdivision of land is capable of supporting a range of development types.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision is not proposed. The allotment will remain the same size
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.				
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.				
(3C) Despite subclauses (3) –(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of: (a) dwelling houses: (i) 350 square metres, or (ii) if a garage will be accessed from the rear of the property - 290 square metres, or (iii) if the dwelling house will be on a zero lot line - 270 square metres, (b) semi-detached dwellings - 270 square metres, (c) multi dwelling housing - 170 square metres for each dwelling, (d) attached dwellings - 170 square metres.				
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.3 Height of buildings				
(1) The objective s of this clause are as				In accordance with the Height of

Clause	Yes	No	N/A	Comment
<p>follows:</p> <p>(a) to establish a maximum building height to enable appropriate development density to be achieved, and</p> <p>(b) to ensure that the height of buildings is compatible with the character of the locality</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:</p> <p>(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,</p> <p>(b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Buildings Map HOB_005, there are no maximum height restrictions applicable to the site.</p> <p>The maximum overall height of the building is proposed to be 15.575 metres measured to the roof line.</p>
<p>4.4 Floor space ratio</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> To establish a maximum floor space ratio to enable appropriate development density to be achieved, and To ensure that development intensity reflects its locality. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Floor Space Ratio Map FSR_006, the maximum FSR permitted across the whole site is 1:1.</p> <p>The FSR proposed for the development site is 0.89:1 and complies with this development standard.</p>
<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The overall floor space ratio is considered to be satisfactory.
<p>(a) for sites less than 1,300 square metres—0.75:1,</p> <p>(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,</p> <p>(c) for sites that are 1,800 square metres or greater—0.85:1.</p> <p>(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 3:1 for office premises and hotel or motel accommodation.</p> <p>(2C) Despite subclause (2), the maximum floor space ratio for the following development on</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 2:1 for office premises and hotel or motel accommodation.</p> <p>(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4.5 Calculation of floor space ratio and site area</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to define <i>floor space ratio</i>,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community and public places to be dealt with separately.</p> <p>(2) Definition of "floor space ratio"</p> <p>The <i>floor space ratio</i> of buildings on a site is the ratio of the gross floor area of all buildings within the site area.</p> <p>(3) Site area</p> <p>In determining the site area of proposed development for the purpose of applying a floor space ratio, the <i>site area</i> is taken to be:</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area</p> <p>The following land must be excluded from the site area:</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FSR has been calculated in accordance with this clause.
<p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
In this clause, <i>public place</i> has the same meaning as it has in the <i>Local Government Act 1993</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.6 Exceptions to development standards				
(1) The objectives of this clause are:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The clause will not be applicable to this application.
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and				
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.				
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and				
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.				
(4) Consent must not be granted for development that contravenes a development standard unless:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and				
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and				
(b) the concurrence of the Director-General has been obtained.				
(5) In deciding whether to grant concurrence, the Director-General must consider:				
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the public benefit of maintaining the				

Clause	Yes	No	N/A	Comment
<p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p> <p>(5) This clause does not prescribe a development standard that may be varied under this Plan.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the <i>Building Code of Australia</i>.</p> <p>(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.</p> <p>(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.</p> <p>(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:</p> <p>(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or</p> <p>(b) 400 square metres, whichever is the lesser.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposal does not incorporate any miscellaneous permissible uses.</p>

Clause	Yes	No	N/A	Comment
(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:- (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.6 Architectural roof features				
(1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and (b) To ensure that prominent architectural roof features are contained within the height limit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council Officers raises no objection to the proposed design of the architectural roof form for the new data storage facility. The roof design is considered acceptable. As discussed previously, there is no height limits specified in the IN1 zone.
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.				
5.8 Conversion of fire alarms				
(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The clause is not applicable to this application.
(2) The following development may be carried out, but only with development consent:				
(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development to which subclause (2) applies is complying development if it consists only of:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) internal alterations to a building, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) In this clause: <i>private service provider</i> means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.				
5.9 Preservation of trees or vegetation				
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal has been referred to Council's Landscape Architect for comment. No objection to the removal of trees has been made. The submitted Landscape Plan is satisfactory.
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.				
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) development consent, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a permit granted by the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>Note.</u> As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.1.0 will be applicable to any such consent.				
(8) This clause does not apply to or in respect of:				
(a) the clearing of native vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>purpose of conserving or repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(4) Effect on heritage significance</p> <p>The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(5) Heritage impact assessment</p> <p>The consent authority may, before granting consent to any development on land:</p> <p>(a) on which a heritage item is situated, or</p> <p>(b) within a heritage conservation area, or</p> <p>(c) within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(7) Archaeological sites</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(8) Aboriginal places of heritage significance</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in a place of</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause		Yes	No	N/A	Comment
Acid Sulfate Soils Map as being of the class specified for those works.					
Class	Works of land				
1 Any	works.				
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.				
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.				
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.				
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
(3)	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4)	Despite subclause (2) Development consent is not required under this clause for the carrying out of works if: <ul style="list-style-type: none"> (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5)	Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power): <ul style="list-style-type: none"> (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>work that involves the disturbance of more than 1 tonne of soil),</p> <p>(c) minor work, being work that costs less than \$ 20,000 (other than drainage work).</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:</p> <p>(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or</p> <p>(b) the works are likely to lower the watertable.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>6.2 Earthworks</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without separate development consent.</p> <p>(2) Development consent is required for earthworks, unless:</p> <p>(a) (a) the work does not alter the ground level (existing) by more than 600 millimetres, or</p> <p>(b) (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(c) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will incorporate earthworks (excavation).
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p><i>flood planning level</i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p> <p><i>Flood Planning Map</i> means the Auburn Local Environmental Plan 2010 Flood Planning Map.</p>				
<p>6.4 Foreshore building line</p> <p>(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p> <p>(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, sea retaining walls, wharves, slip ways, jet ties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).</p> <p>(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</p> <p>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</p> <p>(c) the development is not likely to cause environmental harm such as:</p> <p>(i) pollution or siltation of the waterway, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or</p> <p>(iii) an adverse effect on drainage patterns, and</p> <p>(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and</p> <p>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</p> <p>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried</p>				<p>The site is not situated adjacent to a watercourse or a water body. The clause will not apply to this application.</p> <p>The site is not situated adjacent to a watercourse or a water body. The clause will not apply to this application.</p>

2.0 Built Form				
Objectives a. To ensure that the form, scale, design and nature of development maintains and enhances the streetscape and visual quality of industrial areas. b. To ensure that the scale of any new industrial development is compatible with surrounding industrial buildings. c. To ensure the intensity of development recognises the environmental constraints of the site and its locality. Performance criteria P1 The built form of proposed development is consistent with the existing character of the locality. Development controls D1 Buildings shall be designed to: <ul style="list-style-type: none">introduce variations in unit design within building groups.introduce solid surfaces, preferably masonry, incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations.include an appropriate variety of materials and façade treatments so as to create visual interest on a high quality design outcome. D2 On corner sites, the building reinforces the corner by massing and facade orientation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed design of the building is appropriate and compatible with the surrounding developments in the area.</p> <p>The building facade is contemporary and is articulated by horizontal and vertical modulations, and variations to height within the building groups.</p> <p>The proposal is for a prefabricated structure with a high quality finish that will contribute to the locality. The design is unique, however maintains its relationship with the industrial look of the area.</p> <p>The proposed building setbacks and variation in heights and materials reinforces the corner element of the site. The proposed landscaping also softens the impact the built form may have on both Day and Egerton Streets.</p>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.0 Streetscape and Urban Character				
Objectives a. To ensure that all new development is compatible with the existing and intended future character of the locality in which it is located. b. To promote industrial development which is both functional and attractive in the context of its local environment through appropriate design. c. To encourage innovative industrial design which adds to and enhances the quality of the existing industrial areas of the Auburn local government area whilst recognising the design attributes of traditional industrial development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed design is responsive to the corner position in which it is located. The proposal has incorporated appropriate setbacks and suitable landscaping to lessen the dominance on the streetscape.</p> <p>The proposal uses high quality finishes which reflects its high-tech function. The design is reflective of the industrial nature of the area, and the extensive landscape barrier on the eastern side of the development separates the two land uses in an appropriate manner.</p>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.1 Streetscape Performance criteria P1 The appearance of the development is	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As nominated above, the proposal is

consistent with the street scape of the locality.				reflective of the industrial nature of the locality.
P2 Development conserves and enhances the visual character of the street particularly in relation to architectural themes, landscape themes and fencing styles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Fencing along street boundaries with a height greater than 1m shall be located at a minimum setback applicable to buildings (refer to setback controls overleaf) and with landscaping in the area available between the fence and the property boundary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal introduces a 2.7m high high corrugated mesh fence with associated security gates along the western and southern boundaries. The fencing is suitably setback in response to 3.2 below. A landscaping buffer is provided between the fence and the site boundary.
D2 Facades of new industrial buildings shall adopt a contemporary appearance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed building facade is contemporary in design and incorporates contemporary colour schemes.
D3 Facades of proposed infill development located in established industrial areas shall reflect the style and architecture of adjoining buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4 Architectural features shall be included in the design of new buildings to provide for more visually interesting industrial areas, including:				The building is architecturally designed and of a high quality design that utilises various architectural features and finishes providing a visually interesting building. The Egerton Street elevation incorporates various heights and finishes to create visual interest to the main facade. The roof plant equipment is shielded by the use of louvers which also adds interest to the design of the building. Additionally, the contemporary colour scheme adds to the overall appearance of the building.
• elements which punctuate the skyline;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• distinctive parapets or roof forms;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• visually interesting facades;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• architectural emphasis on the built form; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• a variety of window patterns.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.2 Front setbacks				
D1 New buildings within industrial areas shall have a minimum front setback of:				
• 4.5m from other roads, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Primary front setback of approximately 24m is proposed from Egerton Street.
• 0m from laneways.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No internal lanes or access ways adjoin the site.
				Note: There is a service building located on the western corner of the site, 2.5 metres from the front boundary. This service building contains essential services including a substation and pump room for the fire brigade. It is essential that these services are located close to the property boundary so access is available from outside the site. The proposed variation to the front setback control is seen to be appropriate in this instance, as the encroachment is minor and that it relates to essential emergency services for the site. The building is well designed and will not be a dominant feature in regard to the overall impact on the streetscape. Suitable trees have been planted to reduce any visual dominance the structure may have.

In the case of a corner allotment, the setback to the secondary road shall be 3m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Secondary setback of approximately 3m is proposed to Day Street.
D2 Front setback areas shall not be used for car parking, storage or display of goods.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Car parking is proposed on the front setback along Egerton Street. Trees would be retained and additional trees and associated landscaping incorporated to create a buffer from Egerton Street as well as break up any expanses of hard surfaces.</p> <p>The proposal is situated on a corner allotment whereas the Day Street Elevation being the more predominant elevation when using the locality, does not incorporate any carparking. The area of carparking is in association with the site access and site function, whereas locating the parking area towards the rear of the site would impact upon the extensive landscape buffer provided between the proposed site and the adjoining residential area. The proposal has been appropriately designed and the positioning of carparking is acceptable in this instance.</p>
3.3 Side and rear setbacks				
Performance criteria				
P1 Developments are separated to minimise operational constraints imposed by one industrial use upon an adjacent industrial use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed building is set back approximately 8 metres from the rear boundary with a driveway (Ring Road) separating the proposed building from the adjoining property.</p>
P2 New development facilitates foresore access to Duck River.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls				
D1 Buildings may be built on a nil side or rear setback except where a setback is required to screen buildings from:				
• public places;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• adjoining residential properties;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• other sensitive land uses;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• where rear access is required; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• where land adjoins the M4 Motorway.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
In such circumstances a 4.5 m landscape setback is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Where a site adjoins a residential zone, side and rear setbacks of 3m shall be required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

D5 In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 A minimum of 15% of the site shall be provided and maintained as soft landscaping, with lawns, trees, shrubs, for aesthetic purposes and the enjoyment of workers of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16% of landscaping (2691.5 sqm) is proposed throughout the site.
D7 Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Security corrugated mesh fencing along Egerton Street and Day Street would be softened by extensive landscaping while still retaining opportunity for passive surveillance through the use of grasses/groundcover and larger type shrubs.
D8 Landscaping shall promote safety and surveillance of the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate landscaping proposed.
Note: Applicants shall refer to Council's Policy on Crime Prevention Through Environmental Design (CPTED).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal was forwarded to NSW Police for comment. No objections were proposed.
D9 Landscaping shall allow sufficient line of sight for pedestrians, cyclist and vehicles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate landscaping proposed.
D10 Paving and other hard surfaces shall be consistent with architectural elements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The combination of the building design, landscaped areas and hard surfaces create a functional and aesthetically pleasing development.

5.0 Access and Car Parking

Objectives				
a. To ensure that all car parking demands generated by any particular industrial development are accommodated on the development site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development proposal provides a total of 43 parking spaces on site, with an additional potential 12 spaces in the case of any overflow. Council is of the opinion that the number of parking spaces is sufficient to meet the demand.
b. To ensure that the provision of off-street car parking facilities do not detract from the visual character, particularly the streetscape of an industrial area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To ensure that road access facilities are commensurate with the scale and extent of the proposed development and compatible with the surrounding traffic network.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.1 Access and car parking requirements				
Applicants shall refer to the Parking and Loading Part for parking and access requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to the Parking and Loading Section below.
5.2 Service areas				
Performance criteria				
P1 Garbage collection is carried out wholly within the site. Suitable collection points within the site are provided at convenient locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory on-site commercial collection will be available for the development.
Development controls				
D1 In the design of industrial developments, consideration shall be given to the design of	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>as toilet flushing, irrigation, car washing, fire fighting and other suitable industrial purposes.</p> <p>D3 Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable industrial purposes.</p> <p>D4 Development shall install all water using fixtures to meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7.4 Rainwater tanks</p> <p>Performance criteria</p> <p>P1 Collection and reuse of storm water is encouraged.</p> <p>P2 Stormwater runoff is reduced.</p> <p>Development controls</p> <p>D1 Rainwater tanks installed above ground or underground shall meet the relevant Australian Standards.</p> <p>D2 Above ground rainwater tanks shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject site and surrounding developments.</p> <p>D3 Above ground rainwater tanks installed shall not be visible from a primary road frontage and shall not be visually dominant.</p> <p>D4 The overflow from industrial rainwater tanks shall discharge to the site storm water disposal system. For details refer to the Stormwater Drainage Part of this DCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Council's Development Engineer is satisfied that the proposed method of storm water drainage for the site satisfactory subject to conditions included in development consent to ensure compliance with these requirements.</p>
8.0 Operational restrictions				
<p>Objectives</p> <p>a. To ensure that industrial development operates in a manner compatible with adjoining land uses, particularly residential areas.</p> <p>b. To ensure noise, air and water discharges, waste storage and removal, working hours and storage of dangerous goods and hazardous chemicals will not have a detrimental effect on environmental amenity.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Development proposal is considered to operate generally in accordance with the objectives of this requirement.</p>
<p>8.1 Hours of operation</p> <p>Performance criteria</p> <p>P1 The hours of operation are managed to ensure residential amenity is protected.</p> <p>Development controls</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal seeks a 24 hour operation to facilitate the requirements of the business. Computers within the proposed data centre would operate 24 hours a day, with security personnel continually on site.</p>

<p>D1 Where an industrial site is located adjacent to or within 200m of a residential zoned area or where in the opinion of Council truck movements associated with the industry will intrude on residential streets, hours of operation shall generally be restricted to 7:00am to 6:00pm Monday to Saturday.</p> <p>Note: Where an extension to these hours is required due to the nature of the activities to be undertaken, a detailed submission shall be lodged with Council demonstrating how environmental impacts can be minimised to acceptable levels if the extended hours of operation are approved.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Customers would have 24 hour access to the site, however it is expected that they would generally visit the site during standard business hours. Only in exceptional circumstances where they would require urgent access to their equipment would they be on site outside standard hours.</p> <p>Deliveries at the site would be undertaken between 7.00 am and 8.00 pm Monday to Sunday.</p> <p>Customer and staff cars and small trucks (up to 12.5 m) would only need to use Egerton Street to enter and exit the site. As this street is a no through road, it does not extend to the adjacent residential area. In this instance vehicles would exit and enter the site via use of the turning bay.</p> <p>No vehicles would be required to pass the eastern residential boundary within the site. Delivery trucks accessing the site after 6.00pm would not be permitted to use the ring road. This would minimise any disturbance to neighbouring residences.</p> <p>It would be in exceptional circumstances only that large trucks would be required to enter the site out of hours. Should a back out occur and fuel be required for the purpose of servicing the backup generator, large trucks (12.5 m or greater) would use the ring road within the site to access the plant rooms and fuel tanks. There is a approximately 1 % chance of such an event occurring and the impacts on adjoining residential properties minimal.</p> <p>The site would be secure and use of internal roads would be controlled.</p> <p>The design of the facility takes into consideration the proximity of residential properties. The proposal incorporates an extensive landscaped buffer to reduce any impacts on amenity the proposal may generate.</p> <p>The use itself is believed, in the context of the area to be less intensive than other potential industrial uses. Council officers do not have any objections to the proposed 24 hour operation.</p>
<p>8.2 Noise</p> <p>Performance criteria</p> <p>P1 Development minimises the possibility of noise to the occupants of adjoining or neighbouring dwellings. The use of premises, any plant, equipment and building services associated with a premise does not create an offensive noise or add significantly to the background noise level of a locality.</p> <p>P2 Where practicable, sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and, where necessary screened by walls or other acoustical treatment.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Subject development site is surrounded by industrial developments of similar uses and residential properties on the eastern side of the site. Council officers are of the opinion that the development will not generate any offensive noise impacts.</p>

				conditioning.
8.5 Water pollution				
Performance criteria				
P1 Development incorporates discharge systems designed to minimise the discharge of pollutants into the wastewater and stormwater system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development proposal is not seen to generate any water pollution.
Development controls				
D1 For industrial developments such as mechanical repair workshops and garages, pollution control monitoring equipment, e.g. retention pits, traps, or bunding shall be used to the satisfaction of Council to control the discharge of pollutants into the stormwater system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8.6 Dangerous goods & hazardous materials				
Performance criteria				
P1 Development incorporates measures needed to protect the community from dangerous or hazardous goods storage and hazardous processes or uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal includes 2 x 50,000 litre tanks on the eastern side of the proposal to store diesel. Diesel is classified as a combustible liquid. The tanks are to be stored in an area where there are no flammable materials stored, and therefore the proposal is not considered to be potentially hazardous under SEPP 33. Refer to SEPP 33 assessment above for further details. Conditions will be placed on the consent in order to ensure that an emergency spill contingency plan is submitted to Council.
Development controls				
D1 For development proposals which can potentially pose a risk to the locality or discharge pollutants, applicants shall demonstrate that consideration has been given to:				
<ul style="list-style-type: none">application guidelines published by the Department of Planning relating to hazardous and offensive development; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none">whether any public authority should be consulted concerning any environmental and land use safety requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2 Any premises with storage tanks for oil or dangerous goods outside the building shall submit an emergency spill contingency plan to Council. The DEC CW and Work Cover Authority may need to be consulted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.0 Subdivision				
Objectives				
a. To ensure that development sites are of a reasonable size to accommodate buildings and adequate car parking, manoeuvring and landscaping and minimise access points to major roads.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The application does not seek approval for any subdivision.
b. To encourage the redevelopment of industrial land through lot consolidation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. To provide lots of sufficient size to satisfy user requirements and to facilitate development of the land having regard to site opportunities and constraints.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.1 Lot sizes and access				

Performance criteria				
P1 Proposed lots are of a sufficient area and dimension to allow for the siting of buildings including provision of a adequate car parking, landscaping, access and other potential site activity and where possible reduce driveways to main roads.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The subject lot has a land area of 16,822sqm.
Development controls				
D1 The minimum average width shall be 30m. Direct access onto state roads shall not be granted unless presently provided or if an alternative vehicular access point is unavailable.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	The subject lot has an overall frontage width of 140.97 metres to Egerton Road and 119.33 metres to Day Street.
D2 New lots shall remove or reduce vehicular driveways and access points to main or arterial roads where alternatives are available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The subject site has existing vehicular access point from Egerton Street and Day Street. The proposal incorporates the removal of three existing crossovers.
9.2 Utility services				
Performance criteria				
P1 All proposed allotments are able to be connected to appropriate public utility services including water, sewerage, power and telecommunications in an orderly, efficient and economic manner.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing services are available to the site.
Development controls				
D1 Any application for strata subdivision shall demonstrate that each lot is serviced for parking and loading and shall not exceed the requirements of the Parking and Loading Part of this DCP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note: The applicant shall demonstrate that each proposed lot can be connected to appropriate utility services including water, sewerage, power and telecommunications (and where available gas). This may include advice from the relevant service authority or a suitably qualified consultant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

b) *Parking and Loading*

Parking and Loading

Requirement	Yes	No	N/A	Comment
2.0 Off-Street Parking Requirements <i>This section applies to all development.</i>				
Objectives				
a. To ensure that an acceptable level of parking is provided on-site to minimise adverse impacts on surrounding streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A total of 43 parking spaces are to be provided on site to accommodate the proposed development. In addition to these 43 spaces, 12 overflow parking spaces have also been introduced. Council Officers are satisfied that the number of parking spaces provided is sufficient to meet the demand.
b. To provide for the reasonable parking needs of business and industry to support their viability, but discourage unnecessary or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

excessive parking.					
Performance criteria					
P1	New development provides adequate off-street parking to service the likely parking demand of that development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Number of parking proposed on site to accommodate new development is sufficient.
P2	New development does not introduce unnecessary or excessive off-street parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal introduces parking that is suitable for the likely demand of parking required.
P3	Parking provided for development which is not defined in this Part on sound and detailed parking assessment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is unique in nature and is not categorised within this part. The proposal has been supported by a Traffic and Parking assessment report, prepared by Cardno and dated 10 August 2011. The report concludes that the proposed 43 parking spaces are sufficient to facilitate the demand of the proposal.
Development controls					
D1	All new development shall provide off-street parking in accordance with the parking requirement tables of the respective developments in this Part.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed development does not fall within a specified land use classification and hence does not fall within a specific parking requirement table. Refer to D2 below.
D2	That in circumstances where a land use is not defined by this plan, the application shall be accompanied by a detailed parking assessment prepared by a suitably qualified professional which includes: <ul style="list-style-type: none"> A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics; Other transport facilities included in the development; Anticipated traffic generation directional distribution and nature of impacts expected; An assessment as to whether the precinct is experiencing traffic and on-street parking congestion and the implications that development will have on existing situation; An assessment of existing public transport networks that service the site, particularly in the off-peak, night and weekend periods and initiatives to encourage its usage; Possible demand for car parking space from adjoining localities; Occasional need for overflow car parking; and Requirements of people with a limited mobility, sensory impairment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal has been supported by a Traffic and Parking assessment report, prepared by Cardno and dated 10 August 2011. The report concludes that the proposed 43 parking spaces are sufficient to facilitate the demand of the proposal.</p> <p>The report primarily focuses on other data centre developments. These developments are located within Eastern Creek and Pyrmont.</p> <p>The Eastern Creek development provided 28 spaces for a data storage centre having a total floor area of 14,731sqm (including plant rooms).</p> <p>Additionally, the Pyrmont development provided 13 spaces for a data storage centre having a total floor area of 34,000sqm (including plant rooms).</p> <p>It can therefore be observed that the parking requirements for data storage centres can vary and the proposed amount of parking, being 43 spaces, is appropriate to cater for the total floor space of 14,959sqm.</p> <p>The report also clarifies that the proposal will be a less intensive use than other uses within the area, including the current transport logistics centre currently occupying the site. The proposal is estimated to have 12 employees, customers and contractors on site at any one time.</p> <p>The site however can cater for 30 people at any one time; this is seen to be a rare event and would only occur during an emergency situation.</p>

3.4 General parking design				
Performance criteria				
P1 Parking facilities are designed in a manner that enhances the visual amenity of the development and provides a safe and convenient parking facility for users and pedestrians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The parking facilities are located sufficiently to service the proposed development and to reduce any visual impact on the streetscape. The car parking areas are suitably landscaped, softening the overall appearance of these areas.
P2 The site layout enables people with a disability to use one continuously accessible path of travel: <ul style="list-style-type: none"> To the site from the street frontage; To individual or main car parking areas; and To all buildings, site facilities and communal open space. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pedestrian access ramp is provided to an entrance of the building located adjacent a disabled parking space. Communal staff areas, disabled toilet facilities and lifts are provided within the building.
Development controls				
D1 Visual dominance of car parking areas and access driveways shall be reduced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 All basement/underground car parks shall be designed to enter and leave the site in a forward direction.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 Car parking modules and access paths shall be designed to comply with AS2890 – Parking Facilities (all parts).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Note 1: Disabled parking shall comply with AS2890 – Parking Facilities requirements. Parking bay envelope width shall be maintained for the length of the parking bay.</i> <i>Note 2: Visitor parking dimensions shall be a minimum 2.6 metres by 5.4 metres.</i>				
D4 All pedestrian paths and ramps shall: <ul style="list-style-type: none"> Have a minimum width of 1000mm; Have a non-slip finish; Not be steep (ramp grades between 1:20 and 1:14 are preferred); Comply with AS142 8.1 – Design for Access and Mobility; and Comply with AS142 8.2 – Standards for blind people or people with vision impairment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

6.0 Controls for industrial development <i>Section 6.1 provides general controls for industrial development while sections 6.2 and 6.3 contain specific controls for Carter Street Precinct and the Regency Green Industrial Estate.</i> 6.1 General controls – industrial 6.1.1 Access and circulation roadway design Performance criteria				
P1 Vehicular movements to and from the site should be designed to reduce potential conflict with street traffic and pedestrians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls D1 Driveways shall be designed to allow vehicles to enter and leave in a forward direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to the site for all vehicles is via Egerton Street. Private vehicles and smaller trucks/delivery vehicles will utilise the entrance as an exit point also. Suitable internal turning areas are available for this to occur.
D2 Adequate area shall be provided on-site and driveways designed to enable all vehicles including large trucks to enter and leave the site in a forward direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Driveways shall be located and designed to avoid the following: <ul style="list-style-type: none"> • Being located opposite other existing access ways with significant vehicle usage • Restricting sight distances; • On-street queuing; • An intersection controlled by traffic signals within 25 metres on the approach side; • A signalled intersection of any major roads within 90 metres; • An intersection controlled by a stop or give way sign within 12 metres on the approach side; • The approach side of any intersection within 10 metres; • A property boundary on the departure side of any intersection within 10 metres; and • The commencement of a median is land within 6 metres. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	The proposal introduces an internal ring road to allow larger vehicles (heavy rigid vehicles) the ability to utilise said internal road to access a separate exit onto Day Street. The proposed driveway would not impact on any driveways which experience significant usage. Due to the nature of the land use and its limited traffic impacts, as well as the provision of a adequate on-site parking and movement of vehicles, on-street queuing would be unlikely to occur. The driveway is not within 12 metres of an intersection controlled by a stop or give way sign, nor within the approach side of any intersection within 10 metres and is not within a property boundary on the departure side of any intersection within 10 metres.
D4 The maximum grade of manoeuvring areas and all access driveways shall comply with AS2890 – Parking Facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council raises no objection to the access design being proposed subject to approval of the RTA as detailed earlier in the report.
D5 Where sites front on to main or arterial roads, driveways shall be minimised or located on side or rear road frontages where available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Egerton/Day Streets are not classified as main or arterial roads.
D6 Driveways servicing car parking shall comply with AS 2890 – Parking Facilities or similar designs for car turning paths unless otherwise advised by Council's Engineering Department.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7 The maximum gradient for a driveway shall be 2.0% (with appropriate transitions). However, in extreme circumstances, gradients up to 25% (with appropriate transitions) will be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.1.2 General parking design Performance criteria				

P1	Sufficient car parking is provided on-site to satisfy the likely peak parking demands of the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council Officers are satisfied that sufficient provision of parking is proposed on site to accommodate the development. Additionally, the location and design of parking areas is satisfactory.										
P2	Parking is integrated with site planning and landscaping, and is of adequate dimensions to facilitate convenient and safe usage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
Development controls															
D1	Compliance with the off-street parking requirements in section 2.0 of this Part.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is unique in nature and is not categorised within this part. The proposal has been supported by a Traffic and Parking assessment report, prepared by Cardno and dated 10 August 2011. The report concludes that the proposed 43 parking spaces are sufficient to facilitate the demand of the proposal.										
D2	Stacked parking facilities shall not be accepted for new developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
D3	Off-street parking shall be provided behind or at the side of buildings and away from street frontages. No more than 20% of the total parking requirement shall be permitted on the front alignment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
6.1.3 Number of Parking Spaces		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to 2.0 above. The proposal has been supported by a Traffic and Parking assessment report, prepared by Cardno and dated 10 August 2011. The report concludes that the proposed 43 parking spaces are sufficient to facilitate the demand of the proposal.										
Development controls Car parking for industrial development shall comply with the requirements in Table 7:															
<table><tr><th>Land use</th><th>Parking requirements</th></tr><tr><td>Road transport terminals Container depots</td><td>Surveys shall be undertaken of similar developments Surveys shall be undertaken of similar developments</td></tr><tr><td>Factories</td><td>1.3 spaces per 10 0m² GFA</td></tr><tr><td>Warehouses</td><td>1 space per 300m² GFA</td></tr><tr><td>Ancillary office</td><td>1 space per 40m² GFA</td></tr><tr><td>Sex services premises</td><td>1.5 spaces per service room</td></tr></table>	Land use	Parking requirements	Road transport terminals Container depots	Surveys shall be undertaken of similar developments Surveys shall be undertaken of similar developments		Factories	1.3 spaces per 10 0m² GFA	Warehouses	1 space per 300m² GFA	Ancillary office	1 space per 40m² GFA	Sex services premises	1.5 spaces per service room		
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7.0 Loading requirements					
Objectives					
a.	To ensure that all development proposals for industry and business are adequately provided with appropriate loading and unloading facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal incorporates two dedicated loading areas to service the development. Although the size and scale of the development is large, the ongoing operation and business type is not seen to generate the need for additional loading bays.
b.	To prevent industrial and business development giving rise to adverse impacts associated with trucks and service vehicles being parked off-site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Performance criteria					
P1	Separation is provided between service areas (i.e. loading and unloading areas) and parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loading /service areas are proposed to be located between dedicated parking areas.
P2	Size of service vehicle bays are adequate for the likely vehicles utilising the spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Service areas are located and designed to facilitate convenient and safe usage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	Driveway access and adequate on-site manoeuvring shall be provided to enable all delivery vehicles to enter and leave the site in a forward direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable plans showing swept paths/turning circles have been submitted by the applicant and Council's Development Engineer is satisfied that the proposal demonstrates compliance with the development controls.
D2	Industrial developments having a floor area greater than 4 000sqm shall include loading and unloading facilities to accommodate a 'heavy rigid vehicle' as classified under AS2890 – Parking Facilities. Smaller developments shall make a provision for a 'medium rigid vehicle' as classified under the Australian Standard. All development applications shall be accompanied with a manoeuvring analysis with 'auto turn or the like' and details of swept paths showing compliance with AS2890 – Parking Facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal introduces two dedicated loading facilities.
<i>Note: The applicant shall identify the likely service vehicle sizes accessing the site and shall provide service vehicle spaces in accordance with AS2890 – Parking Facilities.</i>					
D3	Loading/unloading facilities shall be positioned so as to not interfere with visitor/employee or resident designated parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loading /service areas are proposed to be located between dedicated parking areas.
D4	The service area shall be a physically defined location which is not used for other purposes, such as the storage of goods and equipment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loading Area management plans have been prepared to ensure the operation of the loading facilities are operated in an orderly and sufficient manner.
D5	The design of loading docks shall accommodate the type of delivery vehicles associated with the development and potential uses of the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The operation is expected to accommodate medium rigid vehicles and commercial vehicles.
D6	Buildings shall be designed to allow loading and unloading of vehicles within the building and at all times. Where achievable, loading docks should be situated to the side or rear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loading areas are suitably designed in a functional manner to service the development.

of buildings. In the case of commercial development access can be provided from a laneway.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>On the basis of the proposed gross floor area of 149,595sqm, the proposal requires 7.5 loading bays (i.e. 1 space per 20,000sqm in regard to 'other').</p> <p>Two loading bays have been provided at the technical space for the delivery of computers and associated equipment. The frequency of deliveries once established and occupied will be low.</p> <p>The facility would have a maximum of 3-5 customers accessing the site at any one time, and would not always require loading arrangements.</p> <p>Additional information has been submitted to support the number of loading docks. This includes that the data centre is unlike a factory or warehouse, in that there are no regular physical inputs and outputs which require a high frequency of service and delivery vehicles. The principal inputs and outputs of a data centre are electronic, via the optic fibre cables connecting the data centre to client's networks.</p> <p>All current data centres operate with a single loading dock, and the frequency of deliveries once operational is 2 deliveries per day. All of these deliveries are in trucks no bigger than 12.5m rigid vehicles.</p> <p>Suitable Loading management plans have been prepared and are sufficient in managing the loading areas when in use. This will limit any onsite queuing when accessing the loading facilities onsite.</p> <p>Therefore the number of loading bays provided is sufficient for the proposal.</p>														
<p>D7 That loading bays for trucks and commercial vehicles shall be provided in accordance with Table 9:</p>	<table><tr><th>Land use</th><th>Loading requirements</th></tr><tr><td>Business and office premises</td><td>1 space per 4,000m² GFA up to 20,000m² GFA plus 1 space per 8,000m² thereafter</td></tr><tr><td>Retail premises - department stores</td><td>1 space per 1,500m² GFA up to 6,000m² GFA plus 1 space per 3,000m² thereafter</td></tr><tr><td>Retail premises - shops and food and drink premises</td><td>1 space per 400m² GFA up to 2,000m² GFA plus 1 space per 1,000m² thereafter</td></tr><tr><td>Hotel and motel accommodation</td><td>1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m² of public area set aside for bar, tavern, lounge and restaurant</td></tr><tr><td>Other</td><td>1 space per 2,000m²</td></tr><tr><td>Industrial/warehouse, bulky goods retail and wholesale supplies</td><td>1 space per 800m² GFA up to 8,000m² GFA plus 1 space per 1,000m² thereafter</td></tr></table>	Land use	Loading requirements	Business and office premises	1 space per 4,000m ² GFA up to 20,000m ² GFA plus 1 space per 8,000m ² thereafter	Retail premises - department stores	1 space per 1,500m ² GFA up to 6,000m ² GFA plus 1 space per 3,000m ² thereafter	Retail premises - shops and food and drink premises	1 space per 400m ² GFA up to 2,000m ² GFA plus 1 space per 1,000m ² thereafter	Hotel and motel accommodation	1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m ² of public area set aside for bar, tavern, lounge and restaurant	Other	1 space per 2,000m ²	Industrial/warehouse, bulky goods retail and wholesale supplies	1 space per 800m ² GFA up to 8,000m ² GFA plus 1 space per 1,000m ² thereafter				
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<p>Note: It is not possible to establish criteria for the size of trucks likely to access the land uses specified above. This will be done on a case by case basis.</p> <p>Larger trucks such as B-Doubles shall be assessed on their individual requirements, but will usually require a minimum loading area dimension of 25 metres (length) by 3.5 metres (width).</p> <p>The heights of the loading area, platform in the service bay and of the service bay itself will vary with vehicle type and loading/unloading methods.</p> <p>Loading/unloading areas shall be provided in accordance with AS2890.2 – Off-Street Commercial Vehicle Facilities.</p>																			

c) Storm water Drainage

The relevant requirements and objectives of the Stormwater Drainage chapter of the Auburn DCP 2010 have been considered in the assessment of the development application. Suitable stormwater plans and specifications have been submitted to accompany the development application. Council's Engineers have raised no objection to the proposed stormwater design and appropriate conditions have been provided to be imposed on any development consent. Therefore the application is considered to be consistent with the objectives and relevant requirements of the DCP.

d) Access and Mobility

The relevant requirements and objectives of the Access and Mobility chapter of the Auburn DCP 2010 have been considered in the assessment of the development application. The proposal has been supported by a Mobility and Disability Access Report, dated 15 April 2011 and prepared by Eric Martin and Associates. The report has been prepared in accordance with the disability access requirements of the Building Code of Australia 2011 and Australian Standard 1428.1. Council Officers are satisfied that the proposal meets the requirements of the DCP as pedestrian access ramp is being provided to the main entrance of the building and suitable accessible facilities such as communal staff areas, disabled toilet facilities and lift are provided within the building. In this regard the application is considered to be consistent with the objectives and relevant requirements of the DCP.

e) Waste

The relevant requirements and objectives of the Waste chapter of the Auburn DCP 2010 have been considered in the assessment of the development application. The proposal has been supported by a Waste Management Plan and drawings nominating areas of waste storage which has been found satisfactory by Council officers subject to the imposition of conditions of consent. Therefore the application is considered to be consistent with the objectives and relevant requirements of the DCP.

Auburn Development Contributions Plan 2007

The proposed development would require the payment of contributions in accordance with Part F: Employment Generating Development at clause 22.4, of Council's Auburn Development Contributions Plan 2007.

The calculation is based on 1% levy for construction works over \$200,000 or more. The proposed estimated cost of development for the subject application is \$165,231,000.00 in accordance with the accompanying Estimated Cost of Development Report, prepared by AltusPageKirkland and dated 25 August 2011. On the basis of this figure and the application of Clause 22.4 of the Auburn Development Contributions Plan 2007, the contributions payable as of 11/10/11 will be \$1,652,310.00. This figure is subject to indexation as per the relevant plan.

If the proposal is recommended for approval, relevant conditions will be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

ARPANSA – Australian Radiation Protection and Nuclear Safety Agency

Concern was raised as to the potential radiation, particularly Electro magnetic Radiation (EMR) which may occur onsite due to the extensive amount of computers provided on site. The applicant was advised during the pre-lodgement process, to investigate if EMR would be generated from the proposal and if this generation would cause harm to onsite occupants and surrounding persons.

The applicant has sought advice from Norman Disney and Young (NDY), being consultant engineers. They advise the following;

NDY specifications include standard clauses for all Contractors to provide products that are compatible with the requirements of the Australian Communications and Media Authority (ACMA) for Electromagnetic Compatibility (EMC) framework to prevent Electromagnetic Interference (EMI) by complying with the standards nominated by ACMA and in particular AS/NZS 61000. We have no expectation at this time, based on the existing Metronode Brief, that high levels of electromagnetic radiation will be present on the standard Bladroom data centre site design.

We further note that the current Bladroom design developed by NDY on behalf of Metronode includes no broadcast or transmission devices. No provision has currently been made by NDY for provision of mobile communication towers, microwave links or other wireless communication systems which Metronode may choose to install to support future clients.

Additionally, the applicant has provided advice from the manufacturers of the Bladrooms, whereas it has been determined that Bladrooms do not provide or include any radio transmitting devices that would generate electromagnetic interference within the proximity of the Bladroom.

It is important to note that these facilities have been developed in other areas, whereas this issue has not been raised or become apparent.

On the basis of this, Council officers are satisfied that the development will not generate significant levels of EMR and that satisfactory evidence to support this has been submitted.

The provisions of the Regulations (EP&A Act s79C(1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the EP&A Regulations 2000.

The Likely Environmental, Social or Economic Impacts (EP&A Act s79C(1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s79C(1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s79C(1)(d))

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 14 days between 13/09/2011 and

27/09/2011. The notification generated 1 submission in respect of the proposal with nil disclosure of a political donation or gift.

It should also be noted that Council officers received a petition of support for the proposed development containing 49 signatures. Council officers accept the petition and acknowledge the support for the proposal from the local area.

The issues raised in the public submissions are summarised and commented on as follows:

- **Eastern Boundary Fence Height**

Comment: Concern is raised as to the retention of the existing eastern boundary fence separating the subject site and the residents within the Newington area. The boundary fence is typical in nature being 1.8m in height. The issue lies within the slope of the land. As the dwelling houses are set on higher ground, to the subject site, the effect of the existing boundary fence is lost in terms of sight lines towards the development. The objector proposes a boundary fence of 4 metres in height or higher which would provide residences more privacy and control of noise/light.

The applicant has proposed a significant landscape buffer of approximately 18 metres between the eastern boundary and the ring road. Within this buffer area, the applicant proposes a noise retention wall of a sufficient height. These measures are seen to mitigate concerns of privacy, noise and light.

Furthermore, the objection has been received from one property, whereas the boundary fence would traverse/run parallel with 11 residential properties, whereas consent would be required from all owners to facilitate such a change,

In light of the extensive measures the applicant has put in place to mitigate amenity concerns, the existing nature of the sites affected (i.e. slope) and the provision of an existing fence, being a common boundary fencing treatment, Council officers believe that the objection is unwarranted. Boundary conflicts are a civil matter and if significant concern is raised as to the height of an existing fence, it should be pursued separately from this application.

It should be noted that the objector has specified that "Other than this concern, we are happy with the proposed business on this site".

The public interest (EP& A Act s79C(1)(e))

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

The proposed development is appropriately located within the IN1 General Industrial zone under the relevant provisions of Auburn Local Environmental Plan 2000. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its

surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, and the development shall be recommended for approval to the Joint Regional Planning Panel.

ATTACHMENTS

Architectural Plans	– Trim Ref T068801/2011
Elevations Rev B	– Trim Ref T078882/2011
Elevations Coloured Rev B	– Trim Ref T078884/2011
Landscape Plans	– Trim Ref T068822/2011
Stormwater and Pavement Plan	– Trim Ref T068826/2011
Erosion and Sediment Control Plan	– Trim Ref T068828/2011
Traffic and Parking Assessment	– Trim Ref T068828/2011
Schedule of Materials and Finishes	– Trim Ref T068778/2011
Waste Management Procedure	– Trim Ref T068781/2011
Noise Impact Assessment	– Trim Ref T068782/2011
Addendum to Noise Impact Assessment	– Trim Ref T068768/2011
Contamination Assessment	– Trim Ref T068796/2011
Remedial Action Plan	– Trim Ref T078558/2011
Security Design Report	– Trim Ref T068800/2011
Electromagnetic Radiation EMR Report	– Trim Ref T068801/2011