

JRPP No.	2012STH014
DA No.	DA-2012/635
Proposal	Construction of data storage facility
Property	Part Lot 214 DP 1066585; Lot 214 Industrial Road, Unanderra
Applicant	Silverton Group Pty Ltd
Responsible Team	City Planning City Centre Team

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Joint Regional Planning Panel pursuant to Clause 20 Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Part 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) as the proposed development has a capital investment value exceeding \$20 million.

Proposal

The proposal is for the construction of an industrial development to be used as a data storage facility with ancillary on-site parking.

Permissibility

The site is zoned IN3 Heavy Industrial pursuant to Wollongong LEP 2009. The proposal is categorised as a ***light industry*** and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with appendix 1 (public notification procedures for development applications) of Wollongong Development Control Plan 2009 and no submissions were received.

Main Issues

The main issue is site contamination and the potential for uncovering contaminated soil and ground water during construction.

CONCLUSION

The application is considered to be satisfactory with regard to relevant matters such as site contamination, noise, setbacks, traffic and parking. The proposal also generally complies with the essential criteria and intent of the WDCP 2009 and is suitable within the context and setting. In this regard the application is considered worthy of support.

RECOMMENDATION

It is recommended that conditional approval be granted to DA-2012/635 subject to the draft conditions contained in Attachment 4.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (State and Regional Development) 2011

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2011

1.2 PROPOSAL

The proposal is for the construction of an industrial development comprising 4 separate building to be used as a data storage facility incorporating four (4) buildings. The smallest building located at the front of the site contains the electrical services rooms and switch room. The three (3) large buildings contain various data halls, technical space, plant rooms and transformer substation. Ancillary on-site parking for forty (40) vehicles has also been provided. The remaining portion of the lot (residue) is in the process of being subdivided (DA-2012/931).

The development is proposed to be constructed in stages, as follows:

Stage 1: Half the data halls of the westernmost building (9% site cover),

Stage 2: The remaining half of the data halls of the westernmost building (14.2% site cover),

Stage 3: Half the data halls of the central building (22.3% site cover),

Stage 4: The remaining half of the data halls of the central building (27.1% site cover),

Stage 5: Half the data halls of the easternmost building (35% site cover), and

Stage 6: The remaining half of the data halls of the easternmost building (39.8% site cover)

The proposed hours of operation are on a 24 hour 7 day per week basis

Permanent on-site staff will consist of a security guard and facility manager. In addition to these staff the facility will directly employ 3 people for each shift. It is expected that between 3 and 5 customers will be on-site during normal operations and between 2 and 4 service contractors will be on-site servicing plant and equipment. On a worst case basis it is expected the site will be populated by 12 people working in various parts of the facility.

The facility will be managed from Tech Space Block 1 with access to subsequent Blocks arranged from Block 1. The on-site staff will mainly be working in the technical space which houses the security control at the northern portion of the site. In addition the site will be attended on a casual basis by customers who will from time to time install and service the computer equipment within the data halls.

The facility will also provide a disaster recovery function for customers. An additional work space has been provided so that customers can quickly recover data and services in the event that another facility or office is affected by a significant event.

Plans can be seen at Attachment 3.

1.3 BACKGROUND

This part of the industrial area of Berkeley and the establishment of Industrial Road was undertaken in two stages. The subject site formed part of a large residue lot created via DA-1998/82 being a 14 lot subdivision which was approved on the 4 August 1998. The residue lot was later subdivided via DA-2001/1464 which gave approval on the 14 November 2002 for 20 lots including the subject lot.

The site has been generally vacant throughout this time.

1.4 SITE DESCRIPTION

The parent site is known as Lot 214 DP 1066585, Lot 214 Industrial Road, Unanderra. Access is via the unformed extension of Lathe Place which services a Sydney Water depot to the west. The 1.86ha development site falls generally south-east to north-west by approximately 11m (29m AHD – 18m AHD). An Aerial Photograph showing the location of the site can be found at Attachment 1 to this report.

Property conditions

Council records list the site as being affected by the following constraints:

- Filled land
- Contaminated land (potential)

There are no restrictions on the title.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Subdivision Engineer

Council's Subdivision Engineer is currently assessing a subdivision application (DA-2012/931) on the subject site. This application proposes subdivision into three (3) lots with the formalising of the extension to the road to service the lots. The proposed data facility is wholly contained within one of the proposed lots.

Stormwater Engineer

Council's Stormwater Engineer has provided a satisfactory referral subject to appropriate conditions of consent.

Landscape Architect

Council's Landscape Architect has provided a satisfactory referral subject to appropriate conditions of consent.

Traffic Engineer

Council's Traffic Engineer has provided a satisfactory referral subject to appropriate conditions of consent.

Strategic Planning Officer – Development Contributions

Council's Section 94 Planner has considered all aspects of the application and has imposed section 94A conditions appropriately. This is further discussed within Section 3.2.2 of this report.

Environment Officer

- Council's Environment Officer (Contamination – Soil and Ground water) considers application to be acceptable subject to conditions, as discussed further in section 2.1.1.
- Council's Environment Officer (Noise) has provided a satisfactory referral subject to appropriate conditions of consent.

1.5.2 EXTERNAL CONSULTATION

Not required

1.5.3 REFERRAL TO INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP)

The application has been assessed against Council's IHAP Charter selection criteria and does not require referral to IHAP.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 79C ASSESSMENT

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

<i>(a) the provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	See section 2.1
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	See section 2.2
<i>(iii) any development control plan, and</i>	See section 2.3
<i>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i>	See section 2.4
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See section 2.5
<i>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 2.6
<i>that apply to the land to which the development application relates,</i>	
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See section 2.7
<i>(c) the suitability of the site for the development,</i>	See section 2.8
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
<i>(e) the public interest.</i>	See section 2.10

2.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

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

- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Under Clause 7 of SEPP 55, a consent authority is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent. If the land is contaminated, the consent authority must be satisfied that the land is suitable for the proposed use, or will be suitable for the proposed use following remediation. If the land requires remediation the consent authority must also be satisfied that the land will be appropriately remediated.

The subject site is zoned for industrial development and is currently vacant. There is no previous history of other uses that could be considered to be potentially contaminating. However anecdotal evidence suggests some illegal filling may have occurred in the previous decades and the site therefore has potential for contaminants.

The applicant undertook a Stage 2 Contamination Assessment Report which was submitted as part of the application. Council's Environmental Officer reviewed the report and found the site to be suitable for the proposed industrial use and provided appropriate conditions. The condition specifically relates to the correct disposal of any contaminated material found during construction. The condition reads as follows:

Excavation spoils from area marked by test pits TP2, TP3, TP4, TP 8, TP 6 and TP7, (Environmental Strategies, soil assessment report, fig. 2) if intended to be disposed of on site of the premises must be tested and classified according to EPA's solid waste classification guidelines and disposed accordingly.

Council's Environmental Officer indicated that a stage 2 Contamination Assessment Report for ground water had not occurred. Potential hot spots where higher levels of zinc, lead and copper were recorded compared to background levels at other test pits on the site suggests that ground water contamination in those parts are related to presence of contaminated land fill on the site. In this regard it is considered that should the developer reach ground water during construction within the hot spot area this water is to be disposed of accordingly and a condition in this regard has been placed on the consent. A The condition reads as follows:

If during excavation of the area marked with test pits TP2, TP3, TP4, TP 8, TP 6 and TP7, the excavation site is inundated by ground water or surface runoff, the accumulated water must be collected and disposed off in an EPA approved waste disposal depot

In light of the above it is considered that the requirements of SEPP 55 have been satisfactorily addressed and that the site is suitable for the proposed industrial use.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The proposal is Regional Development pursuant to Clause 20, Part 4 of SEPP (State and Regional Development) 2011. The proposal is required to be determined by the JRPP as the proposed development has a capital investment value exceeding \$20 million.

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned IN3 Heavy Industrial.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide suitable areas for those industries that need to be separated from other land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of heavy industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To facilitate the ongoing sustainability of steel making and steel product manufacturing that will contribute to the economic and employment growth of Wollongong.*

The proposal is considered satisfactory with regards to the above objectives, particularly button point 1.

The land use table permits the following uses in the zone.

*Advertising structures; Boat building and repair facilities; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial retail outlets; Kiosks; **Light industries**; Offensive storage establishments; Recreation areas; Recreation facilities (indoor); Roads; Rural industries; Service stations; Take away food and drink premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems*

The proposal is categorised as a **light industry** and more specifically a **high technology industry** as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

Light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes.....**high technology industry**.

High technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- a) electronic or micro-electronic systems, goods or components,
- b) information technology (such as computer software or hardware),
- c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- e) film, television or multi-media technologies, including any post production systems, goods or components,
- f) telecommunications systems, goods or components,
- g) sustainable energy technologies,
- h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Electronic or micro-electronic systems and information technology are not defined within the LEP. It is considered however the data storage facility falls within these definitions, and by definition is considered a **light industry**.

An extract of the WLEP 2009 zoning map can be found at Attachment 2 to this report.

Part 4 Principal development standards

Clause 4.3 Height of buildings

No building height limit is prescribed for the site.

Clause 4.4 Floor space ratio

A maximum FSR for the site is not prescribed.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development site is serviced by electricity, water and sewage services.

2.2 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.2.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER B5 INDUSTRIAL DEVELOPMENT

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3 Factory / warehouse distribution centre building design requirements</u>		
<i>3.1.1 Objectives</i>		
(a) To enhance the visual quality of industrial development through appropriate setbacks together with appropriate building and landscape design, particularly when viewed from public roads and other public domain areas.	Consistent with objectives	Yes
(b) To minimise the visual impact of factory / warehouse distribution centre buildings upon the streetscape of the surrounding locality.		
(c) To create a pleasant environment within and external to the site.		
(d) To ensure satisfactory amenity and privacy levels are maintained for any adjoining sensitive land uses such as a residential land use.		
<i>3.1.2 Development Controls</i>		
7.5m setback from local road.	A setback of 20m is proposed	Yes
<u>4 Building design / façade treatment</u>		
<i>4.1.1 Objectives</i>		

Control/objective	Comment	Compliance
(a) To achieve a high standard of industrial development by promoting visually attractive buildings and through the use of high quality external finishes.	Consistent with objectives	Yes
(b) To encourage a range of architectural design elements and innovative roof forms for industrial buildings, in order to improve the visual interest and attractiveness of such buildings.		
(c) To promote functional, safe and environmentally friendly industrial development.		
4.1.2 Development Controls		
<ul style="list-style-type: none">Glass, concrete or face brick facade > 50%	Concrete panel walls, powder coated metal cladding facing north (side) – 12 m return of same facing west (street) <i>*Street elevation does not conform fully; applicant justification being Lathe Place being minor side road with minimal visibility available of site from main local road is acceptable.</i>	Yes No however is considered acceptable
<ul style="list-style-type: none">Reflexivity of glazing < 20%	<20%; can be conditioned – exterior glazing to be provided with sun screens	Yes
<ul style="list-style-type: none">Schedule of finishes	Submitted	Yes
<ul style="list-style-type: none">Unrelieved expanses of facade to be broken up	Various materials proposed, Lathe Place facade comprising concrete panels, metal cladding and aluminium louvers.	Yes
<ul style="list-style-type: none">Roller shutters, loading docks at side or rear	Loading docks facing north (side)	Yes
<ul style="list-style-type: none">Offices located at front of building	Offices located to the northern end of Lathe Place	Yes
<ul style="list-style-type: none">Main entry easily identifiable	As above	Yes
<ul style="list-style-type: none">Decorative roof elements	Blade rooms occupying one-third roof space	Yes
<ul style="list-style-type: none">Adequate roof guttering/downpipes	provide a variant roof profile	Yes
<ul style="list-style-type: none">Roof plant suitably screened	Provided	Yes
<ul style="list-style-type: none">Compliance with BCA	Plant rooms screened Can be conditioned	Yes
5 Safety and security		
Chapter E2	The site is to be security fenced and gated.	Yes
6 Car parking requirements		
See Chapter E3 below	No specific standard	Yes
7 Loading dock facilities, vehicular access and manoeuvring requirements		
Chapter E3	Compliant	Yes

<i>Control/ objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>8 Landscaping requirements</u>		
<i>8.1 Objectives</i>		
(a) To use landscaping to improve the appearance of industrial developments.	Council's Landscape Architect has advised that the proposed landscaping is satisfactory and therefore satisfies the objectives of the chapter.	Yes
(b) To ensure that landscaping is provided to enhance the streetscape environment and amenity of industrial areas.		
(c) To screen unsightly land uses and outdoor storage areas.		
<i>8.2 Development Controls</i>		
<ul style="list-style-type: none"> A minimum 10% of the site area is required to be landscaped. A 3 metre minimum deep dense landscaped area is required along the full length of the property frontage to a collector or local road. Trees are to be planted at a rate of 1 tree per 10 car spaces. The planting of low shrubs to a maximum mature height of 1 metre is recommended along any pedestrian footpath area Fencing forward of the front building alignment to be palisade type maximum height 1.8m 	<p>14% of the site is landscaped and as such complies with the minimum 10%.</p> <p>A 4m landscape strip has been provided along the street front. This is above the 3m minimum.</p> <p>There is limited ability to plant trees in the car park due to the arrangement of the car park. This is considered acceptable in this case.</p> <p>As discussed previously due to the nature of the proposed use increased security is required. Fencing proposed is above the 1.8m. This is considered acceptable in this case.</p>	Considered satisfactory
<u>12 Fencing</u>		
All fencing in industrial developments shall be constructed of palisade or decorative open style metal type fencing with a maximum 2.4 metre height	<p>3m high fencing proposed.</p> <p><i>**The applicant states fencing for security is one of the key components of the development. One of the main clients for the data facility will be the NSW Dept. Of Finance who have stipulated a minimum fence height of 3m to prevent unauthorised access. As the subject site is not highly visible even within the local industrial precinct and as the fencing will be of a high and aesthetic quality (welded mesh), the 600mm variation is considered acceptable.</i></p> <p>The applicant has supplied details of fencing which is considered acceptable.</p>	<p>No**</p> <p>Variation considered acceptable</p>
<u>16 Retailing in industrial areas</u>		
	No retailing proposed	N/A
<u>19 Advertising structures / signs</u>		
	No signage proposed	N/A
<u>20 Stormwater drainage requirements & flood study requirements</u>		
See Chapter E14 below.	Stormwater Engineer deems satisfactory.	Yes

<i>Control/ objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>22 Utility infrastructure services</u>	Adequate	Yes
<u>23 Subdivision of industrial land</u>	Applicable to concurrent DA-2012/931.	N/A
<u>26 Street lighting</u>		
Access Road – P4 Category (AS1158)	To be assessed and created as part of the subdivision application being DA-2012/931	Yes

CHAPTER D1 – CHARACTER STATEMENTS

LOCALITY

The proposal is considered to be consistent with the existing and desired future character for the Unanderra industrial precinct.

CHAPTER D2: BERKELEY (BERKELEY ROAD INDUSTRIAL ESTATE)

The aims and objectives of the chapter are to:

- (a) Facilitate industrial development, which has regard to the scenic and environmental attributes of the Berkeley Hills;*
- (b) Encourage the efficient utilisation of industrial zoned land and to restrict development of land identified for environmental protection purposes;*
- (c) Provide for an effective transition between the industrial land and existing residential uses along Berkeley Road;*
- (d) Promote the provision of buffers between potentially conflicting land uses;*
- (e) Promote the retention of significant trees and vegetation on the site and to encourage the revegetation of cleared land;*
- (f) Encourage the preservation of the existing riparian environment on the site and to ensure the retention of downstream water quality.*

The proposal is considered consistent with the objectives.

Scenic Environmental Quality And Built Form

The Chapter states that any development on site shall be of a design and height which does not obstruct sightlines to the foothills to the south east of the site. Further, the height of development shall have regard to the need to preserve the elevated Berkeley Hills skyline and to minimise the impact of the development from major vantage points surrounding the site.

External finishes shall be non reflective and muted in tone. Further, the bulk of the building shall be visually relieved through measures including:

- (i) Alternating features on the same elevation,*
- (ii) Highlighting external features including fascias and down pipes.*

Comment: The proposed development has been designed to comply with the height limit and that the site is not located within the visual catchment of Berkeley Hills and will therefore not obstruct the skyline when viewing from a public vantage point. Although there is no height limit applicable to the site, the assertion is agreed with. External finishes are non reflective and in muted tone.

Access Denial To Berkeley Road

Any proposed subdivision of the industrial zoned land shall provide for allotments with direct access from an internal access road. No direct access from Berkeley Road for lots within an industrial subdivision will be permitted.

Comment: The subject development does not have access to Berkeley Road.

Riparian Corridor Widths

Any industrial development shall provide minimum 10 metre setback from the top of banks on both sides of the natural watercourse, to ensure that development does not impact upon or alter the existing riparian environment.

Comment: The site is not located within 10m of a riparian corridor.

Stormwater Management/Floodplain Management

Any Development Application for industrial subdivision or development will require the lodgement of appropriate stormwater concept plans and calculations in accordance with the Stormwater Management chapter in Part E of the DCP. Any subdivision I development should also be in accordance with the requirements of the Floodplain Management chapter in Part E of the DCP.

Comment: Council's Stormwater Engineer finds the submitted drainage design satisfactory.

Site Constraints Electricity Transmission Lines And Water Supply Pipelines

Any proposal for development or subdivision of the industrial zoned land shall be accompanied by a survey plan detailing the location of the transmission line easement and water supply pipeline. Details of any relocation of the water supply easement shall be accompanied by written authority from Sydney Water.

Comment: The subject site does not contain an electricity supply or water supply easement.

Noise Impact Assessment

Where Council deems necessary, due to the proximity of adjoining residences, a Development Application for industrial development may be required to be accompanied by a noise impact assessment report (ie prepared by a suitably qualified and experienced consultant who is a member of the Australian Acoustical Society or the Australian Association of Acoustical Consultants) which identifies:

- (a) The existing LA90 background noise levels;*
- (b) Predicted LA1, LA10 and LAeq noise levels associated with the proposed development; and*
- (c) Recommended noise impact mitigation measures.*

Comment: Whilst the site does not adjoin residential development or is it located within 200m of a residence the applicant submitted Acoustic Report was submitted regardless. This acoustic report has been reviewed by Council's Environmental Officer who indicated that the noise generation is considered satisfactory and appropriate conditions in this regard have been placed on the consent.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

All tech spaces (habitable office/workspace areas) have at-ground disabled access. This application has been considered against the requirements of this chapter and found to be acceptable. The application will be conditioned to comply with the BCA and relevant Australian Standards in regards to access.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The site is to be security fenced and gated. It is considered that the proposed development satisfactorily addresses the requirements contained within this chapter.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

There is no specific minimum provision standard adopted in the Plan [for this particular use](#) being a data storage facility. Forty (40) spaces, including three (3) disabled spaces, are proposed. The applicant states this figure was attained by an anticipated capacity of thirty (30) people, comprising three (3) permanent staff, twenty (20) staff in the technical space and approximately five (5) occasional customers and up to two (2) contractors on site at any one time.

The applicant also states the technical space is similar to office space, and applying Council's minimum requirement of 1 space per 60m² GFA for offices, thirty four (34) spaces would be required. Although this calculation does not include data hall floor space, these areas are essentially unusable but for storage, and as logic would attest that the development will not be high-use, the parking provision is considered acceptable.

Three (3) loading docks are proposed on the northern elevation. Swept paths reveal all docks are accessible by a 12.5m large rigid vehicle. The internal ring road can also accommodate a 19.0m semi-articulated vehicle.

Council's Traffic Engineer also finds the parking/loading provision satisfactory. In this regard the requirements contained within this chapter have been considered.

CHAPTER E6: LANDSCAPING

Council's Landscape Architect deems the proposed landscaping as satisfactory. In this regard the requirements contained within this chapter have been considered.

CHAPTER E7: WASTE MANAGEMENT

The Waste Management Policy submitted as part of the application is considered satisfactory in regards to the requirements of this chapter.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Engineer deems the proposed stormwater management satisfactory. In this regard the requirements contained within this chapter have been considered.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

The issue of contamination as discussed within Section 3.1.1 of this report. It is considered that the site is suitable for the proposed industrial use. In this regard the requirements contained within this chapter have been considered.

2.2.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2011)

The development is costed at \$27 million overall however some of this cost is exempt from the calculation of Section 94A Contributions. After much discussion and consideration of the exemptions by Council's Section 94 Officer the estimated cost of development has been reduced for the purpose of calculating Section 94A Contributions.

In addition the applicant has requested that Section 94A conditions be staged in accordance with the construction staging of the development.

As the value of Section 94A Contribution is based on the value of the approved development it is considered reasonable in this circumstance that the contribution could be paid prior to the issue of construction certificate for each stage with the value of the contribution related to the works approved to be undertaken within that stage. It is expected to not prejudice the community deriving benefit from the services being provided under the Plan or the efficiency of the Plan.

In this regard the Section 94A contribution has been calculated and will be charged as follows:

Stage	Contribution Amount
1	\$ 0.00 - Exemption granted
2	\$ 0.00 - Exemption granted
3	\$ 0.00 - Exemption granted
4	\$ 101,259.96
5	\$ 214,330.31
6	\$ 101,259.96

In light of the above an amended Section 94A Contribution condition has been placed on the consent.

2.3 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

(1) For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

(i) in a local government area referred to in the Table to this clause, and

(ii) on land to which the Government Coastal Policy applies,

the provisions of that Policy,

(b) in the case of a development application for the demolition of a building, the provisions of AS 2601.

The application does not involve demolition and as such the provisions of AS 2601-2001: *The Demolition of Structures* do not apply.

93 Fire safety and other considerations

(1) This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.

(2) In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.

(3) Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note. The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

(4) Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).

(5) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.

Appropriate conditions with regards to fire safety issues have been recommended.

2.4 SECTION 79C 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT)

Council is preparing a Coastal Zone Management Plan (CZMP) for Wollongong which involves two stages. Stage one was preparation of the Coastal Zone Study which identified the issues affecting the coastline over time, focusing in particular on the risks from coastal processes, climate change and sea level rise. The hazards considered were shoreline erosion, ocean inundation and geotechnical instability in the event of a 1 in 100 year storm and sea level rises of 40 cm to 2050 and 90 cm to 2100 above the 1990 mean sea levels. The areas potentially impacted have been mapped. The subject site is not affected.

2.5 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

The site is expansive and will easily accommodate the industrial/storage facility. Upon the approval of the concurrent subdivision application (DA-2012/931), the access driveway/extension from Lathe Place will be dedicated as roadway.

The proposal is considered appropriate with regards to the zoning and surrounding development and satisfies the relevant planning controls. It is therefore considered that the proposed development is appropriate within the context and setting.

Access, Transport and Traffic:

The proposal has been assessed by Council's Traffic Engineer and found to be acceptable subject to conditions.

Public Domain:

The proposal will not adversely affect the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.

Soils:

The site has been found to contain contaminated soil and ground water. In this regard the applicant has undertaken Stage 2 Contamination Assessment Reports. These reports have been assessed by Council's Environmental Officers. It is considered that the site is suitable for the proposed industrial use.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

There is minimal vegetation removal proposed; Council's Landscape Architect finds the landscaping proposal satisfactory.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

Expected waste in the operation of the development is minimal. A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal in isolation. Council records list the site as potentially contaminated land affected. This issue has been discussed within the report and found to be acceptable.

Safety, Security and Crime Prevention:

The application does not result in any opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create any negative social impact.

Economic Impact:

The proposal is expected to create a positive economic impact.

Site Design and Internal Design:

The application result in some minor departures from Council's development control plans as outlined above.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

2.6 SECTION 79C 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regards to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the approval of the industrial proposal.

2.7 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. No submissions were received.

Submissions from public authorities

Not applicable.

2.8 SECTION 79C 1(E) THE PUBLIC INTEREST

The application is not expected to have any negative impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3. CONFLICT OF INTEREST STATEMENT

I declare that I have no potential or actual conflict of interest in assessing this application.

4. RECOMMENDATION

The application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. It is recommended Development Application DA-2012/365 for the 'Construction of data storage facility' be approved subject to conditions.

ATTACHMENTS:

- 1 Aerial Map
- 2 WLEP 2009 Zoning Map
- 3 Plans
- 4 Draft Conditions