

## AUBURN COUNCIL

Report to Joint Regional Planning Panel – 2012SYW067

**8-14 Egerton Street, SILVERWATER**

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### REPORT FOR JRPP DA-318/2011

#### SUMMARY

<b>Applicant</b>	Metronode Pty Ltd C/-Silverton Group Pty Ltd
<b>Owner</b>	Mr C Tolani and Mr J Tolani
<b>Application No.</b>	DA-318/2011/A
<b>Description of Land</b>	Lot 101 DP 717759, 8-14 Egerton Street, SILVERWATER
<b>Proposed Development</b>	Section 96(2) modification to a data storage centre including minor modification to built form, amendments to staging and amendments to development contributions.
<b>Site Area</b>	16820.00m <sup>2</sup>
<b>Zoning</b>	<b>Zone IN1 - General Industrial</b>
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Issues</b>	Nil

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#### Recommendation

- 1. That Development Application No. DA-318/2011/A for Section 96(2) modification to a data storage centre including minor modification to built form, amendments to staging and amendments to development contributions, on land at 8-14 Egerton Street, SILVERWATER be approved subject to modifications to conditions of development consent***

21 October 2011

The Joint Regional Planning Panel (JRPP), at its meeting of 21 October 2011 resolved to approve Development Application No. 318/2011 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 subject to conditions. The development is further detailed below;

### **DA-318/2011**

The consent entails the construction of an electronic data storage centre on site, ranging between two and three storeys in height. The development can be considered in three distinct areas of construction, being the Bladerooms (data halls), technical space and plant rooms.

#### *Bladerooms*

Twelve Bladerooms are 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 located 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. Each set of five rooms would measure:

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

Open bridges and stairs 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.

#### *Site Access/Parking/Circulation*

Site access is 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.

### *Landscaping*

The development incorporates extensive landscaping on the eastern, southern and western boundaries. Due to the location of residential properties to the east, the development incorporates an adequate 19.4 metre landscape buffer on the eastern boundary, including an acoustic wall to protect the amenity of the adjoining residents. The development also incorporates a 2.7 metre coromesh fence and security gates suitably setback from the southern and western boundaries.

### *Micellaneous*

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.

The development also incorporates 2 x 50,000L individual diesel fuel storage tanks located near the eastern boundary, suitably separated and screened from the residential properties. These storage tanks are to be used to power the data storage centre generators if power failure occurs.

Drainage works also formed part of the approval.

### *Staged Works*

The development is primarily made up of a series of modules which are craned onto site. The modular design of the Bladeroom technology allows data centres to be developed in stages without disruption to the operational sections. DA-318/2011 is to be built in 6 stages which are nominated as Stages 1A, 1B, 2A, 2B, 3A and 3B.

Stage 1A involves:

- Demolition.
- Site preparation including establishing three benched levels for the Bladerooms.
- Provision of services and landscaping to the site.
- The first pair of Bladerooms 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 Bladerooms 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.

### 23 May 2012

A meeting was held between Council Officers and the applicant/consultants of the project at Council offices to discuss some proposed modifications to the approved development being DA-

318/2011. The modifications were said to pertain primarily to changes in technology since the application had been determined. This is summarised as follows;

- Bladeroom technology has been further developed which has reduced its length but increased its width.
- The technical space facing Egerton St has been reduced in height by 1 level.
- The first 4 stages will be built using the existing concrete slab, and the ring road will be located on that slab until stage 4.
- Additional space is to be allocated to power infrastructure for the later stages.
- Removal of separate Diesel Tanks as approved under original application.
- Staging will be required to be longer than the original granted 5 years.
- Amended 94 contributions to form part of the application.

#### 21 June 2012

The subject development application (DA-318/2011/A) was formally lodged with Council on 21 June 2012.

#### 27 July 2012

Council officers undertook a detailed assessment of the proposed modification and advised the applicant via written correspondence that there were several items to be addressed for the application to proceed. These are summarised as follows;

#### **Loss of On-street Parking/Vehicular Access**

*The submitted traffic and car parking statement, as prepared by Cardno P/L and dated 18 June 2012, recommends 'no parking' areas to be implemented on Day Street to facilitate vehicle movements. This scenario is not supported by Council officers. It is recommended that a similar driveway width to that of the approved development (being DA-318/2011) be introduced at the Day Street exit. This will involve the relocation of the nominated utility areas as nominated on the submitted architectural drawings.*

*Additionally, the vehicular access at Egerton Street is to be widened to facilitate vehicular movements. The documentation also implies that there may be some loss of on street parking on the northern side of Egerton Street. This is not considered acceptable by Council officers.*

#### **Contamination – Stages 1 to 3**

*An amended RAP or statement from a suitably qualified contamination consultant is required to confirm that the contamination identified in the approved RAP and contamination assessments as per DA-318/2011 will not pose a risk to human health or the environment during proposed construction stages 1-3 and the associated uses of the eastern portion of the site (ie. Project site offices, parking etc).*

#### **Proposed Staging – Supporting Information**

*A detailed staging statement is to be submitted to Council nominating all works to be completed within each stage. The submitted architectural drawings, nominating each construction stage, is not adequately addressed in the corresponding supporting document. In this regard, the following inconsistencies are noted;*

##### Stage 1

*The stage 1 plan incorporates the demolition of the existing wash shed within the eastern portion of the site. Council officers note that a request for the staging of proposed remediation works to occur in the later stages of the development (stage 4 onwards) has been requested. It is also noted that the wash shed is nominated as an area of particular concern in the submitted Remediation Action Plan as submitted and approved under DA-318/2011.*

*Additionally, stage 1 construction works nominate the construction of OSD and stormwater works to facilitate stages 1 to 4. It appears that that stage 4 works would entail the construction of the entire stormwater system and as such the proposed OSD and stormwater works for stage 1 works would only cater for stages 1 to 3, with the remainder of stormwater works to be undertaken during stage 4.*

##### Stage 4

*The submitted architectural drawings nominate the majority of demolition works to occur during stage 4. The submitted supporting documentation nominates the demolition works to occur during stage 5. Council officers note that a request for the staging of proposed remediation works to occur in the later stages of the development (stage 4 onwards) has been requested. To facilitate this request the supporting documentation nominating works occurring in each stage should be amended to reflect this request.*

*Additionally, stage 4 works should incorporate the final stormwater drainage system.*

### **Stormwater Drainage**

*A copy of the existing stormwater drainage system of the eastern portion of the site is to be submitted to Council. Council officers require sufficient information to ensure the eastern portion of the site is adequately drained during construction stages 1 to 3.*

### **Miscellaneous**

*As previously discussed, the submitted documentation incorporates changes to the storage of diesel onsite for emergency purposes. It is noted that the overall capacity of diesel held on site has been reduced and separated into 15 separate storage units from what was approved under DA-318/2011. However, no new locations have been nominated on the architectural drawings. Council officers require specific locations of the storage of diesel onsite.*

### **9 August 2012**

The applicant responded to Council's correspondence dated 27 July 2012, addressing the above mentioned matters. The following is a summary of the response;

- Revised architectural plans demonstrating improved egress to Day Street and Egerton Street.
- Supporting traffic advice from Cardno, dated 8 August 2012.
- Addendum letter to Remediation Action Plan (RAP), prepared by Environmental Strategies P/L, dated 3 August 2012, nominating that the health of site workers during stages 1 to 3 will not be impacted upon.
- A revised staging plan, incorporating all activities to occur within each stage.
- A revised stormwater management plan and associated stormwater drainage advice, prepared by Cardno and dated 6 August 2012 has been submitted.
- Detailed information pertaining to the location of diesel storage units and associated specifications have been submitted.

It should be noted that additional minor modifications have been introduced as a result of the assessment period. This incorporates the introduction of additional rainwater tanks, amended external stair configuration for each plant room/blade room/technical space and a roof mounted screening fence of 2.4 metres in height, located on the eastern elevation of the stage 6 plant rooms and on the western elevation of the stage 1 plant rooms.

As the changes related to better design methods, recycling of rainwater and noise abatement measures, Council officers accepted the changes, which make up this report.

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### **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 is 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 work shop, 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.

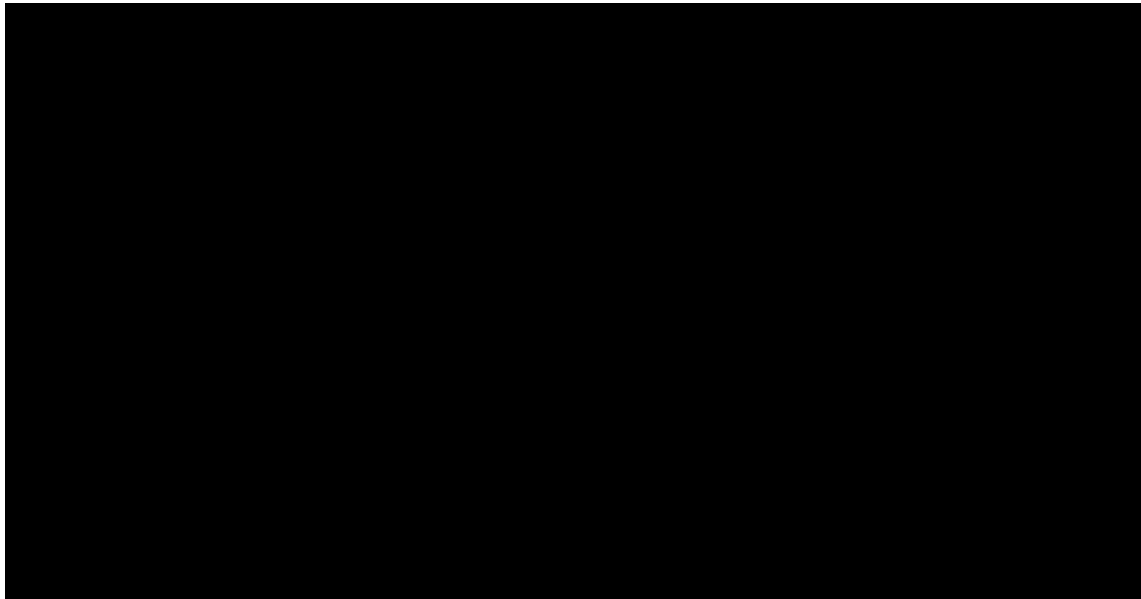
Surrounding developments located in the immediate vicinity consists of a mix of land uses:-

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:-



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#### **Description of Proposed Development**

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Council has received on the 21-June-2012 an application under the provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979 to modify the subject development consent as follows:-

#### **Amended Staged Construction Programme**

The modifications pertain to the utilisation of existing structures onsite, namely those located within the eastern portion of the site, as construction offices during early construction (i.e. stages 1 to 3 as outlined below). Additionally, the staging is reflective of the demand for data storage, whereas each stage is to be implemented to cater for clientele needs. The construction programme is estimated to occur over a 10 -15 year period.

Consideration has been given to the design of each stage, in regard to site preparation and landscaping to ensure the subject site and development will not appear 'unfinished' during the various stages of work. Further details of the modified staging are outlined below;

#### *Stage 1*

- Site preparation works.
- Construction of the first blade room, plant room and technical space.
- Construction of site access including security gates (inclusive of main access on Egerton Street and Ring Road exit on Day Street).
- Construction of Temporary Ring Road for Stages 1 to 3.
- Construction of Utility Service rooms (inclusive of energy supply cabinet, switch rooms, pump room and temporary substation kiosk).
- On-site Detention Tank and Stormwater Drainage for Stage 1 to 3.
- Construction of free standing car park area containing 23 parking spaces.
- Provision of 17 additional temporary parking spaces.
- Stage 1 Landscape works along the western boundary fronting Day Street and portion of the southern boundary fronting Egerton Street.
- Maintain buildings on eastern portion of the site for project site office use.

#### *Stage 2*

- Construction of the second blade room and plant room. Stage 2 is separated into a two part process, being (a) and (b). Stage 2(a) incorporates plant room construction and part blade room construction. Stage 2(b) incorporates the construction of the remainder of the blade room.
- Stage 2 will benefit from the technical space as constructed under Stage 1.
- Stage 2 will benefit from the parking areas as introduced under Stage 1.

#### *Stage 3*

- Construction of the third blade room, plant room and technical space.
- Stage 3 will benefit from the parking areas as introduced under Stage 1. It is noted the additional temporary parking spaces as available during stages 1 to 2 have been removed to facilitate Stage 3 construction.

#### *Stage 4*

- Completion of stormwater services for eastern portion of the site to connect to the established stormwater system as completed in stage 1.
- Demolition of existing structures on the eastern portion of the site.
- Remediation works to facilitate this demolition.
- Construction of the final Ring Road which will service the completed development.
- Construction of retaining wall and visual/acoustic wall on eastern boundary.
- Construction of the fourth blade room, plant room and technical space.
- Provision of overflow parking spaces as per DA-318/2011.
- Further landscape works to be undertaken along Egerton Street.
- Removal of 1 of 3 existing driveway crossovers on Egerton Street.
- Stage 4 will benefit from the parking areas as introduced under Stage 1.

### *Stage 5*

- Construction of the fifth blade room, plant room and technical space.
- Further landscape works to be undertaken to the remainder of Egerton Street and along the eastern boundary.
- Stage 5 will benefit from the parking areas as introduced under Stages 1 and 4.

### *Stage 6*

- Construction of the sixth blade room and plant room.
- Stage 6 will benefit from the technical space as constructed under Stage 5.
- Removal of 1 of 3 existing driveway crossovers on Egerton Street.
- Final landscape works to be completed.

### *Landscaping*

- Landscaping is to be undertaken in stages 1, 4, 5 and 6 as indicated above.

### **Amended Built Form**

The modifications to the built form pertain to new technology being introduced for blade room technology. Notable built form changes are summarised below;

- Building Height – The proposed modifications reduce the overall height of the development by removing a building level. The development will present as a two storey development, effectively reducing the overall height by 5.075 metres.
- Building Footprint – The proposed modifications introduce a smaller building footprint, whereas the building setback from the northern boundary has increased to 15.485 metres from approximately 8 metres. The building setback to the eastern setback has reduced to 28.05 metres from approximately 30 metres. Southern and western setbacks are to remain unchanged.
- Security Fencing Height/Location – The proposed modifications increase the security fencing along both Day Street and Egerton Street from 2.7 metres to 3 metres. Day Street fencing setback to be reduced from 4.5 metres to 3 metres and Egerton Street fencing to be setback 2.5 metres for the portion of the proposed pump room only.
- Relocation of Utility Services – The proposed modifications relocate the electrical substations as located on the Egerton Street boundary, adjacent to the primary site access to the northern boundary, adjacent to the Day Street exit, parallel with the internal ring road. 15 diesel storage tanks are also to be incorporated into the built form itself, replacing the approved 2 x 100,000L diesel storage tanks adjacent to the eastern boundary.

### **Amended Section 94 Developer Contributions**

The proposed modification seeks to amend the Section 94 developer contributions to be made payable to Auburn City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979.

In this regard, the section 94 contribution of \$1,650,000 (based on an estimated cost of \$165,231,000 as nominated under DA-318/2011) is to be reduced to \$279,030.

This modification is based upon a revised total cost of works of \$27,902,965, which has been submitted to Council, prepared by a qualified Quantity Surveyor. This figure is based upon the legal interpretation of Clause 25J of the Environmental Planning and Assessment Regulation



2000 which specifies the costs that are to be included and excluded from the calculation to determine the *proposed cost of carrying out development*.

The applicant has submitted legal advice dated 5 June 2012 and prepared by Norton Rose, which specifies that computer equipment, blade room technology, plant and transport costs should be excluded from the proposed cost of works. A revised Quantity Surveyors Report, dated 8 June 2012 and prepared by Aquenta Consulting P/L has been submitted, nominating the total cost of works to be \$27,902,964, on the basis of this advice.

The modification also introduces a staged Section 94 payment plan to coincide with each construction stage as detailed above. The quantity surveyors report gives a breakdown of the construction cost for each stage and the levy is proposed to be imposed accordingly.

### **Amendments to Consent Conditions as Imposed by Development Application No. DA-318/2011**

To facilitate the proposed modifications as detailed above, amendments will be required to modify condition nos. 1, 2, 4, 5, 16, 24, 29, 33, 36, 73, 91 and 93 as imposed by DA-318/2011. A request has also been made to delete condition no. 86 which pertains to the location and acoustics of Air Conditioning Units.

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### **Referrals**

#### *Internal Referrals*

#### Development Engineer

The development application was referred to Council's Development Engineer for comment, inclusive of the additional information received on 9 August 2012, who has raised the following concerns;

- *Entry and exit swept path for Egerton Street shall show full width of the road in order to ensure that the parking spaces along the southern side of the Egerton Street have not been affected by the proposed modifications. In this regard, written comments shall be obtained from traffic consultant.*
- *Minimum queuing length of 2 car spaces shall be provided between proposed vehicular control point and property boundary in accordance with Australian standard AS2890.1.*

*If above matters are resolved following requirements will be conditioned as part of the proposed S96 modification:*

- *Standard Layback shall be provided at the vehicular crossings.*
- *Prior to issue of Construction Certificate, proposed 'No Stopping' shall be submitted to Local Traffic Committee for consideration.*
- *The works shall be completed at no cost to Council prior to Issue of Occupation certificate subject to Local Traffic Committee approval.*

Planners Comment: The commentary obtained from Council's development engineer has been noted and incorporated into the report. No objection has been raised by Council's development engineer regarding the access point at Day Street, subject to the imposition of conditions and approval by the Local Traffic Committee.

Given the required changes to the access points to facilitate the design changes, inclusive of the relocation the utility services and the limited information provided to facilitate said modifications, the introduction of additional conditions pertaining to access is warranted.

It is therefore recommended that an additional condition be imposed on the development consent to ensure that no loss of on street parking will occur on the southern side of Egerton Street.

In regard to the queuing length, it is noted that the positioning of the security gate under DA-318/2011 did not require further information to facilitate its location. Additionally, the modified location of the security gate is positioned further into the site allowing queuing to occur. The proposed location of the security fence is therefore seen as an improvement on the previously approved location. No further changes will be warranted in this instance.

#### 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.

#### Environment and Health Unit

The development application was referred to Council's Environment and Health Unit for comment that has raised the following concerns;

*I am satisfied that the information provided is suitable to enable the Rap works to be held until stage 4 development of the site. However this is subject to no intrusive works being undertaken on the portions of the site that require remediation. Any consent issued for the proposed modification should include a condition to this effect. Standard condition CN003 – Discovery of additional information should also be included on any modification issued.*

*In addition it should also be noted site specific noise criteria in the original acoustic report for the development must be complied with at all stages of the development to ensure that noise from the centre does not adversely impact on the neighbouring residential properties.*

Planners Comment: The comments advised by the Environment and Health unit have been noted. A condition of consent is to be recommended to be imposed on the consent as part of the modification to state that no intrusive works are to be undertaken on the portion of the site that requires remediation during stages 1 to 3. It should be noted that conditions pertaining to acoustic abatement and discovery of additional information regarding contamination are to remain in force as part of the original consent (DA-318/2011). Additional detail regarding site contamination is detailed below in the State Environmental Planning Policy No. 55 – Remediation of Land.

#### External Referrals

#### Roads Maritime Services

In accordance with clause 104 and schedule 3 – traffic generating development of the State Environmental Planning Policy (Infrastructure) 2007, DA-318/2011 was required to be referred to the NSW Roads and Traffic Authority for comment. Given the requirements as conferred by Section 96(2)(b), consultation with NSW Roads and Traffic Authority (now known as Roads Maritime Services) has been undertaken by means of a referral containing all modified documentation. The referral was submitted to Roads Maritime Services on 3 July

2012. Council officers received comments from Roads Maritime Services on 8 August 2012 outlining the following;

*RMS has reviewed the application and raises no objection to the application as it will not have any significant traffic impact on the classified road network.*

In addition to the above, the proposed modifications are not foreseen to alter the requirements as imposed by Roads Maritime Services as per the commentary from the Sydney Regional Development Advisory Committee (SRDAC) dated 7 October 2011. This commentary was reflected as specific conditions of consent under DA-318/2011. Council officers will notify Roads Maritime Services of the determination in accordance with Clause 104(4) of the State Environmental Planning Policy (Infrastructure) 2007.

### **NSW Police**

In accordance with Section 8.0 of the Policy on Crime Prevention Through Environmental Design, DA-318/2011/A was referred to NSW Police for comment on 3 July 2012. To date, no response has been received by NSW Police.

In any event, the proposed modifications do not alter the security management plan as approved under DA-318/2011. Given the previous advice received from NSW Police, it is assumed no objection would be made in regard to the proposed modification.

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### **Assessment**

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Section 96(2) of the Environmental Planning and Assessment Act 1979 allows Council to modify a development consent if:-

- (a) **it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)**

The development consent granted approval for construction of new industrial building (i.e blade rooms, plant rooms and technical space), ancillary site works (stormwater drainage, car parking, landscaping and remediation) and use as a data storage centre. The proposed modifications do not seek to alter the nature of the approval. The amendments within the development relate primarily to the staging of the development, incorporating minor amendments to the built form including the reduction in height and overall size of each built structure. The modifications are not to such an extent that they could be construed as being a substantially different development to that for which consent was originally granted. Accordingly, the modifications are considered acceptable in respect of Section 96(2) of the Act.

- (b) **it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirements of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent**

In accordance with clause 104 and schedule 3 – traffic generating development, DA-318/2011 was required to be referred to the NSW Roads and Traffic Authority for comment. Given the requirements as conferred by Section 96(2)(b), consultation with NSW Roads and Traffic Authority (now known as Roads Maritime Services) has been undertaken by means of

a referral containing all modified documentation. The referral was submitted to Roads Maritime Services on 3 July 2012. Council officers received comments from Roads Maritime Services on 8 August 2012 outlining that no objections had been raised in regard to the proposed development.

- (c) it has notified the application in accordance with:
- (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In accordance with the Auburn Development Control Plan 2010, the proposal was publicly exhibited for a period of 14 days between 10/07/2012 and 24/07/2012. This entailed a Newspaper Advertisement, Site Notice and Neighbour notification. No submissions were received in respect of the proposed development.

### Other Considerations

In determining an application for modification of consent, Council must also take into consideration relevant matters referred to in Section 79C(1). These matters have been considered in the assessment of the Section 96 Application. Following is a discussion of matters arising in relation to section 79C(1) relevant to the proposed modification.

### 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

Matter for Consideration	Yes/No
	<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>DA-318/2011 was 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). No objections were raised and specific conditions were imposed on the development consent to ensure the recommended contamination mitigation measures were undertaken so as to make the site suitable for the approved use. DA-318/2011 required all remediation works to be completed prior to the completion of stage 1 works.</p> <p>The proposed modification incorporates a revised construction staging plan. As part of this revision, the applicant has requested that remediation works are to be undertaken prior to stage 4 of a proposed 6 stage programme. The purpose of this request is in light of the recommendations of the Remediation Action Plan as nominated above, whereas areas requiring remediation are located on the eastern portion of the site which does not incorporate any demolition/construction works until the latter stages of development (i.e stage 4 onwards).</p> <p>Although Council officers have no in principle objection to the staging of remediation works, concern is raised as to the use of the existing buildings on the eastern portion of the site for the purposes of project site offices. On 27 July 2012, Council officers requested additional detail pertaining to this concern. In the applicants response to concerns raised within Council's correspondence (submitted 9 August 2012), an addendum to the submitted RAP, prepared by Environmental Strategies P/L (ES) and dated 3 August 2012 (T060529/2012) was issued. The addendum states the following;</p> <p><i>ES understands that the eastern portion of the site, which is scheduled to undergo remedial works, will not be developed or undergo any intrusive works during stage 1 to stage 3 construction works and therefore it is unlikely that the site workers will be exposed to the identified contamination.</i></p> <p><i>Stage 1 to 3 development works comprises an area to the west of the identified contamination. Stage 1 to Stage 3 is in an area which has been assessed by ES and has no known contamination to any soils in the area. It is therefore anticipated that this area will not have any encumbrances during stage to stage 3 development works.</i></p> <p>A condition of consent is to be recommended to be imposed on the consent as part of the modification to state that no intrusive works are to be undertaken on the portion of the site that requires remediation during stages 1 to 3.</p> <p>Accordingly, 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, DA-318/2011 was required to be referred to the NSW Roads and Traffic Authority. Given the requirements as conferred by Section 96(2)(b), consultation with NSW Roads and Traffic Authority (now known as Roads Maritime Services) has been undertaken by means of a referral containing all modified documentation. The referral was submitted to Roads Maritime Services on 3 July 2012. Council officers received comments from Roads Maritime Services on 8 August 2012 outlining the following;

*RMS has reviewed the application and raises no objection to the application as it will not have any significant traffic impact on the classified road network.*

In addition to the above, the proposed modifications are not foreseen to alter the requirements as imposed by Roads Maritime Services as per the commentary from the Sydney Regional Development Advisory Committee (SRDAC) dated 7 October 2011. This commentary was reflected as specific conditions of consent under DA-318/2011. Council officers will notify Roads Maritime Services of the determination in accordance with Clause 104(4) of the State Environmental Planning Policy (Infrastructure) 2007.

**(c) State Environmental Planning Policy (Major Development) 2005 – DA-318/2011**

In accordance with Clause 13B of the SEPP, DA-318/2011 was classified as a “regional development”. The consent authority for DA-318/2011 was the Joint Regional Planning Panel (JRPP) – Sydney West (Council remained 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.

DA-318/2011 was 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).

DA-318/2011 was supported with said certification and as such the consent authority was JRPP.

**(d) State Environmental Planning Policy (State and Regional Development) 2011**

The relevant clauses of SEPP (Major Development) 2005, as mentioned above, have been repealed. SEPP (State and Regional Development) 2011 is the relevant legislation pertaining to this application. Although the application does not trigger a development for which regional panels may be authorised to exercise consent authority functions of Councils in accordance with Clause 20 of the SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979, the original approval was consented via the Joint Regional Planning Panel and as such the requirements of the SEPP (State and Regional Development) 2011 applies.

In accordance with Clause 21(1)(b) of the SEPP (State and Regional Development) 2011, a regional panel for a part of the State may exercise the functions conferred by section 96(2).

In this regard, the consent authority for the subject Section 96(2) application is the Joint Regional Planning Panel (JRPP) – Sydney West. Auburn City Council will remain the assessment authority.

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

To facilitate the operation of backup generators when required in emergency situations (i.e. if the mains power is disconnected), 2 x 50,000 Litre Diesel storage tanks were incorporated

within the approval of DA-318/2011. The storage tanks were located towards the eastern boundary of the site.

Consideration was therefore given to the application of SEPP No. 33 under the assessment of DA-318/2011. The following was noted;

*Diesel is classified as a C1 (Combustible Liquid). In accordance with the Departments 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.*

*DA-318/2011 incorporated a separate storage area for the tanks whereas diesel is the only flammable liquid present. Hence, DA-318/2011 was not considered to be potentially hazardous and no further investigation was required. It was also noted that diesel is classified as a dangerous good and if an amount greater than 100,000 litres of diesel (stored separately) is proposed to be stored on site, WorkCover NSW must be notified, and manifests and emergency plans must be developed.*

The proposed modification introduces 15 separate diesel storage tanks, each with a capacity of 5,500 Litres, totalling 82,500 Litres to be held on site. These separate storage tanks are in lieu of the 2 x 50,000 Litre tanks as previously approved. The submitted documentation however did not incorporate the location of the separate storage tanks, and as such, the applicant was requested to provide specific detail on where each storage tank is to be located. This was advised to the applicant through written correspondence dated 27 July 2012. On 9 August 2012, Council officers received correspondence from the applicant specifying that each of the storage tanks will be located internal to the plant rooms. Supporting specifications of the installation of the storage tanks also form part of the correspondence.

Given the reduction of quantity of diesel fuel to be stored onsite and its location, the modification is seen to be acceptable in accordance with the objectives requirements of the SEPP.

#### 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 modification. The development modification 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
<b>Part 1 Preliminary</b>				
<b>1.1 Name of Plan</b>				
This Plan is <i>Auburn Local Environmental Plan 2010</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>1.1 AA Commencement</b>				
This Plan commences on the day on which it is published on the NSW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan was gazetted on 29 October 2010.

Clause	Yes	No	N/A	Comment
legislation website.				
<b>1.3 Land to which Plan applies</b>				
(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"/>	
<b>1.4 Definitions</b> 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"/>		
<b>1.6 Consent authority</b> 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 21(1)(b) of the SEPP (State and Regional Development) 2011, a regional panel for a part of the State may exercise the functions conferred by section 96(2).  Given that the consent authority for DA-318/2011 was the Joint Regional Planning Panel (JRPP) – Sydney West, a Section 96(2) application should also be determined by this authority.  In this regard, the consent authority for the subject Section 96(2) application is the Joint Regional Planning Panel (JRPP) – Sydney West. Auburn City Council will remain the assessment authority.
<b>1.7 Maps</b>				
(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 Minister.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Clause	Yes	No	N/A	Comment
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.				
<b>1.8A Savings provision relating to development applications</b> 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.
<b>1.9 Application of SEPPs and REPs</b>				
(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>				
<b>1.9A Suspension of covenants, agreements and instruments</b> (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
not apply to the extent necessary to serve that purpose.				
(2) This clause does not apply:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) to a covenant imposed by the Council or that the Council requires to be imposed, or				
(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or				
(c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or				
(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or				
(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or				
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.				
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Part 2 Permitted or prohibited development</b>				
<b>2.1 Land use zones</b>				
The land use zones under this Plan are as follows:				
<b>Residential Zones</b> R2 Low Density Residential R3 Medium Density Residential R4 High Density Residential				
<b>Business Zones</b> B1 Neighbourhood Centre B2 Local Centre B4 Mixed Use B6 Enterprise Corridor B7 Business Park				
<b>Industrial Zones</b> <b>IN1 General Industrial</b> IN2 Light Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The land is zone IN1 General Industrial which permits the type of development that is proposed.
<b>Special Purpose Zones</b> SP1 Special Activities SP2 Infrastructure				
<b>Recreation Zones</b> RE1 Public Recreation RE2 Private Recreation				
<b>Environment Protection Zones</b> E2 Environmental Conservation				



Clause	Yes	No	N/A	Comment
<p>(2) Before granting consent, the consent authority:</p> <p>(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</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>2.5 Additional permitted uses for particular land</b></p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:</p> <p>(a) with consent, or</p> <p>(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>2.6 Subdivision—consent requirements</b></p> <p>(1) Land to which this Plan applies may be subdivided, but only with consent.</p> <p><u>Notes:-</u></p> <p>1 <i>If a subdivision is specified as exempt development in an 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.</i></p> <p>2 <i>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.</i></p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision is not proposed.
<p><b>2.7 Demolition requires consent</b></p> <p>The demolition of a building or work may be carried out only with consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or <i>State State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as exempt development, the Act enables it to be carried out without development consent.</p>	<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
Marinas; Mooring pens; Moorings; Office premises; Passenger transport facilities; Places of public worship; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite 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				<p><i>parcel of land.</i></p> <p><i>Data is considered to be classified as a 'good' and as such falls within this definition.</i></p>
<b>Part 4 Principal development standards</b>				
<b>4.1 Minimum subdivision lot size</b>				
(1) The objectives of this clause are as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision is not proposed. The allotment will remain the same size
(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.				
(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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
the subdivision of individual lots in a strata plan or community title scheme.				
<b>4.3 Height of buildings</b>				
(1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Height of Buildings Map HOB_005, there are no maximum height restrictions applicable to the site.</p> <p>The maximum overall height of the buildings as modified is 10.5 metres (inclusive of plant material on roof).</p> <p>This is a reduction in height of the approved development by 5.075 metres.</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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Note:</b> a 2.4m screen is to be located on the roof of the plant rooms. The screen is to be positioned on the western elevation of the plant room as introduced during stage 1 and on the eastern elevation of the plant room as introduced during stage 6. The affective height appearance of the building will project as 12.9m in total.</p>
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.4 Floor space ratio</b>				
(1) The objectives of this clause are as follows: <ul style="list-style-type: none"> <li>To establish a maximum floor space ratio to enable appropriate development density to be achieved, and</li> <li>To ensure that development intensity reflects its locality.</li> </ul>	<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 approved for the development site under DA-318/2011 was 0.89:1. This was inclusive of the plant rooms.</p> <p>The proposed modifications incorporate a FSR of 0.58:1 based upon a total floor area of 9697sqm. It should be noted that the calculations of the modified development does not incorporate the plant rooms as excluded in the definition of Gross Floor Area, defined under the ALEP 2010.</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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The overall floor space ratio is considered to be satisfactory.
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:				
(a) for sites less than 1,300 square metres—0.75:1, (b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1, (c) for sites that are 1,800 square metres or greater—0.85:1. (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: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on 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: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 2:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.5 Calculation of floor space ratio and site area</b>				FSR has been calculated in accordance with this clause.
(1) Objectives The objectives of this clause are as follows: (a) to define <i>floor space ratio</i> , (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: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (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 (iii) require community land and public places to be dealt with separately.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Definition of "floor space ratio"				



Clause	Yes	No	N/A	Comment
<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>It should be noted that the calculable FSR has excluded the plant room total floor area of 3784sqm from the overall FSR calculation. This is based upon the Gross floor area definition, defined as follows;</p> <p><b>gross floor area</b> means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:</p> <p>(a) the area of a mezzanine, and  (b)habitable rooms in a basement or an attic, and  (c) any shop, auditorium, cinema, and the like, in a basement or attic,  <b>but excludes:</b>  (d) any area for common vertical circulation, such as lifts and stairs, and  (e) any basement:  (i) storage, and  (ii) vehicular access, loading areas, garbage and services, and  <b>(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</b>  (g) car parking to meet any requirements of the consent authority (including access to that car parking), and  (h) any space used for the loading or unloading of goods (including access to it), and  (i) terraces and balconies with outer walls less than 1.4 metres high, and  (j) voids above a floor at the level of a storey or storey above.</p> <p>Insufficient information was submitted with DA-318/2011 to determine that the plant rooms should be excluded from the calculation. In any event the proposed FSR is still within the maximum limitations of the ALEP 2010.</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</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(b) community land or a public place (except as provided by subclause (7)).</p> <p>(5) Strata subdivisions</p> <p>The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p> <p>(6) Only significant development to be included</p> <p>The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p> <p>(7) Certain public land to be separately considered</p> <p>For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p> <p>(8) Existing buildings</p> <p>The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p> <p>(9) Covenants to prevent “double dipping”</p> <p>When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only the lots affected by the development are included in the floor space ratio calculation.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



Clause	Yes	No	N/A	Comment
(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 development standard, and				
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.				
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RUI Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) The subdivision will result will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.				
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).				
(8) This clause does not allow consent to be granted for development that would contravene any of the following:				
(a) a development standard for complying development,				
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,				
(c) clause 5.4.				
<b>Part 5 Miscellaneous provisions</b>				

Clause	Yes	No	N/A	Comment
<b>5.3 Development near zone boundaries</b>				
(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) This clause does not apply to:				
(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) land within the coastal zone, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) land proposed to be developed for the purpose of sex services or restricted premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the development is not inconsistent with the objectives for development in both zones, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) This clause does not prescribe a development standard that may be varied under this Plan.				
<b>5.4 Controls relating to miscellaneous permissible uses</b>				The proposal does not incorporate any miscellaneous permissible uses.
(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> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Home businesses If development for the purposes of a home business is permitted under this	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause		Yes	No	N/A	Comment
	Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(b) 400 square metres, whichever is the lesser.				
(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"/>	
<b>5.6</b>	<b>Architectural roof features</b>				
(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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council Officers raises no objection to the proposed modification to the architectural roof form for the new data storage facility. The roof design is considered acceptable.  As discussed previously, there is no









Clause	Yes	No	N/A	Comment
(2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>5.10 Heritage conservation</b> Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.				
(1) Objectives The objectives of this clause are:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage.  The heritage provisions stated here will not be applicable to this application.
(a) to conserve the environmental heritage of Auburn, and  (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and (c) to conserve archaeological sites, and (d) to conserve places of Aboriginal heritage significance.				
(2) Requirement for consent Development consent is required for any of the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (i) a heritage item. (ii) An Aboriginal object. (iii) A building, work, relic or tree within a heritage conservation area.				
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,				
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,				
(d) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,				
(e) erecting a building on land:				
(i) on which a heritage item is located or that is within a heritage conservation area or,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,				
(f) subdividing land on which a heritage item is located or that is within a heritage conservation				



Clause	Yes	No	N/A	Comment
<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>				
<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>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<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 Aboriginal heritage significance:</p>				
<p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(9) Demolition of item of State significance</p> <p>The consent authority must, before granting consent for the demolition of a nominated State heritage item:</p>				
<p>(a) notify the Heritage Council about the application, and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<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>(10) Conservation incentives</p> <p>The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that</p>				

Clause		Yes	No	N/A	Comment
purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:					
(a)	the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b)	the proposed development is in accordance with a heritage conservation management document that has been approved by the consent authority, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c)	the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d)	the proposed development would not adversely affect the heritage significance of the heritage item, including its setting or the heritage significance of the Aboriginal place of heritage significance, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e)	the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Part 6 Additional local provisions</b>					
<b>6.1 Acid sulfate soils</b>					
(1)	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In accordance with the Acid Sulfate Soils Map ASS_005, the subject land is identified as Class 5 and not located within 500 metres of a Class 1, 2, 3 or 4 areas. Therefore, an acid sulphate soils management plan is not considered to be necessary.
(2)	Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Class</b>	<b>Works of land</b>				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
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.				
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.				
(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):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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 work that involves the disturbance of more than 1 tonne of soil),				
(c) minor work, being work that costs less than \$20,000 (other than drainage work).				
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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				
(b) the works are likely to lower the watertable.				
<b>6.2 Earthworks</b>				
(1) The objectives of this clause are as follows:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will incorporate earthworks (excavation).
(a) to ensure that earthworks for which				









Clause	Yes	No	N/A	Comment
for the proposed development are available or that adequate arrangements have been made to make them available when required:				
(a) the supply of water,				
(b) the supply of electricity,				
(c) the disposal and management of sewage.				
(d) stormwater drainage or on-site conservation,				
(e) suitable road access.				
(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Schedule 1 Additional permitted uses "Nil"
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Summary of Non-Compliances/Variations to the Auburn Local Environmental Plan 2010

Clause & Details of Standard	Comment
	<b>There are no issues that require attention.</b>

### **The provisions of any Draft Environmental Planning Instruments (EP& A Act s79C(1)(a)(ii))**

There are no draft planning controls relevant to the subject proposal

### **The provisions of any Development Control Plans (EP& A Act s79C(1)(a)(iii))**

#### **Auburn Development Control Plan 2010**

The proposed development is subject to the following relevant chapters of Auburn Council's DCP 2010:

#### *a) Industrial Areas*

Requirement	Yes	No	N/A	Comments
<b>2.0 Built Form</b>				
<b>Objectives</b>				
a. To ensure that the form, scale, design and nature of development maintains and enhances the streetscape and visual quality of industrial areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed design of the building remains appropriate and compatible with the surrounding developments in the area.
b. To ensure that the scale of any new industrial development is compatible with surrounding industrial buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building facade is contemporary and is articulated by horizontal and vertical modulations, and variations to height within the building groups.





	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	access ways adjoin the site.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Note:</b> The modification introduces service buildings being located within 2.5 - 3 metres from the Day Street and Egerton Street boundaries. These service buildings contain 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. The proposed fencing is to mirror this setback.
<b>D2</b> 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"/>	As per DA-318/2011, the carparking locations are generally to remain unchanged.
<b>3.3 Side and rear setbacks</b>				
<b>Performance criteria</b>				
<b>P1</b> 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"/>	The proposed modifications introduce a smaller building footprint, whereas the building setback from the northern boundary has increased to 15.485 metres from approximately 8 metres to accommodate the ring road.
<b>P2</b> New development facilitates foreshore access to Duck River.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> Buildings may be built on a nil side or rear setback except where a setback is required to screen buildings from:  •public places;  •adjoining residential properties;  •other sensitive land uses;  •where rear access is required; or  •where land adjoins the M4 Motorway.	<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"/>	The building setback to the eastern setback has reduced to 28.05 metres from approximately 30 metres. Southern and western setbacks are to remain unchanged.
In such circumstances a 4.5m landscape setback is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b> 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"/>	
				The proposed site shares an eastern boundary with a residential zone. DA-318/2011 incorporated a landscape buffer area of 18m in width, incorporating an acoustic barrier fence to reduce the impact the development will have on the residential zone. The setback to the building from the



a similar scale to buildings. All landscaped areas shall be separated from vehicular areas by means of a kerb or other effective physical barriers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	landscape barrier on the eastern boundary will screen the development from the residential properties. The proposed staging of the landscaping will allow the site to avoid appearing unfinished during the construction stages.
<b>D4</b> Car parking areas, particularly large areas shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large car parks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D5</b> 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"/>	
<b>D6</b> 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"/>	
<b>D7</b> Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The modification increases the height of the approved fencing from 2700mm to 3000mm. The security coromesh 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. No objection is raised to the modification.
<b>D8</b> Landscaping shall promote safety and surveillance of the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Note:</b> Applicants shall refer to Council's Policy on Crime Prevention Through Environmental Design (CPTED).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D9</b> Landscaping shall allow sufficient line of sight for pedestrians, cyclist and vehicles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D10</b> Paving and other hard surfaces shall be consistent with architectural elements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5.0 Access and Car Parking</b>				
<b>Objectives</b>				
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 proposed modification incorporates the provision of 55 car parking spaces as originally approved. The modifications are not seen to impact upon the requirements of this section.
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"/>	The modification introduces changes to site access points at Day Street and Egerton Street, given the relocation of the utility rooms. Suitable supporting information has been submitted to ensure adequate access is maintained.
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"/>	
<b>5.1 Access and car parking requirements</b>				
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.
<b>5.2 Service areas</b>				
<b>Performance criteria</b>				





and energy efficient appliances, fixtures and fittings.				
<b>P5</b> Use of solar hot water heaters and renewable energy sources is considered within non-residential development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> Buildings shall be oriented towards the north so that they make best use of solar access to lower heating and cooling costs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b> Building elevation treatments shall control solar access into the building by the use of appropriate shading devices and methods.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D3</b> The amount of exposed glazing to the eastern and western facades of buildings shall be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D4</b> Building design shall minimise reliance on existing energy supplies through the use of renewable energy sources including incorporation of photovoltaic cells, wind turbines, battery storage and solar hot water wherever practicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D5</b> Lighter reflective colours shall be used on external walls of the building to reduce heat gain in summer especially for building facades facing east, west and north.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D6</b> High thermal mass materials shall be used wherever possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D7</b> Roofs and walls shall be well insulated in office components of buildings to reduce winter heat loss and summer heat gain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D8</b> Low energy lighting shall be used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D9</b> Energy efficient appliances, fittings and fixtures shall be used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D10</b> Any hot water heaters to be installed, as far as practicable, shall be solar, and to the extent where this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>7.2 Ventilation</b>				
<b>Performance criteria</b>				
<b>P1</b> To encourage the design of development to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The design of the proposal has incorporated energy efficient techniques to ensure the building would be adequately ventilated.
<b>Development controls</b>				
<b>D1</b> Where applicable, cross ventilation shall be maximised by use of high-level ventilators. Where practical or appropriate sky lights and/or wind powered ventilators shall be installed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The rooftop of the data centre building would house mechanical plant that comprises condensers and chillers which form part of the air conditioning system for the facility. The rooftop mechanical plant would be screened from public view.  The Bladeroom system would use a highly efficient staged environmental control

				system, utilising free air to minimise power demand for cooling of the data storage centre.
<b>7.3 Water conservation</b>				
<b>Performance criteria</b>				
<b>P1</b> Water use and consumption is reduced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate native species have been proposed within the landscape design.
<b>P2</b> Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate conditions can also be imposed for the provision of water efficient fixtures to ensure compliance with these requirements.
<b>Development controls</b>				
<b>D1</b> New buildings shall provide water efficient fixtures to reduce the demand for (mains) water and wastewater discharge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A sufficient amount of rainwater tanks are provided to reuse stormwater runoff within the site.
<b>D2</b> New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable industrial purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D3</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D4</b> Development shall install all water using fixtures to meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>7.4 Rainwater tanks</b>				
<b>Performance criteria</b>				
<b>P1</b> Collection and reuse of stormwater is encouraged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council's Development Engineer is satisfied that the proposed method of stormwater drainage for the site satisfactory subject to conditions included in development consent to ensure compliance with these requirements.
<b>P2</b> Stormwater runoff is reduced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> Rainwater tanks installed above ground or underground shall meet the relevant Australian Standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D3</b> Above ground rainwater tanks installed shall not be visible from a primary road frontage and shall not be visually dominant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D4</b> The overflow from industrial rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

8.0 Operational restrictions				
<b>Objectives</b>				
a. To ensure that industrial development operates in a manner compatible with adjoining land uses, particularly residential areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development proposal is considered to operate generally in accordance with the objectives of this requirement.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>8.1 Hours of operation</b>				
<b>Performance criteria</b>				
<b>P1</b> The hours of operation are managed to ensure residential amenity is protected.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modifications do not alter the operation of the development as per DA-318/2011. 24 Hour operation is to remain.
<b>Development controls</b>				
<b>D1</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Note:</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>8.2 Noise</b>				
<b>Performance criteria</b>				
<b>P1</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<b>P2</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> All development applications for potential noise generating industries adjacent to residential zoned land shall be accompanied by relevant documentation from a qualified acoustic engineer. The documentation shall also comply with the relevant Acts, Regulations, Australian Standards and guidelines by the NSW Department of	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As per DA-318/2011, the proposed activities were not considered to be a noise generating industry. However, the proposal was supported by a noise impact report, due to the location of residential properties to the east of the site. The proposal was conditioned to provide the mitigation measures as proposed in this report.



<p>shall be submitted to Council with a development application.</p> <p><b>D2</b> All spray painting shall be carried out in a spray booth constructed and ventilated in accordance with the relevant Australian Standards.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>air conditioning associated with traditional data centre design is significantly reduced.</p> <p>Analysis by Bladeroom indicates that by running the internal temperature at 24 Celsius the system can use ambient air (free air) 98% of the year in Sydney. The represents a significant reduction in air pollution associated with the operation of air conditioning.</p> <p>The proposed modifications do not alter this arrangement.</p>
<p><b>8.5 Water pollution</b></p> <p><b>Performance criteria</b></p> <p><b>P1</b> Development incorporates discharge systems designed to minimise the discharge of pollutants into the waste water and stormwater system.</p> <p><b>Development controls</b></p> <p><b>D1</b> 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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The development modification is not seen to generate any water pollution.</p>
<p><b>8.6 Dangerous goods &amp; hazardous materials</b></p> <p><b>Performance criteria</b></p> <p><b>P1</b> Development incorporates measures needed to protect the community from dangerous or hazardous goods storage and hazardous processes or uses.</p> <p><b>Development controls</b></p> <p><b>D1</b> For development proposals which can potentially pose a risk to the locality or discharge pollutants, applicants shall demonstrate that consideration has been given to:</p> <ul style="list-style-type: none"> <li>• application guidelines published by the Department of Planning relating to hazardous and offensive development; and</li> <li>• whether any public authority should be consulted concerning any environmental and land use safety requirement.</li> </ul> <p><b>D2</b> Any premises with storage tanks for oil or dangerous goods outside the building shall submit an emergency spill contingency plan to Council. The DECCW and Work Cover Authority may need to be consulted.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed modification introduces 15 separate diesel storage tanks, each with a capacity of 5,500 Litres, totalling 82,500 Litres to be held on site. These separate storage tanks are in lieu of the 2 x 50,000 Litre tanks as previously approved. The submitted documentation however did not incorporate the location of the separate storage tanks, and as such, the applicant was requested to provide specific detail on where each storage tank is to be located. This was advised to the applicant through written correspondence dated 27 July 2012. On 9 August 2012, Council officers received correspondence from the applicant specifying that each of the storage tanks will be located internal to the plant rooms. Supporting specifications of the installation of the storage tanks also form part of the correspondence.</p> <p>In light of the above, the proposed modification is not seen to introduce dangerous goods or hazardous materials onsite. Conditions will remain on the consent in order to ensure that an emergency spill contingency plan is submitted to Council.</p>
<b>9.0 Subdivision</b>				
<p><b>Objectives</b></p> <p>a. To ensure that development sites are of a</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed modification does not seek</p>



b) *Parking and Loading*

**Parking and Loading**

Requirement	Yes	No	N/A	Comment
<b>2.0 Off-Street Parking Requirements</b> <i>This section applies to all development.</i>				
<b>Objectives</b>				
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"/>	The modification does not impact on the number of original parking spaces as previously consented to, being a total number of 55 spaces. The modification introduces a reconfiguration of parking areas due to some of the built form changes as detailed within this report. In this regard, <ul style="list-style-type: none"><li>23 spaces are to remain unaltered (positioned in front of the first blade room)</li><li>28 spaces are introduced, being a combination of previously approved parking areas/overflow parking area (positioned in front of the final blade room).</li><li>spaces (positioned at the rear of the 4<sup>th</sup> and 5<sup>th</sup> blade room).</li></ul> Council Officers are satisfied that the number of parking spaces provided is sufficient to meet the demand.  The modifications to the staging of development are not seen to impact on the provision of parking throughout the duration of construction. The first three stages will be adequately serviced via 23 spaces and the provision of 17 temporary waiting bays. This appears satisfactory to meet the likely demand of parking.
b. To provide for the reasonable parking needs of business and industry to support their viability, but discourage unnecessary or excessive parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Performance criteria</b>				
<b>P1</b> 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"/>	
<b>P2</b> New development does not introduce unnecessary or excessive off-street parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>P3</b> 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"/>	
<b>Development controls</b>				
<b>D1</b> 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. The modification does not impact on the total number of spaces as previously approved.  DA-318/2011 introduced a unique type of development which could be classified within this part of the ADCP2010. DA-318/2011 was supported by a Traffic and Parking assessment report, prepared by Cardno and dated 10 August 2011. The report concluded that the proposed 43 parking spaces and 12 overflow spaces were sufficient to facilitate the demand of the proposal.
<b>D2</b> 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"><li>A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics;</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	





<p><b>D1</b> Circulation driveways are designed to:</p> <ul style="list-style-type: none"> <li>• Enable vehicles to enter the parking space in a single turning movement;</li> <li>• Enable vehicles to leave the parking space in no more than two turning movements;</li> <li>• Comply with AS2890 (all parts);</li> <li>• Comply with AS1429.1 – Design for Access and Mobility; and</li> <li>• Comply with Council's road design specifications and quality assurance requirements.</li> </ul> <p><b>D2</b> Internal circulation roadways shall be adequate for the largest vehicle anticipated to use the site, and in this regard, vehicle manoeuvring shall be designed and justified using 'Auto Turn' or the like.</p> <p><b>D3</b> Landscaping along circular roadways and parking modules shall be provided as required to a minimum standard. Parking areas which provide more than 20 spaces in a single component shall provide one broad canopy tree per 10 spaces.</p> <p><b>D4</b> Access driveways shall be located and designed to minimise loss of on-street parking.</p> <p><b>D5</b> Access driveway shall have a minimum width of 3.0m unless elsewhere specified.</p> <p><b>D6</b> Access driveways shall be located a minimum of 1.2m clear from power poles and drainage pits.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>objection to the proposal subject to the imposition of conditions. This incorporates a condition to maintain on street parking on the southern side of Egerton Street.</p> <p>No further objection is posed as per the internal configuration of the site and vehicular circulation as proposed by the modification.</p>
<p><b>3.3 Sight distance and pedestrian safety</b></p> <p><b>Performance criteria</b></p> <p><b>P1</b> Clear sight lines are provided to ensure pedestrian safety.</p> <p><b>Development controls</b></p> <p><b>D1</b> Access driveways and circulation roadways shall be design to comply with sight distance requirements specified in AS2890 – Parking Facilities.</p> <p><b>D2</b> Obstruction/fences shall be eliminated to provide adequate sight distances.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The modification has been forwarded to Council's engineering department for comment. No objection in relation to this requirement has been raised.</p> <p>The modified fence height from 2700mm to 3000mm is not seen to obstruct site lines.</p>

<b>3.4 General parking design</b>				
<b>Performance criteria</b>				
<b>P1</b> 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"/>	As per DA-318/2011, 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.
<b>P2</b> The site layout enables people with a disability to use one continuously accessible path of travel: <ul style="list-style-type: none"> <li>To the site from the street frontage;</li> <li>To individual or main car parking areas; and</li> <li>To all buildings, site facilities and communal open space.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> Visual dominance of car parking areas and access driveways shall be reduced.	<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.
<b>D2</b> 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"/>	
<b>D3</b> 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>				
<b>D4</b> All pedestrian paths and ramps shall: <ul style="list-style-type: none"> <li>Have a minimum width of 1000mm;</li> <li>Have a non-slip finish;</li> <li>Not be steep (ramp grades between 1:20 and 1:14 are preferred);</li> <li>Comply with AS1428.1 – Design for Access and Mobility; and</li> <li>Comply with AS1428.2 – Standards for blind people or people with vision impairment.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<b>6.0 Controls for industrial development</b>				
<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>				
<b>6.1 General controls – industrial</b>				
<b>6.1.1 Access and circulation roadway design</b>				
<b>Performance criteria</b>				
<b>P1</b> 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"/>	
<b>Development controls</b>				
<b>D1</b> 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"/>	As per DA-318/2011, 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.
<b>D2</b> 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"/>	
<b>D3</b> Driveways shall be located and designed to avoid the following:				
• Being located opposite other existing access ways with significant vehicle usage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	However, concern is raised as to the loss of on-street parking in light of the minor reconfiguration of the Day Street exit and Egerton Street Entry/Exit. Given the design changes, larger vehicles will require larger turning paths which affectively will require the introduction of 'no parking' areas within a portion of the western side of Day Street and southern side of Egerton Street.  Council's development engineer raises no objection to the proposal subject to the imposition of conditions. This incorporates a condition to maintain on street parking on the southern side of Egerton Street.
• Restricting sight distances;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• On-street queuing;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• An intersection controlled by traffic signals within 25 metres on the approach side;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• A signalled intersection of any major roads within 90 metres;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• An intersection controlled by a stop or give way sign within 12 metres on the approach side;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• The approach side of any intersection within 10 metres;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• A property boundary on the departure side of any intersection within 10 metres; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• The commencement of a median island within 6 metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D4</b> 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"/>	
<b>D5</b> 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.
<b>D6</b> 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"/>	
<b>D7</b> The maximum gradient for a driveway shall be 20% (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"/>	
<b>6.1.2 General parking design</b>				

<b>Performance criteria</b>																	
<b>P1</b>	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 as a result of the modification. Additionally, the location and design of parking areas is satisfactory.												
<b>P2</b>	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"/>													
<b>Development controls</b>																	
<b>D1</b>	Compliance with the off-street parking requirements in section 2.0 of this Part.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to Part 2.0 above.												
<b>D2</b>	Stacked parking facilities shall not be accepted for new developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification retains the number of parking spaces as originally approved.												
<b>D3</b>	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"/>													
<b>6.1.3 Number of Parking Spaces</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
<b>Development controls</b>																	
Car parking for industrial development shall comply with the requirements in Table 7:																	
<table border="1"> <thead> <tr> <th>Land use</th><th>Parking requirements</th></tr> </thead> <tbody> <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><b>Factories</b></td><td><b>1.3 spaces per 100m<sup>2</sup> GFA</b></td></tr> <tr> <td><b>Warehouses</b></td><td><b>1 space per 300m<sup>2</sup> GFA</b></td></tr> <tr> <td><b>Ancillary office</b></td><td><b>1 space per 40m<sup>2</sup> GFA</b></td></tr> <tr> <td>Sex services premises</td><td>1.5 spaces per service room</td></tr> </tbody> </table>		Land use	Parking requirements	Road transport terminals Container depots	Surveys shall be undertaken of similar developments Surveys shall be undertaken of similar developments	<b>Factories</b>	<b>1.3 spaces per 100m<sup>2</sup> GFA</b>	<b>Warehouses</b>	<b>1 space per 300m<sup>2</sup> GFA</b>	<b>Ancillary office</b>	<b>1 space per 40m<sup>2</sup> GFA</b>	Sex services premises	1.5 spaces per service room				
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<b>7.0 Loading requirements</b>				
<b>Objectives</b>				
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"/>
b.	To prevent industrial and business development giving rise to adverse impacts associated with truck and service vehicles being parked off-site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Performance criteria</b>				
<b>P1</b>	Separation is provided between service areas (i.e. loading and unloading areas) and parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>P2</b>	Size of service vehicle bays are adequate for the likely vehicles utilising the spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>P3</b>	Service areas are located and designed to facilitate convenient and safe usage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Development controls</b>				
<b>D1</b>	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"/>
<b>D2</b>	Industrial developments having a floor area greater than 400sqm 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"/>
<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>				
<b>D3</b>	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"/>
<b>D4</b>	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"/>
<b>D5</b>	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"/>
<b>D6</b>	Buildings shall be designed to allow loading and unloading of vehicles within the building	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DA-318/2011 introduced 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. This arrangement is to remain unchanged,

Note: The modified staging of construction works provide 1 loading bay, as introduced by stage 1, to service stages 1 to 4. The second loading bay will be introduced through stage 5 works. The staging is in response to the likely demand for services and as such, the need for dedicated loading areas is minimal.

Council officers raise no objection to the proposed modification pertaining to the provision of loading areas. In this regard, the proposal is considered acceptable in relation to these requirements.

<p>and at all times. Where achievable, loading docks should be situated to the side or rear of buildings. In the case of commercial development access can be provided from a laneway.</p> <p><b>D7</b> That loading bays for trucks and commercial vehicles shall be provided in accordance with Table 9:</p> <table border="1"> <thead> <tr> <th>Land use</th> <th>Loading requirements</th> </tr> </thead> <tbody> <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> </tbody> </table> <p><b>Note:</b> 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.  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).  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>		Land use	Loading requirements	Business and office premises	1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2 thereafter	Retail premises - department stores	1 space per 1,500m2 GFA up to 6,000m2 GFA plus 1 space per 3,000m2 thereafter	Retail premises - shops and food and drink premises	1 space per 400m2 GFA up to 2,000m2 GFA plus 1 space per 1,000m2 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 1,000m2 of public area set aside for bar, tavern, lounge and restaurant	Other	1 space per 2,000m2	Industrial/warehouse, bulky goods retail and wholesale supplies	1 space per 800m2 GFA up to 8,000m2 GFA plus 1 space per 1,000m2 thereafter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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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 1,000m2 of public area set aside for bar, tavern, lounge and restaurant																		
Other	1 space per 2,000m2																		
Industrial/warehouse, bulky goods retail and wholesale supplies	1 space per 800m2 GFA up to 8,000m2 GFA plus 1 space per 1,000m2 thereafter																		

c) *Stormwater 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. However, Council's Engineers have raised concern as to the adequate stormwater drainage of the eastern portion of the site, whilst remaining undeveloped for

stages 1 to 3. Council officers have raised this concern with the applicant via written correspondence dated 27 July 2012. On 8 August 2012, suitable additional information has been received pertaining to the sufficient drainage of the eastern portion of the site (stages 4-6) which has been seen as acceptable by Council's development engineer. In this regard 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. DA-318/2011 was supported by a Mobility and Disability Access Report, dated 15 April 2011 and prepared by Eric Martin and Associates. The proposed modification has been supported by a further Access Report, dated 20 June 2012 and prepared by Certis Access Consultancy. Both reports were 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 proposed modifications do not entail any changes to waste management strategies as implemented under DA-318/2011. Conditions pertaining to waste management will remain on the initial consent. Therefore the application is considered to be consistent with the objectives and relevant requirements of the DCP.

**Auburn Development Contributions Plan 2007**

DA-318/2011 required 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 was based on 1% levy for construction works over \$200,000 or more. The proposed estimated cost of development for DA-318/2011 was \$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 was \$1,652,310.00. This figure is subject to indexation as per the relevant plan.

The Joint Regional Planning Panel approved the development consent DA-318/2011 which incorporated a condition of consent, being condition no. 5, requiring the payment of \$1,652,310.00. Additionally, the condition specified that contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of any Construction Certificate for Stage 1A of the development.

**Proposed Modification**

The proposed modification incorporates a revised cost of works totalling \$27,902,965. This figure is based upon the legal interpretation of Clause 25J of the Environmental Planning and Assessment Regulation 2000 which specifies the costs that are to be included and excluded from the calculation to determine the *'proposed cost of carrying out development'*.

The applicant has submitted legal advice dated 5 June 2012 and prepared by Norton Rose, which specifies that computer equipment, blade room technology, plant and transport costs should be excluded from the proposed cost of works. A revised Quantity Surveyors Report, dated 8 June 2012 and prepared by Aquenta Consulting P/L has been submitted, nominating the total cost of works to be \$27,902,964, on the basis of this advice.

On review of the submitted documentation, Council officers, inclusive of Council's Development Contributions Planner, raise no objection to the revised cost of works and the Section 94 contribution payable to Auburn City Council is recommended to be revised accordingly.

Given the development is 'consumer demand driven', the development is to occur in six construction stages over a period of 10 – 15 years as indicated by the applicant. In this regard the applicant has requested the payment of the Section 94 contributions to be staged in accordance with the construction staging. The following is an indicative table of the Section 94 contributions to be paid at each stage. The cost of works of each stage is in accordance with the submitted Quantity Surveyors Report as nominated above. The payments are to be in accordance with Part F: Employment Generating Development at clause 22.4, of Council's Auburn Development Contributions Plan 2007. Calculations are based on 1% levy for construction works over \$200,000 or more.

Stage	Cost of Works	Section 94 Payable
1	\$9,447,507	\$94475
2	\$1,878,988	\$18,790
3	\$5,980,004	\$59,800
4	\$2,539,322	\$25,393
5	\$6,178,156	\$61,782
6	\$1,878,988	\$18,790
<b>Total</b>	<b>\$27,902,965</b>	<b>\$279,030</b>

#### **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 application and notification process did not result in any disclosure of Political Donations and Gifts.

#### **ARPANSA – Australian Radiation Protection and Nuclear Safety Agency**

As per DA-318/2011, concern was raised as to the potential radiation, particularly Electromagnetic Radiation (EMR) which may occur onsite due to the extensive amount of computers provided on site. Suitable evidence was provided to support the application and Council officers were satisfied that the development will not generate significant levels of EMR.



The proposed modifications do not alter this requirement, given the use and operation of the site remains unchanged.

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

The proposed modification(s) 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 modification(s) 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 modification(s). Accordingly, the site can be said to be suitable to accommodate the modification(s). The proposed modification(s) has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the modification(s) 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 the Auburn Development Control Plan 2010, the proposal was publicly exhibited for a period of 14 days between 10/07/2012 and 24/07/2012. No submissions were received in respect of the proposed development.

#### **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 proposed modification(s), 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 modification, under the provisions of Section 96(2), are considered acceptable having regard to the provisions of Sections 79C(1) and 96(2) of the Environmental Planning and Assessment Act 1979. The proposed modifications are considered to be of minimal environmental impact and will result in a development substantially the same as that

previously approved by Council. 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**

Please list your attachments below with the TRIM file reference.

### **Site Plan**

**Trim No. T060531/2012**

### **Ground Floor Plan**

**Trim No. T046577/2012**

### **First Floor Plan**

**Trim No. T046578/2012**

### **Roof Plan**

**Trim No. T046579/2012**

### **Elevations**

**Trim No. T060531/2012**

### **Landscape Plan**

**Trim No. T046591/2012**

### **Stormwater Plan**

**Trim No. T060531/2012**

### **Comparison Layout – Approved V Modification**

**Trim No. T046581/2012**

### **Comparison Elevation – Approved V Modification**

**Trim No. T046588/2012**

### **Stage 1 Layout Plan**

**Trim No. T046557/2012**

### **Stage 2 Layout Plan**

**Trim No. T046559/2012**

### **Stage 3 Layout Plan**

**Trim No. T046560/2012**

### **Stage 4 Layout Plan**

**Trim No. T046561/2012**

### **Stage 5 Layout Plan**

**Trim No. T046563/2012**

### **Stage 6 Layout Plan**

**Trim No. T046567/2012**