

Assessment report to Sydney Central City Planning Panel

Panel reference: PPS-2019CC1002

Development Application

DA number	SPP-18-01554	Date of lodgement	6 December 2018
Applicant	Urbis Pty Ltd		
Owner	Aldi Foods Pty Ltd		
Proposed development	Construction of a 2 storey Data Centre, associated car parking, landscaping and drainage works		
Street address	42 Sargents Road, Minchinbury		
Notification period	14 to 28 January 2019	Number of submissions	Nil

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> Capital investment value (CIV) over \$30 million (DA has CIV of \$86.8 million).
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Protection of the Environment Operations Act 1995 Biodiversity Conservation Act 2016 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 33 - Hazardous and Offensive Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015 Central City District Plan 2018
Report prepared by	Kelly Coyne, Assistant Team Leader Development
Report date	11 December 2019
Recommendation	Approve, subject to the conditions listed in attachment 7

Attachments

- 1 Location map
- 2 Aerial image as of 12 September 2019
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? No

Conditions

Have draft conditions been provided to the Applicant for comment? Yes

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
 - car parking provision based on merit assessment
 - noise and vibration impact from a 24 hour operation.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore assessed as satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 Assessment of the application has also been undertaken in line with Clause 7 of State Environmental Planning Policy No. 55 (Remediation of Land) and we are satisfied that the site can be made suitable for the development subject to conditions.
- 1.5 The proposal requires the removal of 22 trees and the retention of 17 trees. The site contains Cumberland Plain Woodland and is not biodiversity certified. Approximately 0.07 ha of Cumberland Plain Woodland is proposed to be removed. Therefore the biodiversity offset scheme threshold of 0.25 ha is not exceeded and a Biodiversity Assessment Report (BDAR) is not required. However, an Assessment of Significance (5 part test) under the Biodiversity Conservation Act 2016 was required. Council's Natural Areas Team has reviewed the 5 part test and considers it to be satisfactory subject to conditions.
- 1.6 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 7.

2 Location

- 2.1 The site is located in the suburb of Minchinbury, approximately 8 km from the Blacktown CBD. It is within an established industrial precinct with direct access to the Great Western Highway and the M4 and M7 motorways. The location of the site is shown at attachment 1.
- 2.2 To the north (on the opposite side of Eddie Road) is 27 Eddie Road that contains a 2 storey u-shaped building currently occupied by a frameless glass pool fence supplier.
- 2.3 To the east is 38 Eddie Road that contains a 2 storey warehouse building occupied by a manufacturer/supplier. Further to the east is 40 Eddie Road which contains a large warehouse building used for storage, container loading/unloading, 'pick packing' and local distribution services.
- 2.4 To the south (on the southern side of Sargents Road) is 69 Sargents Road that contains a large warehouse building operated by Woolworths.
- 2.5 To the west of the site at 26-28 Eddie Road is a freight and transport company that stores trucks and semi-trailers on site.

3 Site description

- 3.1 The site is legally identified as Lot 22 DP 857350, also known as 42 Sargents Road, Minchinbury.
- 3.2 It has an irregular shape and an area of 20,230 m², with dual frontage to Eddie Road and Sargents Road.
- 3.3 The site currently falls 3.35 m from the south-east corner of the site (RL45.1) to the north-west corner of the site at the Eddie Road street frontage (RL 41.75).

- 3.4 The site is predominantly cleared grassland with remnant patches of native vegetation located in the centre of the site.
- 3.5 It is currently vacant with various concrete pads covering small portions of the site.
- 3.6 Vehicular access is available via an existing driveway from Eddie Road and pedestrian access is available via both street frontages.
- 3.7 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site is zoned B5 Business Development under Blacktown Local Environmental Plan 2015. The zoning plan for the site and surrounds is at attachment 3.
- 4.2 The proposed Data Centre falls within the definition of a 'high technology industry' (information technology) which is a type of light industry and is permissible within the zone with consent.
- 4.3 On 23 May 2018 a Pre-Application Meeting for the proposed Data Centre was held with Council officers.

5 The proposal

- 5.1 The Development Application has been lodged by Urbis Pty Ltd.
- 5.2 The Applicant proposes to construct a 2 storey Data Centre consisting of 8 data halls, 2 tech spaces comprising office facilities and amenities, external plant zones, associated 33 car parking spaces, stormwater drainage works and landscaping.
- 5.3 The Data Centre is proposed to operate 24 hours a day, 7 days a week.
- 5.4 Other details about the proposal are at attachment 4.
- 5.5 A copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 An assessment of the Development Application against the section 4.15(1)(a) matters and relevant planning controls is at attachment 6.

7 Key issues

7.1 The Applicant is seeking to provide car parking subject to a merit assessment

- 7.1.1 Blacktown Development Control Plan 2015 (DCP) provides car parking rates for industrial use at the rate of 1 space per 75 m² of gross floor area (GFA) and 1 space per 40 m² GFA for the office component. However, the land uses which are specified for this car parking rate include light industry, general industry, heavy industry and warehouse or distribution centre.
- 7.1.2 The DCP does not provide a specific parking rate for the proposed land use being a high technology industry for information technology purposes. Instead, it includes a note which states that '... car parking requirements for development types not contained in this Table or regulated in other Planning Instruments will be assessed on merit and may require the submission of a traffic study'. This approach has been applied in the assessment of the parking demand for this proposal.
- 7.1.3 It is noted that, when calculating gross floor area in Blacktown Local Environmental Plan 2015, areas to be excluded from this definition include 'plant rooms' or 'other areas used exclusively for mechanical services'.

- 7.1.4 The proposal comprises 7,813 m² of all other areas and 415 m² of office space. Based on the DCP car parking rates stated above, 115 car spaces would be required. The proposal does not satisfy this requirement as it provides only 33 car parking spaces.
- 7.1.5 Despite this, the parking rate for this form of land use (being the operation of a proposed Data Centre) is considered to significantly differ from the land use which incurs the above car parking rate. In particular, a Data Centre would generate a very low demand for truck/delivery vehicles and employees. Therefore, the assessment of parking demand generated by this proposal is made on a merit basis.
- 7.1.6 The Applicant was requested to provide justification for the proposed level of parking provision with a parking survey of a similar data centre development in Sydney, to assist our consideration of the proposed reduced number of car parking spaces.
- 7.1.7 In addition to the Transport Impact Assessment prepared by Wood & Grieve Engineers and submitted in support of the application, a further traffic engineer review prepared also by Wood & Grieve Engineers dated 5 June 2019 was submitted in order to justify the reduced car parking rate.
- 7.1.8 The justification concluded the following:
- The survey was completed of a comparable facility, albeit under construction, with a maximum of 22 staff and 115 construction staff understood to be on-site during the survey period.
 - Primarily due to these construction activities an on-site car parking demand of 48-53 spaces (90% or greater occupancy) was recorded throughout the survey period.
 - The development proposal is understood to have a maximum of 28 persons within the site at any one time.
 - Logically, assuming a maximum of 1 vehicle per person on-site, an on-site car parking demand of up to 28 spaces is anticipated.
 - The proposed provision of 33 on-site car parking spaces exceeds the anticipated car parking demand of up to 28 spaces.
 - The proposed use of the site is highly specialised. In the event the site is utilised for another purpose, the site could accommodate at least 149 car parking spaces.
 - The potential provision of 149 on-site spaces for a future light industrial use would exceed the minimum DCP car parking requirement of 115 spaces.
 - The proposed provision of car parking for both the proposed use and for any future adaptive light industrial use of the site is considered appropriate.
- 7.1.9 Our Traffic Management Section has reviewed the proposal and considers the proposed car parking provision to be satisfactory, subject to a condition of consent requiring sufficient area within the site to be retained for future car parking provision to satisfy the DCP car parking requirement in the event of another use occupying the site. Should the use of the site be altered in the future from a Data Centre to an alternate industrial use under a separate development consent, provisional parking requirements could be met along the eastern and western facades of the building in place of the external plant areas.

- 7.1.10 The provision of 33 car parking spaces has been assessed on merit and is considered satisfactory to meet the parking demand generated by this specific land use.

7.2 Noise and vibration impacts

- 7.2.1 The proposal was accompanied by an Acoustic DA Report prepared by Wood & Grieve Engineers which presents the relevant acoustic criteria for the site, establishes the predicted noise emission from the site to nearby sensitive receivers, and provides acoustic design recommendations to achieve compliance with the applicable acoustic criteria. It was noted at the time of the assessment that mechanical plant such as the chillers and cooling towers had not been finalised.
- 7.2.2 The report presents the noise survey for the site and the project specific acoustic criteria for the development. Acoustic screening requirements will be finalised once mechanical plant has been selected.
- 7.2.3 Our Environmental Health Unit has undertaken an assessment of the potential noise and vibration impacts generated by the installed plant and equipment and no objection is raised subject to conditions to satisfactorily control the potential noise and vibration impacts.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 14 and 28 January 2019. The Development Application was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 No submissions were received.

9 External referrals

- 9.1 The Development Application was referred to the following external authorities for comment:

Authority	Comments
Endeavour Energy	Acceptable subject to conditions
NSW Police (Local Area Command)	Acceptable subject to conditions

10 Internal referrals

- 10.1 The Development Application was referred to the following internal sections of Council for comment:

Section	Comments
Drainage Engineers	Acceptable subject to conditions
Development Engineers	Acceptable subject to conditions
Building	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Traffic	Acceptable subject to conditions


Section	Comments
City Architect	Acceptable subject to conditions
Landscaping	Acceptable subject to conditions
Biodiversity	Acceptable subject to conditions

11 Conclusion


- 11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

12 Recommendation

- 1 Approve Development Application SPP-18-01554 for the reasons listed below and subject to the conditions listed in attachment 7:
 - a The proposal is in the public interest.
 - b The site is considered suitable for the proposed development.
- 2 Council officers notify the Applicant of the Panel's decision.


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