

## COUNCIL ASSESSMENT REPORT

Panel Reference	2019SNH027
DA Number	DA 2019/79
LGA	WILLOUGHBY
Proposed Development	Construction Of Eight Storey Data Centre, Car Parking, Landscaping And Associated Works.
Street Address	2 Broadcast Way, ARTARMON NSW 2064.
Applicant/Owner	NEXTDC LIMITED
Date of DA lodgement	2 April 2019
Number of Submissions	1
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value (CIV) of over \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• Willoughby Local Environmental Plan 2012</li> <li>• Willoughby Development Control Plan</li> <li>• State Environmental Planning Policy No.55-Remediation of Land</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No.33 – Hazardous and Offensive Development</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Architectural plans</li> <li>• Landscape plans</li> <li>• Stormwater plans</li> </ul>
Report prepared by	Chi Wai Kong
Report date	29 November 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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 summarized, in the Executive Summary of the assessment report? **Not Applicable**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### 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 (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## SNPP REPORT

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2 Broadcast Way, ARTARMON NSW 2064.

SNPP NO:	2019SNH027
COUNCIL	WILLOUGHBY CITY COUNCIL
ADDRESS:	2 BROADCAST WAY, ARTARMON NSW 2064.
DA NO:	DA-2019/79
PROPOSAL:	SNPP - CONSTRUCTION OF EIGHT STOREY DATA CENTRE BUILDING, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS.
RECOMMENDATION:	APPROVAL
ATTACHMENTS:	<ol style="list-style-type: none"><li>1. SCHEDULE OF CONDITIONS</li><li>2. SITE DESCRIPTION, AERIAL PHOTO AND DESCRIPTION OF PROPOSAL</li><li>3. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION &amp; REFERRALS</li><li>4. SUBMISSIONS TABLE</li><li>5. SECTION 4.15 (79C) ASSESSMENT</li><li>6. NOTIFICATION MAP</li></ol>
RESPONSIBLE OFFICER:	RITU SHANKAR (TEAM LEADER)
AUTHOR:	CHI WAI KONG (DEVELOPMENT ASSESSMENT OFFICER)
DATE:	29-NOV-2019

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### 1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011. It has a capital investment value (CIV) of over **\$30 million** and therefore Sydney North Planning Panel is the determination authority. The CIV of the subject development is **\$238,293,113**.

### 2. OFFICER'S RECOMMENDATION

**THAT the Sydney North Planning Panel (SNPP) approve the development subject to the attached conditions and issue consent for the application DA-2019/79 for construction of eight storey data centre building, car parking, landscaping and associated works at 2 Broadcast Way, ARTARMON.**

### 3. BACKGROUND

The site is located in the Gore Hill Technology Park, formerly the ABC Gore Hill site. The legal property description of the site is Lot 6 DP 270714. A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 2**.

The development application was notified from 25 April 2019 to 17 May 2019. One submission was received.

### 4. DISCUSSION

The application proposes construction of an eight-storey industrial building with a basement car park for use as a data centre, including:

- Basement level: car parking, storage and secure lobby;
- Ground floor: loading dock, foyer, secure lobby, auditorium, training room, interconnect rooms, waste room, unpacking room, storage and data hall;
- Level 1: Offices, meeting rooms, entry lobby and concierge, secure lobby, breakout area, main distribution switchboard, storage and data hall;
- Levels 2 to 6: Generator rooms, switch rooms, office, customer lounge/office, storage and data hall;
- Level 7: Generator rooms, switch rooms, storage and data hall;
- Roof level: Plant level.

The site is zoned B7 – Business Park under *Willoughby LEP 2012* and the proposal is defined as a ‘*high technology industry*’ which is a permissible use in the zone with consent.

The applicant has calculated that the development comprises 30,703m<sup>2</sup> of gross floor area (GFA) and 19,275m<sup>2</sup> of floor area used for plant room and other associated mechanical services. In total the building has a floor area of 49,978m<sup>2</sup>.

The applicant advised that the applicant’s method of measuring GFA is supported by a comprehensive legal opinion prepared by Malcolm Craig QC and Andrew Pickles SC. This advice was endorsed by the Sydney Central Planning Panel in 2017 which provides justification for the exclusion of plant and floor area associated with mechanical services from GFA calculations.

The area of the subject site is 12,500m<sup>2</sup>. The proposed FSR of 2.45:1 complies with the mapped FSR for the site of 4.5:1 under Clause 4.4A (23) of WLEP 2012 for site area exceeds 12,000m<sup>2</sup> if all plant and mechanical services floor area is excluded.

The proposal has a building height of part RL 122 and part RL 131 which are compliant with the building height map under Clause 4.3 of *Willoughby LEP 2012*.

The proposal provides for 89 car parking spaces and associated loading dock facilities to accommodate vans/trucks.

The data centre is proposed to operate 24 hours x 7 days per week and will employ approximately 45 staff.

The applicant proposed to develop the subject site in 2 stages and the details of the staging process are provided in **Attachment 2**.

The controls and development statistics that apply to the subject land are provided in **Attachment 3**.

Responses to the submission received during the notification for public comment are discussed in **Attachment 4**.

A detailed assessment of the proposal for approval under S4.15 (S79C) of the *Environmental Planning and Assessment Act 1979* is provided in **Attachment 5**.

## 5. CONCLUSION

The Development Application DA-2018/273 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *Willoughby Local Environmental Plan 2012*, *Willoughby Development Control Plan*, and other relevant codes

### 2 Broadcast Way, ARTARMON NSW 2064.

and policies. It is considered that the proposal is acceptable in the particular location, subject to Schedule of Conditions outlined in **Attachment 1**.

## SNPP REPORT

2 Broadcast Way, ARTARMON NSW 2064.

### ATTACHMENT 1: CONDITIONS

### SCHEDULE

**Conditions of Consent: (Including reasons for such conditions)**

#### CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

#### 1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Site analysis plan	S3-FAC-Ar- DRG-DA003	C	07.12.2018	Greenbox Architect Pty Ltd
Site plan	S3-FAC-Ar- DRG-DA005			
Staging plan	S3-FAC-Ar- DRG-DA098			
Basement floor	S3-FAC-Ar- DRG-DA099	N	18.07.2019	
Ground floor	S3-FAC-Ar- DRG-DA100	L		
Level 1 plan	S3-FAC-Ar- DRG-DA101	K		
Level 2 plan	S3-FAC-Ar- DRG-DA102	L		
Level 3 plan	S3-FAC-Ar- DRG-DA103	K		
Level 4 plan	S3-FAC-Ar- DRG-DA104	I		
Level 5 plan	S3-FAC-Ar- DRG-DA105			
Level 6 plan	S3-FAC-Ar- DRG-DA106			
Level 7 plan	S3-FAC-Ar- DRG-DA107	J		
Plant level	S3-FAC-Ar- DRG-DA109	G		
North elevation (Broadcast Way)	S3-FAC-Ar- DRG-DA200	E		
East elevation	S3-FAC-Ar- DRG-DA201			
Southern elevation (Pacific Highway)	S3-FAC-Ar- DRG-DA202	D	12.12.2018	
West elevation (Campbell Street)	S3-FAC-Ar- DRG-DA203			
Section 1	S3-FAC-Ar- DRG-DA250	E	07.12.2018	
Section 2	S3-FAC-Ar- DRG-DA251			
Section 3	S3-FAC-Ar- DRG-DA252			
Section 4	S3-FAC-Ar- DRG-DA254	C	12.12.2018	
Public domain/landscape master plan	-	-	Received by Council on 2 April 2019	Urbis

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Public domain/landscape detail plan 1	-	-	Received by Council on 2 April 2019	Urbis
Public domain/landscape detail plan 2	-	-		
Public domain/landscape detail plan 3	-	-		
Public domain/landscape detail plan 4	-	-		
Street tree and planting strategy	-	-		
Indicative planting strategy	-	-		
Landscape detail sections	-	-		
Landscape detail sections	-	-		

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are "Exempt Development" as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

## **2. Ausgrid Requirements – Proximity to Existing Network Assets**

### **Overhead Powerlines**

There are existing overhead electricity network assets in Pacific Highway.

Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

### **Underground Cables**

### 2 Broadcast Way, ARTARMON NSW 2064.

There are existing underground electricity network assets in Pacific Highway, Campbell St, Broadcast Way and within Development Site.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

#### **Substation**

There are existing electricity substation assets within Development Site.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ - 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.  
(Reason: Ensure compliance)

#### 3. Height

No consent is granted to any development that will result in the erection of a building or other structures having a height greater than RL 122 and RL 131, as specified for the site under Clause 4.3 of the *WLEP 2012*. This height limit applies to all structures including fencing, roof plants, antennas and other similar structures.  
(Reason: Maintenance of Transmission Tower)

#### 4. Use of Floor Space Being Confined as Approved

All uses being confined strictly to the areas so designated on the approved plans. All designated plants and building services areas must not be used for any habitable purposes.  
(Reason: Control gross floor area, Ensure compliance)

#### 5. Notification - Use of Construction Equipment Above

Prior to commencement of any works, a schedule of use of construction equipment above RL 131 must be prepared and a copy be submitted to the PCA, the adjoining property owner(s)/ operators of the Communication Tower (Broadcast Australia P/L) at 217 Pacific Highway and Helipad (Australian Broadcasting Corporation) at 4 – 10 Lanceley Place, Artarmon. The schedule should indicate the likely period of time of use, and must be accompanied by plans and diagrams illustrating the height and locations of the equipment.

No less than 48 hours prior to any construction equipment being erected above RL 131, the developer must notify the adjoining property owner(s)/ operators of the Communication Tower and adjoining helipad in writing, including the time period for which the equipment will occupy above RL 131.

The developer and their contractors must adhere to instructions given by the adjoining property owner(s)/ operators of the Communication Tower and adjoining helipad in response to any reasonable safety concerns, and directions to minimise disruption to their ordinary operations, and signal transmission.

Copies of notification letters required by this condition, and any written correspondences received from the subject adjoining owners/operators with respect to this condition must be retained at the site and be made available to the PCA and Council upon request.

(Reasons: Safety and Maintenance of operations of adjoining Communication Tower and helipad)

#### 6. Activity Approval and Licenses

The development consent holder must apply to the Department of Industry, Land and Water Division, for a Works Approval under the *Water Management Act 2000* for the proposed works before the commencement of any work or activity that requires such approval.

(Reason: Compliance with the *Water Management Act 2000*)



### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

#### 7. Fixed Development Consent Levies

Prior to the issue of the Construction Certificate, a monetary contribution of \$2,382,931.13 (subject to indexing as outlined below) is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act, 1979*.

This contribution is based on 1% of the estimated total development cost of \$238,292,113 at 2 April 2019 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development contribution payable

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in this contributions plan

CP2 = the quarterly Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment

CP1 = the quarterly Consumer Price Index, All Groups, Sydney as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

(Reason: Statutory requirement)

#### 8. Staging Plan

The development may be constructed and occupied in two or more stages. Prior to the issue of the first Construction Certificate for excavation works, the applicant must obtain approval from Council regarding detailed Staging Plan.

The Staging Plan is to address to the Council's satisfaction:

- a) Overall staged construction and occupation strategy and program
- b) Details of interim arrangements for site access, pedestrian access, car parking and loading, and interim built form, fencing and landscaping outcomes during each stage of construction and occupation.
- c) Matrix setting out when relevant conditions of consent will be addressed at relevant stages of construction and occupation

The Staging Plan may be amended from time to time with the approval of Council pursuant to this condition.

(Reason: Ensure compliance)

#### **9. External Finishes – Heritage Character**

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard the Schedule of Colours and Finishes submitted with the application satisfies this requirement, and is to be provided to the Accredited Certifier.

(Reason: Visual amenity)

#### **10. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$180,000** (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$169** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

#### **11. Temporary Ground Anchors**

If temporary ground anchors are required, obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

#### **12. Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm x 75mm x 4mm thick galvanised Rectangular Hollow Section (RHS). A grated drainage pit of minimum 600mm x 600mm shall be provided within the property and adjacent to the boundary prior to discharging to the street drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

#### **13. Detailed Stormwater Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, submit to the Certifying Authority for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with Aurecon's Stormwater Management Report 503243

Revision 2 dated 2019-06-13 and drawings S3-FAC-CI-DRG-DA110/B, S3-FAC-CI-DRG-DA115/B, S3-FAC-CI-DRG-DA120/B, S3-FAC-CI-DRG-DA125/A AND S3-FAC-CI-DRG-DA1130/A. The plans are to include an OSD system, with volume provided for the upstream catchment, as per the requirements of the Gore Hill Business Park stormwater concept plan (minimum 950m<sup>3</sup>) and rainwater tanks with a minimum volume of 50m<sup>3</sup>. Overflow from the tanks shall be via a weir / grate to an overland flow path. Pipes shall not form part of the overflow system. A minimum freeboard of 300mm shall be provided between the overflow water level and the adjacent floor level. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

#### 14. Basement Pumpout Drainage System

Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Certifying Authority, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3, council's Technical Standard 1 and the National Construction Code.

(Reason: Prevent nuisance flooding)

#### 15. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Council, a detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site, including any standing areas
- (b) Construction routes to and from the site, including a spoil route plan
- (c) Management of pedestrians
- (d) Parking for construction vehicles
- (e) Locations of site office, accommodation and the storage of major materials related to the project
- (r) Protection of adjoining properties, pedestrians, vehicles and public assets

- (g) Location and extent of proposed builder's hoarding and Work Zones
  - (h) Tree protection management measures for all protected and retained trees.
- (Reason: Compliance)

#### 16. Design of Works in Public Road (Roads Act Approval)

Prior to issue of any Construction Certificate, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- (a) Construction of 3.0 metres wide shared path (max. 2.5% crossfall) for the full frontage of the development site in Pacific Highway in accordance with Council's specification and requirements. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 3.0 metres wide shared path (max. 2.5% crossfall) for the full frontage of the development site in Campbell Street in accordance with Council's specification and requirements. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.

The proposed alignment of the shared paths shall be agreed with Council at the time the plans are to be prepared.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the Roads Act submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

#### 17. Driveway Longsection

Prior to issue of the Construction Certificate and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveways the applicant shall submit longitudinal sections for approval by the Certifying Authority along each side of the proposed vehicular access paths drawn at 1:20 Scale. The longitudinal sections shall include the following: -

- (a) Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage(%) of the vehicular crossing and driveway.

- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using the AS/NZS2890 standard vehicle profiles for a B99 vehicle. All driveway grades and transitions shall comply with AS 2890.1 -2004 and Council's specifications.

The new crossings are to be 6.0 metres wide with no splays and be constructed at right angle to Broadcast Way kerb. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with:

- (d) At back of layback – 100 mm above and parallel to the gutter invert.  
(e) At property boundary – Max 2.5% fall to layback.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

(Reason: Safe vehicular access)

#### 18. Vehicle Access – Engineer's Certification

Prior to the issue of a Construction Certificate, the applicant shall submit to the Certifying Authority for approval, certification from a suitably qualified and experienced traffic engineer that the design meets the requirements of AS/NZS2890. The certification must be based on the Construction Certificate drawings and make specific reference to the following:

- (a) That proposed driveway gradients and transitions comply with AS/NZS 2890.1 and AS2890.2, including a maximum grade of 5% from the boundary for the first 6m along the driveway, and will not result in scraping of the underside of vehicles.  
(b) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1. AS 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided  
(c) That the minimum headroom clearance between the floor and any obstruction within the basement parking and any access ramp will be 2.2m  
(d) That the minimum headroom clearance at accessible parking spaces will be 2.5m  
(e) That the minimum headroom clearance available within the loading dock and access routes to the dock complies with the headroom required in AS2890.2 for the largest vehicle using the site.  
(f) That sight lines comply with the requirements of AS/NZS2890.1 and AS 2890.2 and have a minimum splay of 2.0m x 2.5m.

(Reason: Ensure compliance)

#### 19. Approval of Works in Broadcast Way

Prior to the issue of a Construction Certificate, the applicant is to gain approval from Community Association DP270714 for the works in Broadcast Way, including the modification of the kerb line at the carpark entrance. Any approval is to be based on the Construction Certificate civil and architectural drawings.

(Reason: Approval of works in community land)

### 20. Amended Landscape Plans

- a) Prior to the issue of a Construction Certificate, Landscape Plans are to be amended to relocate 5 x *Eucalyptus microcorys* trees indicated in the Pacific Highway road reserve.
- b) The trees are to be relocated within the site boundary and across the frontage of the subject site

Reason: Environmental amenity.

### 21. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- (a) The National Construction Code:
  - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
  - (ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Health and compliance)

### 22. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to ensure “offensive noise”, as defined under the provisions of the *Protection of the Environment Operations Act 1997*, is not emitted from the development. Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be prepared by an appropriately qualified acoustic consultant and accompany the application for a Construction Certificate.

(Reason: Amenity, environmental compliance and health)

## PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

### 23. Site Management

A site Management Plan shall be submitted to and approved by the Certifying Authority prior to commencement of work. The site management plan shall include the following measures as applicable.

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;

- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- (m) Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority/Council officers upon request.  
(Reason: Environment protection, public health and safety)

#### **24. Dilapidation Report of Adjoining Properties**

Prior to commencement of work, submit a photographic survey and report of the adjoining property 217 Pacific Highway, Artarmon to the Certifying Authority and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifying Authority, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

#### **25. Dilapidation Report of Council's Property and Public Domain**

Submit a dilapidation report including photographic record of Council's property and the public domain in Broadcast Way extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of work.

(Reason: Protection of Council's infrastructure)

#### **26. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RMS. A separate written application to work outside normal hours must be submitted for approval.  
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

#### **27. Underground Utility Services**

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)



### 28. Asbestos Management Plan

In accordance with the recommendations contained in the Combined Preliminary and Detailed Site Assessment prepared by Arcadis, Report No.10030346RP01 Rev.002, dated 6 March 2019, an Asbestos Management Plan shall be developed to address concerns regarding potential asbestos material on the site. The plan shall include the engagement of a suitably qualified environmental consultant to supervise excavation. (Reason: Environmental compliance)

## DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

**The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.**

### 29. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances. (Reason: Ensure compliance and amenity)

### 30. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

### 2 Broadcast Way, ARTARMON NSW 2064.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.  
(Reason: Safety)

#### 31. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.  
(Reason: Environmental protection)

#### 32. Asbestos Removal and Disposal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (*National Occupational Health and Safety Commission 2012 (1994)*).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

#### 33. Survey Certificate

Certification of the following shall be submitted to the Certifying Authority by a registered surveyor:

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

#### 34. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

### 35. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.  
(Reason: Health and amenity)

### 36. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the *Roads Act 1993*) including footings, shall be erected wholly within the boundaries of the property.  
(Reason: Ensure compliance)

### 37. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of any ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.  
(Reason: Protection of public assets)

### 38. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.  
(Reason: Legal requirement)

### 39. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.  
(Reason: Protection of public assets)

### 40. Locate Services

At the start of construction works on site and prior to commencing construction of the stormwater drainage system, including OSD tanks, locate all services in the route of the stormwater discharge pipe from the site and confirm that they do not prevent the installation of the stormwater outlet as per the approved design.  
(Reason: Ensure drainage lines can be constructed)

### 41. Tree Protection

(a) Retain and protect the following trees and vegetation throughout the

demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.

- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree roots greater than 30mm diameter are not to be removed unless approved by a qualified Arborist on site.
- (d) All structures are to bridge roots unless directed by a qualified Arborist on site.
- (e) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

#### **42. Storage of Materials on Council Land Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

#### **43. Waste Classification – Excavation Materials**

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the *Environment Protection Authority (EPA) Waste Classification Guidelines* prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and health protection)

#### **44. Unexpected Finds Protocol**

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

#### **45. Dust Control**

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- (c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

- (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

#### **46. Construction Noise**

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

#### **47. Supervision of Excavation and Waste Classification**

A suitably qualified environmental consultant shall be engaged to strictly supervise excavation to verify the absence of asbestos material in the fill material and observe appropriate segregation of fill opposed to VENM.

(Reason: Environmental compliance)

### **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate.**

#### **48. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifying Authority.

(Reason: Ensure statutory compliance)

#### **49. Access for the Disabled - Disability Discrimination Act**

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

#### **50. Fire Safety Certificate Forwarded to NSW Fire and Rescue**

Prior to the issue of the Final Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance

with Clause 172 of the *Environmental Planning and Assessment Regulation 2000* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

#### **51. Identification of Car Parking Spaces**

Prior to the issue of Final Occupation Certificate, the eighty-nine (89) car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

#### **52. Temporary Ground Anchors – Destressing**

Prior to the issue of any Occupation Certificate, all damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.

(Reason: Destressing of ground anchors)

#### **53. Inspection of Drainage Connection to Council's Drainage Line**

If a new connection is required to a Council pipeline / pit, prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

#### **54. On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site and the upstream catchment shall be collected and disposed of via an approved stormwater management system in accordance with Sydney Water's requirements, AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC), and include 950m<sup>3</sup> of OSD storage, 50m<sup>3</sup> of rainwater stormwater and water treatment measures as per Aurecon's Stormwater Management Report.

(Reason: Prevent nuisance flooding)

#### **55. Sign for OSD system**

Prior to the issue of any Occupation Certificate, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD Tanks.

The wording for the plaque shall state "*This is the on-site stormwater detention system required by Willoughby City Council. It is an offence to alter any part of the*

*system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris".*  
(Reason: Prevent unlawful alteration)

#### **56. Confined Space Sign**

Prior to the issue of any Occupation Certificate, securely install a standard confined space danger sign in a prominent location within the immediate vicinity of the access point of any confined space, in accordance with the requirements of the NSW Work Health and Safety Regulation 2017.  
(Reason: Safe access to tank)

#### **57. Certification of OSD**

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.  
(Reason: Legal requirement)

#### **58. Certification of the Basement Pumpout Drainage System**

Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifying Authority.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and As/NZS3500.3.

(Reason: Ensure compliance)

#### **59. Works-As-Executed Plans - OSD**

Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following shall be submitted to the Certifying Authority:

- (a) Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- (b) Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

### 60. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on-site stormwater detention system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD tanks, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

### 61. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifying Authority and Council: -

- (a) Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- (b) Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system.
- (c) Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system.

(Reason: Public record)

### 62. Concrete Shared path

Prior to the issue of any Occupation Certificate, construct a 3.0m wide shared path for the full frontage of the development site in Campbell Street and Pacific Highway.

All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

### 63. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the *Roads Act 1993*, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to



Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to the issue of any Occupation Certificate.  
(Reason: Ensure compliance)

#### **64. Performance Bond**

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$85,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.  
(Reason: Ensure compliance and specification)

#### **65. Turfing of Nature Strip**

Prior to the issue of any Occupation Certificate trim the strip of land between the property boundary and the road or path spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.  
(Reason: Public amenity)

#### **66. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles. In all respects, prior to the issue of any Occupation Certificate, the proposed vehicle access including any parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.  
(Reason: Vehicular access)

#### **67. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.  
(Reason: Protection of public assets)

#### **68. Vehicle Access – Engineer's Certification**

Prior to the issue of any Occupation Certificate, the applicant shall submit to the Certifying Authority for approval, certification from a suitably qualified and experienced traffic engineer that the as-constructed parking area and loading area meet the requirements of AS/NZS2890. The certification must be based on the Construction Certificate drawings and make specific reference to the following:

- (a) That driveway gradients and transitions comply with AS/NZS 2890.1 and AS2890.2, including a maximum grade of 5% from the boundary for the first 6m along the driveway, and will not result in scraping of the underside of

- vehicles.
- (b) That vehicular path and parking arrangements comply in full with AS/NZS 2890.1. AS 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided
  - (c) That the minimum headroom clearance between the floor and any obstruction within the basement parking and any access ramp is 2.2m
  - (d) That the minimum headroom clearance at accessible parking spaces is 2.5m
  - (e) That the minimum headroom clearance provided within the loading dock and access routes to the dock complies with the headroom required in AS2890.2 for the largest vehicle using the site.
  - (f) That sight lines comply with the requirements of AS/NZS2890.1 and AS 2890.2 and have a minimum splay of 2.0m x 2.5m.

(Reason: Ensure compliance)

#### **69. Completion of Landscape Works**

Prior to the issue of any Occupation Certificate, any approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

#### **70. Tree Planting**

Prior to the issue of any Occupation Certificate, trees are to be planted in accordance with the following table:

<b>No. Required</b>	<b>Species</b>	<b>Location</b>	<b>Min Pot Size</b>
All trees	As indicated on the Public Domain/Landscape Detail Plans <sup>1</sup> – 4 and Street Tree and planting Strategy (as amended by Conditions of consent) in the Landscape Design Report dated 14.02.19 prepared by Urbis	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape amenity, tree canopy recruitment)

#### **71. Acoustic Works – Report**

The necessary acoustic attenuation works shall be carried out in accordance with Section 5.3 of the acoustic report by aurecon, Ref. 503243 Rev.2, dated 7 January 2019. Certification and accompanying acoustic measurement shall be provided by a suitably qualified and practising acoustic engineer, upon completion of the works, to the Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: Amenity, environmental compliance and health)

#### **72. Certification – Ventilation**

Prior to the issue of any Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

### **73. Electromagnetic Emissions**

Upon completion of all construction works, including the fit-out, EMI and EME measurements shall be taken by a suitable qualified person within the approved tenancy to be occupied to confirm that there is no deviation from preliminary findings of the RF EMI Measurement Report – Pre Construction prepared by aurecon, Ref. 503243 Rev.2, dated 21 February 2019, in respect to the relevant ARPANSA general public exposure limits and other WH&S standards.

Any exceedances shall require mitigation strategies to be developed and follow-up measurements. Certification and accompanying documented evidence in a report, as well as details of any necessary mitigation works, stating that the EMI and EME levels are compliant with the relevant limits/standards, shall be provided to the certifying Authority prior to the issue of any Occupation Certificate. Copies of the documents provided to the Certifying Authority shall be provided to Council.

(Reason: Health & Safety)

## **ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

### **74. Accessibility to Car Parking Spaces**

In perpetuity, the car parking spaces are to be accessible during all hours of operation of the business.

(Reason: Ensure compliance)

### **75. Loading and Unloading**

In perpetuity, loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Broadcast Way and Pacific Highway or from any appurtenant right of way.

(Reason: Access and amenity)

### **76. Hours of Operation**

The hours of operation of the business are to be restricted to those times listed below, i.e.:

24 hours a day and 7 days a week.

Any variation to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

### **77. Site Lighting**

Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

(Reason: Amenity)

### **78. Signs**

A separate Development Application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan. Please note that a separate DA is not required for signs which are “Exempt Development” as defined under S4.1(1) of the *Environmental Planning and Assessment Act 1979*.

(Reason: Ensure compliance)

### **79. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

### **80. Noise Control – Offensive Noise and Vibration**

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

### **81. Mechanical Ventilation Systems with Regulated Air Handling and Water Systems**

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) shall be registered with Council on completion of the installation in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*.

(Reason: Health protection)

### **82. Removal of Trade Waste**

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

## **PRESCRIBED CONDITIONS**

**The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.**

### **83. Compliance with National Construction Code**

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

### STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

#### **84. Construction Certificate**

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

#### **85. Notify Council of Intention to Commence Works**

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifying Authority and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

#### **86. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

#### ATTACHMENT 2: SITE DESCRIPTION, AERIAL PHOTO AND DESCRIPTION OF PROPOSAL

The site is located in the Gore Hill Technology Park, formerly the ABC Gore Hill site. The legal property description of the site is Lot 6 DP 270714.

The site is a vacant trapezoidal shaped lot and falls from south (Broadcast Australia) to Campbell Street (north). It is bound by Pacific Highway to the west, Campbell Street to the north, Broadcast Way which is a private community title road to the east and Broadcast Australia to the south. Ausgrid depot building (1 Broadcast Way) and a data centre building (3 Broadcast Way) were recently approved by Council and are located on the other side of Broadcast Way.

An aerial view of the site is contained in Figure 1 and photographs of the site and surrounds are contained in Figures 2 to 4.



Figure 1 - Aerial Photo of the subject site and its surrounds



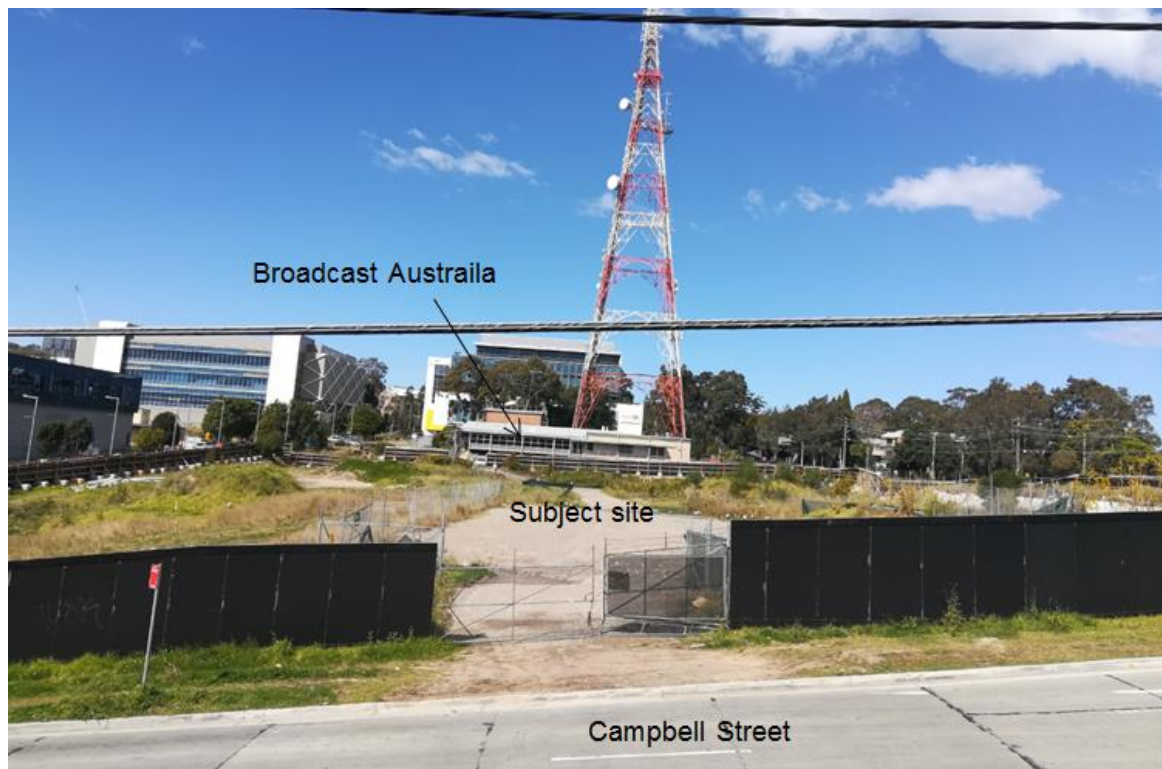


Figure 2 - View of subject site from Campbell Street



Figure 3 - View from Campbell Street to Broadcast Way



Figure 4 - View from Pacific Highway

### DESCRIPTION OF PROPOSAL

The application proposes the construction of an eight-storey industrial building with a basement car park for use as a data centre, including:

- Basement level: car parking, storage and secure lobby;
- Ground floor: loading dock, foyer, secure lobby, auditorium, training room, interconnect rooms, waste room, unpacking room, storage and data hall;
- Level 1: Offices, meeting rooms, entry lobby and concierge, secure lobby, breakout area, main distribution switchboard, storage and data hall;
- Levels 2 to 6: Generator rooms, switch rooms, office, customer lounge/office, storage and data hall;
- Level 7: Generator rooms, switch rooms, storage and data hall;
- Roof level: Plant level.

The applicant has calculated that the development comprises 30,703m<sup>2</sup> of gross floor area (GFA) and 19,275m<sup>2</sup> of floor area used for plant room and other associated mechanical services. In total the building has a floor area of 49,978m<sup>2</sup>.

The applicant advised that the applicant's method of measuring GFA is supported by a comprehensive legal opinion prepared by Malcolm Craig QC and Andrew Pickles SC. This advice was endorsed by the Sydney Central Planning Panel in 2017 which provides justification for the exclusion of plant and floor area associated with mechanical services from GFA calculations.



The area of the subject site is 12,500m<sup>2</sup>. The proposed FSR of 2.45:1 complies with the mapped FSR for the site of 4.5:1 under Clause 4.4A (23) of WLEP 2012 for site area exceeds 12,000m<sup>2</sup> if all plant and mechanical services floor area is excluded.

The proposal has a building height of part RL 122 and part RL 131 which are compliant with the building height map under Clause 4.3 of Willoughby LEP 2012.

The proposal provides for 89 car parking spaces and associated loading dock facilities to accommodate vans/trucks.

The data centre is proposed to operate 24 hours x 7 days per week and will employ approximately 45 staff.

Council has identified the Pacific Highway and Campbell Street as important routes for its bicycle network. A shared path is to be delivered along the northern boundary (Campbell Street) and western boundary (Pacific Highway) of the subject site. The applicant is aware of the Campbell Street shared path. The subject development application provides the opportunity to provide the shared paths along both Pacific Highway and Campbell Street at an acceptable design standard to Council. The implementation of the shared paths is included in the relevant conditions of the consent.

The applicant is required to provide deep soil planting along the Pacific Highway frontage to reduce the visual impact of the data centre building when viewed from Pacific Highway. Relevant conditions are recommended in the consent.

The applicant proposed to develop the subject site in 2 stages as indicated in Figure 5 below.

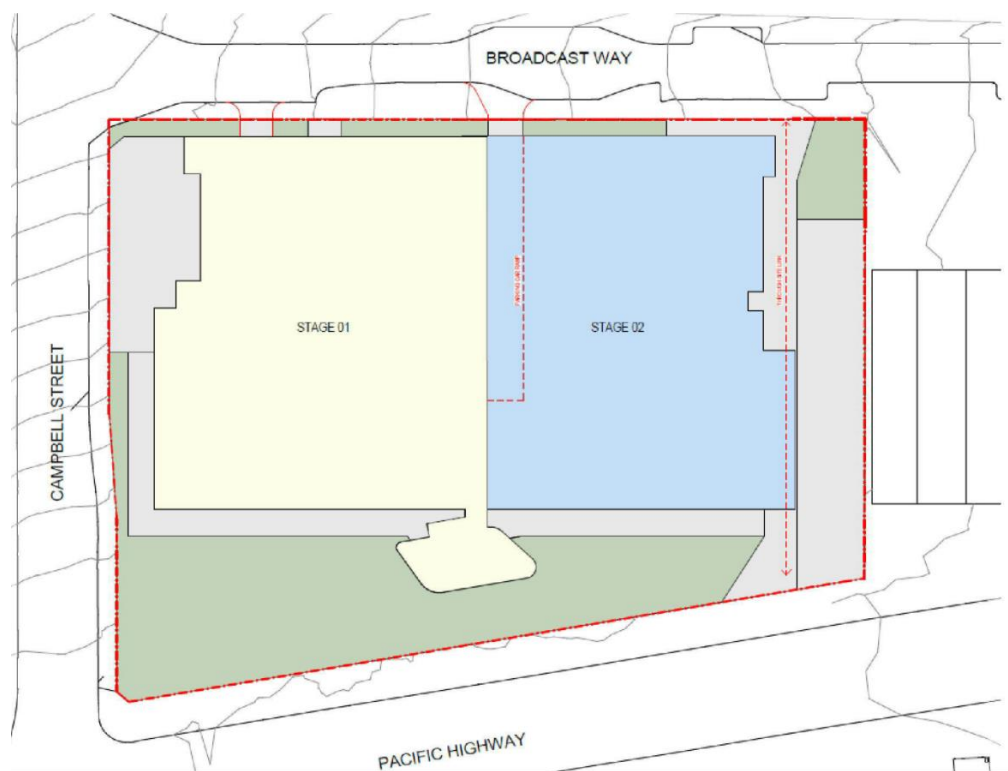


Figure 5 – Staging diagram

### 2 Broadcast Way, ARTARMON NSW 2064.

It is proposed that the Stage 1 works include the following:

- Site remediation works for the entire site.
- Excavation and piling of Stage 1.
- Construction of the OSD's for the entire site, including Broadcast Way.
- Stage 1 Base Building works, including main entry, carpark entrance, Stage 1 car parking (40 spaces) and the loading / garbage facilities.
- Forty-five (45) staff would be employed and are shift workers. A maximum of 25 staff would be present on site at any one time during the Stage 1 operation.
- Through site link.
- Landscaping to Stage 1.
- Temporary landscaping to the Stage 2 area if the construction of Stage 2 has not commenced prior to the completion of Stage 1.
- Provide finishes to end elevation of Stage 1 (i.e. where the building abuts Stage 2) if the construction of Stage 2 has not commenced prior to the completion of Stage 1.

The design of Stage 1 envisages that Stage 1 can operate independent of the Stage 2 works.

The proposed design of the subject data centre building is contemporary in appearance with vertical columns and a building structure proposed on the façade facing Pacific Highway to provide articulation to the building. Photomontages of the site are contained below.

A separate development application will be submitted for the installation of the signage proposed for the subject building.



Photomontage 1 - View facing south-west along Pacific Highway



Photomontage 2 - View facing north-east from the intersection of Campbell Street and Broadcast Way



Photomontage 3 - View facing north-west from the intersection of Pacific Highway and Campbell Street



## ATTACHMENT 3: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

### Developer's Contribution Plans:

- a. S94A/s94: Yes
- b. Applicable rate (%): 1%
- c. The cost of development: \$238,293,113
- d. Date of accepted cost of development: 2 April 2019
- e. The total contribution payable: \$2,382,931.13

### Development Statistics

Controls and Classification	
Willoughby Local Environmental Plan 2012 ("WLEP 2012")	
Zoning	<b>B7 – Business Park</b> Proposal is defined as a 'high technology industry'
Primary Development Standards	<p><b>Willoughby Local Environmental Plan 2012</b></p> <p><b>Clause 4.4A-Floor Space Ratio (FSR) - 4.5:1</b> (23) The maximum floor space ratio for a building on land identified as "Area 20" on the <a href="#">Floor Space Ratio Map</a> may exceed 1:1 if:</p> <p>(a) the site area exceeds 12,000 square metres, and</p> <p>(b) the floor space ratio will not exceed <b>4.5:1</b>, and</p> <p>(c) the site coverage will not exceed <b>60% of the site area</b>.</p> <p>The site area of the proposed development is 12,500m<sup>2</sup>. The proposal is compliant with the FSR of 2.45:1, excluding plant and equipment and has a site coverage of 58%.</p> <p><b>Clause 4.3-Height of Building - RL 122 and RL 131.</b> The proposed development has a maximum building height of part RL 122 and part RL 131 and complies with the development control.</p>
Applicable DCP	<p><b>Willoughby Development Control Plan (WDCP)</b></p> <p>Part C.4 - Car Parking</p> <p>Part I.5 - Gore Hill Technology Park (Lots 1-6 DP 270714) 1-5 Broadcast Way (Formerly ABC Gore Hill Divestment Site- 219 Pacific Highway, Artarmon)</p>
Applicable SEPPs	<ul style="list-style-type: none"> <li>SEPP 55 – Remediation of Land</li> <li>SEPP 33 – Hazardous and Offensive Development</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>SEPP (Infrastructure) 2007</li> </ul>

### Gross Floor Area/Floor Space Ratio (FSR)

The applicant submitted legal advice with the application, advising that the proposed plant rooms and other areas used exclusively for mechanical services should not be calculated as gross floor area (GFA) as defined below under *WLEP 2012*.

### 2 Broadcast Way, ARTARMON NSW 2064.

gross floor area 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:

- (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,
- but excludes:

- (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
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and**
- (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.

The applicant has calculated that the development comprises 30,703m<sup>2</sup> of gross floor area (GFA) and 19,275m<sup>2</sup> of floor area used for plant room and other associated mechanical services. In total the building has a floor area of 49,978m<sup>2</sup>.

The applicant advised that the applicant's method of measuring GFA is supported by a comprehensive legal opinion prepared by Malcolm Craig QC and Andrew Pickles SC. This advice was endorsed by the Sydney Central Planning Panel in 2017 which provides justification for the exclusion of plant and floor area associated with mechanical services from GFA calculations.

The area of the subject site is 12,500m<sup>2</sup>. The proposed FSR of 2.45:1 complies with the mapped FSR for the site of 4.5:1 under Clause 4.4A (23) of WLEP 2012 for site area exceeds 12,000m<sup>2</sup> if all plant and mechanical services floor area is excluded.

On the basis of the previous determination by the SCPP of the Ryde LGA data centre and legal advice provided with the current application, the exclusion of plant and floor area associated with mechanical services is supported.

#### Height of Buildings

The proposal has a building height of part RL 122 and part RL 131 which are compliant with the building height map under Clause 4.3 of *Willoughby LEP 2012*.



Figure 6: Building height controls extracted from the Building Height Map of WLEP 2012

#### **Statement of Environmental Planning Policy (Infrastructure) 2007**

Roads and Maritime Services advised that the vehicular access to the subject site is provided via a local road network (Broadcast Way) and raised no objection to the proposed development subject to conditions.

#### **State Environmental Planning Policy No.55 – Remediation of Land**

*State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55)* provides controls and guidelines for the remediation of contaminated land. Clause 7 of the SEPP specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether land is contaminated and if the land is contaminated, it is satisfied that the land is/ can be suitable for the proposed development.

Development of the Gore Hill Business Park has included removal of known contaminants, and progressive issue of Site Audit Statements. A Combined Preliminary and Detailed Site assessment was completed by a consultant engaged by the applicant. The assessment concluded that the subject site is suitable for the ongoing commercial and industrial use and the engagement of a NSW EPA Accredited Site Auditor is not required.

#### **State Environmental Planning Policy No.33 – Hazardous and Offensive Development**

The proposal does not constitute a hazardous or offensive development under State Environmental Planning Policy No.33 – Hazardous and Offensive Development.

#### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The proposal is not inconsistent with any provisions under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

#### **Willoughby Development Control Plan**

##### Part C.4 – Car Parking

The control requires a rate of 1 space/100m<sup>2</sup> of GFA for high technology industrial uses which equates to approximately 307 car parking spaces. The applicant has submitted that as the data centre proposes to employ approximately 45 staff. The submitted Traffic and Parking Statement concluded that the provision of 89 car parking spaces is adequate for the proposed development. This view is supported by Council's Traffic Engineer from a traffic assessment point of view.

##### Part I.5 – Gore Hill Technology Park (Lots 1-6 DP 270714) 1-5 Broadcast Way (Formerly ABC Gore Hill Divestment Site – 219 Pacific Highway, Artarmon)

The site is located within the Gore Hill Technology Park as depicted below in Figure 7 and addresses the relevant controls with exception of providing a pedestrian link within the site on the north-western side across the site from Pacific Highway to Broadcast Way as required. Instead a pedestrian link is provided on the south-western side adjacent to the 12m setback (Figure 7). The relocation of the pedestrian link is supported by Council.

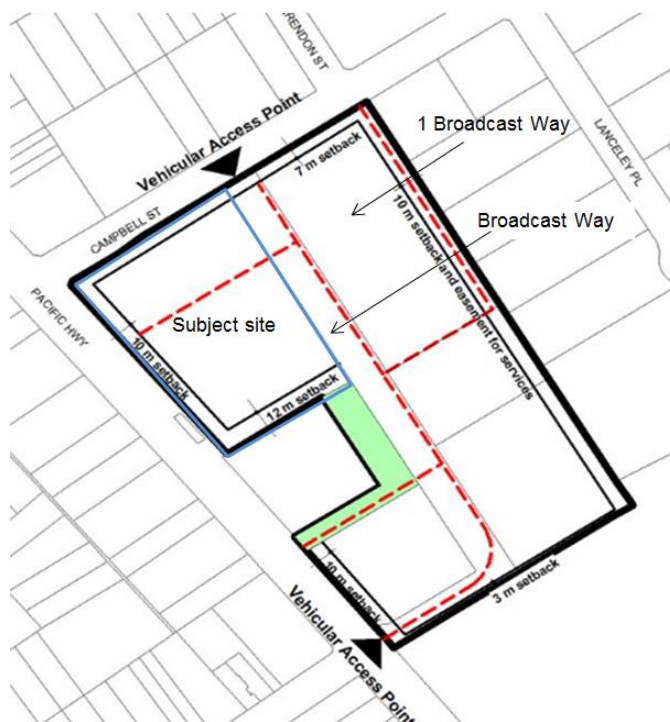


Figure 7 - Extract from Attachment 25 of WDCP - Gore Hill Technology Park - Access routes, open space areas and building setbacks

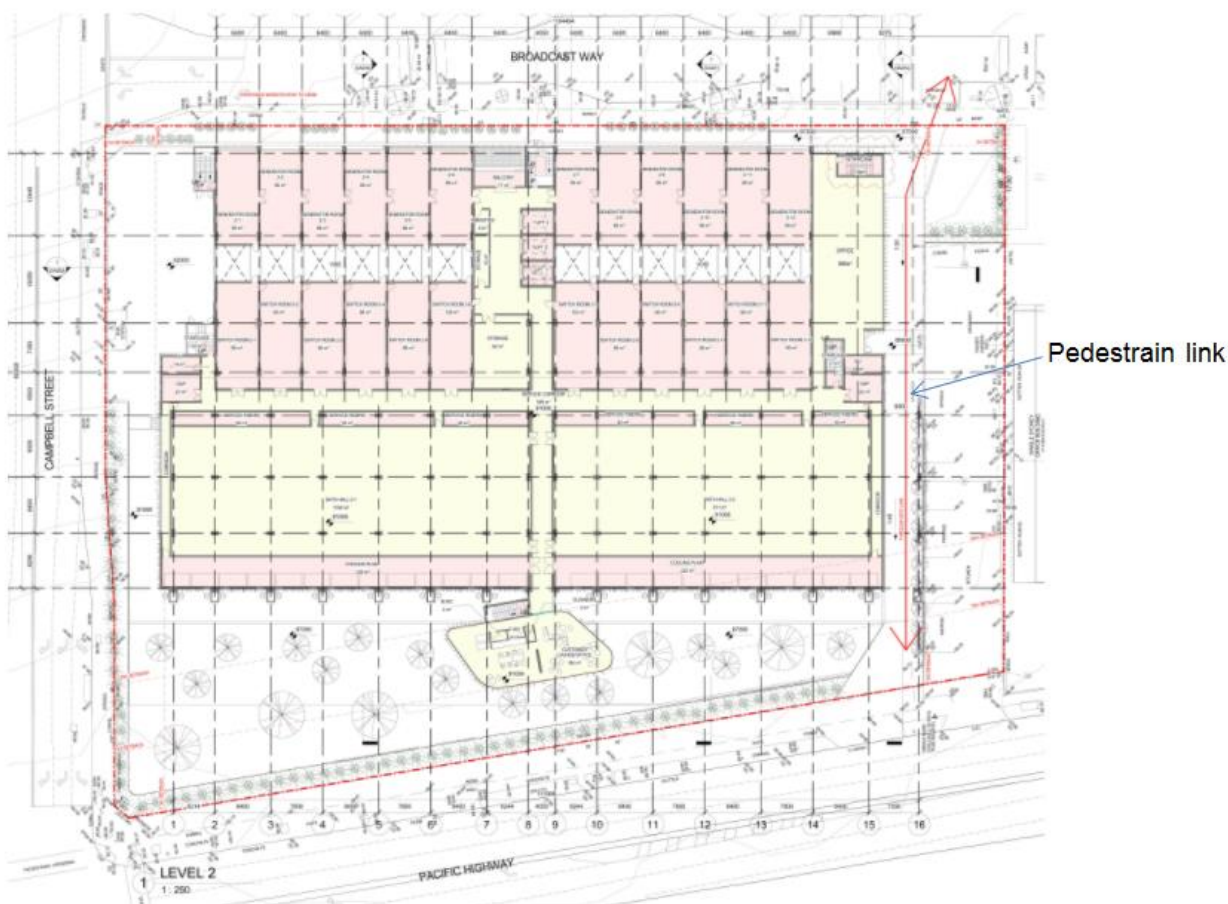


Figure 8 - Pedestrian link between Pacific Highway and Broadcast Way

#### Height, setback and site coverage

The proposed development complies with the building height controls of RL 122 and RL 131, relevant front and side setbacks (10m from Pacific Highway, 7m from Campbell Street and 12m from Broadcast Australia site) and site coverage of 60%.

#### Building Design Guidelines

The proposed building is contemporary in design and articulates and modulates to other developments at Broadcast Way.

#### Landscaping

The *WDCP* requires 25% (3,128.25m<sup>2</sup>) of the site to be landscaped. The proposed landscaped area is 25.3% (3,166m<sup>2</sup>) and complies with the control. The landscaping provision is predominantly located along the Pacific Highway frontage and has limited landscaping provision along the Broadcast Way frontage to enhance the visual impacts of the proposal.

The applicant is required to provide deep soil planting along Pacific Highway frontage to reduce the visual impact of the data centre building when viewed from Pacific Highway. Relevant conditions are recommended in the consent.

#### Pedestrian link - Gore Hill Technology Park

Part I.5.6 of *WDCP* requires a pedestrian link to be provided on the northern side across the site from Pacific Highway to Broadcast Way (Figure 7). The current proposal provides for the link at another location for security and building design reasons.

The requirement for the Through Site Link came about in the initial planning for the Gore Hill site as a whole back in 2009 when it was envisaged that the site would contain a large commercial/office proportion of buildings along with a retail/dining plaza, community sports complex etc. At that time, a relatively large amount of foot traffic traversing the site and activating all areas of the site was envisaged.

The applicant advised that with the proposed data centre will occupy the whole site and the provision of the Through Site Link at the original designated location (between Pacific Highway and Broadcast Way) is not desirable for the proposal in terms of security and building design aspects. Instead a pedestrian link is provided on the south-western side adjacent to the 12m setback (Figure 8).

Given the Gore Hill Technology Park is primarily accommodating data centres and depots, the applicant has submitted that the level of pedestrian traffic is 'low to very low' as they are not big employment generators. These buildings also don't attract public visitors other than staff from the buildings, there is little to no public accessing the entire Gore Hill precinct by foot or bike. The relocation of the pedestrian link is supported by Council.

Council's Traffic Engineer advised that:

- Council has identified the Pacific Highway and Campbell Street as important routes for its bicycle network. The off-road route along Pacific Highway is identified on Council's published proposed Bike Plan 2012. Campbell Street was identified following a review of the bike routes through the Artarmon Industrial Area.



### 2 Broadcast Way, ARTARMON NSW 2064.

- A shared path is to be delivered along the eastern side of Pacific Highway. The Local Traffic Committee (LTC) has considered the Shared Path at its meeting on 21 August 2019.
- The developer's planning documents are aware of and refer to the Campbell Street shared path. Council has discussed the proposal with the applicant and relevant conditions will be recommended in the consent conditions.
- Council is now negotiating the shared path with Roads and Maritime Services.

### Heritage Interpretation

The subject site is located to the north of the Broadcast Australia. The development proposal has recommended a heritage interpretation strategy (Figure 9) to ensure the public accessibility and create a direct relationship with the Communication Tower which is a significant landmark remaining from the ABC's occupation.

Council's Heritage Architect concurs with the remarks offered by the submitted Heritage Impact Statement that the impact of the development of the Communications Tower is acceptable given the setback of 12m between the 2 sites and provision of a through-site-link and public opens space in this area to ensure views to the north-east side of the Tower and *"providing a visual setting and camouflage for the base of the Tower as well as a focal point of interpretation"*.

The applicant has contacted Council to place a sculpture on the landscaped area located on the south-eastern corner of the subject site adjoining Broadcast Way.

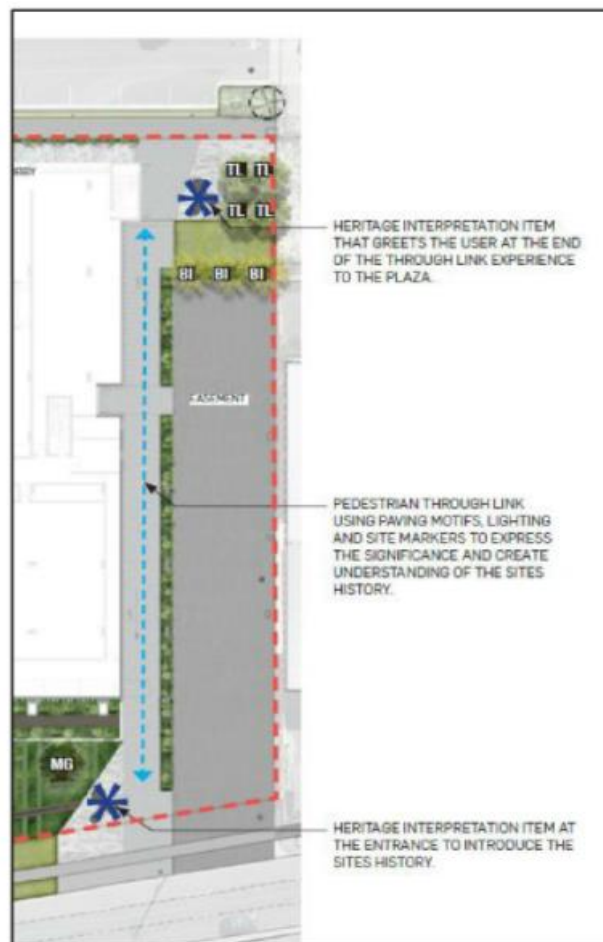


Figure 9 – Heritage Interpretation Strategy

## **SNPP REPORT**

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**2 Broadcast Way, ARTARMON NSW 2064.**

### **Referrals**

#### **Landscape Officer**

No objection subject to standard conditions.

#### **Environmental Health Officer**

No objection subject to standard conditions relating to acoustic measures, ventilation, noise and electromagnetic emissions.

#### **Building Surveyor**

No objection subject to standard conditions.

#### **Heritage Architect**

No objection subject to standard conditions.

#### **Development Control Engineer**

No objection subject to standard conditions.

#### **Traffic Engineer**

No objection.

#### **Roads and Maritime Services**

No objection subject to conditions.

#### **Ausgrid**

No objection subject to conditions.

#### **Office of Water**

It is noted that Office of Water have not provided their comment on the subject development application. The applicant has informed that the proposal is not be dealt with as Integrated Development. A separate approval will be obtained by the applicant from the Office of water post approval of the subject application.

#### ATTACHMENT 4: SUBMISSIONS TABLE

The application was on notification for public comment for a period of 21 days and 1 submission was received from Broadcast Australia. The matters raised are discussed as follows:

- *The extended Right of Carriage allows for improved and safer access to and from Broadcast Australia's (BA) facility as it would allow traffic access from Broadcast Way, instead of directly from Pacific Highway. Vehicle access would need to be controlled by gates so the route would not be used as a thoroughfare. This is not included in the latest proposal which has landscaping and a heritage interpretation item in this section. BA requests this extended Right of Carriageway is reinstated.*

##### Response

The applicant has responded that a review of the 2008 site-wide masterplan consent, the site-wide subdivision consent, and the deposited plan, and can confirm that there is no prior approval or requirement to extend BA's Right of Carriageway.

BA's reference to "*the previously proposal for the development of Lot 6*" appears to refer to a DA lodged in 2014 to subdivide Lot 6 into 3 allotments being DA 2014/215 which was lodged in May 2014. The purpose of the Lot 6 subdivision DA was to accommodate the relocation of the then-proposed community sports and recreation centre from Lot 3 to Lot 6. The subdivision DA was subsequently withdrawn on 15 May 2015 after the previous owner and Council agreed to a cash payment in lieu of development of the sports centre on the Gore Hill site.

In conclusion, the previous proposal was withdrawn, and the current landowner (i.e. the applicant) does not propose to extend the easement as part of the subject DA.

- *Construction method*

##### Response

The applicant requested Council to impose a condition as part of the Construction Management Plan condition that *Strategy for placement of mobile cranes to avoid any adverse impact on the operation of the adjacent Broadcast Australia tower.* Council considered it is acceptable and suitable condition is included.

- *Interference with the operations*

##### Response:

The applicant has submitted an EMI Measurement Report and Council recommended a condition to ensure the compliance with the recommendations of the subject report. Further, a condition is recommended to limit the maximum height of structures to be located the site in order to minimise the interference with the operation of Broadcast Australia.

## SNPP REPORT

2 Broadcast Way, ARTARMON NSW 2064.

### ATTACHMENT 5: SECTION 4.15 ASSESSMENT

#### Matters for Consideration Under S.4.15 EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>State Environmental Planning Policies (SEPP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Regional Environmental Plans (REP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Local Environmental Plans (LEP)</li> </ul>	✓
	<b>Comment:</b> The proposal complies with the development controls and is consistent with the objectives of B7 – Business Park zone under <i>WLEP 2012</i> .	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>Draft State Environmental Planning Policies (SEPP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Regional Environmental Plans (REP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Local Environmental Plans (LEP)</li> </ul>	N/A
	<b>Comment:</b> There are no draft EPIs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✓
	<b>Comment:</b> The proposal complies with the requirements under <i>WDCP</i> except for the car parking requirement. The numerical non-compliance is considered acceptable from a traffic point of view due to the nature of data centre which generates low traffic volume.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Clause 92 EP&amp;A Regulation-Demolition</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Clause 93 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Clause 94 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	N/A
	<b>Comment:</b> N/A	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Site design and internal design</li> </ul>	✓

## SNPP REPORT

2 Broadcast Way, ARTARMON NSW 2064.

### Matters for Consideration Under S.4.15 EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

	<ul style="list-style-type: none"><li>• Construction</li></ul>	✓
	<ul style="list-style-type: none"><li>• Cumulative impacts</li></ul>	✓
	<b>Comment:</b> The proposed development is compatible with the existing development in the Gore Hill Technology Park. The likely environmental or traffic impacts on adjoining development or vicinity are insignificant.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"><li>• Does the proposal fit in the locality?</li></ul>	✓
	<ul style="list-style-type: none"><li>• Are the site attributes conducive to this development?</li></ul>	✓
	<b>Comment:</b> The form, and bulk and scale of the proposal are considered acceptable for the subject site and compatible with development in the streetscape and character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"><li>• Public submissions</li></ul>	✓
	<ul style="list-style-type: none"><li>• Submissions from public authorities</li></ul>	
	<b>Comment:</b> One submission was received and discussed in <b>Attachment 4</b> .	
(e)	The public interest	
	<ul style="list-style-type: none"><li>• Federal, State and Local Government interests and Community interests</li></ul>	✓
	<b>Comment:</b> The proposal does not compromise the amenity or technology park characteristic of the locality. Therefore, the proposal is in the public interest.	

## SNPP REPORT

2 Broadcast Way, ARTARMON NSW 2064.

### ATTACHMENT 6: NOTIFICATION MAP



#### Record of Neighbour Notifications sent relating to:

DA: 2019/79

At: 2 Broadcast Way ARTARMON NSW 2064



Comments:

Created on : Wednesday, 3 April 2019

Created by : VB

#### Caveat

The information represented in this map has been provided in good faith. Detailed records relating to this Development Application are recorded in Council's "Pathway" software application and this data should be seen as Council's official source of information relating to this Development Application.

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