



Appendix C – Statutory Compliance Table



Statutory Reference	Consideration	Relevance	Section in Amending Report
Environmental Planning and Assessment Act 1979			
Part 1 Preliminary	Section 1.3 Objects of the Act <i>(a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	<p>The proposal is for the purposes of a data centre. The location of the site is within the Mascot West Employment Lands and will contribute to the technological and economic growth of the LGA and NSW. As detailed in Section 6 of the Amendment Report, the potential environmental impacts have been interrogated in detail by qualified consultants and where appropriate, measures have been recommended to mitigate and manage potential impacts on the surrounding environment.</p> <p>The use of the development as a data centre is compatible with the land use and is suitable for the location.</p>	Section 6
	<i>(b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>The proposed data centre has been designed in accordance with the principles of ecologically sustainable development (ESD) to address energy and water consumption and waste disposal. The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>	Section 6.10
	<i>(c) To promote the orderly and economic use and development of land,</i>	<p>The proposed development is permitted with consent in the E3 Productivity Support land use zone and complies with the overarching land use objectives. The proposed development is compatible with the surrounding development and has been designed to address the relevant planning controls and to minimise any unacceptable impacts on the environment.</p> <p>It is noted that mitigation measures will be put in place to address the impact on the residential sensitive receivers to the east and south-east.</p>	Section 4



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<i>(d) to promote the delivery and maintenance of affordable housing,</i>	Not applicable.	N/A
	<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	<p>The site has been assessed as containing very low / negligible level of biodiversity on site.</p> <p>DPHI confirmed on 22 July 2024 they are satisfied the proposed development is not likely to have any significant impact on biodiversity values. As such, the proposal remains consistent with this objective.</p>	Section 6.15
	<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>The proposed site is not identified to be of built or cultural heritage significance and is unlikely to impact identified heritage items.</p> <p>The presence, and significance, of Aboriginal objects in the study area is currently unknown due to the extent of structures and hardstand on site. Recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) identify the need for ongoing consultation with registered Aboriginal parties and further archaeology investigations during demolition and construction works to enable the protection of Aboriginal objects.</p> <p>This is discussed in detail in the Amendment Report.</p>	Section 6.12 and 6.21
	<i>(g) to promote good design and amenity of the built environment</i>	<p>The amended design continues to responds to SDRP review comments and advice to promote good design and amenity of the built form.</p> <p>Refer to Architectural Design Report for further details.</p>	Section 3.6 and 6.1
	<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	<p>The proposed data centre is capable of complying with the Building Code of Australia (BCA) to ensure the health and safety of users of the site.</p> <p>The proposal will be supported by a range of construction and operational plans of</p>	Section 6.22



Statutory Reference	Consideration	Relevance	Section in Amending Report
		management to ensure the protection of the health and safety of its occupants.	
	(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The State Significant Development (SSD) application will be assessed and determined by the Minister for Planning or the Independent Planning Commission. Consultation will be held with the relevant Council and government agencies during the process and preparation of the SSDA.	Section 4
	(j) <i>to provide increased opportunity for community participation in environmental planning and assessment</i>	Community consultation and engagement with relevant stakeholder groups has been undertaken throughout the planning and design process. It is anticipated that further engagement and consultation will occur during the assessment of the SSDA.	Section 5
Section 4.15 Evaluation	Section 4.15(1) Matters for consideration (a)(i) The provisions of any environmental planning instrument. <ul style="list-style-type: none"> • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Bayside Local Environmental Plan 2021 	The amended proposal has been considered in accordance with the relevant environmental planning instruments (EPI) as outlined. The assessment demonstrates the proposal aligns with the objectives and provisions of the relevant EPIs. Relevant information is provided within the consultant appendices of the Amendment Report.	Section 4
	(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),	Since the lodgment of this SSDA, the housekeeping Planning Proposal (PP-2023-1138) has been finalised, applying to the whole LGA. The changes rectified errors resulting from the consolidation process, updating the currency of information, and altering controls and zoning of a Council owned site. The proposed amendments are administrative in nature and do not appear to have any significant bearing on the proposal. As such, the proposal remains consistent with the proposed instrument.	N/A



Statutory Reference	Consideration	Relevance	Section in Amending Report
	(a)(iii) Any development control plan	<p>Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD.</p> <p>As such, there is no requirement for assessment of the proposal against the WDCP 2023 for this SSDA. Notwithstanding this, consideration has been given to the relevant parts of the DCP.</p>	Appendix C
	(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	Not applicable.	N/A
	(a)(iv) The regulations	This Amendment Report has been prepared in accordance with Division 5 of the <i>Environmental Planning and Assessment Regulations 2021</i> which outlines the requirements for state significant development.	Appendix C
	(a)(v) Repealed	N/A	N/A
	(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development are assessed in detail within Section 6 of the Amendment Report.	Section 6
	(c) The suitability of the site for the development	The suitability of the site for the proposed development is assessed in detail within Section 7 of the Amendment Report.	Section 7.5
	(d) Any submissions made in accordance with this Act or the regulations	Submissions will be considered following exhibition of the application.	N/A
	(e) the public interest	The public's interest in the proposal is demonstrated in Section 7 of the Amendment Report.	Section 7.6
Environmental Planning and Assessment Regulation 2000			
Division 5	Division 5 of the Environmental Planning and Assessment Regulation 2021 which outlines the requirements for State significant development	The Amendment Report has been prepared to address the requirements of Division 5 of the <i>Environmental Planning and Assessment</i>	Appendix C



Statutory Reference	Consideration	Relevance	Section in Amending Report
		<i>Regulations 2021</i> and relevant SEARs.	
Protection of the Environment Operations Act 1997			
Schedule 1	Schedule 1, Part 1, Clause 9 'Chemical Storage' lists petroleum products storage as a scheduled activity, if the proposal includes the " <i>capacity to store more than 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form)</i> ".	The amended proposal will include the storage of 996 tonnes of diesel, which will be below the threshold for petroleum products storage. Therefore, an EPL is not required for the proposal.	Section 4.4
	Schedule 1, Part 1, Clause 17 applies to metropolitan electricity works (internal combustion engines). However, Clause 17(1A) notes that this clause does not apply to the generation of electricity by means of electricity plan that is emergency stand-by plan operating for less than 200 hours per year.	The proposed back-up generators will be operated for an amended timeframe of 183hours per annum or less. Therefore, the criteria for EPL for metropolitan electricity works is not triggered.	Section 4.4
Protection of the Environment Operations (Clean Air) Regulation 2022			
Section 73	Under Section 73 of the POEO (Clean Air) Regulation, " <i>Emergency standby plant is exempt from the air impurities standard for nitrogen dioxide and nitric oxide specified in Schedule 2, Part 2, Division 3 for the plant if—</i> a) <i>the plant comprises a stationary reciprocating internal combustion engine for generating electricity, and</i> b) <i>it is used for a total of not more than 200 hours per year.</i> "	The proposed back-up generators will be operated for an amended timeframe of 183 hours per annum or less. Therefore, the proposal will be exempt from the air impurity standards for NO2 and NO specified in the Regulation.	Section 4.4
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister may (but is not required to) further consider under that Biodiversity Conservation Act 2016 the likely impact of the proposed development on biodiversity values.	Section 7.9(2) of the BC Act 2016 allows for exemption from the requirement where the development is not likely to have any significant impact on biodiversity values. A request to waive the requirement for a BDAR was approved by DPHI, at Appendix L .	Section 4.5 and Section 6.16
State Environmental Planning Policy (Planning Systems) 2021			
Section 2.6 – Declaration of State significant development	Section 2.6 states that <i>development is declared to be state significant development for the purposes of the Act if -</i> (a) <i>The development on the land concerned is, by the operation of an</i>	In accordance with Schedule 1, Clause 25 of the Planning Systems SEPP, the amended development remains classified as 'state significant development', as the development is for	Section 4.2



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p><i>environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i></p> <p><i>(b) The development is specified in Schedule 1 or 2</i></p>	the purposes of a data centre that has a total power consumption of more than 15 megawatts.	
Schedule 1, Clause 25	<p><i>(1) Development for the purpose of data centres that has a total power consumption of more than the relevant amount.</i></p> <p><i>(2) In this section—</i> relevant amount means— <i>(a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—10 megawatts, or</i> <i>(b) for any other development—15 megawatts.</i></p>		

State Environmental Planning Policy (Transport and Infrastructure) 2021

<p>Part 2.3 Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution network</p>	<p>Clause 2.48 Determination of development applications – other development</p> <p><i>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following-</i></p> <ul style="list-style-type: none"> <i>a) The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i> <i>b) Development carried out</i> <ul style="list-style-type: none"> <i>i. Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> <i>ii. Immediately adjacent to an electricity substation, or</i> <i>iii. Within 5m of an exposed overhead electricity power line</i> <i>c) Installation of a swimming pool any part of which is</i> <ul style="list-style-type: none"> <i>i. Within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i> <i>ii. Within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i> <i>d) Development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned,</i> 	<p>The proposed works will involve construction immediately adjacent to an existing substation located on the southern boundary of the site.</p> <p>Works will also be within proximity to overhead electricity power lines. Therefore, referral during the assessment of the proposal will be made to the electricity supply authority (Ausgrid) for the area in which the development is to be carried out.</p>	Section 4.5
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Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must-</p> <ul style="list-style-type: none"> a) Give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and b) Take into consideration any response to the notice that is received within 21 days after the notice is given. 		
Part 2.3 Division 17 Roads and traffic, Subdivision 2 development with frontage to a classified road	<p>Clause 2.199 Development with frontage to classified road</p> <p><i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <ul style="list-style-type: none"> (a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i> (b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i> <ul style="list-style-type: none"> (i) <i>the design of the vehicular access to the land, or</i> (ii) <i>the emission of smoke or dust from the development, or</i> (iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i> (c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i> 	<p>The site has a frontage to Gardeners Road, Ricketty Street and Kent Road, which are designated as classified roads. The proposal must therefore demonstrate to the consent authority that it is capable of complying with Clause 2.119 of the Transport and Infrastructure SEPP.</p> <p>The amended development remains compliant with Clause 2.119.</p>	Section 6.4.3
Schedule 3 Traffic Generating Development	<p>For industry developments with access to a classified road or that connects to a classified road, that is 5,000m² in site area or (if the site area is less than the gross floor area) gross floor area, is traffic generating development.</p> <p>A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (TfNSW) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p>	<p>The site has access to a classified road and a site area of 23,470m², which is greater than the nominated 5,000m² site area.</p> <p>The proposal is therefore considered traffic generating under the Traffic and Infrastructure SEPP and will require referral to TfNSW for a response during assessment of the proposal.</p>	Section 6.4.2



Statutory Reference	Consideration	Relevance	Section in Amending Report
Chapter 3 Hazardous and Offensive Development	Part 3 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.	<p>Table 1 of <i>Applying SEPP-33</i> indicates that combustible liquids and class 9 substances are not assessable against the RHSEPP thresholds. As no other dangerous good are proposed to be stored, the site would be below the RHSEPP thresholds. Therefore, the site is not regarded as being potentially hazardous to adjacent properties and further planning studies would not be required.</p> <p>In addition to the storage of DGs, RHSEPP also requires a review of the transport of DGs to the site. Similarly, combustible liquids and class 9 substances are not subject to RHSEPP transport assessment. Hence, the traffic movements and quantities transported to and from the site do not exceed the thresholds listed in <i>Applying SEPP 33</i> (Ref. [1]) and the site is considered to be low risk.</p> <p>Therefore, it is concluded that the site would not be regarded as potentially hazardous under the Resilience and Hazards SEPP.</p>	Section 4.5 and 6.3
Chapter 4 Remediation of Land	<p>Clause 4.6(1) Contamination and remediation to be considered in determining development application</p> <p>(1) <i>A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p>(a) <i>it has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p>(c) <i>if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>	<p>Based on the DSI prepared by Senversa at Appendix DD, the amended site can be made suitable for continued commercial/industrial use. This is subject to the preparation and implementation of a RAP and ASSMP for the site which is provided in Appendix EE and Appendix W.</p>	Section 4.5 and 6.14



Statutory Reference	Consideration	Relevance	Section in Amending Report
Chapter 3 Standards for non-residential development	<p>Clause 3.2 Development consent for non-residential development</p> <p>(1) <i>In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</i></p> <ul style="list-style-type: none"> (a) <i>the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</i> (b) <i>a reduction in peak demand for electricity, including through the use of energy efficient technology,</i> (c) <i>a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</i> (d) <i>the generation and storage of renewable energy,</i> (e) <i>the metering and monitoring of energy consumption,</i> (f) <i>the minimisation of the consumption of potable water.</i> <p>(2) <i>Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i></p>	<p>An Ecologically Sustainable Development (ESD) Report has been prepared by ARUP at Appendix R. The ESD report has undertaken a detailed analysis of the potential impacts of the amended proposal, including the following:</p> <ul style="list-style-type: none"> • Greenhouse gas emissions • Energy • Water • Material Resources • Waste <p>ARUP has identified several key initiatives aimed at reducing resource consumption and waste. Table 20 in the Amendment Report outlines the proposed ESD initiatives for the development. These initiatives are expected to be refined during the detailed design phase and monitored throughout the project's lifecycle.</p>	Section 6.10

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

3.1 Aim, objectives, etc.	<p>(1) <i>This Chapter aims—</i></p> <ul style="list-style-type: none"> (a) <i>to ensure that signage (including advertising)—</i> <ul style="list-style-type: none"> (i) <i>is compatible with the desired amenity and visual character of an area, and</i> (ii) <i>provides effective communication in suitable locations, and</i> (iii) <i>is of high-quality design and finish, and</i> (b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i> (c) <i>to provide time-limited consents for the display of certain advertisements, and</i> (d) <i>to regulate the display of advertisements in transport corridors, and</i> (e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i> 	<p>(a) The proposed signage is compatible with the and desired amenity and visual character of the area as it will sit within the development envelope. As assessed in detail within the Amendment Report, the bulk and scale of the proposal has been carefully developed to ensure amenity and visual character of the area are not adversely impacted.</p> <p>Further, the proposed signage will ensure the users of the data centre can easily identify the site, as well as providing wayfinding for visitors. The proposed signage will be of a high-quality design and finish as shown in the Amended Architectural Plans at Appendix G.</p> <p>(b) The proposal will be assessed and regulated under Part 4 of the EP&A Act and the conditions of consent.</p>	Section 3.4.2
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Statutory Reference	Consideration	Relevance	Section in Amending Report
		<p>(c) the proposed signage does not relate to advertisement.</p> <p>(d) The proposed does not present any road safety issues and is not expected to compromise road safety in its vicinity.</p> <p>(e) the proposed signage does not relate to advertisement.</p> <p>Locations of the proposed signage are shown in the Amended Architectural Plans at Appendix G.</p>	
Section 3.4 Signage to which this chapter applies	<p>(1) <i>This Chapter applies to all signage that—</i></p> <p>(a) <i>can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and</i></p> <p>(b) <i>is visible from any public place or public reserve, except as provided by this Chapter.</i></p>	<p>This chapter applies to signage at the site, as it is visible from public places.</p>	Section 3.4.2
Section 3.6 Granting of consent to signage	<p><i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</i></p> <p>(a) <i>that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i></p> <p>(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i></p>	<p>Assessment against Section 3.1(1)(a) is addressed above and Schedule 5 below.</p>	Section 3.4.2
Schedule 5 Assessment Criteria			
1 Character of the area	<ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is compatible with the desired character of the area as an industrial precinct as it will identify the data centre within the site and assist in wayfinding.</p> <p>The design of the proposed signage is compatible with the proposed design of the data centre, reflected in materials and colour schemes.</p>	Section 3.4.2
2 Special areas	<ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed signage does not detract from the amenity or visual quality of the area as it is integrated into the design of the data centre and key to the operation of the proposed data centre.</p>	Section 3.4.2



Statutory Reference	Consideration	Relevance	Section in Amending Report
		<p>The proposed signage is compatible with the visual character and desired amenity of the locality as it will sit within envelope of the proposed development.</p> <p>As assessed in detail within the Amendment Report, the bulk and scale of the proposal has been carefully developed to ensure amenity and visual character of the area are not adversely impacted.</p>	
3 Views and Vistas	<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	All signage has been designed to not impact views within the site or for surrounding receivers. The size of proposed signs ensures they do not dominate the skyline or reduce quality of vistas.	Section 3.4.2
4 Streetscape, setting or landscape	<ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>All proposed signage has been designed to be appropriate for the streetscape, setting and landscape and aims to assist land use identification and wayfinding.</p> <p>The signage does not protrude above the proposed structures or tree canopies in the locality.</p> <p>The proposal will not require ongoing vegetation management.</p>	Section 3.4.2
5 Site and building	<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The proposed signage is consistent with signage designs that are present on the surrounding industrial and data centre developments.	Section 3.4.2
6 Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	No safety devices, platforms, or lighting devices have been designed as part of the signage. The Applicant's logo is included as a sign for the data centre façade given it is the owner of the facility.	Section 3.4.2



Statutory Reference	Consideration	Relevance	Section in Amending Report
7 Illumination	<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>The proposed signage is designed to comply with illumination requirements to minimise glare and ensure safety for road users, pedestrians or aircraft.</p> <p>It is not anticipated that the proposed signs will cause any amenity impacts on nearby resident. The intensity of illumination can be adjusted if necessary.</p> <p>Illumination is not subject to a curfew.</p>	
8 Safety	<ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The signs have been located within the site and will not impact the safety of roads for motorists, pedestrians or cyclists and will not obscure sightlines from public areas.</p>	Section 3.4.2
Bayside Local Environmental Plan 2021			
Clause 2.1 Land use zones	The site is zoned E3 Productivity Support.	<p>The site is zoned E3 Productivity Support in accordance with the BLEP 2021. The proposed development constitutes a 'data centre', which is defined as follows:</p> <p>Data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.</p> <p>The proposed data centre is a type of 'high technology industry' and 'light industry' and as such is permitted with consent under BLEP 2021.</p>	Section 4.3
Zone objectives - E3 Productivity Support	<ul style="list-style-type: none"> • To provide a range of facilities and services, light industries, warehouses and offices. 	<p>The proposed data centre is type of 'high technology industry' and 'light industry' and is therefore compatible with the desired outcome for the E3 zone.</p>	Section 4.3



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<ul style="list-style-type: none"><i>To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.</i><i>To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.</i><i>To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.</i>	<p>The proposed data centre will foster a globally growing industry, encouraging private sector investment in the area and generating a wide range of direct and indirect employment in the district. The environmental impact of the data centre will be appropriately managed to ensure its compatibility with other surrounding land uses is positive.</p> <p>The data centre will contribute to the economic viability of the area by creating a technology hub in collaboration with the existing data centres within proximity to the site. It is not intended that the operation of the data centre will involve retail/commercial activity.</p> <p>The sites proximity to similar and compatible land uses is indicative of the suitability of the proposed location, in comparison to other sites which are less compatible with the proposed use.</p>	Section 4.3
	<ul style="list-style-type: none"><i>To provide opportunities for new and emerging light industries.</i>	<p>As the demand for data storage facilities around the world grows, NSW has the strategic vision to position itself as one of the leading areas in the Asia-Pacific region for technological investment. The technological growth and capabilities of the data storage market will serve as an asset to Bayside LGA, compelling the advancement of new and emerging technologies and research capabilities.</p>	Section 4.3



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<ul style="list-style-type: none"> <i>To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.</i> 	<p>Although the data centre is not providing physical facilities or services to workers, the data storage capacity of the centre can be utilised by local businesses to allow for them to shift smoothly into e-commerce and address the need for cloud storage space with the growing trend to work from home.</p>	
	<ul style="list-style-type: none"> <i>To promote redevelopment that is likely to contribute to the locality, including by improving the visual character of the locality, improving access and parking, reducing land use conflicts and increasing amenity for nearby residential development.</i> 	<p>As set out in Section 6 of the Amending Report, an extensive assessment of environmental impacts (including bulk and scale, overshadowing, visual impact, air quality, noise, traffic, parking and access, and flooding) has been undertaken to ensure any adverse environmental impacts of the proposal on nearby land uses is minimised, and where required, managed through mitigation measures.</p> <p>Efforts to improve visual character, amenity and potential land use conflicts have been enhanced by substantial landscape setback and deep soil buffer achieved in the amended design. This is particularly evident along Kent Road where the minimum 6m landscape setback (exceeding 3m minimum) enables the planting of larger canopy trees (100L) which will provide a suitable buffer on the Kent Road Frontage.</p> <p>Furthermore, improved modulation of Kent Street façade will assist in breaking down the proposed built form. Privacy for residents will not be impacted by the proposal with office windows orientated to Ricketty Street.</p> <p>The impact of the development on the surrounding context is manageable through several measures such as noise attenuation screening, which will serve its purpose in reducing the potential for land use conflicts and minimise impact on the nearby residential receivers.</p>	Section 6.1



Statutory Reference	Consideration	Relevance	Section in Amending Report
		Overall, the proposed design achieves an improved development outcome from its current context, which contributes to the amenity and visual character of the locality.	
	<ul style="list-style-type: none"> <i>To encourage uses in arts, technology, production and design sectors.</i> 	The proposed data centre will encourage new technological advances and changes to occur in the LGA, to help deliver innovative and new knowledge intensive jobs and business opportunities, in alignment with the strategic vision for Mascot as a key strategic centre. The location of the proposed data centre within a 1km radius to two similar data storage facilities will contribute to creating a high technology hub in the LGA and contribute to the growth of the high technology sector.	Section 7
	<ul style="list-style-type: none"> <i>To promote businesses along main roads and to encourage a mix of compatible uses.</i> 	<p>The proposed development will provide a use which fosters the growth of urban services land, facilitating significant investment within the area. The proposal supports the current and long-term data related demands for businesses within the district.</p> <p>The ancillary office component will support the primary use of the site as a data centre and encourage the activation of the site.</p>	Section 6.1
Clause 4.3 – Height of Buildings	The site is subject to a maximum building height of 44m	40m (RL +43.25m) (or 4 storey Data Centre, 8 storey Office)	Section 3.1
Clause 4.4 – Floor Space Ratio	The site is subject to a maximum Floor Space Ratio (FSR) of 3:1	1.1:1	Section 3.1
Clause 5.10 – Heritage Conservation	<p><i>Development consent is required for any of the following—</i></p> <p><i>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</i></p> <p><i>(i) a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p>	The site is not located in proximity to local heritage items or a heritage conservation area. The proposal is not considered to impact the heritage significance of nearby heritage items.	Section 6.21



Statutory Reference	Consideration	Relevance	Section in Amending Report
	(iii) <i>a building, work, relic or tree within a heritage conservation area,</i>		
Clause 5.21 – Flood Planning	<p>Development consent must not be granted unless the consent authority is satisfied the development will satisfy the relevant flooding provisions.</p> <p>(2) <i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i></p> <ul style="list-style-type: none"> (a) <i>is compatible with the flood function and behaviour on the land, and</i> (b) <i>will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i> (c) <i>will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i> (d) <i>incorporates appropriate measures to manage risk to life in the event of a flood, and</i> (e) <i>will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i> <p>(3) <i>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i></p> <ul style="list-style-type: none"> (a) <i>the impact of the development on projected changes to flood behaviour as a result of climate change,</i> (b) <i>the intended design and scale of buildings resulting from the development,</i> (c) <i>whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i> (d) <i>the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i> 	<p>As advised in the Amended Flood Impact and Risk Assessment (FIRA), the site is not affected by flooding in the 10% AEP event or 1% AEP event in post-development conditions. In the PMF event, design considerations including ramped driveways, site grading and the inclusion of a swale at the south of the site ensure that flows are directed away from buildings and associated openings.</p> <p>The proposed development has no significant impact on flood behaviour or flood hazard in the 1% AEP event. A review of flood levels in existing versus post-development conditions within the FIRA, shows that the development has an overall positive impact on flood levels in the surrounding area, with a reduction of up to 65mm.</p>	Section 6.13
Clause 6.1 – Acid Sulfate Soils	<p>Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p>	<p>The site contains Class 2 acid sulfate soils.</p> <p>An Acid Sulfate Management Plan (ASSMP) has been prepared by Senversa and is provided in Appendix W.</p> <p>The ASSMP documents the nature and occurrence of ASS at the site and Describes the management controls to mitigate environmental risks associated with disturbance (excavation) of ASS at the site during development works.</p>	Appendix W



Statutory Reference	Consideration	Relevance	Section in Amending Report
Clause 6.2 – Earthworks	<p>Development consent is required for earthworks.</p> <p><i>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i></p> <ul style="list-style-type: none"><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i><i>(b) the effect of the development on the likely future use or redevelopment of the land,</i><i>(c) the quality of the fill or the soil to be excavated, or both,</i><i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i><i>(e) the source of any fill material and the destination of any excavated material,</i><i>(f) the likelihood of disturbing relics,</i><i>(g) the proximity to, and potential for adverse impacts on, any watercourse, drinking water catchment or environmentally sensitive area,</i><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	<p>Bulk earthworks on the site will be required to facilitate the development of the site for the proposed data centre. Construction works will be appropriately managed to minimise adverse impacts to neighbouring properties and uses.</p>	Section 6.13.1



Statutory Reference	Consideration	Relevance	Section in Amending Report
Clause 6.3 - Stormwater and water sensitive design	<p>(2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that—</p> <ul style="list-style-type: none">(a) water sensitive urban design principles are incorporated into the design of the development, and(b) riparian, stormwater and flooding measures are integrated as part of the development, and(c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways, receiving waters and groundwater systems, and(d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways receiving waters and groundwater systems, and(e) the development is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water.	<p>Stormwater</p> <p>Stormwater impacts are managed through the implementation of stormwater controls throughout the site to mimic existing conditions and adhere to guidelines set out by the Bayside Technical Specification Stormwater Management 2023. Discharge from the site has been designed to not exceed the pre-development stormwater flows from site defined as 100% pervious and to connect to the existing council network with no cumulative impacts.</p> <p>As a result, from a stormwater perspective, cumulative impacts from the site on surrounding developments are negligible and will not impact hydrology, drainage lines, downstream asset or watercourses.</p> <p>Flooding</p> <p>As per flood control D1 in BDCP 2022, it is necessary to review any potential adverse cumulative or offsite impacts to neighbouring properties or changes to flood behaviour as a result of the development. A flood impact assessment has been carried out to ensure the proposed development would not result in either an unacceptable flood level increase onsite or worsening of the flood conditions over the neighbouring properties in the 1% AEP event.</p> <p>Appropriate mitigation measures can be implemented to minimise the development's impact on the environment and surrounding area.</p> <p>Groundwater</p> <p>Based on PSM's geotechnical investigation (refer to Appendix V), it is understood that groundwater levels vary between RL 1.1 m AHD and RL 1.6 m AHD across the site.</p>	<p>Section 6.5</p> <p>Section 6.13.2</p> <p>Section 6.14</p>



Statutory Reference	Consideration	Relevance	Section in Amending Report
		<p>The Civil drawings prepared by TTW at Appendix Y indicate that the maximum cut depth is 1.6 m (equivalent to RL 1.65 m AHD) at localised areas for stormwater and subsoil drainage, and the proposed building pad bulk at a finished floor level RL 4.15 m.</p> <p>Based on the above, PSM are of the opinion that the proposed development will have a negligible impact on groundwater resources at the site. Therefore, a full Groundwater Impact Assessment is not required in this instance.</p> <p>WSUD/ESD</p> <p>The proposed development is aiming to reduce consumption of potable water, by installing water efficient systems and water sensitive urban design features, as detailed in Appendix Y. The following is inclusive of WSUD measures to be implemented in the design of the development:</p> <ul style="list-style-type: none">• Extensive use of native and indigenous planting with low water requirements,• Efficient air-side HVAC systems to reduce heat rejection requirements.• Water treatment measures to improve the number of cycles, thereby reducing cooling tower discharge.• Rainwater collection, for cooling tower water top-up and irrigation,• Recirculation and capture of fire testing water,• Efficient fixtures and fittings with high WELS ratings, and• Prioritising permeable finishes and paving.	



Statutory Reference	Consideration	Relevance	Section in Amending Report
Clause 6.7 – Airspace operations	<i>(2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.</i>	<p>Based on the Sydney Airport's Obstacle Limitation Surfaces (OLS) Map (05/02/21) the site sits within the 51m AHD horizontal surface of the OLS.</p> <p>At a height of 40m, the proposal is not expected to penetrate the OLS.</p> <p>Refer to Sydney Airport referral in Appendix NN in the EIS which confirms no objection to proposed development.</p>	Section 6.1.2
Clause 6.8 – Development in areas subject to aircraft noise	<p><i>(2) This clause applies to development—</i></p> <p><i>(a) on land—</i></p> <p><i>(i) near the Sydney (Kingsford-Smith) Airport, and</i></p> <p><i>(ii) in an ANEF contour of 20 or greater, and</i></p> <p><i>(b) the consent authority considers is likely to be adversely affected by aircraft noise.</i></p> <p><i>(3) In deciding whether to grant development consent to development to which this clause applies, the consent authority—</i></p> <p><i>(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</i></p> <p><i>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and</i></p> <p><i>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for development for the following purposes—</i></p> <p><i>(i) for development proposed to be located in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation,</i></p> <p><i>(ii) for development proposed to be located in an ANEF contour of 25 or greater—business premises, hostels, hotel or motel accommodation, office premises or retail premises</i></p>	<p>It is not anticipated that the proposed development will be impacted by aircraft noise, nor will it result in an increase in the number of dwellings or people affected by aircraft noise.</p>	N/A



Statutory Reference	Consideration	Relevance	Section in Amending Report
Clause 6.10 – Design Excellence	<p>(4) <i>In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</i></p> <ul style="list-style-type: none"> (a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> (b) <i>whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,</i> (c) <i>whether the development detrimentally impacts on view corridors,</i> (d) <i>the requirements of any development control plan made by the Council and as in force at the commencement of this clause,</i> (e) <i>how the development addresses the following matters—</i> <ul style="list-style-type: none"> (i) <i>the suitability of the land for development,</i> (ii) <i>existing and proposed uses and use mix,</i> (iii) <i>heritage issues and streetscape constraints,</i> (iv) <i>the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> (v) <i>bulk, massing and modulation of buildings,</i> (vi) <i>street frontage heights,</i> (vii) <i>environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i> (viii) <i>the achievement of the principles of ecologically sustainable development,</i> (ix) <i>pedestrian, cycle, vehicular and service access, circulation and requirements,</i> (x) <i>the impact on, and any proposed improvements to, the public domain,</i> (xi) <i>achieving appropriate interfaces at ground level between the building and the public domain,</i> (xii) <i>excellence and integration of landscape design.</i> 	<ul style="list-style-type: none"> (a) The project has been designed to a high standard of architectural design through its honest expression of function, use of durable materials, and thoughtful detailing that responds to its industrial context. (b) The development improves public domain quality through extensive landscaping, articulated facades, and a considered approach to street interfaces (c) The design minimises impacts on view corridors by careful articulation of the building massing and limiting building height to 40m (below the 44m allowance) (d) Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the WDCP 2023 for this SSDA. Notwithstanding this, consideration has been given to the DCP within Appendix B. (e) (i) The land's suitability for development is addressed through responsive design that considers flooding, contamination, and geotechnical issues. (ii) The project integrates data centre and office uses, responding to the area's evolving industrial character. (iii) The design respects the industrial heritage of the area while introducing a contemporary architectural language. (iv) The building's relationship with neighbouring developments is carefully managed through setbacks, landscaping, and articulated massing. And is carefully 	Section 6.1.5



Statutory Reference	Consideration	Relevance	Section in Amending Report
		<p>considered to reduce adverse amenity impacts such as overshadowing, outlook and noise.</p> <p>(v) Bulk and massing are modulated through the use of distinct volumes and facade articulation, breaking down the building's scale.</p> <p>(vi) Street frontage heights are controlled to relate to the human scale and neighbouring buildings</p> <p>(vii) Environmental impacts are addressed through sustainable design strategies, including PV panels, water reuse, and careful consideration of overshadowing</p> <p>(viii) The project achieves ecologically sustainable development principles through its LEED Gold target, energy efficiency measures, and integration of green spaces</p> <p>(ix) The design carefully manages pedestrian, cycle, vehicular, and service access to ensure safety and efficiency.</p> <p>(x) The project positively impacts the public domain through extensive landscaping and articulated street frontages</p> <p>(xi) Ground level interfaces are designed to balance security requirements with visual interest and landscaping.</p> <p>(xii) Landscape design is excellently integrated, with 19% of the site dedicated to soft landscaping and a focus on native species reintroduction</p>	



Statutory Reference	Consideration	Relevance	Section in Amending Report
Clause 6.11 – Essential Services	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <ul style="list-style-type: none"> <i>(a) the supply of water,</i> <i>(b) the supply of electricity,</i> <i>(c) the disposal and management of sewage,</i> <i>(d) stormwater drainage or on-site conservation,</i> <i>(e) suitable vehicular access.</i> 	The development will be capable of connecting to existing services, as advised in the Infrastructure Delivery, Management and Staging Plan at Appendix JJ .	Section 6.18

Bayside Development Control Plan 2021

Section 3 – General Development Provisions

3.1.1 Site Analysis Plan	<p>C3. The Site Analysis Plan is to be drawn to a scale of either 1:100 or 1:200 and must include the following with respect to the subject site:</p> <ul style="list-style-type: none"> a. the legal description of the site, including the lot and DP number, b. site dimensions and site area, c. spot levels, contours and north point d. existing easements e. existing vegetation, including the height, and spread of established trees, as well as identifying any protected vegetation/biodiversity f. location of existing buildings and other structures g. significant noise sources (including traffic and aircraft noise) h. significant views to and from the site i. pedestrian and vehicular access j. identification of filled areas k. location of fences, boundaries, retaining walls and any other notable features l. prevailing winds for buildings 6 storeys and over m. overshadowing to the site 	<p>C3. A Site Analysis Plan has been provided as part of the Amended Architectural Plan package prepared by Grimshaw at Appendix G.</p>	Appendix G
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Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C4. For surrounding land, the Site Analysis Plan should show:</p> <ul style="list-style-type: none"> a. the location, height, and use of buildings (including doors and windows), private open spaces, and out-buildings on adjoining properties b. items of heritage significance and heritage conservation areas c. characteristics of any public open spaces d. location and height of walls built to the site's boundary e. views and solar access enjoyed by adjacent residents f. major trees on adjacent properties, particularly those within 9 metres of the site g. street frontage features such as poles, street trees, kerb crossovers, bus stops and other services h. adjacent or nearby parkland, bushland and wetlands; including potential wildlife corridors i. topography of surrounding land j. location of neighbouring solar roof panels (if any) k. The location of any nearby industrial uses. 		
	<p>C5. Applicants are to demonstrate as a part of their Development Application how the Site Analysis has informed the design outcomes at the site. This should be identified within the Statement of Environmental Effects</p>	<p>C4. This has been discussed in detail in the Amendment Report and the accompanying Amended Design Report prepared by Grimshaw at Appendix H.</p>	<p>Section 6.1</p>
<p>3.1.2 Interface with Public Domain</p>	<p>C1. Buildings are to be designed to:</p> <ul style="list-style-type: none"> a. Have a clearly defined entry point; and b. Address the street, side street, rear laneway or any adjacent parks and/or public spaces <p>C2. The visual and physical connection between the building frontage and the public domain must be considered in all development applications to ensure that the interface at the ground level promotes a high level of pedestrian amenity and equitable access.</p> <p>C4. Public domain improvement works such as footpath paving, reconstruction of kerb and gutter, landscaping, street trees, amenity area lighting and furniture may be required at the developer's expense</p> <p>C5. Comfortable public places with high-quality public furniture, good shade and interesting outlooks within the public domain and open space shall be provided</p> <p>C6. Walking and cycling paths are to be an adequate width for both to pedestrians and cyclists and promote</p>	<p>C1. The entry points will be clear visible and address the relevant street.</p> <p>C2. The visual design of the built form has been detailed in the Architectural Design Report (Appendix H) and Landscape Plan (Appendix K).</p> <p>C4. Public domain improvement works can be discussed further with Council, where required.</p> <p>C5. The visual design of the built form has been detailed in the Amended Architectural Design Report (Appendix H) and Landscape Plan (Appendix K).</p> <p>C6. Adequate and safe pedestrian and cyclists will be provided on the site.</p> <p>C8. The site is capable of integrating into the required service and infrastructure as highlighted</p>	<p>Section 6.1</p>



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>a. connectivity b. convenience c. comfort d. enable clear sight lines</p> <p>C8. Developments are to be design so that required services and infrastructure that interface with the public domain are considered and integrated into the built form design at development assessment stage.</p>	<p>in the Infrastructure Delivery, Management and Staging Plan (Appendix JJ).</p>	
3.1.3 Crime Prevention through Environmental Design	<p>C1. CPTED principles are to be addressed in all development applications where there is the potential to minimise risk and improve safety.</p>	<p>C1. The proposed development is intending to integrate a number of CPTED principles, including surveillance, access/egress control, territorial reinforcement and space management.</p> <p>There are detailed further in the Amendment Report.</p>	Section 6.20
3.2 Design Excellence	<p>C1. Development is to give consideration to the principles of design excellence as outlined within Clause 6.10 of the BLEP and within Council's Design Excellence Guidelines</p>	<p>C1. In accordance with Clause 6.10 of BLEP 2021, the proposal comprises the erection of a new building on land mapped on Council's Design Excellence Map. Under Clause 6.10(5)(a), as the proposed development will be higher than 12 metres or 3 storeys but not higher than 40 metres or 12 storeys a design competition is not required. Instead, development consent must not be granted to development to which this clause applies unless (our emphasis)–</p> <p><i>(a) if the development is in respect of a building that is, or will be, higher than 12 metres or 3 storeys (or both) but not higher than 40 metres or 12 storeys (or both)—</i></p> <p><i>(i) a design review panel has reviewed the development, and</i></p> <p><i>(ii) the consent authority takes into account the findings of the design review panel, or</i></p> <p>In accordance with the SEARs requirements, two SDRP meetings were held to discuss the design outcome of the proposal. The product of these meetings and the design's response to the Panel's recommendations are discussed in Section 3.5 of the Amendment Report.</p>	Appendix G



Statutory Reference	Consideration	Relevance	Section in Amending Report
		Detailed discussion around the design excellence provisions is detailed above.	



Statutory Reference	Consideration	Relevance	Section in Amending Report
3.3.1 Energy and Environmental Sustainability General Controls	<p>C1. Areas of glazing are located to avoid energy loss and unwanted energy gain.</p> <p>C2. Development provides appropriate sun protection during summer for glazed areas facing north, west and east, whilst allowing for penetration of winter sunlight (see Figure 3).</p> <p>C3. Extensive areas of glazing that are unprotected from sun during summer are not permitted. Shading devices include eaves, awnings, balconies, pergolas, external louvers, and projecting sunshades. Unprotected tinted windows are not acceptable.</p> <p>C4. Lighting for streets, parks and any other public domain spaces provided as part of a development should use energy efficient lighting such as LED lighting.</p> <p>C5. Ensure the location of windows, doors and internal layout of the building promotes air movement for cooling.</p> <p>C6. For all developments where BASIX is not applicable, the following water efficiency design elements must be included and demonstrated on the plans:</p> <ul style="list-style-type: none"> a. New or altered showerheads are to have a flow rate of no greater than 9L per minute or a 3 star or greater rating b. New or altered toilets are to have a flow rate no greater than 4L per average flush or a 3 star or greater rating c. New or altered taps must have a flow rate no greater than 9L per minute or 3 star or greater rating <p>C7. Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.</p> <p>C8. Rainwater tanks are to be installed for all non-residential developments, including major alterations and additions that have access to a roof form from which rainwater can be feasibly collected and plumbed to appropriate end uses.</p> <p>C9. Development is to be designed and constructed to meet the rating systems shown in Table 1.</p> <p>- Minimum 5-star Green Star rating or Equivalent</p>	<p>The proposed development will implement a number of mitigation measures as detailed in the Amended ESD Report (Appendix R). These measures have been detailed in the EIS.</p> <p>The development is targeting a 5-star NABERS Energy rating, with the office component targeting 5.5 star rating.</p>	Section 6.10



Statutory Reference	Consideration	Relevance	Section in Amending Report
3.3.3 Reflectivity	<p>C2. For buildings in the vicinity of arterial roads/major roads and Sydney Airport, proof of light reflectivity is required and is to demonstrate that light reflectivity does not exceed 20%</p> <p>C3. The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or endangers safety of pedestrians or motorists.</p> <p>C4. Materials must be durable and can be easily cleaned and are graffiti resistant.</p>	The Solar Glint and Glare Assessment (Appendix LL) finds the proposed PV installation to be compliant with FAA Interim Policy criteria for limiting glare towards the assumed flight paths and ATC Towers. Impact from unusual glint or glare produced by the proposed solar installation on airport operations and immediate context is therefore not expected.	Section 6.22
3.3.5 Energy Assessment	<p>C1. A report on energy and water efficiency is to be submitted with a development application for any building works with a construction cost of \$1,000,000 or more. The report must address how the principles of this DCP Part have been incorporated which should include but not necessarily be limited to:</p> <ul style="list-style-type: none"> a. Whether the building has achieved a NABERS or Green Star rating. b. Passive solar design principles used to avoid the need for additional heating and cooling. c. How energy efficiency has been incorporated into the design in general, such as the incorporation of building articulation to allow daylight into ground and first floor levels. d. Justification of hot water systems selection. e. Overshadowing of adjoining properties. f. Total anticipated energy consumption. g. Water efficient fixtures and water conservation measures. h. How demand for water and discharge of wastewater will be minimised. i. Incorporation of renewable energy types such as solar hot water heating. j. Use of recycled building materials and materials with low embodied carbon. k. Use of materials that are non-polluting in manufacture, use and in disposal. l. Use of roof lights and vents to internal service rooms at roof top level to minimise reliance on artificial light and ventilation. m. Use of advanced air conditioning systems and new technologies such as chilled beam air conditioning and waste heat recovery systems for larger buildings. n. Incorporate water conservation measures as referred to in this DCP. 	C1. A detailed ESD Report has been provided at Appendix R and is discussed in detail in the EIS.	Section 6.10



Statutory Reference	Consideration	Relevance	Section in Amending Report
3.5.1 Design of the Parking Facility	<p>C1. Off-street parking facilities, including carports, are generally not permitted within the front setback due to the impact on streetscape and landscape character. Driveways/hardstands and carports encroaching into the minimum front boundary setback may be considered for single dwelling houses in circumstances where:</p> <ul style="list-style-type: none"> a. the hardstand or carport is to serve a single dwelling house (not permitted for any other form of residential development); b. there is no opportunity to provide off street parking from a rear lane, side street, or behind the required front setback; c. the hardstand or carport is for a single vehicle and is no larger than 3m in width, 6m in length and 3m in height if a flat roof, or 3.6m if a pitched roof; d. the design is sympathetic to the host dwelling and the existing streetscape, in regard to materials, scale, form, roof style and the predominant setbacks of similar structures; e. the carport does not include enclosing walls, or a solid panel or roller shutter door; f. gates do not encroach upon public land during operation and a minimum length of 5.5m is available so that a parked vehicle does not overhang the front boundary; and g. all other requirements of this DCP are met, including landscaping requirements. <p>C3. The design/width of the access driveway shall minimise the loss of on-street parking and be as per with Bayside Technical Specification - Traffic, Parking and Access.</p> <p>C4. Off-street parking facilities are to be designed in accordance with current Australian Standards (AS2890 parking series).</p> <p>C6. A maximum of one vehicular access point is permitted per property.</p> <p>C7. Development shall avoid vehicular access points being located:</p> <ul style="list-style-type: none"> a. in places with high traffic volumes, such as classified or arterial roads b. close to intersections as outlined in Section 3.2.3 of AS2890.1 c. where there is heavy or constant pedestrian movements along the footpath d. where vehicular access would interfere with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings e. less than 0.5m from any power pole f. adjacent to or at the sag point of the street g. in places where sight distance requirements outlined in Section 3.2.4 of AS2890.1 cannot be complied with h. within the dripline/canopy of trees <p>C8. The following developments shall be designed with internal manoeuvring areas so that vehicles can enter and exit the site in a forward direction:</p>	<p>C1. Parking and loading have been provided behind the front setback.</p> <p>C3. No impact to on street parking</p> <p>C4. Off-street parking facilities will be designed in accordance with current Australian Standards (AS2890 parking series) (see Appendix Q).</p> <p>C6. Two vehicular access points are proposed. The location of these access points is considered appropriate given the site currently has two access roads to classified roads. This however is subject to TfNSW approval.</p> <p>C7. Adequate manoeuvring areas have been provided internally so vehicles can enter and exit in a forward direction (see Appendix Q).</p> <p>C8. Vehicles can enter and exit the site in a forward direction, as shown in the swept path diagrams at Appendix Q.</p> <p>C9. The proposal is capable of providing adequate sightlines for pedestrians on the footpath as per Australian Standards.</p> <p>C10. Vehicular access will be provided from Gardeners Road and Ricketty Street, which serve as secondary frontages.</p> <p>C11. The driveways are designed to an appropriate gradient.</p> <p>C12. The access area and internal manoeuvring area to and from the loading bays have been designed to accommodate all vehicles up to and including 12.5m Heavy Rigid Vehicles (12.5m HRV) (see Appendix Q).</p> <p>C13. The proposed access controls for the site would be a “truck/car trap” which consists of 1 boom gate and 1 sliding gate for each of the entry</p>	Section 6.4



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>a. Developments with four or more dwellings/car spaces</p> <p>b. Childcare centres & boarding houses</p> <p>c. Developments with vehicle access to/from a classified road</p> <p>d. Industrial & commercial development</p> <p>e. Developments with basement car parking accessed via a steep ramp</p> <p>f. Where council considers it necessary due to the site-specific circumstances</p> <p>C9. Adequate sightlines are to be provided for pedestrians on the footpath as per Australian Standards.</p> <p>C10. Vehicular access is to be provided from a secondary street frontage or rear lane, where possible.</p> <p>C11. The maximum driveway gradients for at least the first six (6) metres into the property shall be no greater than 1 in 20 or 5% (except for low density residential development).</p> <p>C12. Access driveways/vehicular crossings are to be designed to accommodate the turning circle of the largest vehicle expected to use the service area without crossing the centreline of the road. Specific consideration is to be given to two-way simultaneous movements</p> <p>C13. The location of vehicle control points (e.g. roller doors / boom gates) are to allow sufficient queuing areas (minimum 1) within the site for entering vehicles.</p>	<p>and exit access points. As such, the truck/car trap would operate in 2 stages for vehicles to fully enter or exit the site. For operation, queuing would be avoided by designing for sufficient queue storage of up to two (2) 12.5m HRVs at the access control.</p> <p>An M/M/1 probabilistic queuing model has been adopted in the design of the truck trap to allow up to two (2) light vehicles to queue behind the entry sliding gate on Ricketty Street and one (1) 12.5m heavy rigid vehicle to queue behind the sliding gate on Gardeners Road.</p>	
3.5.2 Traffic Impact Assessment and Transport Plans	<p>C3. Traffic and Parking Impact Assessments are to assess the design of the parking facility in regard to Australian Standards. Numerical parking provisions are also to be assessed.</p> <p>C4. Swept path analysis is to be provided for manoeuvring of passenger, commercial and servicing (truck) vehicles within the development. The swept path diagrams shall be prepared by recognised software (e.g. Auto Track, Auto Turn or equivalent) in accordance with Australian standards and include a scale, dimension and legend.</p> <p>C5. The Traffic and Parking Impact Assessment Report is to undertake a cumulative traffic impact assessment for 'all developments' in the area (including current and approved Development Applications).</p>	<p>C3. The proposed data centre includes the provision of 35 at-grade car parking spaces on the western side of the site. It has been noted by Ason Group that neither the BDCP 2022 nor the RMS (now TfNSW) Guide to Traffic Generating Developments provide parking demand rates for data centres.</p> <p>A review of similar and approved Data Centres across Sydney has been undertaken by Ason. The application of the average rate indicates that the site is estimated to employ 27 staff members for at any one point. By way of conservative assessment, Ason have assumed that all 27 staff members will drive to the site independently, resulting in a maximum potential car parking demand of 27 car parking spaces.</p>	Section 6.4



Statutory Reference	Consideration	Relevance	Section in Amending Report
		<p>The proposal involves provision of 35 car parking spaces which meets and exceeds the theoretical parking demand based on first principle assessment. The purpose of the additional provision of 8 car parking spaces is to provide additional flexibility to the end users of the site, noting that the future tenants are not yet known.</p> <p>All car spaces would be designed to meet the minimum requirements of User Class 1/1A car parking to align with AS2890.1:2004 for staff parking.</p> <p>C4. Swept path assessments have been prepared under Appendix Q for the internal roadways, demonstrating the suitability of the design to accommodate movements for the largest design vehicle.</p> <p>C5. In their consideration of traffic impacts, Ason has considered surrounding developments. The development is not expected to greatly impact on existing traffic generation, in fact the proposed development is expected to result in a net <i>decrease</i> in traffic generation of 5 vehicle trips during the AM network peak period and 21 vehicle trips during the PM network peak period, compared to the traffic generation of the existing development.</p>	
	<p>C6. Commercial developments with more than 10 employees and a GFA greater than 1000m2 are required to prepare a Workplace Green Travel Plan. It is to be prepared accordance with Bayside Technical Specification - Traffic, parking and access and generally incorporate the following:</p> <ul style="list-style-type: none"> a. Encourage staff to use public transport, cycle and/or walk to the workplace b. Adopt car sharing and/or car pool scheme c. Provide priority parking for staff with car pool d. Provide bike storage area and end-of-trip facilities in convenient locations and encourage the use of these facilities; e. Adopt an implementation Strategy and set success measures f. Establish a clear and time bound measureable targets, actions, measurements and monitoring framework on the number of staff travelling to work by public 	<p>C6. A Green Travel Plan has been prepared by Ason at Appendix Q. This plan has been detailed in the EIS and provides a number of measures and action strategies to implement into the future operation of the site.</p> <p>C7. Noted</p>	Section 6.4



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>transport, cycling and walking</p> <p>C7. Council may reduce the requirement for onsite parking provisions for commercial and industrial developments when both Workplace "Green" Travel Plans and Transport Access Guides are provide.</p>		
3.5.3 On-site Car Parking Rates	<p>C1. Development is to provide on-site car parking in accordance with the car parking rates outlined in Table 3</p> <p>C2. Council may reduce car parking provision in certain circumstances, as follows:</p> <ul style="list-style-type: none"> a. Peak Parking and traffic activity occurs during periods where surrounding parking demand is lowest b. Existing site and building constraints make provision of car parking impractical c. Located adjacent to high frequency public transport services and/or urban services d. Includes management regimes to minimise car use, such as Workplace "Green" Travel Plans or on-site car share schemes e. Provides a business or social service that benefits the local community and contributes to the vitality of the area f. Safety of motorists, pedestrians and cyclists is unduly compromised by the provision of car parking g. Development contributes to heritage conservation of the building and setting Any request for a reduced car parking provision is to be accompanied by a traffic and parking impact assessment report. <p>C5. Where a development involves a change of use or alterations/additions that would generate a greater car parking requirement than existing, additional parking is required to be provided equivalent to the difference between the two parking requirements.</p> <p>C10. The number of parking spaces for small cars (as defined in AS2890.1) is not to exceed 10% of the total car parking spaces.</p>	<p>C3. The proposed data centre includes the provision of 35 at-grade car parking spaces on the western side of the site. It has been noted by Ason Group that neither the BDCP 2022 nor the RMS (now TfNSW) Guide to Traffic Generating Developments provide parking demand rates for data centres.</p> <p>A review of similar and approved Data Centres across Sydney has been undertaken by Ason. The application of the average rate indicates that the site is estimated to employ 27 staff members at any one time. By way of conservative assessment, Ason have assumed that all 27 staff members will drive to the site independently, resulting in a maximum potential car parking demand of 27 car parking spaces.</p> <p>C2. The proposal involves provision of 35 car parking spaces which meets and exceeds the theoretical parking demand based on first principle assessment.</p> <p>C5. The proposed development generates a net <i>decrease</i> in traffic generation of 5 vehicle trips during the AM network peak period and 21 vehicle trips during the PM network peak period.</p> <p>C10. Parking spaces have been designed to accommodate all light vehicles.</p>	Section 6.4



Statutory Reference	Consideration	Relevance	Section in Amending Report
3.5.4 Bicycle and Motorcycle Parking	<p>C1. Bicycle & motorcycle parking must be provided on site as follows:</p> <ul style="list-style-type: none"> - 1 bicycle space per 600m² GFA - 1 motorcycle space per 15 car spaces <p>C2. Bicycle parking facilities shall be designed in accordance with most recent edition of AS2890.3 and AUSTROADS. Motorcycle parking is to be designed as per AS2890.1.</p> <p>C3. Bicycle parking for residents/staff of a building is to be in the form of individual bicycle lockers/cages or as bike racks within a well-lit secure room/structure monitored by security camera surveillance (security level A or B from table 1.1 of AS2890.3:2015).</p> <p>C4. All visitor bicycle spaces shall be located at the entrance to the development and be designed as security level C from table 1.1 of AS2890.3:2015.</p>	<p>C1. Application of the above rates to the proposed 35 car parking spaces results in a total requirement of 3 motorcycle parking spaces. As such, the proposal will provide 3 motorcycle parking spaces to comply with the BDCP 2022.</p> <p>It is noted that the data hall is not an occupied space therefore should not be applicable to this calculation. The application of the above rate to the proposed 2,920m² office GFA results in a bicycle parking requirement of 5 spaces.</p> <p>Notwithstanding, the proposal involves provision of 32 bicycle parking spaces which meets and exceeds the bicycle parking requirement when taking into consideration both the office and data hall GFA.</p> <p>C2. Bicycle parking facilities and motorcycle parking will be designed in accordance with the relevant standards.</p> <p>C3. Individual bike racks will be located within the ground floor of the data centre, near the main entry.</p> <p>C4. See above</p>	
3.5.5 Accessible Parking	<p>C1. Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the rates specified in Table 4.</p> <ul style="list-style-type: none"> - In a car parking area containing 5 or less vehicle spaces, one accessible car parking space shall be provided although not signposted and reserved only for people with disabilities. <p>C3. Car parking facilities are to be designed to prioritise the location of accessible parking spaces so they are in close proximity to lifts and access points.</p>	<p>C1. The BDCP 2022 does not provide a dedicated accessible car parking rate for data centres. As such, reference has been made to Section D3.5 of the Building Code of Australia (BCA) under the National Construction Code. The development could be considered most akin to a Class 7b building which are storage buildings, which sets out the following requirements:</p> <ul style="list-style-type: none"> • 1 accessible space for every 100 car parking spaces or part thereof. <p>Application of the above rate to the proposed provision of 34 car parking spaces results in a total of 1 accessible space required.</p>	Section 6.4



Statutory Reference	Consideration	Relevance	Section in Amending Report
		<p>The proposed development provides 1 accessible car parking space which satisfies the BCA requirements.</p> <p>C3. The accessible parking space will be located at the entry point to the building.</p>	
<p>3.5.6 Loading Facilities</p>	<p>C1. The number of service bays are to be provided in accordance with Table 5.</p> <p>< 8000 m² GFA</p> <ul style="list-style-type: none"> • 1 service bay (for MRV or larger) / 800 m² GFA <p>8000 m² GFA and above</p> <ul style="list-style-type: none"> • 10 service bays (for MRV or larger); plus • 1 service bay (for MRV or larger) / 1,000 m² GFA <p>C2. Loading points are to be designed to:</p> <ol style="list-style-type: none"> allocate sufficient areas for the efficient access, collection, and delivery of goods allow delivery vehicles to be able to access buildings safely and efficiently minimise the impacts of noise on building occupants, near neighbours and the local area not dominate or detract from the appearance of the development and the local streetscape not be positioned within the front landscape setback <p>C3. Service bays and loading docks for service vehicles, include access to these areas, are to be designed in accordance with AS2890.2 and AUSTROADS guidelines. Dimensions of loading bays shall be as per AS2890.2.</p> <p>C4. Service bays are to be adequately screened from the street/public view and be located:</p> <ol style="list-style-type: none"> near vehicle entry points and near lifts as far as practicable from adjoining sensitive land uses completely within the boundary of the site clear of parked vehicles and through traffic. <p>C6. Loading bays are to be clearly designated and signposted for service vehicles only and are not to be used for other purposes such as storage of goods and equipment.</p> <p>C7. Service vehicles are to be able to enter and exit the property in a method that</p>	<p>C1. The development proposes 2 loading bays for large vehicles, which is considered sufficient for the Proposal noting the nature of the development, noting the proposed use. It is not anticipated that consistent use of the loading bays will be required.</p> <p>C2. Loading bays have been designed to allow for safe and efficient access for heavy vehicles. The loading bays have been located within the design of the built form so not to dominate or detract from the appearance of the development and the local streetscape.</p> <p>C3. The loading bays have been designed in accordance with the relevant standards.</p> <p>C4. Service bays are not proposed, as they are not necessary to the proposed use of the site.</p> <p>C6. Appropriate signage is proposed to ensure that it is clearly designated and signposted for service vehicles only and are not to be used for other purposes such as storage of goods and equipment.</p> <p>C7. All vehicles are able to enter and exit the site in a forward manner to accommodate pedestrian safety.</p> <p>C8. Loading and waste collection points will be appropriately integrated into the design of the site.</p>	<p>Section 6.4</p>



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>does not compromise pedestrian safety.</p> <p>C8. Loading and waste collection points shall be:</p> <ol style="list-style-type: none"> located separately from public parking areas where possible designed and operated so that the vehicles can manoeuvre on site without interfering with buildings, parked vehicles, and landscaping <p>C9. A loading dock management plan is to be prepared for all development. This management plan shall also to address waste collection.</p>	<p>C9. The loading dock will be appropriately managed in accordance with the conditions of consent.</p>	
3.5.7 Waste Collection	<p>C1. Waste collection must be provided on-site within new building development (excluding development with less than 600m² GFA and multi-unit developments with 10 dwellings or less). This waste collection bay may be shared with another loading/unloading space. Access must be designed to accommodate a Council garbage truck, or any vehicles used by private waste contractors (SRV minimum).</p> <p>C2. The waste collection point is to be designed to:</p> <ol style="list-style-type: none"> allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps provide sufficient side, rear and vertical clearance to allow for the waste collection activity to be undertaken (e.g. the lifting arc for automated bin lifters requires clearance to remain clear of any walls or ceilings and all service ducts, pipes and the like). comply with Bayside Technical Specification - Traffic, Parking and Access. <p>C3. Waste rooms are to be located as close as possible to the waste collection point. Where this cannot be provided for and waste rooms are spread out across the basement of a development, a method to internally transport waste to the collection point is to be provided.</p> <p>C4. Where collection vehicles are required to enter inside a building, the design of the building shall provide for:</p> <ol style="list-style-type: none"> a minimum vertical clearance of 4.5 metres for MRV vehicles and 3.5m headroom clearance for SRV vehicles (clear of all service ducts, pipes etc) collection vehicles to enter and exit the premises in a forward direction the driveway width and gradient to be as per AS2890.2. 	<p>C1. The following access provisions will apply for collections:</p> <ul style="list-style-type: none"> Collection vehicles will be able to enter and exit the site in a forward direction via Gardeners Road, and Unobstructed access, adequate driveways and ramps of sufficient strength to support waste collection vehicle have been allowed for. <p>Waste collection contractors will take bins from the waste storage room to the loading dock where they will be emptied into the collection vehicle and then returned to the waste storage room.</p> <p>C2. The waste collection point will be designed to comply with the relevant standards and will occur away from parking areas, turning areas, aisles, internal roadways and ramps, where possible.</p> <p>C3. The waste room will be located as close as possible to the waste collection point.</p> <p>C4. Waste collection vehicles will not be required to vehicles are required to enter inside a building</p>	Section 6.17
3.5.8 Car Parking Areas – CPTED	<p>C7. Dense vegetation, solid fences, and unnecessary structures along the perimeter of the car parking area is not permitted.</p> <p>C8. Parking spaces shall be designed to provide effective sightlines from moving</p>	<p>C7. Given the nature of the proposed use, a 3m security buffer will be employed to each boundary. This buffer will be free from trees and behind appropriate security fencing.</p>	Section 6.20



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>cars, and between parked cars to enhance pedestrian safety.</p> <p>C12. Car parking pedestrian entry and exit points shall be located on the street level to maximise pedestrian flow and natural surveillance from active uses on the ground floor.</p>	<p>Security fencing is provided along the perimeter of the proposal with clear lines of sight maintained through a 3m buffer zone along the fence boundary which is to be limited to low level planting.</p> <p>C8. Parking spaces have been designed to ensure clear sightlines are maintained.</p> <p>C12. Pedestrian entry and exit points are located on the street level.</p>	



Statutory Reference	Consideration	Relevance	Section in Amending Report
3.5.9 New and Emerging Transport and Parking Facilities	<p>C1. Above ground car parks for large developments shall have a layout and design that is capable of being adapted in the future into alternative, non-vehicle parking uses such as storage, commercial uses, community uses etc.</p> <p>C7. At least 20% of non-residential car parking spaces in development with a total GFA greater than 1000m² shall be 'EV-Equipped'. An 'EV-Equipped' car space is a car space equipped with EV fast charger that is ready to use on completion of the development. These may be payment operated systems. At minimum, the charger(s) will need to be 'Level 2' fast charging charger – three-phase with 11-22kW power or greater as defined by NSW Electric and Hybrid Vehicle Plan.</p> <p>C8. EV Distribution Board(s) shall be of provided of sufficient size to allow connection of all car spaces 'EV-Ready' and 'EV Equipped'. EV Distribution board(s) shall be located so that no 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board. Development shall provide cable trays sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car spaces.</p> <p>C9. EV Distribution Boards are to be dedicated to EV charging and capable of supplying not less than 50% of EV connections at full power at any one time during off-peak periods, to minimise impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.</p> <p>C10. EV Load Management System is to be capable of:</p> <ul style="list-style-type: none"> a. Reading real time current and energy from the EV chargers under management via ethernet connection; b. Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged; c. Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time. <p>Further details are within Bayside Technical Specification - Traffic, Parking and Access.</p>	<p>C1. The car park is capable of being adapted in the future, if required.</p> <p>EV Charging Stations</p> <p>EV charging stations may be integrated into the development in the future, as part of the Green Travel Plan.</p> <p>Further, a proposed ESD initiative (Appendix R), includes the provision of EV charging to address concerns around greenhouse gas emissions.</p>	Section 6.10
	<p>C1. A variety of alternative paving materials and colours are to be incorporated into large parking areas. A design scheme including, but not limited to, colour schemes, surface/wall/column finishes, mid rails/skirting boards is to be provided by an interior designer.</p> <p>C2. Ground surfaces that are publicly accessible are to be:</p>	<p>C1. The parking area will be designed to ensure appropriate colouring and materials are employed.</p> <p>C2. Ground surfaces will be designed to be slip-resistant and accommodating to all users.</p>	



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>a. slip-resistant b. traversable by wheelchairs c. indicate changes of grade by use of materials which provide a visual and tactile contrast</p> <p>C3. Car parking areas are to be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops.</p> <p>C4. The pavement in internal circulation roadways, aisles, parking areas, turning circles, etc., are to be designed and constructed to withstand the specific wheel loadings of vehicles likely to use them.</p> <p>C5. For parking facilities with separate ingress and egress points, these are to be clearly signposted.</p> <p>C6. All parking bays are to be clearly designated, sign posted, and line marked. Signage and line marking shall comply with AS2890.1.</p>	<p>C3. Car parking areas will be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops.</p> <p>C4. The pavement in internal circulation roadways, aisles, parking areas, turning circles, etc., will be designed and constructed to withstand the specific wheel loadings of all vehicles.</p> <p>C5. Parking is accessible from both ingress and egress points, which will be appropriately signposted.</p> <p>C6. All parking bays are to be clearly designated, sign posted, and line marked. Signage and line marking shall comply with AS2890.1.</p>	
	<p>C7. Appropriate landscaping responding to site conditions and surrounding context, particularly the transition between public and private spaces is to be provided on-site. Note: the landscaping part of this DCP provides guidance on these requirements.</p> <p>C8. Outdoor parking areas should be landscaped to provide shade, to improve the visual amenity of large, all-weather surfaces and to provide a buffer to neighbouring properties and may incorporate integrated water cycle management measures. Where possible, permeable paving is to be used for car parking areas to increase opportunity for deep soil landscaping.</p>	<p>C1. A specific Landscape Plan and planting strategy has been created at Appendix K for the site, in response to the site conditions and surrounding context, particularly the transition between public and private spaces.</p> <p>C2. Appropriate tree planting and landscaping will be implemented into the parking area.</p>	Section 6.6
	<p>C9. Adequate lighting is to be provided if the parking facility will be used at night or is within a basement. Particular consideration is needed for places where liquor is sold.</p> <p>C10. The design of lighting is to be in accordance with relevant Australian Standards (AS4282 & AS1158).</p> <p>C11. Where residential or other sensitive properties closely abut large on-site parking areas, consideration is to be given to the management of glare and light spillage into adjacent properties.</p>	<p>C9. Adequate lighting will be provided across the site, in accordance with CPTED principles.</p> <p>C10. The lighting will be designed in accordance with the relevant standards</p> <p>C11. Lighting will be managed to minimise impact on nearby residents.</p>	Section 6.20
3.6.1 Accessibility	<p>C1. The siting, design, and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use these premises.</p>	<p>C1. The proposed development will be designed to an appropriate level of accessibility, so that all people can enter and use these premises</p>	Section 6.23



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C2. All development must comply with the following: all Australian Standards relevant to accessibility; the Building Code of Australia access requirements; and Disability Discrimination Act 1992. Complex developments where compliance is proposed through alternative solutions must be accompanied by an Access report prepared by a suitably qualified access professional.</p> <p>C3. Ensure all publicly accessible buildings provide a safe and continuous path of travel for people with impaired mobility.</p> <p>C4. A high standard of women's facilities, amenities for parents in both women's and men's toilets and amenities</p> <p>C7. Access for pedestrians and vehicles are to be separated.</p> <p>C10. It should also be recommended that accessibility solutions incorporate, where appropriate, landscape screening to minimise their visual impact.</p>	<p>C2. An Accessibility Report has been prepared by MBC Group and is included at Appendix O. The report has taken into consideration all aspects of accessibility to the site and throughout the development and with reference to the following requirements:</p> <ul style="list-style-type: none">• The National Construction Code Series (Volume 1) – Building Code of Australia (BCA) 2022 specifically, Part D4, E3 and F4;• Disability (Access to Premises – Buildings) Standards 2010 (Access Code); and• AS1428.1-2009 – Design for Access and Mobility Part 1 General Requirements for Access-New Building Works. Access for People with Disabilities. <p>In its assessment, the Accessibility Report concludes that the proposed scheme is capable of complying with the relevant accessibility requirements. Where deemed-to-satisfy provisions cannot be achieved, design is to be rectified or a Performance Based Solution, as outlined in the Report.</p> <p>C3. The buildings will provide a safe and continuous path of travel for people with impaired mobility.</p> <p>C4. An appropriate level of amenities will be provided for all genders, inclusive of EoTF for all genders.</p> <p>C7. Clear access routes will be established to ensure a separation between pedestrians and vehicles.</p> <p>C10. Accessibility solutions will be incorporated, where appropriate, with landscape screening to minimise their visual impact</p>	



Statutory Reference	Consideration	Relevance	Section in Amending Report
3.7.1 Landscaping	C1. Development must comply with Council's Technical Specification – Landscape and documentation is required to be submitted in accordance with Schedules – Chapter 9.3 of this DCP.	C1. A Landscape Plan and Design Report have been provided by Geoscapes at Appendix K and H respectively.	Section 6.6
	C2. For all development the layout and design of driveways, pedestrian entries and services maximises deep soil and retention of existing trees and planting of new trees. The location and use of outbuildings, swimming pools and spa pools should not impact on landscaped area / areas for tree planting and the amenity of adjoining private and public open space.	C2. Deep soil and the retention of trees has been maximised where feasible. There are no outbuildings, swimming pools and spa pools impacting on landscaped areas. A deep soil plan can be located on LDR-11 of the Landscape Plans.	
	C3. Landscaping is primarily located in larger, useable areas preferably located to the front and / or rear of buildings. (Note: council will not support small, narrow, fragmented or otherwise unsuitable areas being counted to achieve minimum landscape requirements).	C3. Landscaping is proposed along the northern, eastern and southern boundaries of the site, in the north-west corner and parking area to the west. Refer to LDR-10 of the Landscape Plan.	
	C5. Side setbacks included in the landscape area shall be maximum 20% of the total landscape area provision.	C5. Landscaping and deep soil areas have been provided along each boundary, inclusive of the site setbacks. A majority of the landscaping is located on the eastern and southern boundaries.	
	C6. Landscaped areas located between driveways/ pathways and side boundaries have a minimum width of 1.0m at the narrowest dimensions and a minimum of 75% landscaped area must consist of planting, grass and trees, but not gravel/paving.	C6. The side boundaries contain more than 1m width of landscaping. More than 75% of the landscaped area consists of planting, grass and trees, but not gravel/paving. Refer to LDR-10 of the Landscape Plan with dimensions to show compliance.	
	C9. When site constraints associated with more urban contexts such as local centres and active frontages do not enable achievement of the minimum landscape area required, the development shall incorporate ecologically sustainable approaches such as extensive or intensive green roofs (with a detention layer), roof gardens, green walls. The extension and quality of the approach shall be evaluated by Council for each development.	C9. The site achieves a total landscaped area of 4,986.7m ² . The proposed development will also have an outdoor space in the Level 3 Mezzanine Space.	
	C10. The arrangement of buildings, secondary dwellings, pods, car parks, driveways, ancillary building and paved vehicle/other circulation spaces must consider existing trees and incorporate them into the site layout. Permeable paving surfaces to driveways, car parking bays and paved areas should be priorities over non-permeable.	C10. Trees are proposed to be retained in the northwest and southeast corners of the site. These will be protected from the built form during construction and will not be impacted by the data centre once operational. Refer to SSD-102 to SSD-103 in the Landscape Detail Plans for existing trees to be retained. Permeable paving is proposed to all car and motorbike spaces and accounts for 476m ² of area, refer to LDR-10 of the Landscape Plan.	
	C11. Each property should have at least 1 tree (within the property boundary) where practicable. Where this cannot be achieved, compensatory planting bond / fund must be established.		
	C12. The minimum amount of landscaped area within the site is as follows:		



Statutory Reference	Consideration	Relevance	Section in Amending Report														
	<table><tr><th>Development Type</th><th>Min. landscaped area (of the site area)</th></tr><tr><td>Low and medium density residential</td><td>25%</td></tr><tr><td>Residential flat buildings</td><td>15%</td></tr><tr><td>Mixed use (with shop top housing)</td><td>10%</td></tr><tr><td>Highway commercial</td><td>10%</td></tr><tr><td>Industrial</td><td>10%</td></tr><tr><td>Child care centres</td><td>20%</td></tr></table> <p>C13. If an Arborist Report / Tree Assessment is required, it must comply with the relevant other requirements of this DCP and use an appropriate replacement ratio and appropriate species. Refer to 3.8.2 (C3) for replacement ratio.</p> <p>C14. Street trees are to be provided in accordance with Council’s Street Tree Masterplan. Note: Council may require that all street trees be planted at the Site Establishment Phase or during Stage 1 of a staged development so that trees become established and soften the development by practical completion.</p> <p>C15. Existing trees, including street trees, and natural formations including rock formations must be preserved where possible. The development proposal must demonstrate all efforts have been done to preserve significant features, like trees or outcrops.</p> <p>C17. To ensure aviation safety, the management of vegetation in areas that are close to Sydney Airport needs to be considered. This includes avoiding the planting of tree species that will either attract wildlife or grow to a height that would intrude into Sydney Airport’s prescribed airspace. In particular:</p> <p>a. Significant landscaping and/or tree planting which includes large numbers of flowering trees should be avoided within 3 km of Sydney Airport.</p> <p>b. Trees that are likely to eventually grow to a height that would intrude into one or more of Sydney Airport’s prescribed airspace surfaces should be avoided.</p> <p>c. Proposals involving large-scale tree planting that could provide habitat for roosting species – such as the Grey Headed Flying Fox – should be accompanied by a risk assessment, to be provided to Council and Sydney Airport Corporation, considering the risk of roosting species flying across the Sydney Airport airfield or in the vicinity of the airport’s flight paths.</p> <p>Note: Sydney Airport Corporation can provide a list of tree species that should be avoided on request.</p>	Development Type	Min. landscaped area (of the site area)	Low and medium density residential	25%	Residential flat buildings	15%	Mixed use (with shop top housing)	10%	Highway commercial	10%	Industrial	10%	Child care centres	20%	<p>C11. The proposed tree will result in 110 trees being planted to replace 49 trees subject to removal.</p> <p>C12. The total landscaped area is 21% which is compliant with the industrial minimum. Refer to Landscape Area Plan at LDR-10.</p> <p>C13. An Arboricultural Impact Assessment has been prepared by Civica at Appendix MM.</p> <p>C14. Proposed tree planting is detailed in the Landscape Plan provided by Geoscapes at Appendix K.</p> <p>C15. 14 trees are being retained, as they are not impacted by the proposed development. Refer to detail drawings SSD-102 to SSD-105 for existing trees to be retained and removed.</p> <p>C17. Tree planting will not impact aviation safety.</p>	
Development Type	Min. landscaped area (of the site area)																
Low and medium density residential	25%																
Residential flat buildings	15%																
Mixed use (with shop top housing)	10%																
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	<p>Amenity and Maintenance</p> <p>C18. Landscape screening or buffers with canopy trees are to be included and designed to enhance privacy between properties and softening of walls and facades. Planter beds are to be provided along building façades.</p> <p>C19. Planting design solutions are to be consistent with the Bayside Landscape Technical Specification and must:</p> <ul style="list-style-type: none"> a. provide shaded areas in summer, especially to west facing windows and open car parking areas b. provide screening for visually obtrusive land uses or building elements c. provide vegetation and tree cover within large expanse of car parking areas d. provide privacy between dwellings e. not cause overshadowing of solar collectors on rooftops f. rely primarily on plants that have a low water demand and nil or low fertiliser requirements. <p>C21. All fencing and wall details will be provided in the Landscape Documentation and comply with the relevant Parts of the DCP.</p> <p>C22. A contrast of paving materials is required to break up large sections of paving and to delineate pedestrian areas, entries, car parks, special use areas or transition zones between different uses. Porous paving is to be utilised wherever possible.</p>	<p>C18. Trees will be used as a screening buffer along the northern, eastern and southern boundaries to soften the appearance of the built form. Landscape screening is incorporated at ground, shrub, and canopy levels to provide an effective buffer to the proposed building façade. Refer to detail drawings SSD-102 to SSD-105 for locations and planting matrix details on SSD-107 for species and arrangement.</p> <p>C19. Planting has been designed to:</p> <ul style="list-style-type: none"> • Provide shading in the parking area • Provide screening to the built form • Provide canopy trees to car parking planting blisters • Avoid overshadowing impacts • Have a low water demand (natives) <p>C21. The provision of 3m high security fencing around the site as required by a data centre. The security fence required around the site perimeter has been set back from the site boundary in three locations to allow for site landscaping to interface directly with the public streets. The new pockets of landscape will accommodate new medium sized native tree species with underplanting beneath.</p> <p>C22. Contrasting paving will be utilised. The parking area will include permeable car parking spaces. Recycled brick is proposed to accentuate building entrances, with sand infill used to support water infiltration. To break up large expanses of brick paving and enhance wayfinding from the carpark to the main building entrance, bands of light exposed aggregate concrete will be introduced at regular intervals. Additionally, meandering deco granite paths will be located at three points around the site, adjacent to rewilded landscape areas, providing staff with outdoor amenity and restful spaces. Refer to detail plan SSD-102 to SSD-105 for all paving locations.</p>	<p>Section 6.6</p>



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>Water Sensitive Urban Design</p> <p>C23. The amount of hard surface area is to be minimised to reduce runoff by:</p> <ul style="list-style-type: none"> a. directing run-off from the overland flow of rainwater to pervious surfaces such as garden beds, and b. utilising semi-pervious paving materials wherever possible c. other WSUD Such as Rainwater tank for irrigation and/or outdoor taps such as: d. bioswales, e. permeable pavements, f. raingardens. 	<p>C23. Hard surfaces have been minimised where possible. Permeable areas have been included in the car parking area, which comprises the largest area of hardstand on the site. The current design includes the implementation of a flood barrier wall along the southern and southeastern perimeter of the site, with a minimum level of 4.0m AHD at the top of the wall. As with the earth berm in existing conditions, this wall is intended to limit the intrusion of overland flows onsite from Ricketty Street. Further, rainwater should flow to permeable areas.</p> <p>The proposed recycled brick will be designed to have sand joints to ensure water permeability along the main entrance outdoor walkway. Permeable pavers are proposed to all car and motorbike spaces to avoid large areas of hardscape concrete around car and truck driveways. FRP mesh fire egress path along the direct perimeter of the building will also allow water infiltration through the mesh gaps. Dry beds are proposed along all three landscaped frontages to collect rainwater runoff.</p>	<p>Section 6.6</p>
<p>3.7.2 Planting Design Spaces</p>	<p>C1. A minimum of 80% of a planting scheme proposed on deep soil is to consist of native or indigenous plants. Locally indigenous species are to be incorporated where practical and suit the microclimate conditions.</p> <p>C2. For all development other than a single dwelling all tree planting within deep soil areas is native or indigenous, unless sun access is required, and then deciduous ornamental species can be included.</p> <p>C3. A layered landscaping approach incorporating the following is required in large, landscaped areas, setbacks, buffer zones and interface areas:</p> <ul style="list-style-type: none"> a. canopy trees for upper-level screening and softening of buildings, privacy and shade (a mixture of small to large trees can be used for different purposes but the site must contain large canopy trees b. shrubs for mid-level screening and demarcation of spaces and uses (a mixture of low to tall shrubs are to be used for different purposes) c. groundcovers for low-level screening, soil stabilisation and weed reduction 	<p>C1. The landscape plan comprises predominantly native planting. Eastern Suburbs Banksia Scrub and Estuarine Reedland plant species have been utilised in the landscape areas and to frame the dry beds. Native species have been selected so the landscaping will be low maintenance. All planting proposed will be native with a large majority being of locally indigenous species deriving from the Eastern Suburbs Banksia Scrub and Estuarine Reedland plant communities. Refer to the Plant Schedule on SSD-109.</p> <p>C2. Native planting is proposed in deep soil areas.</p> <p>C3. A layered landscaping approach has been proposed. Refer to planting matrices and plant schedule on SSD-107 & SSD-109 for details on species proposed.</p>	<p>Section 6.6</p>



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C4. Tree species must be of a suitable scale for the development and size of buildings on a site and soften the ends and corners of buildings. A list of suitable trees and plants for residential sites can be found in this DCP.</p> <p>C5. Shrubs are to be densely planted and trees spaced and located according to their mature size. Close spacing of certain species of trees may be used for screening.</p> <p>C6. Trees must be planted within properties to maximise tree cover as specified by a qualified landscape architect.</p> <p>C7. To minimise irrigation requirements, native planting of low water requirements is required for all planting in natural soil. Irrigation is required for planting on slab only.</p> <p>C8. Plant species suited to the local soils will be selected to reduce the need for large quantities of soil improvement, fertilisers or pesticides.</p> <p>C10. To allow adequate lateral root space and soil volume for medium to large canopy trees, the front setback area must be on one level or at a slightly battered grade rather than terraced, stepped or containing narrow planter boxes.</p> <p>C11. Lawns are generally not permitted (except on rear yards of detached dwellings) since they are generally not water efficient or as effective as trees and shrubs in screening, ameliorating buildings and structures and enhancing the streetscape and public domain. Native groundcovers can be used in open areas instead.</p>	<p>C4. The tree species selected are of a suitable scale for the development and size of buildings on the site and soften the ends and corners of buildings. Tall canopy trees of Eucalyptus gummifera have been proposed along Kent Road. These trees are a suitable scale for the development capable of reaching a height of 20-25m.</p> <p>C5. Shrubs have been proposed to be densely planted amongst trees, which are being utilised for screening.</p> <p>C6. Trees are proposed to be planted within the property. Refer to SSD-102 to SSD-109 in the Landscape Detail Drawings for proposed tree locations and species.</p> <p>C7. Native species have been selected so the landscaping will be low maintenance.</p> <p>C8. Plant species selected are all native and locally indigenous to ensure they're suitable to grow in the existing soil conditions.</p> <p>C10. All landscape setbacks proposed are wider than 7m which is a generous amount of area to ensure adequate lateral space for canopy trees</p> <p>C11. Lawn is not proposed on the site. Groundcovers and grasses will be used.</p>	
3.8.1 Tree Preservation and Management Controls	<p>C6. Tree works approved with a Development Application lapse if the consent lapses or becomes invalid, void or surrendered. A copy of the Development Consent must be presented on demand to Council's authorised officers and the Arborist engaged to undertake the approved tree works.</p> <p>C7. Tree works approved in a DA must only be undertaken once construction has substantially commenced.</p> <p>C8. The following matters are considered by Council in the assessment of a tree permit application or development application for trees or vegetation on all land (public and privately owned):</p>	<p>C5. Noted.</p> <p>C7. Noted.</p> <p>An Aboricultural Impact Assessment has been provided by Civica at Appendix MM. This report addresses C8, C9, C10, C11</p> <p>C16. The new driveway crossovers are r located a minimum distance of 3 metres from the trunk of an existing street tree</p>	Section 6.6



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>a. Whether the tree or vegetation has significance or value (amenity, aesthetic, environmental);</p> <p>b. Whether the tree is heritage listed, located on a site with a heritage item or in a Heritage Conservation Area, on any significant tree list or listed under State or Federal legislation;</p> <p>c. Whether removal will impact on local biodiversity, habitats or the quality and quantity of healthy tree canopy;</p> <p>d. Whether the clearing of vegetation or work near it directly or indirectly impacts on a vegetation community protected by State or Federal legislation;</p> <p>e. The health or condition of the tree or vegetation, whether the tree or its branches are dead, dying, diseased or structurally unsound and the tree's Safe Useful Life Expectancy (SULE);</p> <p>f. Whether the tree is dangerous, hazardous or a public nuisance;</p> <p>g. Proximity to and interference (current and future) with existing or proposed buildings, structures, utilities or vehicle sightlines;</p> <p>h. Impact on the development potential of the land;</p> <p>i. Whether the tree will be adversely impacted by a development proposal (its canopy and/or root system) and whether alternatives have been considered for building or structure layout, design, or siting; and</p> <p>j. Whether the tree forms a valuable component of the streetscape.</p> <p>C9. Council will not support Development Applications for tree removal in the following circumstances: a. the shedding of leaves, bark fruits, flowers, sticks or the like which are part of the normal life cycle of a tree;</p> <p>a. to minimise the inconvenience caused by animals and insects, including the dropping of fruit and bird droppings;</p> <p>c. to reduce the height of a tree (topping) which is not in accordance with the relevant Australian Standards;</p> <p>d. to facilitate the construction of a driveway or structures, including swimming pools, outbuildings or fences. Alternative locations of such structure must be sought;</p> <p>e. lifting pavements.</p> <p>f. Tree removal is the final option when all other avenues for management have been investigated;</p> <p>g. Sewer chokes where an aged/faulty sewer system has not been replaced with PVC to the mains supply.</p> <p>C10. Council requires an Arborist Report, prepared by a suitably qualified and experienced consulting Arborist within a minimum qualification of Australian Qualification Framework Level 5, for development applications that affect trees or vegetation in the following circumstances:</p>		



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>a. heritage listed or located on a site with a heritage item or within a Heritage Conservation Area</p> <p>b. considered to be locally significant (as determined by Council)</p> <p>c. is within 5 metres of a proposed development</p> <p>d. potential for the tree to be impacted on by development</p> <p>e. Council determines additional or more detailed information is deemed necessary</p> <p>C11. An Arborist Report, if required, must address the following:</p> <p>a. company details, qualifications and experience of the Arborist/s</p> <p>b. person or company for whom the report is prepared</p> <p>c. date of inspection</p> <p>d. aims of the report</p> <p>e. address of the site and site plan</p> <p>f. methods and techniques used in the inspection</p> <p>g. whether the tree is heritage item or on a site containing a heritage item</p> <p>h. the tree/s size, age, condition/health, estimate of longevity, critical and primary and structural root zones and other pertinent information relating to tree root structure or distribution, significance value/rating, amenity value, previous pruning, structural defects or damage and any other relevant considerations such as wildlife, habitats, soil, drainage etc.</p> <p>i. potential impacts on the tree/s as a result of the proposed development or construction work</p> <p>j. tree retention and protection options, including construction techniques involving footing design, excavation and scaffolding, and building or structural modifications</p> <p>k. recommendations for future of trees to be retained, including branch or root pruning</p> <p>l. recommend mitigation or compensatory measures where there is a loss of amenity with tree removal or proving</p> <p>m. demonstrate how the proposal complies with AS4970-2009 – protection of Trees on Development Sites for trees to be removed and retained and AS4373-2007 – Pruning of Amenity Trees</p> <p>n. supporting evidence such as photographs, testing, root mapping and aerial inspection findings.</p> <p>C16. New or widened driveway crossovers are required to be located a minimum distance of 3 metres from the trunk of an existing street tree. Advice should be sought from Council for large street trees as an offset of up to 5 metres may be required.</p>		



Statutory Reference	Consideration	Relevance	Section in Amending Report
3.8.2 Tree and Vegetation Offset Controls	<p>C1. Council will not accept tree offsetting if:</p> <ul style="list-style-type: none"> a. An applicant has not demonstrated that all alternatives to a development proposal and all measures to mitigate impacts have been considered; b. The need for an offset has not been justified and the offset has not been shown to address and satisfy the principles of this policy; c. A development has enough soil and space to include new canopy trees within a site as part of the development proposal; d. The impacts of a development are considered to be minor in nature or could reasonably be avoided or mitigated. <p>C3. The following tree replacement ratios are to be used for tree replacements within the site bounds (on-site). Type of proposal - Ratio</p> <ul style="list-style-type: none"> - Alterations and additions - 2:1 - New single dwelling or dual occupancy - 3:1 - New medium density development - 5:1 - New high-density development - 8:1 - Application to remove a tree only (no proposed development) - 2:1 - Application to remove a tree only (due to safety or risk to infrastructure) - 1:1 <p>C4. Where Council determines that on-site replacement is not appropriate there is an opportunity for off-site replacement subject to a Deed of Agreement and monetary contribution (as outlined in Council's Fees & Changes) with the Council to facilitate replacement planting on public land. Any tree offsets occurring off-site and/or on public land must comply with the below: Type of proposal - Ratio</p> <ul style="list-style-type: none"> - Alterations and additions - (on public land by Deed of Agreement) - 2:1 - New single dwelling or dual occupancy - 3:1 - New medium density development - 5:1 - New high-density development - 8:1 - Application to remove a tree only - (no proposed development) - 2:1 - Application to remove a tree only - (due to safety or risk to infrastructure) - 1:1 <p>C5. All replacement trees must be consistent with the tree list requirements in Council's Landscape Technical Specification.</p>	<p>C1. The proposal comprises the planting of 110 trees to replace 49 trees subject to removal. There is an opportunity for further discussions with council for tree offsetting above this.</p> <p>C3. The site is subject to a replacement ratio of 3:1. The proposed development will not achieve this rate, as it is not feasible to achieve this on the site. As shown on the Landscape Plans, landscaping has been maximised across the site and results in significantly more landscaping than existing.</p> <p>C4. As noted above, there is an opportunity for further discussions with council for tree offsetting above this.</p> <p>C5. Noted.</p>	Section 6.6
3.9 Stormwater Management and Water Sensitive Urban Design	<p>C1. All development is to be consistent with Bayside Technical Specification Stormwater Management relating to stormwater management and WSUD.</p> <p>C2. Development must comply with the WSUD provisions outlined in Section 3.7 of this DCP (Landscaping and Biodiversity).</p>	<p>C1. A Stormwater Management Plan has been prepared by TTW at Appendix Y. This plan addresses Bayside Technical Specification Stormwater Management.</p>	Section 6.13.2



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C3. Certain developments are to provide stormwater systems that minimise stormwater run-off from the site as detailed in the technical specification.</p> <p>C4. Any building proposed over or near Council's stormwater assets requires approval by council.</p>	<p>C2. The development complies with the WSUD provisions outlined in Section 3.7</p> <p>C3. Stormwater runoff will be managed by the implementation of two above ground OSDs tanks. OSD 1 has a volume capacity of 280m³ and OSD 2 has a capacity of 252m³</p> <p>C4. The building is not proposed over Councils stormwater assets.</p>	
3.11 Contamination	<p>C1. All sites must be evaluated to determine if the proposed development is on land suspected to have been used for a potentially contaminating activity or is potentially contaminated.</p> <p>C2. If any information suggests that contamination is, or may be, present, or there is a lack of historical knowledge of potentially contaminating uses on the site, the site must be investigated in accordance with the NSW EPA adopted Guidelines under the Contaminated Land Management Act, all Nationally relevant guidelines and current industry best practice.</p> <p>C3. If assessment of the site is required, information about the nature, extent and degree of contamination must be provided to Council prior to determination of the application in accordance with the NSW Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (2020) and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) Schedule B.</p> <p>C4. The following stages, as outlined in the NSW Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (2020) and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) Schedule B, must be followed:</p> <p>a. Provide a Preliminary Site Investigation (PSI) to assess whether contamination is or has the potential to exist on the site and whether further investigation is needed or if the information provided is determined by Council to be insufficient to assess the proposal.</p> <p>b. Provide a Sampling and Analysis Quality Plan (SAQP) when a Detailed Site Investigation (DSI) is required as the results of a Preliminary Site Investigation.</p> <p>c. Provide a Detailed Site Investigation (DSI) when the results of a Preliminary Site Investigation (PSI) indicate the site has been or may have been used for a potentially contaminating activity (see investigation must include a statement</p>	<p>C1. A PSI, DIS RAP have been prepared by Senversa at Appendix CC, DD and EE respectively.</p> <p>C2. Potential contaminants were found, hence the DSI was undertaken.</p> <p>C3. These are addressed in the DSI.</p> <p>C4. The DSI found that a RAP and ASSMP should be prepared. Following remediation works a Site Remediation and Validation Report can be prepared.</p> <p>C5. Each report has been prepared in accordance with the relevant guidance.</p> <p>C6. Noted.</p> <p>C13. All soil used in landscaping will meet the applicable NSW EPA Guidelines and National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (amended 2013).</p> <p>C14. This will be determined with the RAP</p> <p>C15. Deep soil zones will be remediated to provide a planting substrate suitable for the growth of plants, where required.</p> <p>C16. Noted.</p>	Section 6.14



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>which describes whether the site is suitable for the proposed use, or if remediation is necessary.</p> <p>d. Where appropriate, provide a Site Specific Risk Assessment if concentrations of contaminants exceed Tier 1 assessment criteria and indicate that further investigation or evaluation is required, if assessment criteria are not available for certain contaminants, or where further assessment is required to reduce uncertainties and consider site-specific conditions.</p> <p>e. Provide a Remedial Action Plan (RAP) if the Detailed Site Investigation (DSI) indicates that contamination has the potential to pose an unacceptable risk to human health or the environment (on- or off-site), under the proposed land-use or proposed development, and remediation of soil or groundwater is required. The RAP must clearly state remediation objectives and document the process to remediate the contaminated site.</p> <p>f. Provide a Site Remediation and Validation Report, when remediation or management of contaminated soil or groundwater is required, to detail the site work undertaken and demonstrate compliance with contaminated land guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997 and all other applicable regulatory requirements. The site remedial work must be validated to ensure the objectives stated in the RAP have been achieved including whether the site is suitable for the proposed use.</p> <p>g. Provide an Environmental Management Plan (EMP) when required by an RAP and approved by Council when full clean-up is not feasible or when there is on-site containment of the contamination. Council must be consulted before any EMP is issued and the feasibility of implementing the plan over the long-term must be clearly shown. Reports may be presented separately or, where appropriate, combined (e.g. preliminary and detailed site investigations).</p> <p>C5. Each Stage must be prepared in accordance with the Guidelines adopted or set out by the NSW EPA including the NSW Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (2020), the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM), the SEPP (Resilience and Hazards) and Managing Land Contamination Guidelines (as amended).</p> <p>C13. All soil used in landscaping must meet the applicable NSW EPA Guidelines and National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (amended 2013).</p> <p>C14. Where sites are to be capped or contained to manage contamination, the required minimum deep soil zones are to still be provided for the development site and capping or containment shall not limit the deep soil planting and species selection.</p>	<p>C17. Noted.</p>	



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C15. Deep soil zones must be remediated to provide a planting substrate suitable for the growth of plants.</p> <p>C16. The use of mounded areas or planter boxes in sites with capping or containment in lieu of deep soil zones is prohibited.</p> <p>C17. A landscape plan identifying deep soil zones and any proposed capping and containment areas is to be submitted when consolidation and isolation of the soil on-site by containment within a properly designed barrier, or when an appropriate management strategy is used.</p>		
3.12 Waste Minimisation and Site Facilities	<p>Demolition and Construction</p> <p>C1. Development is to be consistent with Council's Waste Management DCP Technical Specification 2022 and all development applications are required to submit a Waste Management Plan consistent with this Technical Specification.</p> <p>C2. New development must also comply with the provisions related to Waste Collection in accordance with Sub-section 3.5.7 of this DCP.</p> <p>a. A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the Site Waste Recycling Management Plan (SWRMP).</p> <p>b. Separate construction waste collection bins or construction waste storage areas are to be provided giving consideration to slope, drainage, vegetation, access and handling requirements and may include:</p> <ul style="list-style-type: none"> i. Landfill waste; ii. Recyclable waste; iii. Materials to be re-used on-site; and / or iv. Excavation materials. <p>c. Records are to be retained on-site demonstrating lawful disposal of waste.</p> <p>d. Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP.</p> <p>e. Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy.</p> <p>f. All materials are to be stored in way that:</p> <ul style="list-style-type: none"> i. Prevents damage from the elements, and reduces odour, health risks and windborne litter; and ii. Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff). 	<p>C1. A WMP has been prepared by SLR Consulting at Appendix FF. The WMP has been prepared with regard to Council's Waste Management DCP Technical Specification 2022</p> <p>C2. Construction waste management has been detailed in the WMP.</p> <p>C3. Noted.</p> <p>C4. A Hazardous Materials Survey has been prepared by Work Science at Appendix GG. The disposal of hazardous materials will be appropriately managed on the site.</p>	Section 6.17



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C3. All sandstone must be re-used on site or reclaimed through an appropriate contractor.</p> <p>C4. Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act 1997, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy.</p>		
	<p>Ongoing Management – All Other Development</p> <p>C1. Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment.</p> <p>C2. Waste storage rooms or areas are to be located a maximum 10m from pick up point. Waste rooms are not to be used for any purpose other than the storage of waste.</p> <p>C3. Waste and recycling receptacles must be stored at all times within the boundary of the site and concealed from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.</p> <p>C4. All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.</p> <p>C5. Waste and recycling storage rooms must be:</p> <ul style="list-style-type: none"> a. Enclosed to prevent noise, odour and visual impacts; b. Designed to store the entire fleet of bins plus 0.2m between bins to allow adequate manoeuvrability room; c. Designed with a 1.8m unobstructed clearance zone between the stored bins and the entrance for access and manoeuvrability; d. Designed with suitable door and corridor access to enable bin movement; e. Constructed of concrete or other approved materials at least 75mm thick; f. Finished with a smooth even surface to be easily cleaned; g. Coved at the intersection with walls and plinths with a ramp to the doorway where necessary; h. Graded and drained to the sewerage system and approved by Sydney Water; i. Fitted with a close fitting and selfclosing door that can be opened from within the room; j. Designed with adequate lighting and naturally/mechanical ventilation to meet Building Code of Australia requirements; 	<p>C1. Sufficient space has been provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections</p> <p>C2. The waste storage rooms are located within 10m from the pick up point.</p> <p>C3. Waste and recycling receptacles will be stored at all times within the boundary of the site and will not be visible to the public.</p> <p>C4. All waste and recycling will be inside Council approved bins or skips, with lids</p> <p>C5. The waste storage room is located adjacent to the loading area, providing unobstructed access to the bins.</p> <p>C6. The waste storage room provides adequate storage for waste to accommodate future change of use.</p> <p>C7. The kitchen, office tea rooms, and the like have been designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.</p> <p>C9. Sufficient storage space will be provided</p>	<p>Section 6.17</p>



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>k. Fitted with smoke detectors in accordance with the relevant Australian Standards;</p> <p>l. Equipped taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency;</p> <p>m. Designed to include a clear and easy-to-read “NO STOPPING” sign and “DANGER” sign on the external face of waste storage rooms where appropriate;</p> <p>n. Designed to ensure waste-water from the cleaning of the waste storage area and bins, is not to drain into the stormwater system; and</p> <p>o. Fitted with childproof compacters or mechanical devices where used in the storage of waste.</p> <p>C6. All new developments are to provide adequate storage for waste to accommodate future change of use, including increased waste generation rates and grease traps.</p> <p>C7. Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.</p> <p>C9. Sufficient space must be allocated within the building for the storage of reusable items such as crates and pallets.</p>		
3.14.2 Acoustic Privacy – Non-residential	<p>C1. A development application for a new building or for a change of use of an existing building, for a non-residential use that is likely to generate external noise, must be accompanied by a Noise Impact Assessment. This report must be prepared by a suitably qualified acoustic consultant that demonstrates compliance with relevant controls and standards within state planning policies and NSW EPA guidelines (e.g. EPA Noise Policy for Industry 2017).</p> <p>C2. Where a Noise Impact Assessment is required, it is to identify:</p> <ol style="list-style-type: none"> relevant noise criteria based on the POEO (Noise Control) Regulations 2017 guidelines & Council's Noise Criteria; all sources of noise; and noise emission levels. <p>It must then outline proposed measures to mitigate the impacts of noise generated by the new development on other activities in the vicinity. It should take into account Approved Methods for measurement and Analysis of Environmental Noise in NSW (EPA 2022).</p> <p>C3. Sources of noise such as garbage collection, deliveries, ventilation systems, parking areas and air-conditioning plants are to be sited away from adjoining</p>	<p>C1. A Noise and Vibration Impact Assessment has been provided by SLR Consulting at Appendix U. This report demonstrates compliance with relevant controls and standards within state planning policies and NSW EPA guidelines.</p> <p>C2. The Noise Assessment addresses the controls listed in C2, as well as proposed measures to mitigate the impacts of noise generated by the new development.</p> <p>C3. An acoustic screening treatment has been proposed to address acoustic concerns.</p> <p>C4. Vibration transmitted during construction is within the acceptable limits based on the Protection of the Environment Operations Act 2017.</p>	Section 6.7



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>properties, where practicable, and be screened by walls or other acoustic treatment if necessary.</p> <p>C4. Vibration transmitted must be within the acceptable limits based on the Protection of the Environment Operations Act 2017 and the POEO (Noise Control) Regulations 2008 guidelines.</p>		
3.18 Utilities and Mechanical Plant	<p>C1. Any electrical kiosk, fire booster assembly or similar utilities will be:</p> <ul style="list-style-type: none"> a. in a location that is visible from the main entrance of the development b. unable to be obstructed c. readily accessible to vehicles and service staff <p>C2. Fire booster assemblies are to be a minimum of 10m distance to an electrical kiosk and housed within the external face of the building structure or in a built enclosure with screen doors.</p> <p>C4. New site facilities such as mail boxes and electricity sub-stations and utilities such as fire hydrant booster valves, substations, water storage tanks shall be designed and/or sited so that they enhance the development.</p> <p>C5. New site facilities shall be situated so that there is satisfactory vehicular access by service personnel and vehicles.</p>	<p>C1. The fire booster assembly is located on the east of the site, visible from the main entrance, unable to be obstructed and readily accessible</p> <p>C2. The fire booster assembly is more than 10m away from the electrical substation</p> <p>C4. The new facilities have been integrated into the overall design of the data centre</p> <p>C5. New site facilities have been situated so that there is satisfactory vehicular access by service personnel and vehicles</p>	Section 6.18

Section 6 – Non-Residential Development

6.1.1 General Controls	<p>C1. A street number for the property is to be clearly identifiable from the street.</p> <p>C2. Air conditioners must not be installed on street awnings or the front façade of buildings.</p> <p>C3. Maintain limited advertisements and business signage to minimise visual impact.</p> <p>C5. Buildings must address the street and their entries must be readily apparent from the street.</p>	<p>C1. A street number will be visible from the street</p> <p>C2. Air conditioners will not be installed on street awnings or the front façade of buildings.</p> <p>C3. Business signage will be limited to that required by Goodman.</p> <p>C5. The entry will be apparent from the street</p>	Appendix G
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Statutory Reference	Consideration	Relevance	Section in Amending Report
	C7. No less than 10% of the development site shall be landscaped on all non-residential development sites. On sites over 2,000sqm, the front landscaped setbacks are additional to the 10% requirement. The majority of land-scaping shall front the streets to which the development has a frontage and include side and rear landscaped are-as. Note: Landscaping setbacks are to be free from overhangs, hard elements such as paths, ramps, substations, fire hydrant boosters, signs, parking (both above ground and underground) and advertising structures (including pole signs). This quantity of landscaping may be used in calculating 10% landscaped area on sites with an area below 2,000m ² .	C7. 21.7% of the site will be landscaped. A majority of the landscaping is contained within the three frontages.	Section 6.6
	C8. Existing trees, including Council street trees and trees on neighbouring properties, are to be retained and adequate provision allowed for the protection of their primary root zone and canopy when locating new buildings, driveways and parking areas (refer to Part 3.8 - Tree Management).	C8. Trees are being retained, where possible.	Section 6.6
6.1.2 Fences	<p>C2. New fences and walls are to be constructed of robust and durable materials which reduce the possibility of graffiti.</p> <p>C3. Fences should not be constructed in floodways. Where this is unavoidable fences are to be of open construction that will not restrict the flow of floodwaters.</p> <p>C4. Gates must not encroach over the street alignment when opening or closing.</p> <p>C6. Fences are to be located behind the street frontage landscaped area or incorporated within the landscaped setback. All fencing along the street frontage is required to be permeable metal palisade or picket powder coated in a suitable colour, dark colours are preferable. Maximum height forward of the building line is 1.8 metres on street frontages.</p> <p>C7. Chain wire is permitted only on the side and rear boundaries with commercial or industrial developments, commencing at the front building alignment - not the front boundary. All chain wire fencing is required to be black PVC coated.</p> <p>C11. Solid metal panel fences of any height are not permitted along the street frontage or in front of the building alignment.</p> <p>C12. Access gates shall be hung so that the direction of swing is inward.</p> <p>C13. Fences adjacent to access driveway / vehicular crossings are to be designed and constructed to ensure adequate sight distances can be maintained in accordance with the requirements of AS2890.1 and AS2890.2</p>	<p>C2. The new security fencing around the perimeter will be constructed of robust and durable materials</p> <p>C3. Fences are not proposed in a floodway</p> <p>C4. Gates will not encroach over the street alignment</p> <p>C6. Fences will be located behind the street frontage landscaped area and incorporated within the landscaped setback.</p> <p>C7. The security fencing is required on all boundaries, due to the use of the site as a data centre.</p> <p>C11. Solid metal panel fences of any height are not proposed.</p> <p>C12. Access gates will not swing outward.</p> <p>C13. Fences adjacent to access driveway / vehicular crossings will be designed and constructed to ensure adequate sight distances can be maintained in accordance with the requirements of AS2890.1 and AS2890.2</p>	Refer to EIS and Appendix H



Statutory Reference	Consideration	Relevance	Section in Amending Report
Section 6.4 Industrial Premises			
General	<p>C1. Industrial development is to comply with the following:</p> <ul style="list-style-type: none"> a. site operations and equipment associated with a development are to be contained wholly within the site b. building design and site layout shall allow for an efficient and safe system for manoeuvring, loading and unloading, and parking of vehicles within the site <p>C3. An industrial development should be designed to locate sources of noise such as garbage collection, loading/unloading areas, air conditioning plant/other machinery, and parking areas away from adjoining residential properties.</p> <p>C4. Local road networks within the LGA are not to be adversely affected as a result of the operations of an industrial or business use.</p> <p>C5. Buildings are to provide basic amenities for workers and visitors including a designated staff room or area that is:</p> <ul style="list-style-type: none"> a. adequately furnished for staff b. provided with attached kitchen/kitchenette with a fridge, microwave, sink and tea/coffee making facilities <p>C6. For sites in excess of 1,000m², an outdoor staff recreation area is to be provided with the following configurations:</p> <ul style="list-style-type: none"> a. a minimum of 16m², with a minimum dimension of 3 metres; b. ideally located in either: <ul style="list-style-type: none"> i. the front building setback ii. in an upper floor balcony iii. in an enclosed courtyard iv. in any other landscaped setting on the site c. designed to include a table and chairs d. designed to allow at least 6m², to receive direct sunlight for the four hours between 10AM and 2PM during mid-winter; and e. provide shading in summer. <p>C8. Lighting is to be provided at all building entry and exit points to ensure safe access. External lighting to an industrial development must consider the impact of glare on the amenity of adjoining residents.</p>	<p>C1. Site operations and equipment will be contained within the site. The building design and site layout allows for an efficient and safe system for manoeuvring, loading and unloading, and parking of vehicles within the site</p> <p>C3. The noise generating sources have been largely located within the building, away from residential receivers.</p> <p>C4. The proposed development is expected to result in a net <i>decrease</i> in traffic generation of 5 vehicle trips during the AM network peak period and 21 vehicle trips during the PM network peak period, compared to the traffic generation of the existing development.</p> <p>C5. The building will provide amenities for staff</p> <p>C6. An outdoor space is provided on the Level 3 Mezzanine for staff</p> <p>C8. Lighting will be provided at all building entry and exit points to ensure safe access.</p> <p>C9. Floor space has been appropriately distributed across the site</p> <p>C10. The street setbacks are consistent with the DCP controls.</p> <p>C11. The built form will address the street with louder infrastructure located internally in the building.</p> <p>C12. Loading facilities and car parking is not located along the main frontage.</p>	Section 6



Statutory Reference	Consideration	Relevance	Section in Amending Report
Site Planning and Setbacks	<p>C9. Floor space is to be distributed on the site to ensure the scale of the building reinforces the role of the street and buildings are arranged and aligned to create a pleasant working environment.</p> <p>C10. The street setback of an industrial building must respond to the desired street setback and the future character statement of the street. Where the setback of adjoining buildings is inconsistent, the building should be consistent with the dominant setback found along the street.</p> <p>C11. For sites with a road frontage to residential areas:</p> <ul style="list-style-type: none"> a. buildings are to address the street, with restricted access points; and b. warehouse/factory functions as well as car parking, manoeuvring areas, loading and unloading facilities are to be located away from the residential areas. <p>C12. Industrial development is to avoid locating loading and unloading facilities and the majority of car parking along the main frontage.</p>		
	C13. Not less than 10% of the development site shall be landscaped. On sites over 2,000m ² the front landscaped setbacks are additional to the 10% requirement. The majority of landscaping shall front the street/s to which the development fronts and include side and rear landscaped areas.	C13. 21.7% of the site will be landscaped. A majority of the landscaping is contained within the three frontages	Section 6.6
	C14. Setbacks are to be in accordance with the following table:	<p>C14. The following setbacks are proposed:</p> <p>Primary</p> <p>Ricketty Street:</p> <ul style="list-style-type: none"> • Building: 9m-20m – Compliant • Landscape: 7m minimum – Compliant <p>Gardeners Road:</p> <ul style="list-style-type: none"> • Building: 9m – Compliant • Landscape: 7.8m – Compliant <p>Secondary</p> <p>Kent Road:</p>	Section 6.1.3



Statutory Reference	Consideration	Relevance	Section in Amending Report																		
	<table><tr><th>Boundary</th><th>Landscape Setback</th><th>Building Setback</th></tr><tr><td>Front – to a non-classified road (Refer to Notes)</td><td>3 metres</td><td>9 metres (Refer to Notes)</td></tr><tr><td>Front – to a classified road (Refer to Notes)</td><td>4 metres</td><td>9 metres (Refer to Notes)</td></tr><tr><td>Side – adjoining a non-residential use/zone including lanes</td><td>2 metres</td><td>2 metres (Refer to Notes)</td></tr><tr><td>Side – adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape</td><td>3 metres</td><td>3 metres (Refer to Notes)</td></tr><tr><td>Rear – (Refer to Notes)</td><td>Nil to 3 metres</td><td>Nil to 3 metres</td></tr></table> <p>Note: Greater setbacks will be required for bulky, hazardous and noise or odour generating activities.</p> <p>Note: Building setback relates to new building works. Underground parking is to be situated underneath the building footprint. The building setback is inclusive of the landscape setback required within the above Table.</p> <p>Note: Landscaping setbacks are to be free from overhangs, hard elements such as paths, ramps, substations, fire hydrant boosters, signs, parking (both above ground and underground) advertising structure (including pole signs). This quantity of landscaping may be used in calculating 10% landscaped area on site with an area below 2,000m².</p> <p>Note: Awnings and verandas along classified roads should be set back a minimum of 1.5m from the kerb. Awnings and verandas along local roads that intersect with classified roads should be set back a minimum of 1.5m from the kerb for a distance of up to 100m from the intersection with the classified road. At any signalised intersections (on local roads or classified roads), awnings and verandas should be set back a minimum of 1.5m from the kerb for a distance of up to 100m from the signalised intersection.</p> <p>C15. Development on a corner-lot site is to provide:</p> <p>a. a minimum 9m building setback to the main street/road</p> <p>b. a minimum 3m building setback to the secondary road/street</p>	Boundary	Landscape Setback	Building Setback	Front – to a non-classified road (Refer to Notes)	3 metres	9 metres (Refer to Notes)	Front – to a classified road (Refer to Notes)	4 metres	9 metres (Refer to Notes)	Side – adjoining a non-residential use/zone including lanes	2 metres	2 metres (Refer to Notes)	Side – adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape	3 metres	3 metres (Refer to Notes)	Rear – (Refer to Notes)	Nil to 3 metres	Nil to 3 metres	<ul style="list-style-type: none">Building: 9m minimum – CompliantLandscape: 3m-8.2m – Compliant <p>Western Setback:</p> <ul style="list-style-type: none">Building: 19.5m – 29.5m – CompliantLandscape: 2m-12.6m – Compliant <p>C15. See above. The setbacks are compliant.</p> <p>C16. A minimum 3m setback is provided to Kent Road, which is opposite a residential zone.</p> <p>C19. Setbacks have been designed to retain trees wherever possible.</p> <p>C20. No part of the main building or associated structures encroach onto the setback areas,</p> <p>C21. All car parking is located on the western portion of the site.</p> <p>C23. Building entrances will be clearly defined.</p> <p>C24. Access to each entrance will be provided by a safe direct route</p>	
Boundary	Landscape Setback	Building Setback																			
Front – to a non-classified road (Refer to Notes)	3 metres	9 metres (Refer to Notes)																			
Front – to a classified road (Refer to Notes)	4 metres	9 metres (Refer to Notes)																			
Side – adjoining a non-residential use/zone including lanes	2 metres	2 metres (Refer to Notes)																			
Side – adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape	3 metres	3 metres (Refer to Notes)																			
Rear – (Refer to Notes)	Nil to 3 metres	Nil to 3 metres																			



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>c. enable sufficient sightlines from traffic in accordance with the relevant Australian Standard (AS2890.1)</p> <p>C16. A minimum 3 metre side or rear building setback is required for any building abutting a residential property. This setback is to be increased by one metre for every additional metre in height for the proposed development, above 5 metres in building height.</p> <p>C17. Where a new building or alterations and additions to an industrial building is proposed abutting a residential property the front building line setback is to complement the front building line setback of the adjoining residence.</p> <p>C19. Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties).</p> <p>C20. No part of the main building and other structures (including basement car parks, driveways, or OSD/infiltration system) are to encroach into the setback area.</p> <p>C21. Visitor car parking for industrial development (excluding multi-unit industrial development) may be provided at the front of buildings behind the setback required under the relevant sections of this DCP.</p> <p>C23. Building entrances are to be clearly defined and located so that visitors can readily distinguish the public entrance to each building.</p> <p>C24. Access to each entrance is to be provided by a safe direct route, avoiding potential conflict with vehicles manoeuvring on site.</p>		
Building Design	<p>C26. Building form is to provide visual interest through an articulated façade, such as projecting wall elements, shading devices, legible building entrances, and a variation in texture / finishes / materials.</p> <p>C27. Building frontages should be articulated with the use of brick, stone, concrete, glass (nonreflective), and like materials, but not concrete render.</p> <p>C28. Building design is to:</p> <ul style="list-style-type: none"> a. address the street frontage b. highlight any non-industrial aspects (such as the office section) of the development c. locate administration office or showroom to the front of the building d. provide regular modulation to the façade or division of massing e. locate the front entrance to address the street frontage 	<p>C26. Refer to Architectural Design Report provided by Grimshaw at Appendix H.</p> <p>C27. Refer to Architectural Design Report provided by Grimshaw at Appendix H.</p> <p>C28. Refer to Architectural Design Report provided by Grimshaw at Appendix H.</p> <p>C29. Landscaping will provide screening along each boundary.</p>	Section 6.1



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>f. clearly define and articulate building entrances through form, materials and colour</p> <p>g. provide level or ramped access</p> <p>h. locate waiting areas and entries to lifts and stairwells to be near areas of active use and visible from building entrances</p> <p>i. position windows on the upper floors of a building to overlook the street</p> <p>j. apply variation in unit design and layouts</p> <p>k. introduce solid surfaces, preferably masonry, and incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations</p> <p>l. avoid bulky roof forms or extensive blank facades in a single material or colour, particularly when visible from the public domain</p> <p>m. ensure above ground rainwater tanks shall not be visible from the public domain</p> <p>n. ensure open storage areas shall not be visible from any public place and clearly defined on plan application.</p> <p>C29. Where blank walls on street frontages are unavoidable in new construction, they must be screened by landscaping. External finishes must be robust and to a high standard to minimise the potential for graffiti or other vandalism. An anti-graffiti coating may be required where buildings adjoin a public place or accessible from an open area that is not secured by fences.</p>		
Landscaping	<p>C32. A minimum of 10% of the development site is to be landscaped. On sites over 2000m² the front landscaped setbacks are additional to the 10% requirement. The majority of landscaping shall front the street/s to which the development fronts and include side and rear landscaped areas.</p>	<p>C32. 21.7% of the site will be landscaped. A majority of the landscaping is contained within the three frontages</p>	Section 6.6
	<p>C33. Landscaping is to be designed to:</p> <ul style="list-style-type: none"> a. ameliorate the bulk and scale of industrial and business park buildings b. shade and ameliorate large expanses of pavement and surfacing c. create a comfortably scaled environment for pedestrians in the public domain or from within the site d. screen utility areas and the like <p>C34. The majority of landscaping is to front the street/s to which the development fronts and include side and rear landscaped areas. The landscape strip at the street frontage must not obstruct opportunities for passive surveillance of the street. The preferred planting are ground covers and low shrubs with larger canopied trees which allow clear sightlines at eye level.</p>	<p>C33. Refer to Landscape Report provided by Geoscapes at Appendix K.</p> <p>C34. A majority of the landscaping is concentrated to the street frontages.</p> <p>C35. Noted.</p> <p>C37. Trees will be planted across the Kent Road boundary to provide screening to the adjacent residential properties.</p> <p>Tall Eucalyptus trees are proposed along the extent Kent Road for continuous screening of the frontage. Evergreen shrubs and groundcovers will</p>	Section 6.6



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C35. The kerb and gutter, concrete footpath (or paved footpath) and any associated works along all street(s) frontages of a site shall be constructed and/or reconstructed at the full cost of the developer.</p> <p>C37. The setback area adjoining a residential property is to be densely landscaped with evergreen trees and shrubs, which at maturity will screen the development from the residence. Details of the proposed planting are to be provided on a landscape plan to be submitted with the Development Application.</p> <p>C38. Internal green spaces are to be provided in the form of internal courtyards, signature planting, green walls or other forms where accepted by Council.</p> <p>C39. Canopy trees are to be planted liberally throughout the development and with a contiguous, even distribution to reduce the scale and bulk of buildings, unify buildings with the landscape and open spaces, enhance the streetscape and provide shade and canopy cover over the site. Minimum tree size is 100 litre. Tree selection shall be in scale with building heights and shall be strategically located, for example, to soften the ends and corners of buildings. Canopy trees strongly influence the impacts of a development on the streetscape.</p>	<p>include species such as Melaleuca squamea and Kunzea ambigua both capable of reaching 2m in height and screen the development from neighbouring residences. Refer to Plant Schedule on SSD-109 for proposed species.</p> <p>C38. A communal open space is provided on the Level 3 Mezzanine.</p> <p>The overall landscape strategy is to 'rewild' the landscaping through proposing Eastern Suburbs Banksia Scrub planting and providing staff amenity within this landscape in the form of meandering pathways and outdoor respite spaces</p> <p>C39. Trees are proposed across the site, however are mainly concentrated to the boundaries.</p> <p>Trees have been proposed liberally and continuously along each major frontage to strengthen the landscape buffer and present a green outlook along the streetscape. Tree sizes are proposed at 100L. Refer to Plant Schedule on SSD-109 for pot sizes.</p>	
	<p>C40. Stormwater absorption basins are to be planted with suitable trees and native grasses in preference to lawn. Species are to be tolerant of periodic inundation and water logging and are not to reduce the storage capacity of the basin. Species are not to have invasive root systems.</p> <p>C41. Sub-surface on-site stormwater detention devices (OSD) are not to be located within any landscaped setback or underneath areas to be landscaped or planted.</p> <p>C42. No stormwater inlet pits, piping or OSD structure are to be located within the canopy dripline or 3 metres out-ward of the dripline of existing trees to be retained.</p>	<p>C40. Refer to Landscape Report provided by Geoscapes at Appendix K.</p> <p>C41. The OSD tanks are not located within any landscaped setbacks.</p> <p>C42. No stormwater inlet pits, piping or OSD structure will be located within the canopy dripline or 3 metres out-ward of the dripline of existing trees</p>	Section 6.6
Amenity and Operation	<p>C43. Noise, air and odour emissions generated from the functions and operations of a development including associated vehicles are not to have any adverse impact on nonindustrial/business uses and residential areas in the vicinity of the site.</p> <p>C44. An Acoustic Report undertaken by a suitably qualified acoustic consultant is required for centres in/adjacent to residential zones. The report must demonstrate how the site planning and building design minimise noise impacts, and that noise levels (measured at any point on the boundary of the site between the centre and</p>	<p>C43. Noise, air and odour emissions will be minimised.</p> <p>C44. Refer to Noise and Vibration Impact Assessment prepared by SLR consulting at Appendix U.</p>	Section 6.7



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>adjoining property over a 15minute period) will not exceed 5dBA above the background level. The report should include recommended noise attenuation measures.</p> <p>C45. For any proposed development that adjoins a residential property, the hours of operation are to be restricted to between 7.00am and 6.00pm Mondays to Fridays, 7.00am to 1.00pm Saturday and no work on Sundays or public holidays.</p> <p>C46. Noise emissions are to comply with the following noise criteria:</p> <p>a. Operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration);</p> <p>b. The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 30 dB(A) night time and should not be audible at a neighbouring residence; and</p> <p>c. The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.</p> <p>Note: For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content where necessary.</p>	<p>C45. The proposed hours are 24/7, however given the proposed use this is appropriate.</p> <p>C46. a. Complies</p> <p>b. Complies</p> <p>c. Complies</p>	
	<p>C47. Loading and unloading must not detract from the amenity of nearby residential areas or residential zoned land, including by noise impacts. Where loading and unloading movements are likely to affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided in the Plan of Management (POM) and may be regulated through conditions of consent. Note: A traffic management plan may be required to support a POM where Council identify a need for this e.g. need to resolve unsafe movements, significant amount of trips generated by development or significant manoeuvres are required on-site.</p>	<p>C47. Loading and unloading will occur within a loading dock which is located within the centre of the site, away from residents.</p>	Section 6.4
	<p>C49. Waste management and recycling processes of commercial and industrial facilities should be guided by the Waste Management and Recycling in Commercial and Industrial Facilities (EPA, 2012).</p>	<p>C49. Refer to the Waste Management Plan provide by SLR Consulting at Appendix FF.</p>	Section 6.17



Statutory Reference	Consideration	Relevance	Section in Amending Report
Storage within Industrial Buildings	<p>C52. Storage areas are encouraged to be located within the primary building. Open storage areas visible from the public domain are prohibited.</p> <p>C58. All businesses are encouraged to include in their waste contracts provision for the collection and recycling of high grade and low grade office paper, batteries, equipment containing painted circuit boards, computers, florescent tubes, and other recyclable resources. If more than 10m³ of uncompacted waste and recycling is likely to be generated per day, the central waste and recycling room is to be separated from the good receiving dock, and waste is to be collected in a compaction unit. The following information must be provided at Development Application stage for outdoor storage areas:</p> <ul style="list-style-type: none"> a. size of the outdoor storage area b. maximum storage height c. types of goods, materials and equipment being stored outdoors d. details of landscaping and screening structures 	<p>C52. Storage areas will not be accessible from the public domain</p> <p>C58. Refer to the Waste Management Plan provide by SLR Consulting at Appendix FF</p>	Section 6.17
6.4.1 Light Industrial premises and premises within Business Parks	<p>C2. The applicant is to demonstrate that all operations, including the storage of raw materials, finished products, trade wastes and recycling bins are contained wholly within the industrial unit.</p> <p>C6. Large expansive buildings and walls with no architectural interest or relief will not be permitted. Architectural elements, variations to colours, textures and or materials shall be utilised in these circumstances and their bulk visually broken down by the use of variations to the placement of the vertical walls of the buildings. Minor modulations to the height of the buildings may also be employed to achieve a reduction of its visual bulk.</p> <p>C7. The site layout is to be arranged to facilitate natural surveillance of properties within the business park from the public domain.</p> <p>C8. Development is to avoid locating loading and unloading facilities and the majority of car parking along the main frontage and be visible from the occupants of adjacent buildings.</p> <p>C9. Notwithstanding setback requirements in Sub-section 6.3.2 Building Setbacks, an alternate solution to the minimum building setback to side and rear boundaries may be considered where it can be demonstrated that the proposed setbacks:</p> <ul style="list-style-type: none"> a. respond to the positioning of buildings on their rear and side boundaries b. optimise manoeuvring and landscaping areas within the estate <p>C10. A contrast of paving materials is required to be provided throughout the</p>	<p>C2. All operations will occur within the building.</p> <p>C6. Refer to Architectural Design Report provided by Grimshaw at Appendix H.</p> <p>C7. The site will be arranged in a manner that addresses CPTED principles.</p> <p>C8. Parking will not be located within the main frontage.</p> <p>C9. Setbacks comply</p> <p>C10. Contrasting paving will be implemented.</p>	Section 6



Statutory Reference	Consideration	Relevance	Section in Amending Report
	development i.e. unit pavers and concrete. Large expanses of bland concrete paving and use of asphalt is not permitted.		
	C11. The majority of car spaces are to be paved with interlocking unit pavers. C13. All business park entrance treatments, such as directory boards must be located on private property, with appropriate positive covenants and restriction on the title to ensure the ongoing management and maintenance of such treatments.	C11. The parking spaces will be paved with a permeable material. C13. Signage will be contained within the site.	Section 6
6.5.3 Signage	C1. There is to be only one sign, not exceeding 1.5m ² in area per premises. C3. The content, illumination and shape of the sign must not interfere with the amenity of the locality. In this regard, signs are not to include suggestive or offensive material, or include colours or designs that may distract passing motorists. Signs may only be illuminated if they will not cause nuisance to any adjoining premises or interfere with the amenity of the area.	C1. Seven signs are proposed across the site. These range in size and purpose. C2. The signage is complementary to locality and will not distract passing motorists.	Section 3.4.2

Section 7 – Specific Places

	C2. Developments, including alterations and additions must improve the appearance of buildings, particularly along the roads which serve a gateway function to Sydney Airport and the Sydney CBD.	C2. The proposed development greatly improves the appearance of buildings on the currently underutilised site.	Section 6.1
	C3. All overhead wires (including electrical and telecommunication services) fronting the site are to be relocated underground as part of all development within this Precinct. The redundant power poles are to be removed and replaced with underground supplied street lighting columns. All works shall be carried out at the applicant's expense.	C3. Overhead wires will be relocated underground.	Section 4.4
7.7 Mascot West Employment Lands	C6. Development over 3 storeys in height will be assessed by the Design Review Panel.	C6. Refer to SDRP Advice at Appendix H	Appendix H
	C8. In land zoned B7 – Business Park or B5 – Business Development, a Workplace Travel Plan is to be lodged with any development application where a plan does not exist. Note: The Workplace Travel Plan is to, but not limited to, establish measurable targets to achieve the mode share targets stated in the Mascot Town Centre Precinct TMAP – maximum car mode share: 65% by 2021 and 57% by 2031.	C8. Refer to Green Travel Plan prepared by Ason Group at Appendix Q . C12. Refer to Flood Impact and Risk Assessment prepared by TTW at Appendix Z . C13. Refer to Flood Impact and Risk Assessment prepared by TTW at Appendix Z .	Section 6.4 Section 6.14



Statutory Reference	Consideration	Relevance	Section in Amending Report
	<p>C12. Development within the precinct shall require submission of a Risk Management Plan to address potential risks related to coastal sea levels (projected to increase above Australian Height Datum by 40cm by 2050 and by 90cm by 2100). The Risk Management Plan shall be prepared by a qualified consultant and in accordance with the following policies and documents:</p> <ul style="list-style-type: none"> i. Any current policy of Council relating to projected future sea level rises and related inundation mapping; ii. NSW Coastal Planning Guidelines: Adapting to Sea Level Rise; iii. Flood Risk Management Guide: Incorporation Sea Level Rise Benchmarks in Flood Risk Assessment; and iv. NSW Flood Plain Development Manual. <p>In addition, the Risk Management Plan shall minimise the exposure of development to coastal risk and provide management responses and adaptation strategies to identify and manage risk and coastal hazards associated with the following:</p> <ul style="list-style-type: none"> i. The safety of future workers and occupants on-site; ii. The safety of the public off-site; iii. The safety of adjoining properties; iv. The safe evacuation route during storm and flood events; and v. The freeboard above the flood planning levels <p>C13. Development must comply with Sydney Airport's regulations with regard to safety, lighting and height of buildings. Development which seeks the maximum building height under the Bayside Local Environmental Plan 2021 and is within land bounded by Coward Street, O'Riordan Street and Bourke Road; development along eastern side of O'Riordan Street; and development within land bounded by Baxter Road, O'Riordan Street, Joyce Drive and Botany Road, will penetrate the Obstacle Limitation Surface (OLS) and would need to be assessed by CASA, Airservices Australia & the Airlines before an application could be submitted to the Department of Infrastructure & Transport for their determination.</p>		

Section 8 – Managing Risk and Environmental Conditions

Soil Management	C1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways.	C1. Refer to Civil Engineering Plans provided by TTW at Appendix Y .	Section 6.12
	C2. Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such details are to be in accordance with The Blue Book - Managing Urban Stormwater: Soils & Construction by Landcom.	C2. Refer to Civil Engineering Plans provided by TTW at Appendix Y .	



Statutory Reference	Consideration	Relevance	Section in Amending Report
	C3. Development is to minimise site disturbance, including impacts on vegetation and significant trees and the need for cut and fill.	C3. Refer to Civil Engineering Plans provided by TTW at Appendix Y .	