

# Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*  
 Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

<b>Application Number</b>	SSD 9741
<b>Project Name</b>	Lane Cove West Data Centre
<b>Development</b>	<p>Construction and operation of the Lane Cove West Data Centre, comprising:</p> <ul style="list-style-type: none"> <li>• a data storage building (approximately 35,144 m<sup>2</sup>)</li> <li>• an electrical substation</li> <li>• ancillary office area and loading docks</li> <li>• site-wide earthworks and vegetation clearing</li> <li>• associated infrastructure, car parking and landscaping.</li> </ul>
<b>Location</b>	1 Sirius Road, Lane Cove West (Lot 1 in DP 1151370), in the Lane Cove local government area
<b>Applicant</b>	Greenbox Architecture
<b>Date of Issue</b>	21 December 2018
<b>General Requirements</b>	<p>The environmental impact statement (EIS) must be prepared in accordance with, and meet the minimum requirements of, clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation). In addition, the EIS must include:</p> <ul style="list-style-type: none"> <li>• a detailed description of the development, including:           <ul style="list-style-type: none"> <li>– the need for the proposed development</li> <li>– justification for the proposed development</li> <li>– likely staging of the development</li> <li>– likely interactions between the development and existing, approved and proposed operations in the vicinity of the site</li> <li>– plans of any proposed building works</li> <li>– infrastructure upgrades or items required to facilitate the development, and description any arrangements to ensure the upgrades will be implemented in a timely manner and maintained</li> </ul> </li> <li>• consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments</li> <li>• a risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment</li> <li>• a detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes:           <ul style="list-style-type: none"> <li>– a description of the existing environment, using sufficient baseline data</li> <li>– an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes</li> <li>– a description of the measures that would be implemented to avoid, minimise, mitigate and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/ or contingency plans to manage significant risks to the environment</li> </ul> </li> <li>• a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS.</li> </ul>

	<p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate applicable GST component of the CIV</li> <li>• an estimate of the jobs that will be created by the proposed development, including a breakdown of jobs associated with the construction and operational phases of the development</li> <li>• certification that the information provided is accurate at the date of preparation.</li> </ul>
<p><b>Key issues</b></p>	<p>The EIS must include an assessment of the potential impacts of the proposal (including cumulative impacts) and develop appropriate measures to avoid, mitigate, manage and/or offset these impacts. The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> <li>• <b>Statutory and Strategic Context</b> – including: <ul style="list-style-type: none"> <li>– detailed justification that the proposed land use is permissible with consent</li> <li>– details of any proposed consolidation or subdivision of land</li> <li>– demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, adopted precinct plans, draft district plan(s) and adopted management plans and justification for any inconsistencies. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005</li> <li>○ Greater Sydney Region Plan: A Metropolis of Three Cities</li> <li>○ Our Greater Sydney 2056: North District Plan</li> <li>○ Future Transport Strategy 2056.</li> </ul> </li> </ul> </li> <li>• <b>Suitability of the Site</b> – including an analysis of site constraints, such as bushfire and flooding impacts.</li> <li>• <b>Community and Stakeholder Engagement</b> – including: <ul style="list-style-type: none"> <li>– a detailed community and stakeholder participation strategy which identifies who in the community has been consulted and a justification for their selection, other stakeholders consulted and the form(s) of consultation, including a justification for this approach</li> <li>– a report on the results of the implementation of the strategy including issues raised by the community and surrounding land owners and occupiers that may be impacted by the proposal</li> <li>– details of how issues raised during community and stakeholder consultation have been addressed and whether they have resulted in changes to the proposal</li> <li>– details of the proposed approach to future community and stakeholder engagement based on the results of consultation.</li> </ul> </li> <li>• <b>Noise and Vibration</b>– including: <ul style="list-style-type: none"> <li>– a quantitative noise and vibration impact assessment undertaken by a suitably qualified person in accordance with the relevant Environment Protection Authority guidelines and including an assessment of nearby sensitive receivers</li> <li>– cumulative impacts of other developments</li> <li>– details of proposed mitigation, management and monitoring measures.</li> </ul> </li> </ul>

- **Urban Design and Visual** – including:
  - a visual impact assessment (including photomontages and perspectives) of the development layout and design (buildings and storage areas), including staging, site coverage, setbacks, open space, landscaping, height, colour, scale, building materials and finishes, façade design, signage and lighting, particularly in terms of potential impacts on:
    - nearby public and private receivers
    - significant vantage points in the broader public domain including Magdala Park
  - consideration of the layout and design of the development having regard to the surrounding vehicular, pedestrian and cycling networks
  - detailed plans showing suitable landscaping which incorporates endemic species.
- **Contamination** – including:
  - a detailed assessment of the extent and nature of any contamination of the soil, groundwater and soil vapour, in accordance with State Environmental Planning Policy No. 55 – Remediation of Land
  - an assessment of potential risks to human health and the environmental receptors in the vicinity of the site
  - demonstration that the proposal is consistent with site’s ‘Maintenance of Remediation Order’ (Notice No. 28027, dated 27/09/2005)
  - a description and appraisal of any mitigation and monitoring measures
  - consideration of whether the site is suitable for the proposed development.
- **Biodiversity** – including:
  - an assessment of the proposal’s biodiversity impacts in accordance with the *Biodiversity Conservation Act 2016*, including the preparation of a Biodiversity Development Assessment Report (BDAR) where required under the Act, except where a waiver for preparation of a BDAR has been granted
  - as assessment of the proposal’s impact upon the adjacent coastal wetland area, in accordance with State Environmental Planning Policy (Coastal Management) 2018
  - as assessment of the proposal’s impact upon the Lane Cove River and adjacent key fish habitat areas and riparian corridors, in accordance with the relevant Department of Primary Industries guidelines
  - describe how impacts upon critical vegetation and endangered species on-site will be avoided and minimised.
- **Infrastructure Requirements** – including:
  - a detailed written and/or graphical description of infrastructure required on the site, including the proposed electricity substation
  - identification of any infrastructure upgrades required off-site to facilitate the development, and describe any arrangements to ensure that the upgrades will be implemented in a timely manner and maintained
  - an infrastructure delivery and staging plan, including a description of how infrastructure on and off-site will be co-ordinated and funded to ensure it is in place prior to the commencement of construction
  - an assessment of the impacts of the development on existing utility infrastructure and service provider assets surrounding the site, and describe how any potential impacts would be avoided and minimised.

- **Sustainable Development** – including:
  - an assessment of the energy use of the proposal and all reasonable and feasible measures that would be implemented on site to minimise the proposal’s greenhouse gas emissions
  - a description of how the proposal will incorporate the principles of ecologically sustainable development in the design, construction and ongoing operation of the development
  - a description of the measures to be implemented to minimise consumption of resources, especially energy and water.
- **Traffic and Access** – including:
  - a quantitative Traffic Impact Assessment prepared in accordance with relevant Lane Cove Council, Austroads and Roads and Maritime Services guidelines using current traffic counts and cumulative traffic from surrounding existing and approved development and the proposed development
  - details of all daily and peak traffic and transport movements likely to be generated by the development during construction and indicative operation (vehicle type, public transport, pedestrian and bicycle trips) including the impact on the nearby intersections (using SIDRA or similar modelling)
  - details of the likely arrival and departure times for vehicles for all components of the proposed development
  - details of the largest vehicle anticipated to access and move within the site, including swept path analysis
  - details and plans of the internal road network, loading dock servicing and provisions, on-site parking provisions, and sufficient pedestrian and cyclist facilities, in accordance with the relevant Australian Standards
  - details of road upgrades, new roads or access points required for the development, if necessary.
- **Soils and Water** – including:
  - a description of the catchment and proximity of the site to waterways, including the Lane Cove River
  - consideration of potential local and mainstream flooding impacts
  - an assessment of potential surface and groundwater impacts associated with the development, including potential impacts on the Lane Cove River, other watercourses, riparian areas, groundwater, and groundwater-dependent communities nearby
  - an assessment in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) on the site and, where relevant, appropriate mitigation measures
  - a description of the surface, stormwater and wastewater management systems, including on site detention, and measures to treat or reuse water
  - a detailed water balance including a description of the water demands and breakdown of water supplies; and any water licensing requirements
  - description of the measures to minimise water use
  - description of the proposed erosion and sediment controls during construction.
- **Hazards and Risk** – including a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should the preliminary risk screening indicate that the development is "potentially hazardous", a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry

	<p>Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011).</p> <ul style="list-style-type: none"> <li>● <b>Bushfire</b> – including: <ul style="list-style-type: none"> <li>– details of the storage of any flammable materials</li> <li>– an assessment against the requirements of <i>Planning for Bushfire Protection 2006</i></li> <li>– a description of measures to ensure the proposal will not increase the bushfire risk to adjoining lands.</li> </ul> </li> <li>● <b>Waste</b> – including: <ul style="list-style-type: none"> <li>– details of the quantities and classification of all waste streams to be generated on site during the development</li> <li>– details of waste storage, handling and disposal during the development</li> <li>– details of the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.</li> </ul> </li> <li>● <b>Air Quality</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the air quality impacts (including dust and odour) during the development, in accordance with the relevant Environment Protection Authority guidelines</li> <li>– details of proposed mitigation, management and monitoring measures.</li> </ul> </li> <li>● <b>Heritage</b> – including an assessment of Aboriginal and non-Aboriginal cultural heritage items and values of the site and surrounding area in accordance with the relevant Office of Environment and Heritage guidelines.</li> <li>● <b>Contributions</b> – including consideration of the Lane Cove Section 94 Contribution Plan 1996, revised 9 October 2013, and/or details of any Planning Agreement.</li> </ul>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. You should provide these as part of the EIS rather than as separate documents.</p>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> <li>● Lane Cove Council</li> <li>● Environment Protection Authority</li> <li>● Ausgrid</li> <li>● Roads and Maritime Services</li> <li>● Transport for NSW</li> <li>● Department of Industry – Crown Lands and Water</li> <li>● Department of Primary Industries – Fisheries</li> <li>● Office of Environment and Heritage</li> <li>● Fire and Rescue NSW</li> <li>● Rural Fire Service</li> <li>● Sydney Water</li> <li>● City of Ryde Council</li> <li>● surrounding local residents and stakeholders</li> <li>● any other public transport, utilities or community service providers.</li> </ul> <p>The EIS must describe the consultation process and the issues raised and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>

<b>Further consultation after 2 years</b>	If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.
<b>References</b>	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

## **ATTACHMENT 1**

### **Technical and Policy Guidelines**

The following guidelines may assist in the preparation of the environmental impact statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>  
<http://www.shop.nsw.gov.au/index.jsp>  
<http://www.australia.gov.au/publications>  
<http://www.epa.nsw.gov.au/>  
<http://www.environment.nsw.gov.au/>  
<http://www.dpi.nsw.gov.au/>

## **Policies, Guidelines & Plans**

<b>Aspect</b>	<b>Policy / Methodology</b>
<b>Traffic, Transport and Access</b>	
	<i>Roads Act 1993</i>
	State Environmental Planning Policy (Infrastructure) 2007
	Guide to Traffic Generating Development (RTA, 2002 as updated)
	Road Design Guide (RMS, 2015-2017)
	Guide to Traffic Management – Pt 12: Traffic Impacts of Development (Austroads, 2016)
	Guidelines for Planning and Assessment of Road Freight Access in Industrial Areas (Austroads, 2014)
	Bicycle Parking Facilities: Guidelines for Design and Installation (AS 2890.3:2015)
	Integrated Public Transport Service Planning Guidelines: Sydney Metropolitan Area (TfNSW, 2013)
	Future Transport Strategy 2056 (TfNSW, 2018)
	Greater Sydney Services and Infrastructure Plan (TfNSW, 2018)
	NSW Freight & Ports Plan 2018-2023 (TfNSW, 2018)
<b>Contamination</b>	
	State Environmental Planning Policy No. 55 – Remediation of Land
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC, amended April 2013)
<b>Soils and Water</b>	
<i>Acid Sulfate Soils</i>	Acid Sulfate Soil Manual (ASSMAC, 1998)
	Managing Urban Stormwater: Soils & Construction (Landcom, 2004)
<i>Erosion and Sediment</i>	Soil and Landscape Issues in Environmental Impact Assessment (DLWC, 2000)
	Wind Erosion – 2nd Edition (DIPNR, 2003)
<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 2000)
	NSW State Groundwater Policy Framework Document (DLWC, 1997)
	NSW Aquifer Interference Policy (NOW, 2012)
	Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources (NOW, 2011)
	Storing and Handling Liquids: Environmental Protection (DECC, 2007)
<i>Stormwater</i>	Managing Urban Stormwater: Strategic Framework. Draft (EPA, 1996)
	Managing Urban Stormwater: Council Handbook. Draft (EPA, 1997)
	Managing Urban Stormwater: Treatment Techniques (DEC, 2006)
	Managing Urban Stormwater: Source Control. Draft (EPA, 1998)
	Managing Urban Stormwater: Harvesting and Reuse (DEC, 2006)
<i>Wastewater</i>	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC, 1997)

## Policies, Guidelines & Plans

Aspect	Policy / Methodology
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC, 2000)
	National Water Quality Management Strategy – Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) (EPHC, NRMCC & AHMC, 2006)
	National Water Quality Management Strategy – Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) (EPHC, NRMCC & AHMC, 2009)
Hazards and Risk	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DoP, 2011)
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011)
	Multi-level Risk Assessment (DoP, 2011)
Biodiversity	
	<i>Biodiversity Conservation Act 2016</i>
	Biodiversity Assessment Method (OEH, 2017)
	Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018)
Heritage	
	<i>Heritage Act 1977</i>
	NSW Heritage Manual (HO and DUAP, 1996)
	The Burra Charter (ICOMOS Australia, 2013)
	Statements of Heritage Impact (HO and DUAP, 2002)
	Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)
	Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010)
Noise and Vibration	
	Assessing Vibration: A Technical Guide (DEC, 2006)
	Noise Policy for Industry (EPA, 2017)
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Noise Guide for Local Government (EPA, 2013)
	Interim Construction Noise Guideline (DECC, 2009)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
<i>Air Quality</i>	Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007)
	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
<i>Greenhouse Gas</i>	AGO Factors and Methods Workbook (AGO, 2018)
	Guidelines for Energy Savings Action Plans (DEUS, 2005)
Bushfire	
	Planning for Bushfire Protection (RFS, 2006)
Waste	
	Waste Avoidance and Resource Recovery Strategy 2014-21 (EPA, 2014)
Visual	
	Control of Obtrusive Effects of Outdoor Lighting (AS 2482)
Social	
	Social Impact Assessment Guideline (DPE, 2017)

**ATTACHMENT 2**  
**Government Authority Responses to Request for Key Issues**



30 November 2018

Roads and Maritime Reference: SYD18/01905/01 (A25031363)  
Planning & Environment Ref: SSD 9741

General Manager  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Patrick Copas

Dear Sir/Madam

**REQUEST FOR SEARs – LANE COVE WEST DATA CENTRE  
1 SIRIUS ROAD, LANE COVE WEST**

Reference is made to Department's correspondence dated 28 November 2018 requesting Roads and Maritime Services (Roads and Maritime) to provide details of key issues and assessment requirements regarding the abovementioned development for inclusion in the Secretary's Environmental Assessment Requirements (SEARs).

Roads and Maritime has reviewed the submitted information and noted that the proposal is for a Data Centre Building comprising a total GFA of 35,144 sqm with associated plants & equipment, electrical sub-station, ancillary office area with loading docks with 24/7 operations. Roads and Maritime would require the following issues to be included in the transport and traffic impact assessment of the proposed development:

1. Daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby intersections and the need/associated funding for upgrading or road improvement works (if required).
2. Details of the proposed accesses and the parking provisions associated with the proposed development including compliance with the requirements of the relevant Australian Standards (i.e.; turn paths, sight distance requirements, aisle widths, etc.).
3. Proposed number of car parking spaces and compliance with the appropriate parking codes.
4. Details of service vehicle movements (including vehicle type and likely arrival and departure times).
5. Roads and Maritime requires the EA report to assess the implications of the proposed development for non-car travel modes (including public transport use, walking and cycling); the potential for implementing a location-specific sustainable travel plan (e.g.; Green Travel Plan, 'Travelsmart' or other travel behaviour change initiative); and the provision of facilities to

**Roads and Maritime Services**

increase the non-car mode share for travel to and from the site. This will entail an assessment of the accessibility of the development site by public transport.

6. Roads and Maritime requires an assessment of the likely toxicity levels of loads transported on arterial and local roads to / from the site and, consequently, the preparation of an incident management strategy for crashes involving such loads, if relevant.
7. Roads and Maritime will require in due course the provision of a traffic management plan for all demolition/construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

Any inquiries in relation to this Application can be directed to Rafael Morrissey on 8849 2465 or [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ahsanul Amin', written in a cursive style.

Ahsanul Amin  
**A/ Senior Land Use Planner**  
**Sydney Division - North West Precinct**

03 December 2018

Kane Winwood  
Team Leader  
Industry Assessments  
Department of Planning & Environment  
GPO Box 39, Sydney NSW 2001

**Attention:** Patrick Copas

Dear Mr Winwood

**Sydney Water input to SEARs for Lane Cove West Data Centre (SSD 9741) – 1 Sirius Road,  
Lane Cove West**

Thank you for your letter of 28 November 2018 seeking Sydney Water's input on the Secretary's Environmental Assessment Requirements for the abovementioned proposal. We have reviewed the proposal and provide the following comments for your consideration. Sydney Water requests that the Department of Planning and Environment include the following Secretary's Environmental Assessment Requirements relating to the provision of water-related services for the subject site:

**Water-related Infrastructure Requirements**

1. The proponent of development should determine service demands following servicing investigations and demonstrate that satisfactory arrangements for drinking water, wastewater, and recycled water (if required) services have been made.
2. The proponent must obtain endorsement and/or approval from Sydney Water to ensure that the proposed development does not adversely impact on any existing water, wastewater or stormwater main, or other Sydney Water asset, including any easement or property. When determining landscaping options, the proponent should take into account that certain tree species can cause cracking or blockage of Sydney Water pipes and therefore should be avoided.
3. Strict requirements for Sydney Water's stormwater assets (for certain types of development) may apply to this site. The proponent should ensure that satisfactory steps/measures been taken to protect existing stormwater assets, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets. The proponent should consider taking measures to minimise or eliminate potential flooding, degradation of water quality, and avoid adverse impacts on any heritage items, and create pipeline easements where required.

### **Integrated Water Cycle Management**

4. The proponent should outline any sustainability initiatives that will minimise/reduce the demand for drinking water, including any alternative water supply and end uses of drinking and non-drinking water that may be proposed, and demonstrate water sensitive urban design (principles are used), and any water conservation measures that are likely to be proposed. This will allow Sydney Water to determine the impact of the proposed development on our existing services and required system capacity to service the development.

If you require any further information, please contact Enrique Sarthou of Growth Planning and Development on (02) 8849 6496 or via email at [enrique.sarthou@sydneywater.com.au](mailto:enrique.sarthou@sydneywater.com.au).

Yours sincerely,

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Fernando Ortega

**A/ Manager, Growth Planning and Development**

## Patrick Copas

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**From:** Jason Wall <jwall@ausgrid.com.au>  
**Sent:** Tuesday, 4 December 2018 6:00 PM  
**To:** Patrick Copas  
**Cc:** Development/Ausgrid; Paul Nakhle; Tim Knight; Property; Keiran Fleming  
**Subject:** RE: Request for SEARs for Lane Cove West Data Centre (SSD 9741) – 1 Sirius Road, Lane Cove West

**Categories:** Agency Response, SEAR Response

Hi Patrick,

Ausgrid's recommendations are:

- Prepare an Infrastructure Management Plan in consultation with relevant agencies, detailing information on the existing capacity and any augmentation and easement requirements of the development for the provision of utilities including staging of infrastructure.
- Identify any potential impacts of the proposed construction and operation on the existing utility infrastructure and service provider assets, and demonstrate how these will be protected or impacts mitigated.

We specifically note that the site backs on to an existing Ausgrid transmission line easement and the development should make provision for access to this easement for Ausgrid's ongoing operational and maintenance requirements.

Thanks,

Jason Wall  
Program Development Manager  
(02) 9269 7133

## Patrick Copas

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**From:** Michelle Trajkovski <Michelle.Trajkovski@fire.nsw.gov.au>  
**Sent:** Tuesday, 4 December 2018 1:21 PM  
**To:** Patrick Copas  
**Subject:** 1 Sirius Road Lane Cove West

**Categories:** Agency Response, SEAR Response

Dear Patrick,

In regards to your email correspondence dated the 28th of November 2018, Fire & Rescue NSW confirms receipt of the Secretary's Environmental Assessment Requirements (SEARs) for Lane Cove West Data Centre (SSD 9741) – 1 Sirius Road, Lane Cove West.

As additional details become available Fire & Rescue NSW requests to be consulted with respect to the proposed fire and life safety systems and their configuration at the project's preliminary and final design phases, particularly surrounding the on-site diesel storage (page 18).

While there is currently no requirement for a fire safety study, FRNSW may request one be undertaken at a later stage should information be provided such it is deemed that the development poses unique challenges to the response to and management of an incident.

FRNSW looks forward to reviewing and commenting on the forthcoming EIS.

Regards



**STATION OFFICER BRENDAN HURLEY**

**TEAM LEADER SPECIAL HAZARDS**

**INFRASTRUCTURE LIAISON UNIT | Fire and Rescue NSW**

T: (02) 9742 7343 | M: 0438 601 582

1 Amarina Ave, Greenacre, NSW 2190 | Locked Mail Bag 12, Greenacre, NSW 2190

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**PREPARED FOR ANYTHING.**

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)



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Kane Winwood  
Team Leader Industry Assessments  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Patrick Copas

Dear Mr. Winwood,

**Request for SEARs**  
**Lane Cove West Data Centre (SSD 9741) – 1 Sirius Road, Lane Cove West**

Thank you for your letter sent on 28 November 2018 requesting Transport for NSW (TfNSW) input to the Secretary's Environmental Assessment Requirements (SEARs) for the subject State Significant Development (SSD) application.

The Applicant's request for SEARs has been reviewed and suggested content to be included in the SEARs is summarised in **Tab A**.

If you require any further information regarding this matter, please contact Billy Yung, Senior Transport Planner, via email at [billy.yung@transport.nsw.gov.au](mailto:billy.yung@transport.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Ozinga'.

6/12/2018

Mark Ozinga  
**Principal Manager, Land Use Planning & Development**  
**Freight, Strategy & Planning**

CD18/11064

### **Transport and Accessibility (Construction and Operation)**

The Environmental Impact Statement (EIS) for the subject development should include a Traffic and Transport Impact Assessment that provides, but is not limited to, the following:

- details all daily and peak traffic and transport movements likely to be generated (light and heavy vehicle, public transport, pedestrian and cycle trips) during construction and operation of the development;
- details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities provided on the road network located adjacent to the proposed development;
- an assessment of the operation of existing and future transport networks including public transport, pedestrian and bicycle provisions and their ability to accommodate the forecast number of trips to and from the development;
- details the type of heavy vehicles likely to be used (e.g. B-doubles) during the operation of the development and the impacts of heavy vehicles on nearby intersections;
- details of access to, from and within the site to/from the local road and strategic (motorway) network including intersection location, design and sight distance (i.e. turning lanes, swept paths, sight distance requirements);
- impact of the proposed development on existing and future public transport and walking and cycling infrastructure within and surrounding the site;
- an assessment of the existing and future performance of key intersections providing access to the site and any upgrades (road/ intersections) required as a result of the development;
- an assessment of predicted impacts on road safety and the capacity of the road network to accommodate the development;
- demonstrate the measures to be implemented to encourage employees of the development to make sustainable travel choices, including walking, cycling, public transport and car sharing;
- appropriate provision, design and location of on-site bicycle parking, and how bicycle provision will be integrated with the existing bicycle network;
- details of the proposed number of car parking spaces and compliance with appropriate parking codes and justify the level of car parking provided on the site;
- details of access and parking arrangements for emergency vehicles;
- detailed plans of the proposed layout of the internal road network and parking provision on-site in accordance with the relevant Australian Standards;
- the existing and proposed pedestrian and bicycle routes and end of trip facilities within the vicinity of and surrounding the site and to public transport facilities as well as measures to maintain road and personal safety in line with CPTED principles; and
- preparation of a draft Construction Traffic Management Plan which includes:
  - details of vehicle routes, number of trucks, hours of operation, access management and traffic control measures for all stages of construction;

## **Tab A – Input to SEARs for SSD 9741 Lane Cove West Data Centre**

- assessment of cumulative impacts associated with other construction activities;
- an assessment of road safety at key intersections;
- details of anticipated peak hour and daily truck movements to and from the site;
- details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements;
- details of temporary cycling and pedestrian access during constructions;
- an assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations.

### **Transport policies and guidelines**

Relevant policies and guidelines that could assist with the preparation of the Traffic and Transport Impact Assessment include:

- Guide to Traffic Generating Development (Roads and Maritime Services)
- Road Design Guide (Roads and Maritime Services)
- Austroads Guide to Traffic Management – Part 12: Traffic Impacts of Development
- Austroads Guidelines for Planning and Assessment of Road Freight Access in Industrial Areas
- Cycling Aspects of Austroads Guides
- Australia Standards AS2890.3 (Bicycle Parking Facilities)
- Integrated Public Transport Service Planning Guidelines: Sydney Metropolitan Area 2013 (TfNSW)

### **Strategic planning context**

The EIS should detail how the proposed development will be consistent and align with the objectives, goals and directions of the following:

- Greater Sydney Region Plan
- Western City District Plan
- Future Transport Strategy 2056
- Future Transport – Greater Sydney Services and Infrastructure Plan
- NSW Freight & Ports Plan 2018-2023



OUT18/18829

Patrick Copas  
Key Sites and Industry Assessments  
NSW Department of Planning and Environment

[patrick.copas@planning.nsw.gov.au](mailto:patrick.copas@planning.nsw.gov.au)

Dear Mr Copas

**Lane Cove West Data Centre (SSD 9741)  
Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 28 November 2018 to the Department of Industry (DoI) in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries (DPI), and the following requirements for the proposal are provided:

**DoI – Water and Natural Resources Access Regulator**

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>).

**DPI – Fisheries**

- The Lane Cove River is important key fish habitat within Sydney. DPI Fisheries recommends that the project is designed to:
  - Protect a minimum 40m wide vegetated riparian buffer zone from the top of bank of the river.
  - Reduce impacts to water quality during construction and from stormwater flows from the proposal. The use of water sensitive urban design measures as part of the proposal is recommended to treat and reduce the quantity of stormwater flows from this site.
  - Avoid or minimise the harm of marine vegetation.
- Proposed measures to avoid the impact to aquatic habitat are to be clearly outlined in the environmental assessment. These are to include the use of best practice erosion and sediment control measures.

- Any offsets for the loss of marine vegetation are to be undertaken in accordance with Section 3.3.3 of DPI Fisheries *Policy and Guidelines for Fish Habitat Conservation and Management*.

Any further referrals to Department of Industry can be sent by email to [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au).

Yours sincerely

A handwritten signature in cursive script that reads "Alex King".

Alex King  
Director Cabinet and Legislation Services  
**Lands and Water - Strategy and Policy**  
10 December 2018



DOC18/917875-4  
SSD 9741

Kane Winwood  
Team Leader  
Industry Assessments  
NSW Department of Planning and Environment  
GPO Box 39 Sydney NSW 2001

-via email-

[Patrick.copas@planning.nsw.gov.au](mailto:Patrick.copas@planning.nsw.gov.au)

12 December 2018

Dear Mr Winwood

**Request for SEARs  
Lane Cove West Data Centre (SSD 9741) – 1 Sirius Road, Lane Cove West**

I refer to request for input for SEARs for Lane Cove West Data Centre (SSD 9741), received by the Environmental Protection Authority (EPA) on 28<sup>th</sup> November 2018.

Based on the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). The EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act.

However, the site has a current 'Maintenance of Remediation Order (Notice No. 28027, dated 27/09/2005), issued to Demian Developments Pty Ltd. The notice was issued under Section 28 of the *Contaminated Land Management Act 1997* (CLM Act) to maintain the capping layer at the site to prevent exposure risks to impacted soil and to reduce infiltration of surface water. The contaminants of concern are heavy metals and hydrocarbon contamination. The notice is in force until it is otherwise varied or revoked.

Under the terms of the notice, written approval from the EPA must be obtained to undertake works at the site, including:

1. The approval to disturb the site surface is limited to the works proposed by the consultants.
2. All persons undertaking excavation works at the site must undergo a safety induction prior to commencement of works.
3. Site security must ensure all access to the site by unauthorised personnel during the investigation works is prevented.
4. All excavated material and wastewater generated during the investigation works must be classified, handled, transported and disposed of offsite at a licensed facility that is authorised to accept the material in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

5. A report of the works undertaken is to be provided to the EPA of the completion of the works. The report must identify any issues encountered during the works, including all waste disposal certificates for the excavated material and certificates for any material received as imported fill used in site surface reinstatement.
6. Where conditions of approval differ from the scope of works outlined in the development proposal, then additional approval from the EPA is required.

At present the EPA is awaiting a report from recent Environmental site investigation works, which EPA gave approval for in October 2018.

Your Sincerely,



**JACQUELINE INGHAM**  
**Unit Head – Sydney Industry**  
**Environment Protection Authority**

## Patrick Copas

---

**From:** Sanju Reddy <SReddy@ryde.nsw.gov.au>  
**Sent:** Thursday, 13 December 2018 2:04 PM  
**To:** Patrick Copas  
**Cc:** Olivia Hirst  
**Subject:** RE: Request for SEARs for Lane Cove West Data Centre (SSD 9741) – 1 Sirius Road, Lane Cove West

**Categories:** Council Response, SEAR Response

Patrick

Council has a concern regarding potential glare caused from the building to the Magdala Park. Could you please request that the façade details are provided and ensure that it is non-reflective or not white or reflective material.

Thank you.

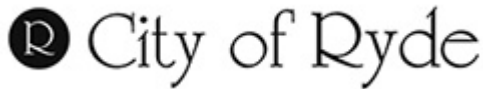
### Sanju Reddy

Senior Coordinator Building & Development Advisory Service  
DEVELOPMENT ASSESSMENT

P 99528187

E [SReddy@ryde.nsw.gov.au](mailto:SReddy@ryde.nsw.gov.au)

W [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)



**Customer Service Centre** 1 Pope Street, Ryde (Within Top Ryde City shopping centre)  
**North Ryde Office** Binary Centre, Building 0, Level 1, 3 Richardson Place, North Ryde

**Let's Connect** [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#) | [eNews](#)

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Office of  
Environment  
& Heritage

DOC18/966101  
SSD 9741

Patrick Copas  
Planning Officer, Industry Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Copas

**Secretary's Environmental Assessment Requirements – Lane Cove Data Centre, 1 Sirius Road, Lane Cove West (SSD 9741)**

I refer to your email of 28 November 2018 requesting comments from the Office of Environment and Heritage (OEH) on the above State Significant Development project.

OEH has reviewed the relevant information and provides recommendations in Attachment A.

Please note that a separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW.

Should you have any queries regarding this matter, please contact Marnie Stewart on 9995 6868 or [marnie.stewart@environment.nsw.gov.au](mailto:marnie.stewart@environment.nsw.gov.au)

Yours sincerely

*S. Harrison 14/12/18*

**SUSAN HARRISON**  
Senior Team Leader Planning  
Greater Sydney  
Communities and Greater Sydney

## Attachment A – OEH Environmental Assessment Requirements

<p><b>Biodiversity</b></p>
<ol style="list-style-type: none"> <li>1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 using the <u>Biodiversity Assessment Method</u> and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the <i>Biodiversity Conservation Act 2016</i> (s6.12), <i>Biodiversity Conservation Regulation 2017</i> (s6.8) and <u>Biodiversity Assessment Method</u>, unless OEH and DPE determine that the proposed development is not likely to have any significant impacts on biodiversity values.</li> <li>2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the <u>Biodiversity Assessment Method</u>.</li> <li>3. The BDAR must include details of the measures proposed to address the offset obligation as follows; <ul style="list-style-type: none"> <li>• The total number and classes of biodiversity credits required to be retired for the development/project;</li> <li>• The number and classes of like-for-like biodiversity credits proposed to be retired;</li> <li>• The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;</li> <li>• Any proposal to fund a biodiversity conservation action;</li> <li>• Any proposal to conduct ecological rehabilitation (if a mining project);</li> <li>• Any proposal to make a payment to the Biodiversity Conservation Fund.</li> </ul> <p>If seeking approval to use the variation rules, the BDAR must contain details of the <u>reasonable steps</u> that have been taken to obtain requisite like-for-like biodiversity credits.</p> </li> <li>4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 10 of the BAM.</li> <li>5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.</li> </ol>
<p><b>Aboriginal cultural heritage</b></p>
<ol style="list-style-type: none"> <li>6. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (DECC 2010), and guided by the <u>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</u> (OEH, 2011).</li> </ol>

7. Consultation with Aboriginal people must be undertaken and documented in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
8. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.
9. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the [development/project] to formulate appropriate measures to manage unforeseen impacts.  
Note that a due diligence report is not acceptable, an ACHAR must be prepared.

#### **Water and soils**

10. The EIS must map the following features relevant to water and soils including:
  - a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
  - b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).
  - c. Wetlands as described in s4.2 of the Biodiversity Assessment Method.
  - d. Groundwater.
  - e. Groundwater dependent ecosystems.
  - f. Proposed intake and discharge locations.
11. The EIS must describe background conditions for any water resource likely to be affected by the development, including:
  - a. Existing surface and groundwater.
  - b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.
  - c. Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
  - d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government.
  - e. Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions <http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning>
12. The EIS must assess the impacts of the development on water quality, including:
  - a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development/project protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction.

- b. Identification of proposed monitoring of water quality.
- c. Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan)

13. The EIS must assess the impact of the development on hydrology, including:
- a. Water balance including quantity, quality and source.
  - b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
  - c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
  - d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
  - e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
  - f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
  - g. Identification of proposed monitoring of hydrological attributes.

#### **Flooding and coastal hazards**

14. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
- a. Flood prone land
  - b. Flood planning area, the area below the flood planning level
  - c. Hydraulic categorisation (floodways and flood storage areas)
  - d. Flood hazard.
15. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
16. The EIS must model the effect of the proposed development (including fill) on the current flood behaviour for a range of design events as identified above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
17. Modelling in the EIS must consider and document:
- Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.
  - The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood.
  - Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories.
  - Relevant provisions of the NSW Floodplain Development Manual 2005.

18. The EIS must assess the impacts on the proposed development on flood behaviour, including:
- a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
  - b. Consistency with Council floodplain risk management plans.
  - c. Consistency with any Rural Floodplain Management Plans.
  - d. Compatibility with the flood hazard of the land.
  - e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
  - f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
  - g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
  - h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
  - i. Impacts the development may have upon managing risk to life, existing community emergency management arrangements, evacuation and access, and contingency measures for the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters must be discussed with the State Emergency Services and Council.
  - j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

**OEH estate**

19. The EIS must identify:
- a. In the case of a development that adjoins, is in the immediate vicinity of a park or upstream, the assessment of impacts must address the matters to be considered outlined in the Guidelines for developments adjoining land managed by the Office of Environment and Heritage (OEH 2013) and include:
    - The nature of the impacts, including direct and indirect impacts.
    - The extent of the direct and indirect impacts.
    - The duration of the direct and indirect impacts.
    - The objectives of the reservation of the land.
  - b. Measures proposed to prevent, control, abate, minimise and manage the direct and indirect impacts including an evaluation of the effectiveness and reliability of the proposed measures.
  - c. Residual impacts.

(END OF SUBMISSION)



# NSW RURAL FIRE SERVICE



The Secretary  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Your reference: SSD 9741  
Our reference: D18/8341

14 December 2018

Attention: Patrick Copas  
Industry Assessments

Dear Sir/Madam,

## Request for input into SEARs – Lane Cove West Data Centre (SSD 9741) 1 Sirius Road Lane Cove West

Reference is made to correspondence dated 28 November 2018 seeking input to the request for Secretary's Environmental Assessment Requirements for the above State Significant Development in accordance with the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service advises that the preparation of an Environment Impact Statement should incorporate a bush fire assessment report prepared by a suitably qualified person that addresses and is reviewed against the aims and objectives of *Planning for Bush Fire Protection 2006* (or equivalent).

In relation to future development on bush fire prone land, it is suggested that the requirements under Section 4.3.6 (f) of *Planning for Bushfire Protection 2006* (or equivalent) be considered in the planning stages, for the provision of adequate bush fire protection measures.

If you have any queries regarding this advice, please contact Craig Casey, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese  
Team Leader, Development Assessment and Planning  
Planning & Environment Services (East)

**Postal address**

NSW Rural Fire Service  
Records Management  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
Planning and Environment Services  
4 Murray Rose Avenue  
Sydney Olympic Park NSW 2127

T 1300 NSW RFS  
F (02) 8741 5433  
E [pes@rfs.nsw.gov.au](mailto:pes@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



<b>Applicant:</b>									
<b>Contact:</b>									
<b>Property:</b>	1 Sirius Road, Lane Cove West Lot 1 DP 1151370								
<b>Site Area:</b>	39,453m <sup>2</sup> (to be confirmed through survey)								
<b>Zoning:</b>	IN2 Light Industrial								
<b>Description of Proposal:</b>	Construction of a Data Centre								
<b>Attendance:</b>	<b>Council Staff</b>								
	<u>Name</u>	<u>Title</u>							
	Henry Burnett	Senior Town Planner							
	David Wilson	Manager Environmental Health							
	Ted Webster	Manager – Open Space							
	Jeff Culleton	Coordinator Bushland							
	Maran Muthiah	Development Engineer							
	<b>Applicant</b>								
	<u>Name</u>	<u>Capacity</u>							
<b>Apologies:</b>	<b>Council Staff</b>								
	Hugh Millington	Tree Preservation Officer							
	Dennis Anthonysamy	Development Engineer - Traffic							
	Adrian Moore	Principal Building Surveyor							
	Chris Pelcz	Coordinator – Strategic Planning							
	Olga Blacha	Landscape Architect							
<b>Plans/ Documents Submitted:</b>	<table border="1"> <thead> <tr> <th><b>Plan No.</b></th> <th><b>Author</b></th> <th><b>Date</b></th> </tr> </thead> <tbody> <tr> <td>PRE-DA Set</td> <td>Greenbox</td> <td>29/10/2018</td> </tr> </tbody> </table>			<b>Plan No.</b>	<b>Author</b>	<b>Date</b>	PRE-DA Set	Greenbox	29/10/2018
	<b>Plan No.</b>	<b>Author</b>	<b>Date</b>						
	PRE-DA Set	Greenbox	29/10/2018						

<p><b>Relevant Legislation and Codes</b></p>	<p>Environmental Planning and Assessment Act, 1979          Biodiversity Conservation Act 2016          National Parks and Wildlife Act 1994          Water Management Act 2000          SEPP (State and Regional Development) 2011          SEPP No. 19 – Bushland in Urban Areas          SEPP No. 33 – Hazardous and Offensive Development          SEPP No. 55 – Remediation of Land          Draft SEPP No. 55 – Remediation of Land          SEPP No. 64 – Advertising and Signage          SEPP (Coastal Management) 2018          SREP (Sydney Harbour Catchment) 2005          Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005          Draft Environment SEPP          SEPP (Infrastructure) 2007          Lane Cove Local Environmental Plan 2009          Lane Cove Development Control Plan 2010:</p> <ul style="list-style-type: none"> <li>• Part A – Introduction</li> <li>• Part B – General Controls</li> <li>• Part E – Industrial Development</li> <li>• Part F – Access and Mobility</li> <li>• Part G – Acid Sulphate Soils</li> <li>• Part H – Bushland Protection</li> <li>• Part H – Land Adjoining Bushland Map</li> <li>• Part J – Landscaping</li> <li>• Part N – Signage</li> <li>• Part O – Stormwater Management</li> <li>• Part Q – Waste Management and Minimisation</li> <li>• Part R – Traffic, Transport and Parking</li> </ul>
<p><b>Key Issues</b></p>	<ol style="list-style-type: none"> <li>1. Land Use Definition</li> <li>2. Ecological Impact</li> <li>3. Ecological Buffer / Insufficient Built Setback</li> <li>4. Site Contamination</li> <li>5. Building Height</li> <li>6. Impact on the Public Domain</li> </ol>

## 1. The Site

The site is legally known as Lot 1 in DP 1151370 with a street address of No. 1 Sirius Road, Lane Cove West. The site has an area of 39,453m<sup>2</sup>. The topography of the site is undulating with a fall 15-20m across the site towards Stringy Bark Creek and Lane Cove River.

The existing site does not include any structures. A portion of the non-vegetated part of the site contains deposits of excavated material which is subject to a contamination investigation by the Environmental Protection Authority.

Access to the site is from a single access point from a private road cul-de-sac accessed from Sirius Road.

The site is situated at the edge of the Lane Cove Industrial Estate with an interface to the existing industrial buildings to the south and bushland, the Lane Cove River, Stringybark Creek and Coastal Wetlands /Lane Cove Salt Marsh to the north.

From an initial analysis the principal public domain vistas into the site include from the public bushwalking path between Epping Road and Blackman Park, Lane Cove River, from Epping Road southbound from Delhi Road and from public recreation areas across Lane Cove River to the north-west.



**Figure 1: Subject Site – 1 Sirius Road, Lane Cove West (Red)**

## 2. The Proposal

The proposal is for the construction of a multi-storey data centre development with ancillary office premises. A total Gross Floor Area of 35,672m<sup>2</sup> is proposed.

The design includes a ring-road around a modular building with a total of 19 data halls, an office premises, external plant decks, a detached substation and external parking areas. Vehicle access is proposed from a single-point off Sirius Road.

Construction is proposed to be phased through staged Construction Certificates.

Fuel tanks for back-up power are proposed however the location had not been established at time of the pre-DA meeting. Vegetation removal is proposed however the ecological assessment had not been completed at the time of the pre-DA meeting. The subsequent pre-DA notes include details of the relevant ecological considerations.

The applicant at the time of the pre-DA was requesting the proposal be considered as State Significant Development by the Department of Planning and Environment. This had not been confirmed at time of the pre-DA. Accordingly these notes have been prepared giving an overview of all applicable controls as they would apply to a Development Application through Council. It is understood that the Act and SEPP (State and Regional Development) 2011 make provisions for some Sections not applying to State Significant Development.

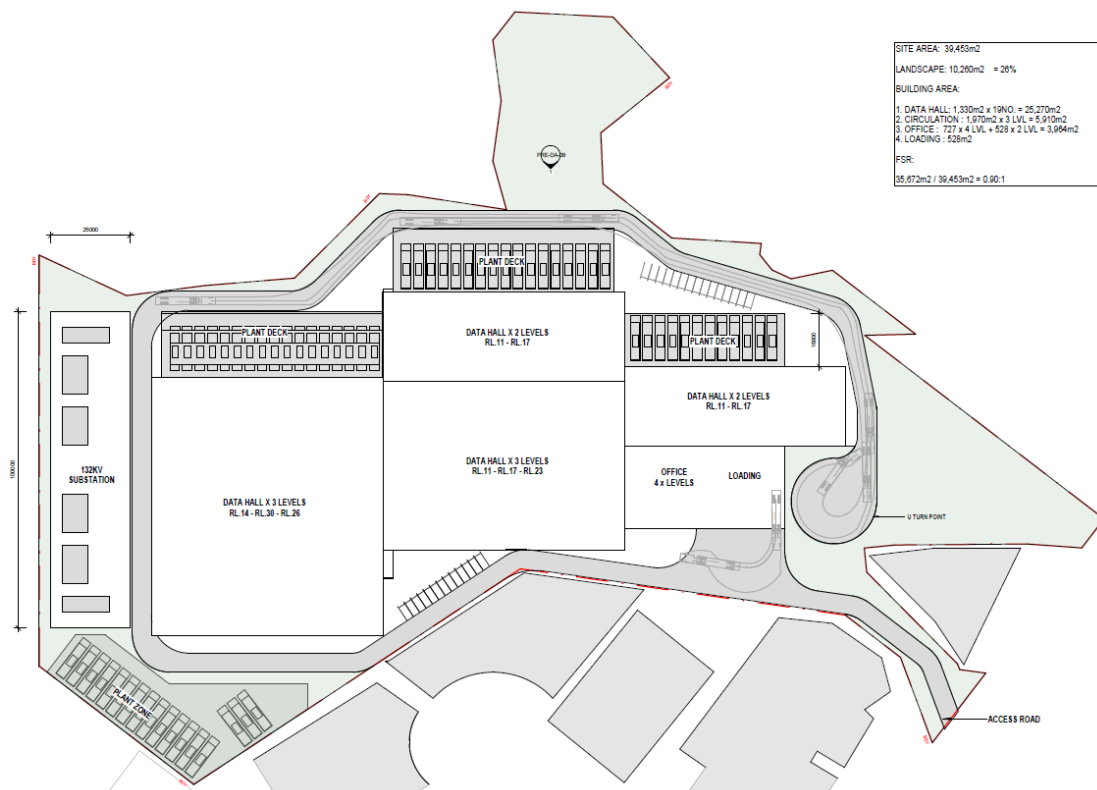


Figure 2: Proposed Site Plan

### **3. Relevant Legislation and Codes**

#### **a. Environmental Planning and Assessment Act, 1979**

##### **i. Section 4.14 – Development on Bush Fire Prone Land**

The provisions of Section 4.14 apply to the development and are to be addressed. Any APZ is to have regard to ecology. It may be warranted to provide an RDA for bushland protection before the APZ starts within the subject site. Further, the APZ should be wholly contained within the subject site boundary and is not to extent onto public land. The bushfire consultant and ecologist should consult in this regard.

Further, Planning for Bushfire Protection identifies that a “The public road system in a bush fire prone area should provide alternative access and egress for firefighters and residents during a bush fire emergency if part of the road system is cut off by fire.” (p22)

Only one access/egress route appears possible for the site, and as a consequence the site may not fulfil access requirements for emergency services.

##### **ii. Section 4.15 - Evaluation**

The matters for consideration in Section 4.15(1)(a)(i)-(iii) are addressed in Part 3(b)-(j) of these notes (or highlighted in the preceding table of relevant legislation and codes where a draft EPI).

##### **ii. Section 7.11 – Local Infrastructure Contribution**

The site is subject to the Lane Cove Development Contributions Plan which requires a contribution on a square metre rate for industrial development. The current contribution rate can be found in Council’s Fees and Charges (\$42 per m<sup>2</sup> – 2018/2019). As the proposal is not proposed to be staged, the payment would be required on the development at the issue of the first Construction Certificate.

##### **iii. Integrated Development**

A control activity approval is considered to be required under the Water Management Act 2000 (with the exception being if the proposal is considered State Significant Development). This would result in the proposal being nominated integrated development.

#### **b. Biodiversity Conservation Act 2016**

The applicant indicated during the pre-DA that a biodiversity development assessment report was being prepared. It is assumed this is being prepared to accompany a State Significant Development Application to the Minister of Planning for consideration of the proposals impacts on biodiversity values under Clause 7.14 of the Act.

Any BDAR should have regard to the mapped biodiversity and ecological significance of the site and areas adjoining the site. While the mapping in some instances is historic, the site has been the subject of unauthorised activity and man-made (as opposed to natural) degradation, and may require rehabilitation.

Consideration should be given to a better building design before offsetting is pursued in order to retain vegetation and provide for a suitable buffer between the built form and areas of importance in relation to biodiversity. Any offsetting should be in the vicinity of the site having regard to the objectives in promoting biodiversity, a buffer to bushland and rehabilitating the site within the other legislation/codes detailed in these notes.

Further detailed discussion about the importance of this buffer and the mapped ecology is contained later within these notes in parts 3(d), (g), (h), (i) and (j).

**c. SEPP (State and Regional Development 2011)**

The proposal seeks classification under Schedule 1 Clause 13 of the SEPP. Consideration is to be given to whether proposal falls within the definition of a warehouse or distribution centre. The initial view is that a high technology industry is a more appropriate definition which would preclude the application being considered as state significant development as a high technology industry or light industry is not listed within Schedule 1. However, the ultimate definition of the use is at the discretion of those determining whether the proposal meets the criteria for SSD.

**d. SEPP No. 19 (Bushland in Urban Areas)**

The subject site adjoins bushland (areas adjoining mapped in yellow) and accordingly the provisions Clause 9 of the SEPP apply to the proposal.



**Figure 3: Land Adjacent to Bushland (Yellow)**

**e. SEPP No. 33 (Hazardous and Offensive Development)**

A preliminary hazard analysis would be required given the likely volume (indicatively stated as 1 million litres) of fuel stored for back-up power supply to the data centre.

Consideration should be given to the ecological impact of a fuel spill or overflow of firefighting waters in the marine environment. Measures should be employed to protect the environment in the event of a failure or fire event.

**f. SEPP No. 55 (Remediation of Land)**

Council's Environmental Health Manager indicated there is known contamination on the site subject to an EPA investigation. Any Development Application is to be accompanied by a contamination report satisfying the provisions of SEPP No. 55 and the EPA Guidelines.

**g. SEPP (Coastal Management) 2018**

The subject site is subject to SEPP (Coastal Management) 2018. The SEPP aims to protect and improve the biophysical, hydrological and ecological integrity of coastal zones. As shown in Figure 4 below the site contains Coastal Wetlands (blue) and is within the proximity area for the wetlands (dashed).

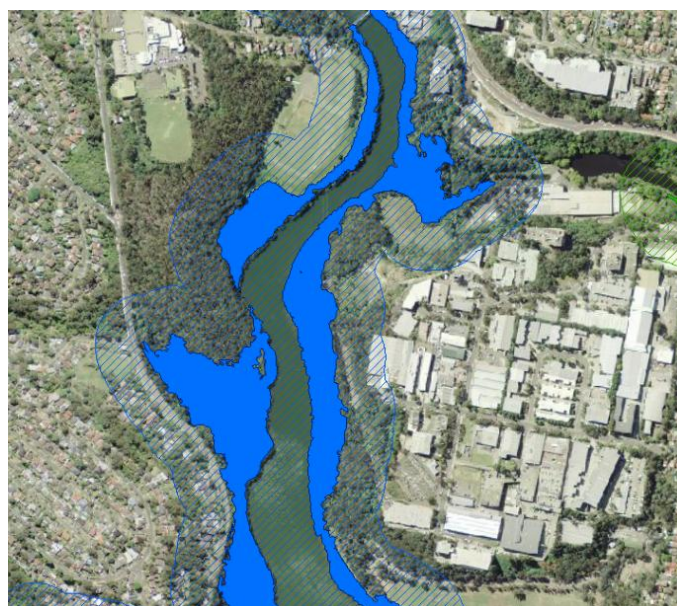
Detailed GIS/survey analysis needs to be undertaken as to whether the site contains coastal wetlands, or is only subject to the buffer under the Coastal Wetlands and Littoral Rainforests Maps.

The following Clauses are of relevance depending on the outcome of the above analysis:

- Clause 10 – Development on certain land within coastal wetlands and littoral rainforests area; or
- Clause 11 – Development on land in proximity to coastal wetlands or littoral rainforest.

An initial analysis considers there may be some Coastal Wetland within the north-eastern edge of the site at the mouth of Stringy Bark Creek. If this is the case the proposal may be classified as designated development and will require an EIS.

In any event SEPP (Coastal Management) 2018 applies to the site and is to be addressed in detail with any application made.

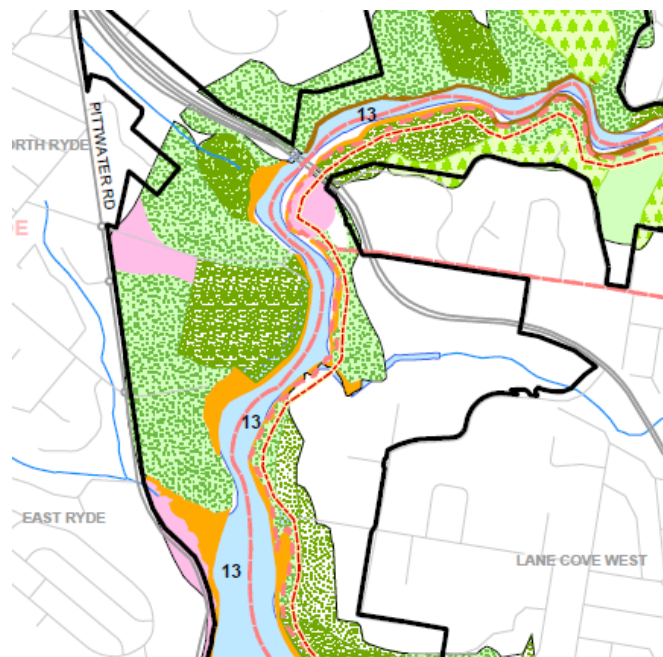


**Figure 4: Extract from Coastal Wetlands and Littoral Rainforests Map**

**h. SREP (Sydney Harbour Catchment) 2005**

The proposal is subject to SREP (Sydney Harbour Catchment) 2005 and Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005. Any application is to demonstrate compliance with the provisions of the SEPP and supporting DCP within a Statement of Environmental Effects. The site is mapped within Map 5 (Ecological Communities and Landscape Characters) and is adjacent to or contains:

- Mudflats and Mangroves;
- Open Forest (Type A); and
- Open Forest (Type B).



**Figure 5: Extract of Ecological Communities and Landscape Characters Map**

A summary of the relevant parts of the SREP and DCP are provided as follows:

<b>SREP</b>	<b>DCP</b>
Part 2 – Planning Principles Part 3 – Foreshores and Waterways Area Part 5 – Heritage Provisions – Division 3 Part 6 – Wetlands Protection	2. Ecological Assessment 3. Landscape Assessment 5. Design Guidelines for Land-based Development

In relation to Part 5 Division 3 a preliminary search was conducted with a 200m buffer and 1 Aboriginal site was recorded in or near the site. AHIMS is to be utilised to undertake the appropriate searches to determine the extent of assessment required under Part 5 – Heritage Provisions – Division 3 of the SREP.

**i. SEPP (Infrastructure) 2007**

The proposal is traffic-generating development under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. Written notice will be required to be given to the RMS under Clause 104 of the SEPP.

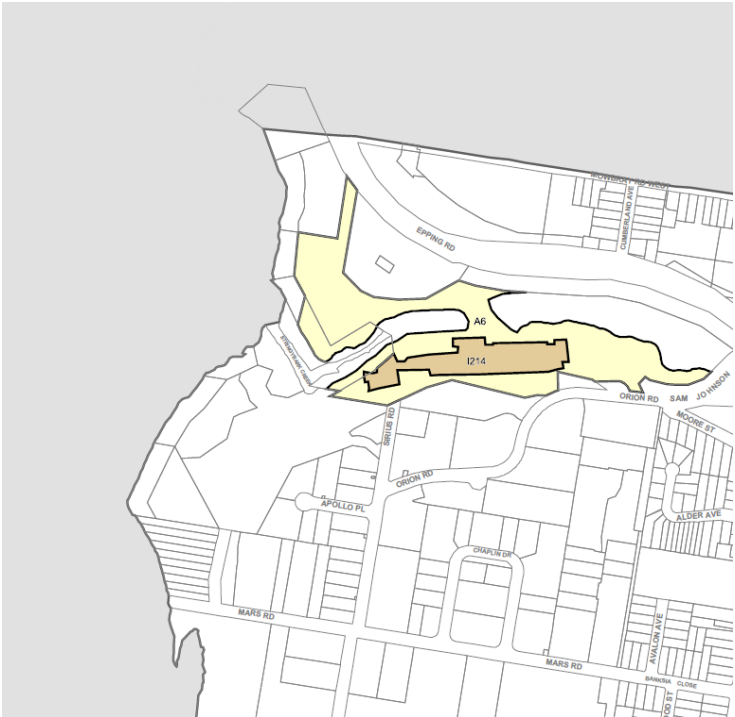
Consideration is to be given to as to whether Clause 45 of SEPP (Infrastructure) 2007 applies in this instance for works adjacent or near to electricity infrastructure.

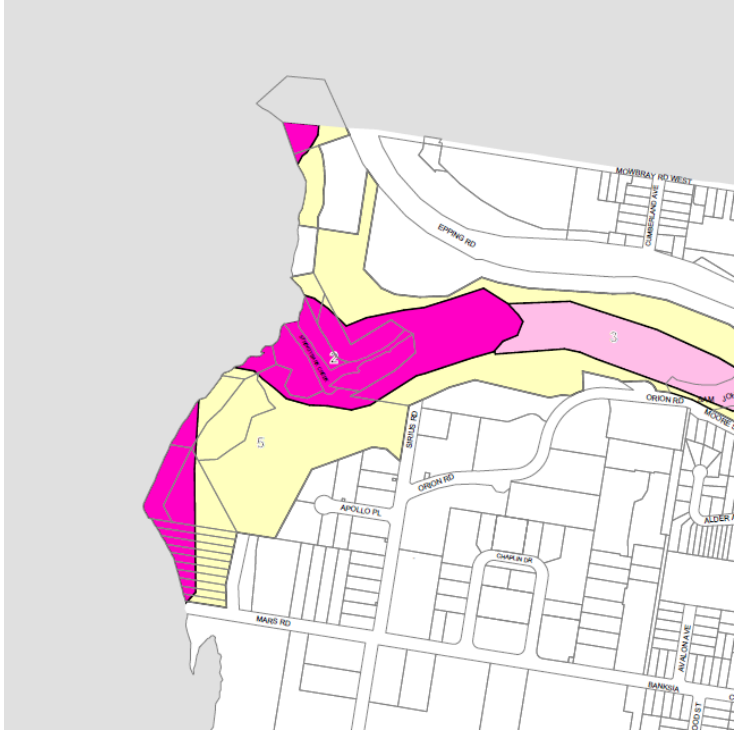
**j. Lane Cove Local Environmental Plan 2009**

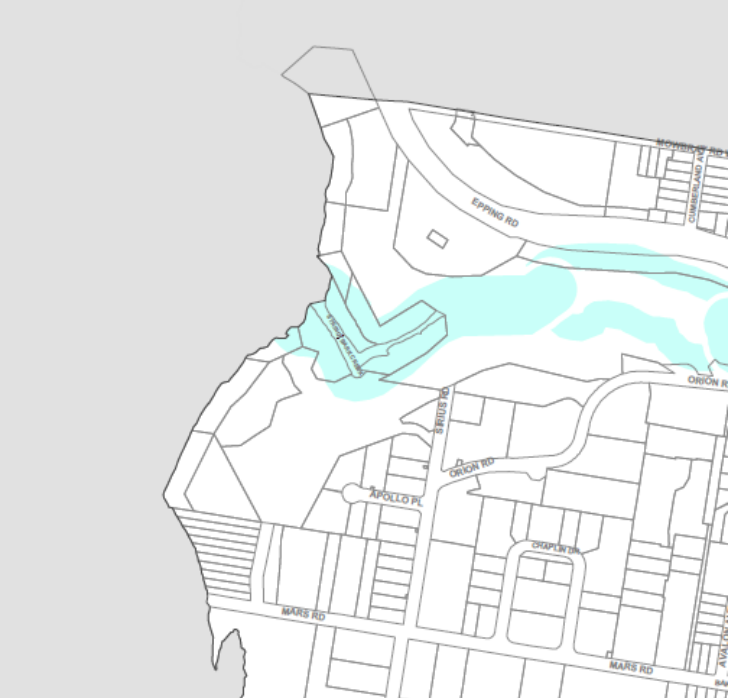
The following comments are made in relation to the Lane Cove Local Environmental Plan 2009:

<b>Clause</b>	<b>Provision</b>	<b>Comment</b>
Part 2	Zoning	The subject site is zoned IN2 Light Industrial.
Part 2	Permissibility	<p>The proposal is most appropriately defined as a high technology industry being:</p> <p><b>high technology industry</b> means a building or place predominantly used to carry out an industrial activity that involves any of the following:</p> <p>(a) electronic or micro-electronic systems, goods or components,            (b) information technology (such as computer software or hardware),            (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,            (d) biological, pharmaceutical, medical or paramedical systems, goods or components,            (e) film, television or multi-media technologies, including any post production systems, goods or components,            (f) telecommunications systems, goods or components,            (g) sustainable energy technologies,            (h) any other goods, systems or components intended for use in a science or technology related field,</p> <p>but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.</p> <p>The high technology is permissible with consent in the IN2 by way of the group term light industries being permissible with consent.</p> <p>Any alternate land use category will require further consideration by the consent authority as to its appropriateness for use.</p>
Part 4	Subdivision	The proposal does not include any subdivision.

Clause	Provision	Comment
4.3	Height of Buildings	<p>The Height of Buildings Map stipulates a maximum building height of 18m to the site.</p> <p><b>building height</b> (or height of building) means:  (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or  (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,  including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>Any measurement of building height is to be in accordance with the definition above and include plant areas.</p> <p>The submitted pre-DA plans indicate a variation to the maximum permitted building height for the site due to part of the commercial building and the data centre plant areas being above the height line. Both encroachments would be included within the building height definition.</p> <p>The appropriateness of the building height must have regard to the objectives of both the development standard and zone. Further, consideration is to be given to the impact on the public domain both from the walking tracks and the River.</p>
4.4	Floor Space Ratio	<p>The Floor Space Ratio Map stipulates a maximum FSR of 1:1 to the site. The submitted pre-DA plans have a FSR of 0.9:1 in compliance with Clause 4.4.</p>
4.6	Exceptions to Development Standards	<p>A variation to a development standard cannot be considered by a consent authority unless a written request is made by the applicant seeking to justify the contravention to the standard. The written request is to address all the relevant items within Clause 4.6. No analysis was submitted at the pre-DA stage demonstrating the appropriateness of the building height departure. Further analysis needs to be undertaken to ascertain the parameters for the siting of the building massing. Factors to consider includes setbacks from bushland, retention of bushland, relationship to topography, heritage analysis, public domain view analysis and solar access analysis.</p>
5.10	Heritage Conservation	<p>The Heritage Map identifies items I214 and A6. Schedule 5 of LCLEP 2009 identifies these items as follows:</p> <ul style="list-style-type: none"> <li>• I214 – Cumberland Paper Mills (Part 1 Heritage Item of Local Significance)</li> <li>• A6 – Chicago Mills (Part 3 Archaeological Site of Local Significance)</li> </ul>

Clause	Provision	Comment
		 <p data-bbox="600 913 1059 947"><b>Figure 6: Extract of Heritage Map</b></p> <p data-bbox="600 981 1356 1211">Clause 5.10(5) stipulates that the consent authority may before granting consent to any development on land that is within the vicinity of an item, require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the items concerned.</p> <p data-bbox="600 1249 1356 1480">Given the scale of the proposal, and it being in the visual catchment of the items concerned, a heritage management document is required. Under the definition of a heritage management document, a heritage impact statement is considered the appropriate document in this instance. A heritage impact statement is defined as follows:</p> <p data-bbox="600 1518 1356 1749"><b>heritage impact statement</b> means a document consisting of:  (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and  (b) an assessment of the impact that proposed development will have on that significance, and  (c) proposals for measures to minimise that impact.</p>
6.1	Acid sulphate soils	The Acid Sulfate Map includes Class 2 and 5 acid sulfate soils on the subject site. Accordingly, the proposal is subject to Clause 6.1. An acid sulfate soils management plan is required unless it can be demonstrated that it is unnecessary under Clause 6.1(4).

Clause	Provision	Comment
		 <p data-bbox="598 896 1109 929"><b>Figure 7: Extract of Acid Sulfate Map</b></p>
6.1A	Earthworks	The proposal includes earthworks which require development consent. Any application is to address how the proposal satisfies the matters contained within Clause 6.1A(3).
6.3	Riparian Land	The Riparian Land Map identifies the site as containing riparian land. Consent cannot be granted on this land unless the consent authority has considered the impacts of the proposed development on the land any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land. Figure 8 below provides a excerpt of this Map.

Clause	Provision	Comment
		 <p data-bbox="595 875 1137 904"><b>Figure 8: Extract of Riparian Land Map</b></p>

**k. Lane Cove Development Control Plan 2010**

Consideration is to be given to all the relevant parts of Lane Cove Development Control Plan 2010. The following provides a preliminary assessment of the relevant parts, but is not intended to be exhaustive:

**i. Part A – Introduction**

The applicant has also indicated community consultation will be conducted prior to the lodgement of any application which is also encouraged by Part A (A.2.1).

**ii. Part B – General Controls**

**B.1 – General Objectives for the DCP** – Consideration is to be given to the general objectives of the DCP in particular the following are of relevance:

- *Conserve, protect and enhance the environment and built heritage of Lane Cove.*
- *Contribute to effective management of biodiversity.*
- *To protect the quality of water catchments, encourage the use of water sensitive urban design and promote the adoption of whole of water cycle management principles.*
- *Enhance the visual quality and functionality of the public and private domain interrelationship.*
- *Regulate the visual impact of all development within foreshore areas.*

**B.5 - Development in Foreshore Areas** – Insufficient detail has been provided in relation to the building design to determine its appropriateness in relation to Clause 5.1.1. Detailed view analysis needs to be undertaken to determine that the objectives of B.5 are achieved namely:

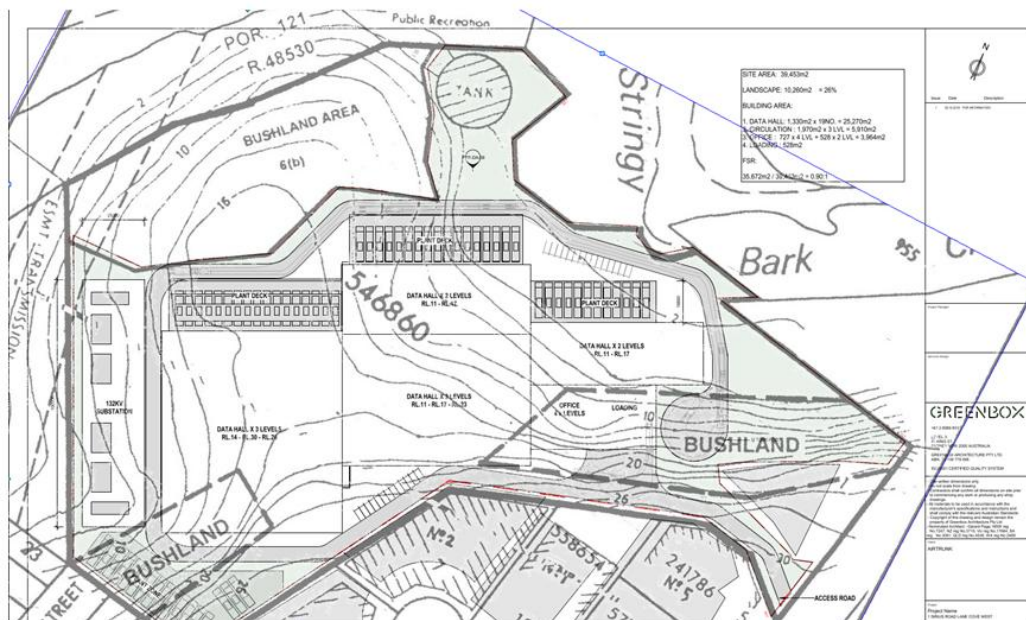
- *Minimising the impact and prominence of foreshore development when viewed from the Lane Cove River.*
- *Ensuring that the architecture of development that is highly visible from the rivers is not visually prominent, in character with the locality and minimises its bulk and scale.*

**B.6 – Environmental Management** – Clause 6.3 is to be considered with the view maximising the sustainability of the development.

iii. **Part E – Industrial Development**

The proposal is subject both the provisions of Part E1-E10 as well as the site specific controls contained within Part E11-E14. Where any inconsistency is found within Part E, Part E11-E14 applies.

The proposal is unsatisfactory with respect to Part E11-E14 in regard to E14(d)-(h). An overlay of the proposed Site Plan with the DCP Map T/05/36.



**Figure 9: Site Plan and DCP Map Overlay**

The proposal seeks to remove bushland specifically required to be retained by Part E14 of the DCP which based on the information submitted has not been demonstrated to be a satisfactory environmental outcome.

The building setbacks are required to comply with E.14(a). Any structure that would be incorporated within the definition of building height (e.g. plant structures) is construed as a building for the purposes of this part. (See Part H for setbacks to non-building structures).

The proposal does not provide for a suitable landscaped area (26% proposed). The DCP requires a minimum 20% deep soil and 10% on-structure planting. 26% deep soil and 4% on structure would satisfy the intent of the Clause E.9.

The proposal does not break up car parking areas in accordance with E.9(c) or (i).

**iv. Part F – Access and Mobility**

An Access Report is required to demonstrate compliance with Part F of the DCP.

**v. Part G – Acid Sulphate Soils**

A suitable assessment is to be carried out in accordance with Part G of the DCP.

**vi. Part H – Bushland Protection and Part H – Land Adjoining Bushland Map**

The proposal is subject to the provisions of Part H of the DCP. The proposal in its current form does not satisfy the provision of Clause 5.2.2 - as it provides for structures within the buffer area, or hardsurfaces within the buffer area that exceed 25% of that buffer area. Consideration should be given to redesigning the proposal so that a compliant buffer is established with a view to minimising the visual impact and ecological impact of the proposal from the ground plane of the public domain and bushland. Planting is to have regard to the SREP, Part H, Part J and SEPP No. 19.

An Arborist Report is required assessing all trees to be retained and removed.

**vii. Part J – Landscaping**

The proposal is subject to Part J of the DCP and is to comply with the Development Application Landscape Checklist.

**viii. Part N – Signage**

Any signage is to have regard to the provisions of Part N of the DCP (and SEPP No. 64 – Advertising and Signage).

**ix. Part O – Stormwater Management**

The proposal is to comply with the provisions of Part O – Stormwater Management. Consideration is to be given to the flood levels and the provision of a Gross Pollutant Trap for stormwater treatment.

**x. Part Q – Waste Management and Minimisation**

The proposal is to demonstrate compliance with Part Q of the DCP. For Council's waste removal trucks, the maximum grade of any access road leading to a waste and recycling room must be no steeper than 1:5 (20%). The maximum longitudinal gradient for commercial/industrial vehicles should be approx. 1:7 – 1:8 (for distances up to 100m).

**xi. Part R – Traffic, Transport and Parking**

The proposal is to comply with the provisions of Part R – Traffic, Transport and Parking. Based on the stated maximum capacity (200 persons) a SIDRA Analysis has not been requested at this stage. However, a traffic and parking assessment report is to be prepared by a suitably qualified person addressing compliance with AS2890, the RMS Guidelines and the DCP.

**I. Other Matters**

- It is understood an informal access arrangement exists for the maintenance of electricity infrastructure through the subject site. Development of the site may require formalisation of the access arrangements and you are advised to consult with the energy service provide.
- An acoustic report is required to address the plant equipment noise generation given the proximity to residential receivers.
- Construction Noise Management Plan is to be submitted with any application given the scale of the development and noise impact on surrounding residential areas.
- A detailed environmental management plan to address the construction phase (dust management, runoff/excavation water treatment and disposal).
- A Building Code of Australia report should be prepared at the Development Application stage for the purposes of identifying any DTS departures that would be subject to further consideration under a Performance Solution.
- Reference should be made to Council's Checklist for Major Developments for standard documentation requirements (in addition to that listed above).

The above notes have been prepared in consultation with other staff by the undersigned.



Henry Burnett  
**Senior Town Planner**  
**Lane Cove Council**

## **DISCLAIMER**

The aim of pre development application consultation is to provide a service to people who wish to obtain the views of Council staff about the various aspects of a preliminary proposal, prior to lodging a development application (DA). The advice can then be addressed or at least known, prior to lodging a DA. This has the following benefits: -

- Allowing a more informed decision about whether to proceed with a DA; and
- Allowing matters and issues to be addressed especially issues of concern, prior to lodging a DA. This could then save time and money once the DA is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based only on the plans and information submitted for preliminary assessment and discussion at the pre DA consultation. You are advised that: -

- The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- Given the complexity of issues often involved and the limited time for full assessment, no guarantee is given that every issue of relevance will be identified;
- Amending one aspect of the proposal could result in changes which would create a different set of impacts from the original plans and therefore require further assessment and advice;
- This Pre-DA advice does not bind Council officers, the elected Council members, or other bodies beyond Council in any way whatsoever.