# Pre-DA Lodgement Meeting Notes – 26 November 2018

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|---|---|
| **Applicant:** | Airtrunk Pty Ltd |
| **Contact:** | brendan.homer@airtrunk.com |
| **Property:** | 1 Sirius Road, Lane Cove West<br>Lot 1 DP 1151370 |
| **Site Area:** | 39,453m$^2$ (to be confirmed through survey) |
| **Zoning:** | IN2 Light Industrial |
| **Description of Proposal:** | Construction of a Data Centre |

**Attendance:**

**Council Staff**

| Name | Title |
|---|---|
| Henry Burnett | Senior Town Planner |
| David Wilson | Manager Environmental Health |
| Ted Webster | Manager – Open Space |
| Jeff Culleton | Coordinator Bushland |
| Maran Muthiah | Development Engineer |

**Applicant**

| Name | Capacity |
|---|---|
| Paul Slaven | AirTrunk |
| Brendan Homer | AirTrunk |
| Luke Puckeridge | AirTrunk |
| Andrew Cowan | Willowtree Planning |
| Dino DiPaolo | AW Edwards |
| Andrew Owens | Greenbox |

**Apologies:**

**Council Staff**

| | |
|---|---|
| Hugh Millington | Tree Preservation Officer |
| Dennis Anthonysamy | Development Engineer - Traffic |
| Adrian Moore | Principal Building Surveyor |
| Chris Pelcz | Coordinator – Strategic Planning |
| Olga Blacha | Landscape Architect |

**Plans/ Documents Submitted:**

| Plan No. | Author | Date |
|---|---|---|
| PRE-DA Set | Greenbox | 29/10/2018 |

| | |
|---|---|
| **Relevant Legislation and Codes** | Environmental Planning and Assessment Act, 1979<br>Biodiversity Conservation Act 2016<br>National Parks and Wildlife Act 1994<br>Water Management Act 2000<br>SEPP (State and Regional Development) 2011<br>SEPP No. 19 – Bushland in Urban Areas<br>SEPP No. 33 – Hazardous and Offensive Development<br>SEPP No. 55 – Remediation of Land<br>Draft SEPP No. 55 – Remediation of Land<br>SEPP No. 64 – Advertising and Signage<br>SEPP (Coastal Management) 2018<br>SREP (Sydney Harbour Catchment) 2005<br>Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005<br>Draft Environment SEPP<br>SEPP (Infrastructure) 2007<br>Lane Cove Local Environmental Plan 2009<br>Lane Cove Development Control Plan 2010:<br>• Part A – Introduction<br>• Part B – General Controls<br>• Part E – Industrial Development<br>• Part F – Access and Mobility<br>• Part G – Acid Sulphate Soils<br>• Part H – Bushland Protection<br>• Part H – Land Adjoining Bushland Map<br>• Part J – Landscaping<br>• Part N – Signage<br>• Part O – Stormwater Management<br>• Part Q – Waste Management and Minimisation<br>• Part R – Traffic, Transport and Parking |
| **Key Issues** | 1. Land Use Definition<br>2. Ecological Impact<br>3. Ecological Buffer / Insufficient Built Setback<br>4. Site Contamination<br>5. Building Height<br>6. Impact on the Public Domain |

## 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$^2$. 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$^2$ 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.

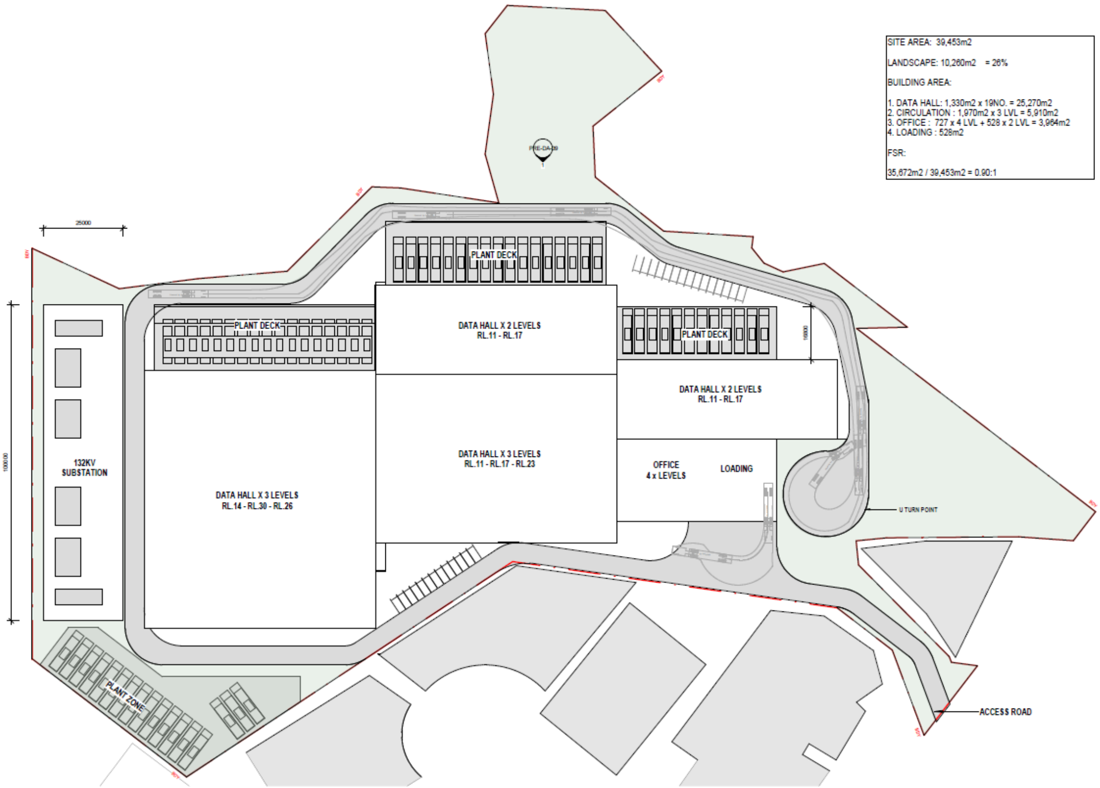


**Figure 2: Proposed Site Plan**

## 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 preceeding 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 $m^2$ – 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.

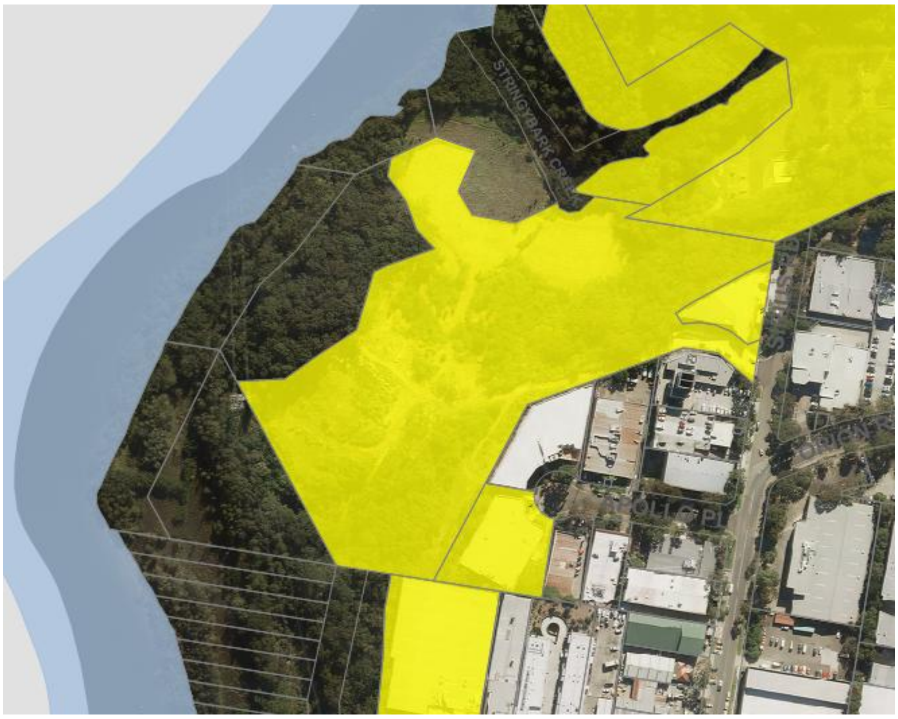


**Figure 3: Land Adjacent to Bushland (Yellow)**

## 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.

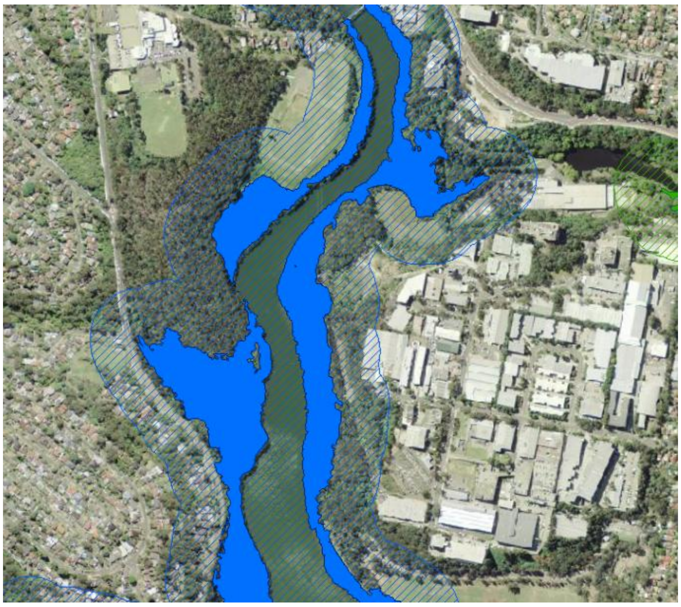

**Figure 4: Extract from Coastal Wetlands and Littoral Rainforests Map**

### 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).

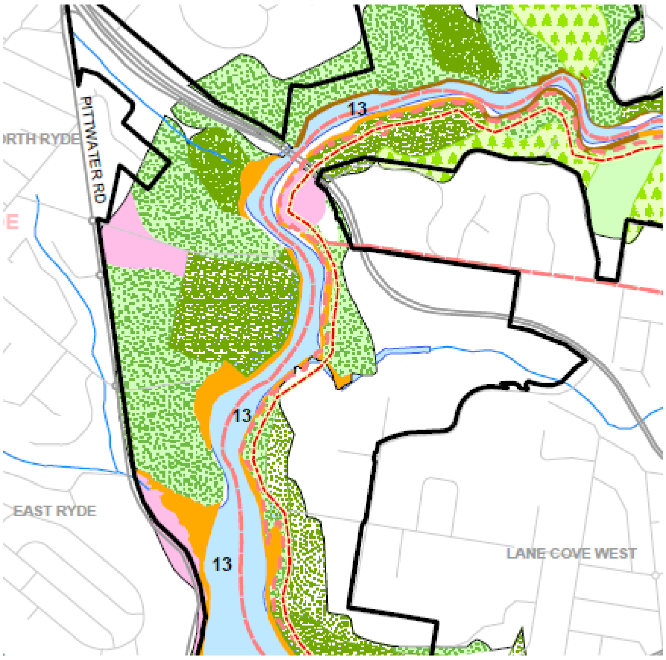


**Figure 5: Extract of Ecological Communities and Landscape Characters Map**

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

| SREP | DCP |
|---|---|
| Part 2 – Planning Principles<br>Part 3 – Foreshores and Waterways Area<br>Part 5 – Heritage Provisions – Division 3<br>Part 6 – Wetlands Protection | 2. Ecological Assessment<br>3. Landscape Assessment<br>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:

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

| Clause | Provision | Comment |
|---|---|---|
| 4.3 | Height of Buildings | The Height of Buildings Map stipulates a maximum building height of 18m to the site.<br><br>***building height*** *(or height of building) means:*<br>*(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*<br>*(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*<br>*including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*<br><br>Any measurement of building height is to be in accordance with the definition above and include plant areas.<br><br>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.<br><br>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. |
| 4.4 | Floor Space Ratio | 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. |
| 4.6 | Exceptions to Development Standards | 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. |
| 5.10 | Heritage Conservation | The Heritage Map identifies items I214 and A6. Schedule 5 of LCLEP 2009 identifies these items as follows:<br><br>• I214 – Cumberland Paper Mills (Part 1 Heritage Item of Local Significance)<br>• A6 – Chicago Mills (Part 3 Archaeological Site of Local Significance) |

<table>
<tr><th>Clause</th><th>Provision</th><th>Comment</th></tr>
<tr><td></td><td></td><td>


<br>
Figure 6: Extract of Heritage Map<br><br>
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.<br><br>
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:<br><br>
heritage impact statement means a document consisting of:<br>
(a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and<br>
(b) an assessment of the impact that proposed development will have on that significance, and<br>
(c) proposals for measures to minimise that impact.
</td></tr>
<tr><td>6.1</td><td>Acid sulphate soils</td><td>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 unecessary under Clause 6.1(4).</td></tr>
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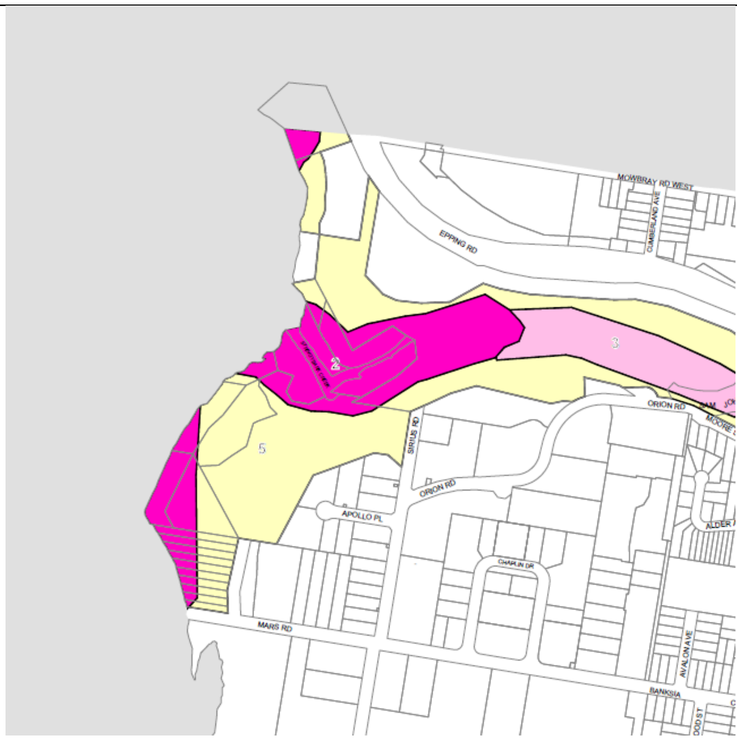
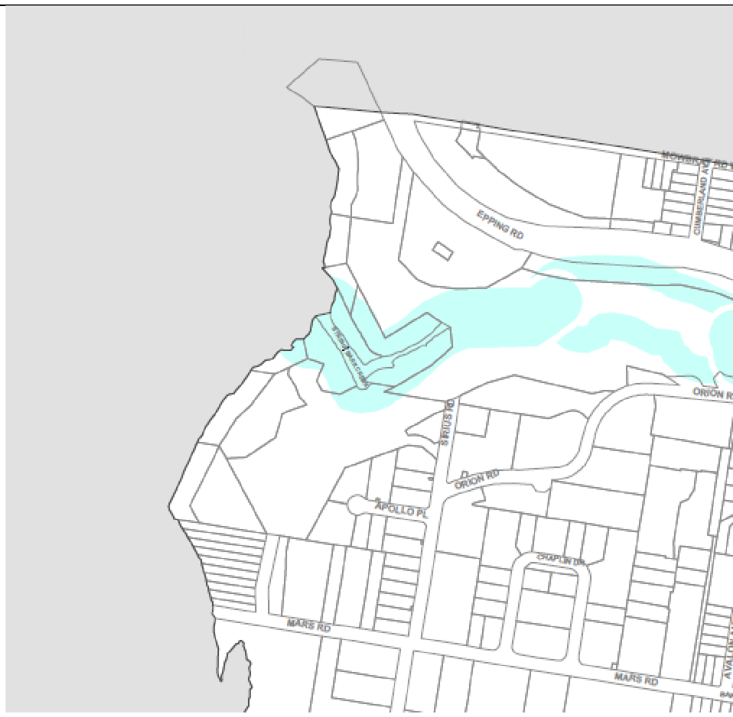
| Clause | Provision | Comment |
|---|---|---|
| | | <br>**Figure 7: Extract of Acid Sulfate Map** |
| 6.1A | Earthworks | The proposal includes earthworks which require development consent. Any application is to address how the proposal satisfies the matters contained within Clause 6.1A(3). |
| 6.3 | 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 |
|---|---|---|
| | | <br><br>**Figure 8: Extract of Riparian Land Map** |

**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.

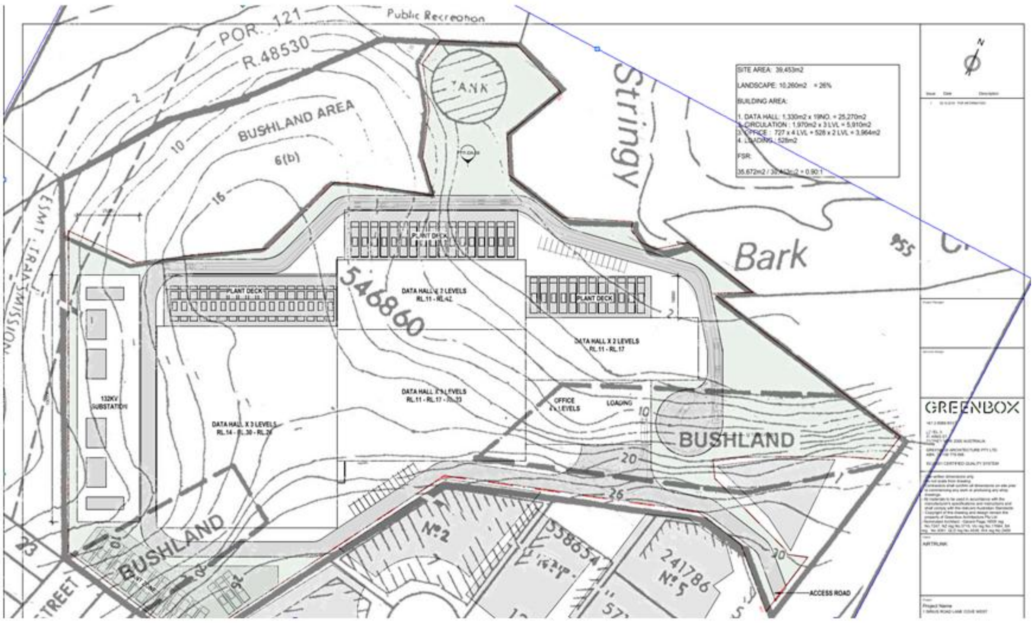



**Figure 9: Site Plan and DCP Map Overlay**

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.