

Item 6.

Development Application: 506-518 Gardeners Road, Alexandria

File No.: D/2017/1797

Summary

| | |
|----------------------------|---|
| Date of Submission: | 21 December 2017 |
| | Amended drawings and additional information received on 12 February 2018 and 4 May 2018. |
| Applicant: | Aurecon Australasia Pty Ltd |
| Architect: | Warren and Mahoney |
| Developer: | Equinix Australia Pty Ltd |
| Owner: | The Trust Company Limited |
| Cost of Works: | \$91,489,812.00 |
| Proposal Summary: | <p>The application seeks consent for the concept approval of the staged construction of a part three (3) and part four (4) storey data centre, to be operated 24 hours per day, seven (7) days a week.</p> <p>The proposal also seeks consent for the detailed design of Stage 1 works which includes the construction and use of the 3 storey building to the northern portion of the site for data centre operations, new internal roads, 33 at grade car parking spaces, fencing and landscaping. The Stage two (2) building envelope will be subject to a future detailed Development Application (DA).</p> <p>During the course of the assessment the proposal was amended and additional information provided to address Council officer's concerns regarding building height, deep soil planting, contamination, acid sulphate soils, public art, sustainability, bicycle parking and pedestrian safety.</p> <p>The development application was notified for a period of 28 days between 17 January 2018 and 15 February 2018, and no submissions were received.</p> |

**Proposal Summary
(continued):**

A Public Benefit Offer accompanies the development application and relates to the dedication of land along the eastern portion of the site towards a future road identified in the Sydney Development Control 2012 (SDCP 2012). The Public Benefit Offer also includes temporary landscaping of the land to be dedicated to the City until such time as the road is constructed.

A draft Voluntary Planning Agreement (VPA) has been prepared incorporating the works proposed by the developer under the public benefit offer. The draft VPA is on public exhibition for a period of 28 days between 29 May 2018 and 26 June 2018. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the DA upon completion of the VPA exhibition process and after consideration has been given to any submissions received.

The proposed Stage 1 building exceeds the 18 metre height of building standard contained in the Sydney Local Environmental Plan 2012 (SLEP 2012) by 1.75m or 9.72%. A request for a variation to the height of building development standard has been submitted under Clause 4.6 SLEP 2012. The proposal is consistent with the objectives of the zone and height of building standard. The proposed variation to the development standard has merit and is supported in this instance.

The proposal is largely compliant with the relevant provisions contained in the SLEP 2012 and SDCP2012, particularly the Southern Employment Lands provisions which apply to the subject site.

Summary Recommendation:

The determination of the development application is recommended to be delegated to the CEO to allow the exhibition of the VPA to be completed and any submissions received to be considered.

- Development Controls:**
- (i) Environmental Planning and Assessment Act, 1979
 - (ii) Airports Act 1996
 - (iii) State Environmental Planning Policy 55 Remediation of Land
 - (iv) State Environmental Planning Policy (Infrastructure) 2007
 - (v) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
 - (vi) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
 - (vii) City of Sydney Development Contributions Plan 2015

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Architectural Drawings
 - C. Clause 4.6 Variation

Recommendation

It is resolved that:

- (A) the variation sought to the height of building development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine the development application upon completion of the Voluntary Planning Agreement exhibition process and after the consideration of any submissions received; and
- (C) if the CEO determines to approve the application, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2017/1797, subject to the conditions as detailed in **Attachment A** to the subject report.

Background

The Site and Surrounding Development

1. Site visits were carried out by Council staff on 4 January 2018 and 3 April 2018.
2. 506-518 Gardeners Road, Alexandria, is irregular in shape with street frontages to Bourke Road and Gardeners Road with street frontage lengths of approximately 105m and 125m, respectively. 506-518 Gardeners Road, Alexandria comprises two lots, legally described as Lot 1 in DP11715100 and Lot 2 in DP1171500, providing a total area of approximately 39,780sqm.
3. The proposed development is located on Lot 2 (the subject site) which fronts Gardeners Road and is vacant. Lot 2 has an area of 25,780sqm.
4. Lot 1 fronts Bourke Road and contains a recently constructed 3 storey data centre owned by the same developer, Equinix. The primary vehicular entrance to the site is located on Bourke Road, with a secondary vehicular access located on Gardeners Road. An internal private road is located off the Bourke Road access and runs along the southern side of the existing data centre.
5. Surrounding land uses are a mixture of industrial, commercial and residential uses. The site is located within the Southern Employment Lands (SEL) which contains a range of industrial uses including light and high technological industrial uses. The SEL area is characterised by large sized lots containing logistics and industrial buildings.
6. The site wraps around the adjoining corner site, which contains Bunnings Warehouse. Adjoining the site to the north is the Sydney Corporate Park which contains a mixture of uses including office and business premises, indoor recreational facilities, food and drink premises, health services facilities and a childcare centre. Adjoining the site to the east is a single storey bulky goods warehouse.
7. The site is located on the northern side of Gardeners Road which forms the Local Government Area (LGA) boundary dividing the City of Sydney and Bayside Council. Development along the southern side of Gardeners Road consists of buildings up to 6 storeys in height and includes residential flat buildings, mixed used buildings and another Equinix data centre located directly opposite the site at 639 Gardeners Road.
8. The southern side of Gardeners Road, within the Bayside Council LGA, is undergoing a period of change with a number of residential flat buildings currently under construction further to the west. While the northern side of Gardeners Road has retained its' industrial land uses and continues to provide a number of employment generating light industrial and commercial uses.
9. The site is located close to the WestConnex project. A new interchange is currently being constructed and is located opposite the subject site's Bourke Road vehicular access. A 3.5m wide piece of land fronting Gardeners Road was recently subdivided from the site and is legally described as Lot 305 in DP 1231238. This lot is proposed to be acquired by the Roads and Maritime Services for the purposes of road widening.
10. The site is not a heritage item and is not located within a heritage conservation area.
11. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Gardeners Road, facing north



Figure 3: Site viewed from the rear car park of the adjoining bulk goods premises, facing south-west



Figure 4: Site viewed from the rear car park of the adjoining bulk goods premises, facing west



Figure 5: Looking west along Gardeners Road



Figure 6: Existing data centre at 200 Bourke Road, viewed from Bourke Road

Proposal

12. The application is a concept development application for the staged construction of a part 3 and part 4 storey data centre, including ancillary offices. The development is to be operated 24 hours per day, 7 days per week.
13. The application also seeks consent for the detailed design of the first stage of works (known as Stage 1 works). The stage 1 detailed design works include the construction of a 3 storey building connecting to the existing data centre at 200 Bourke Road via a footbridge at first floor level. In detail, the Stage 1 works comprise of the following:

(a) Site works

- (i) Earthworks and shaping of the building pad including installation of drainage infrastructure;
- (ii) Extension of existing internal east-west estate road, which services the existing data centre;
- (iii) Construction of a new internal road along the western boundary of the site;
- (iv) 33 at-grade car parking spaces;
- (v) Construction of a class 3 bicycle storage facility with capacity for 40 bikes;
- (vi) Landscape planting of the site including permeable paving; and
- (vii) Installation of 1.8m palisade fencing around the perimeter of the site.

(b) Basement

- (i) Two tank rooms.

(c) Ground level

- (i) Main access, including security check point;
- (ii) Loading dock and waste storage rooms;
- (iii) Warehouse areas for high technological equipment;
- (iv) Plant rooms; and
- (v) Fire protection services.

(d) Level 1

- (i) Warehouse areas for high technological equipment;
- (ii) Footbridge connecting to the existing adjacent data centre;
- (iii) Plant rooms; and
- (iv) Office space.

(e) Level 2

- (i) Plant rooms;
- (ii) Office space; and
- (iii) Outdoor area for staff.

(f) Roof

- (i) Rooftop plant equipment.

14. The concept plan component of the application includes the proposed building envelope for what is known as 'Stage 2 works' to the site. This comprises a building envelope 25m in height which adjoins the Stage 1 building to the south and fronts Gardeners Road. A future detailed DA is required for the construction of the Stage 2 building.
15. In the interim, the Stage 1 building will contain a temporary façade on its southern elevation facing Gardeners Road until such time as the Stage 2 building is approved and constructed.
16. The application has been accompanied by a Public Benefit Offer for the dedication of a 10.5m wide strip of land located along the eastern boundary of the site for the full length of approximately 214m. This land is to be dedicated to Council as land required for the delivery of a future new north-south connector road between Gardeners Road and Doody Street. As this land is only a small component of the land required to deliver the road and relies on properties to the north being redevelopment, it is proposed that the land be temporarily landscaped.
17. Plans and photomontages of the proposed development are provided below at Figures 7 to 11. A full set of plans is provided at Attachment B.



Figure 7: Staging plan

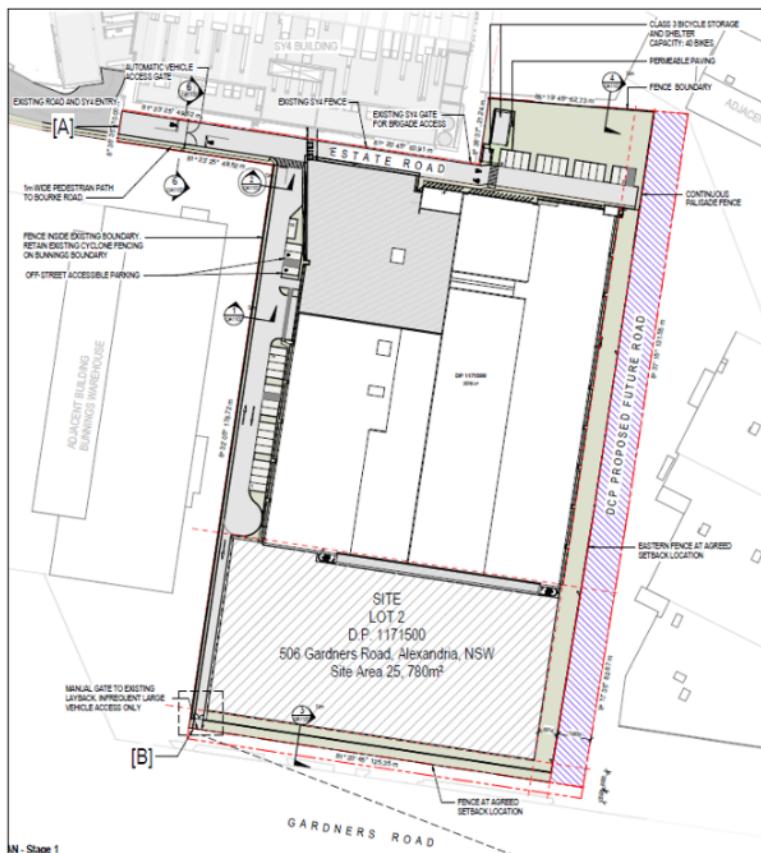


Figure 8: Stage 1 Site Plan



Figure 9: Photomontage southern (Gardeners Road) facade (with temporary facade treatment of Stage 1 shown)



Figure 10: Photomontage western facade of Stage 1 works



Figure 11: Photomontage eastern facade of Stage 1 works

History Relevant to the Development Application

18. The following development applications are relevant to the site:
- (a) *D/2011/636* - On 29 August 2011, development consent was granted for subdivision of the site from five lots into two new lots, construction of a vehicle access driveway off Bourke Road and relocation of a Sydney Water sewer main. The subdivision approved under this application has been registered and comprises Lot 1 and Lot 2 in DP1171500, with Lot 2 being the site subject to this report.
 - (b) *D/2013/1698* - On 12 June 2014, development consent was granted for the construction, fit out and use as a warehouse and distribution centre and freight transport facility comprising two levels of warehousing, three storey ancillary office, basement parking, hardstand areas and landscaping. The approved development under this consent is located on the subject lot (Lot 2 DP 1171500). This consent lapses on 12 June 2019 and a Construction Certificate has not yet been issued.
 - (c) *D/2014/453* - On 26 June 2014, development consent was granted for the construction of a new three storey industrial building for use as a data centre, with hours of operation 24 hours a day, 7 days a week, new vehicular access, car parking, fencing, gates and landscaping. This Equinix data centre has been constructed and is located on Lot 1 DP1171500 fronting Bourke Road (known as 200 Bourke Road). The proposed data centre will be connected to the existing data centre through a footbridge at first floor level.

- (d) D/2014/452 - On 24 July 2014, the Central Sydney Planning Committee granted development consent for the fitout of the data centre at 200 Bourke Road approved under D/2014/453.
19. During the course of the assessment of the subject application, a number of issues were raised regarding building height, deep soil planting, public art, ecological sustainable development (ESD), bike parking, pedestrian safety, acid sulphate soils management and contamination. In response to these concerns, the proposal has been sufficiently amended and additional information has been submitted, as follows:
- (a) reduction in the Stage 2 building envelope from 26.95m to 25m;
 - (b) deletion of five car parking spaces and associated increase in deep soil planting from 10.3% to 13% of the site area;
 - (c) submission of a statement of commitment to ESD initiatives;
 - (d) provision of a Class 3 bike storage facility with capacity for 40 bikes;
 - (e) submission of a preliminary public art strategy;
 - (f) inclusion of separate pedestrian footpaths along the proposed internal east-west private road;
 - (g) deletion of a second vehicular access point off Gardeners Road; and
 - (h) submission of a Remediation Action Plan.
20. The final amended plans received on 8 May 2018 are the subject of this report.

Economic/Social/Environmental Impacts

21. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

Sydney Airport Referral Act 1996

22. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
23. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify the subject site is subject to a prohibition of the construction of buildings more than 50 feet in height (15.24m) above existing ground height.
24. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
25. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 23 January 2018.

State Environmental Planning Policy No 55—Remediation of Land

26. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
27. The applicant has submitted a Remedial Action Plan prepared by Aurecon and a Letter of Interim Advice prepared EPA Accredited Site Auditor Tom Onus, both dated 23 May 2018.
28. The City's Health Unit and Building Unit is satisfied that subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Infrastructure) 2007

29. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45

30. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP.
31. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Clause 101

32. The application is subject to Clause 101 as Gardeners Road is a classified road. The proposal is considered to satisfy these provisions, as:
 - (a) the main vehicular access to the site is off Bourke Road;
 - (b) there are two existing vehicular access points off Gardeners Road and the proposal includes the removal of one of these vehicular accesses;
 - (c) the proposed development is a type that is not sensitive to traffic noise or vehicle emissions; and
 - (d) given the above, the proposed development is considered to be able to operate without unacceptable impacts to the safe, efficient and ongoing use of the classified road.

Sydney LEP 2012

33. The site is located within the IN1 General Industrial zone. The proposed use is defined as 'high technology industry' and is permissible with consent.
34. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

| Development Control | Compliance | Comment |
|----------------------------|-------------------|---|
| 4.3 Height of Buildings | No | <p>There are two separate building height development standards that apply to the site, which are 18m and 25m.</p> <p>The 25m height of building control is located on the Gardeners Road frontage for a depth of approximately 60m. The Stage 2 building envelope has a compliant maximum height of 25m and is located within the 25m height control.</p> <p>The 18m height of building control applies to the remaining area of the site. The proposed Stage 1 building is located within the 18m height of building control. The proposed maximum height of the Stage 1 building is 19.75m and therefore exceeds the development standard by 1.75m or 9.72%.</p> <p>The applicant has submitted a written request seeking an exception to the development standard, in accordance with Clause 4.6(3) of SLEP 2012. Refer to further discussion in the 'Issues' section of this report.</p> |
| 4.4 Floor Space Ratio | Yes | <p>A maximum floor space ratio (FSR) of 1.5:1 is permitted.</p> <p>A FSR of 0.72:1 is proposed for the Stage 1 building and therefore complies.</p> <p>The indicative gross floor area provided for the Stage 2 envelope demonstrates that the collective site would be compliant with the maximum permitted FSR of 1.5:1. The precise details of the distribution of floor space will be provided under the Stage 2 detailed DA. Notwithstanding, a condition of consent is recommended stipulating that the combined FSR of the Stage 1 and future Stage 2 building must not exceed the maximum FSR of 1.5:1.</p> |

| Development Control | Compliance | Comment |
|---|-------------------|---|
| | | The submitted drawings show a considerable amount of plant proposed. This matter was raised by Council officers and further information was provided by the applicant demonstrating that based on the use as a data centre that this plant is required and will be used exclusively for mechanical services for the building. Council officers are satisfied that the plant rooms are genuine to the use and can be excluded from the calculation of gross floor area (GFA) in accordance with the definition contained in the SLEP 2012. |
| 4.6 Exceptions to development standards | Yes | <p>The proposal seeks to vary the development standard prescribed under Clause 4.3 (Height of Buildings).</p> <p>See discussion under the heading 'Issues'.</p> |

| Part 6 Local Provisions - Height and Floor Space | Compliance | Comment |
|---|-------------------|---|
| 6.21 Design excellence | Yes | <p>The proposal was amended during the course of the assessment in response to issues raised by the Design Advisory Panel and by Council staff.</p> <p>The proposal achieves an acceptable built form in the context of the industrial nature of surrounding development. The proposed Stage 1 building contains a high standard of materials and finishes.</p> <p>Overall, the proposed development is considered to achieve a high standard of architectural, urban and landscape design for an industrial building and satisfies the design excellence provisions.</p> |

| Part 6 Local Provisions - Height and Floor Space | Compliance | Comment |
|---|-------------------|---|
| | | As the proposed detailed design of the building (Stage 1) and the concept plan envelope for Stage 2 do not have a height greater than 25 metres, the proposal does not require the undertaking of a competitive design process. |

| Part 7 Local Provisions - General | Compliance | Comment |
|--|-------------------|--|
| 7.8 Car parking ancillary to other development | Yes | A maximum of 184 car parking spaces are permitted. 33 car parking spaces, inclusive of 2 accessible spaces, are proposed as part of the Stage 1 detailed design works. |
| 7.13 Affordable housing | Yes | The site is zoned IN1 General Industrial and is categorised as 'excluded development' under Clause 7.13 of SLEP2012. The proposal is therefore exempt from the affordable housing levy contribution. |
| 7.14 Acid Sulphate Soils | Yes | The site is identified as containing class 3 Acid Sulphate Soil (ASS). An ASS Management Plan has been submitted and is satisfactory. A condition has been recommended to ensure that the ASS Management Plan is complied with during construction. |

| Part 7 Local Provisions - General | Compliance | Comment |
|--|-------------------|--|
| 7.15 Flood planning | Yes | <p>The site is identified by Council as being flood prone.</p> <p>The building is proposed to be constructed at the 1: 500 year flood level.</p> <p>This level is above the minimum requirement specified in the City's Interim Floodplain Management Policy. The proposed 1:500 year floor level is required for insurance and customer requirements as the data centre is a disaster recovery facility.</p> <p>The application was referred to the City's Flood Engineer, and has been assessed as acceptable.</p> |
| 7.16 Airspace operations | Yes | The height of the proposed development, including the concept envelope for the Stage 2 works, does not penetrate the prescribed airspace. |
| 7.19 Demolition must not result in long term adverse visual impact | Yes | No demolition works are proposed as part of the subject application, as the site is already vacant. The proposed development will result in the comprehensive redevelopment of this currently vacant site. |
| 7.20 Development requiring preparation of a development control plan | Yes | <p>As the site is zoned IN1 General Industrial, the preparation of a site specific DCP or concept plan application is not required pursuant to subclause (2)(b) of SLEP 2012</p> <p>The applicant has voluntarily elected to lodge a Concept DA.</p> |
| 7.25 Sustainable transport on southern employment land | Yes | The detailed design proposal (stage 1) provides 33 car parking spaces which is significantly less than the maximum permitted number of spaces of 184. This may encourage employees and visitors to the site to use sustainable modes of transport. |

| Part 7 Local Provisions - General | Compliance | Comment |
|--|-------------------|---|
| | | <p>In addition, the Bourke Road separated cycleway is located adjacent to the site's entrance and the proposal provides adequate bicycle parking facilities. Bus stops are located in close proximity to the site along Bourke Road and Gardeners Road.</p> <p>A Transport Access Guide (TAG) is required for the site as the development contains over 1000sqm of GFA under the SDCP 2012.</p> <p>A condition of consent is recommended for a TAG to be prepared and submitted to Council to encourage walking, cycling and the use of public transport to and from the site by staff and visitors.</p> <p>It is considered that the proposal, subject to conditions, will not result in unreasonable traffic congestion and will promote sustainable transport modes.</p> |

Sydney DCP 2012

35. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Alexandra Canal

The subject site is located in the Alexandra Canal locality. The locality statement aims to accommodate industrial uses, including population serving industrial businesses essential to the efficient functioning of a growing inner-City residential population. Limited ancillary uses may also be appropriate to support the industrial uses and working population in the area. New streets are required to deliver additional local connections, providing alternative routes within the area and connecting to the main roads.

The proposed development will provide a high technology development with ancillary office space. The proposed development will provide a high technological industrial facility for local and national businesses competing in a digital economy. The ancillary office space may generate employment opportunities for the local working population. The proposal includes dedication of land towards the future delivery of a connecting road from Gardeners Road to Doody Street.

| 3. General Provisions | Compliance | Comment |
|------------------------------|-------------------|----------------|
|------------------------------|-------------------|----------------|

| 3. General Provisions | Compliance | Comment |
|---|-------------------|--|
| 3.1 Public Domain Elements 3.1.1 Streets, lanes and footpaths | Yes | The proposed development will make a positive contribution to the public domain. The proposed dedication of land to Council towards the delivery of a future road is in accordance with the provisions contained in Section 3.1.1 of SDCP 2012. |
| 3.1.5 Public art 3.1.6 Sites greater than 5,000sqm | Yes | Given the proposal is a Concept DA and the site is over 5,000sqm, public art is required to be provided on the site. A preliminary public art strategy has been submitted in accordance with the provisions contained in Section 3.1.6 of SDCP 2012. The public art strategy indicatively proposes to utilise the metal perforated screens on the east and west elevations to incorporate art work. A condition of consent is recommended requiring the submission of a detailed public art strategy prior to issue of any Construction Certificate for the detailed design Stage 1 works. |
| 3.2 Defining the Public Domain 3.2.2 Addressing the street and public domain 3.2.7 Reflectivity | Yes | The proposed treatment to the facades visible from the public domain incorporate materials and finishes of a high standard which provide visual interest and an appropriate interface with the public domain. A condition of consent has been recommended requiring that the reflectivity from the building materials must not exceed 20%. Any external lighting of the proposed site and building will be subject to a future DA. |

| 3. General Provisions | Compliance | Comment |
|---|-------------------|--|
| 3.5 Urban Ecology | Yes | <p>The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.</p> <p>The land proposed to be dedicated to the City will be temporary landscaped. Rather than leaving this land vacant, the proposed landscaping will provide a temporary habitat for local fauna.</p> |
| 3.6 Ecologically Sustainable Development | Yes | <p>Data Centres consume relatively high levels of energy. The applicant submits that the design of the building has taken into consideration sustainability measures which includes the air handling plant being cooled by ambient air or the evaporative effect of potable water.</p> <p>Other sustainability measures are sufficiently detailed in the submitted Sustainability Management Plan and the City's ESD template completed by the applicant. The developer is seeking to obtain a Gold or Silver LEED rating and a NABERS rating.</p> |
| 3.7 Water and Flood Management | Yes | This has been discussed in the SLEP 2012 compliance table. |
| 3.11 Transport and Parking 3.11.4 Vehicle parking 3.11.9 Accessible parking | Yes | <p>Transport and parking has been discussed in detail in the SLEP 2012 compliance table.</p> <p>Overall the proposal complies with the transport and parking provisions contained in Section 3.11 of SDCP 2012.</p> <p>No objections were raised by the City's Transport and Access Unit, subject to conditions.</p> |
| 3.11.3 Bike parking and associated facilities | | The proposal includes the provision of a Class 3 bicycle parking facility with capacity for 40 spaces. |

| 3. General Provisions | Compliance | Comment |
|--|------------|--|
| | | <p>The SDCP2012 does not specify bicycle parking rates for high technology industrial uses.</p> <p>Council's Transport Planner has reviewed the proposal, taking in to consideration the amount office gross floor area and the indicative employee numbers provided by the applicant. Council's Transport Planner has advised that 40 bicycle parking are acceptable for the proposed use.</p> <p>End of trip facilities can be accommodated within the Stage 1 building. A condition of consent is recommended requiring end of trip facilities to be provided in accordance with the SDCP 2012 and Australian Standards.</p> |
| 3.11.6 Service vehicle parking 3.11.13 Design and location of waste collection points and loading areas | | <p>The Traffic Impact Assessment submitted with the application states the proposed development will generate approximately 10 heavy vehicle movements per day including waste collection.</p> <p>A loading dock and waste collection facilities are accommodated within the western side of the building and located approximately 125m from Gardeners Road. These facilities are accessed from the internal private road off Bourke Road. The design of the facilities allows trucks to exit the site in a forward direction.</p> <p>The proposed design and location of the waste collection point and loading areas are acceptable for the proposed number of heavy vehicle movements and comply with the SDCP 2012.</p> |
| 3.12 Accessible Design | Yes | <p>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p> |

| 3. General Provisions | Compliance | Comment |
|--|-------------------|---|
| 3.13 Social and Environmental Responsibilities | Yes | <p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p> <p>The perforated metal mesh on the east elevation, which fronts the future road, allows views out of the building to provide casual surveillance of the streetscape.</p> <p>Further assessment will be carried out on the Gardeners Road frontage in regards to CPTED principles under the detailed DA for the Stage 2 building.</p> |
| 3.14 Waste | Yes | <p>Satisfactory waste storage and collection facilities have been provided within the Stage 1 building.</p> <p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</p> |
| 3.16 Signage and Advertising | Yes | No signage is proposed under this application. A condition has been recommended for imposition requiring that signage be subject to a separate application, where it is not classified as exempt development. |

| 5. Specific Areas | Compliance | Comment |
|----------------------------------|-------------------|--|
| Southern Employment Lands | | |
| 5.8.1 General | Yes | The proposal is consistent with the Southern Employment Lands Urban Strategy and the character statement, as discussed in Section 2 of the SDCP 2012 compliance table. |

| 5. Specific Areas Southern Employment Lands | Compliance | Comment |
|--|-------------------|--|
| 5.8.2.2 Building setbacks | Yes | <p>The site contains part of a proposed road, identified in the SDCP 2012, which runs north-south along the eastern boundary of the site. This is discussed further in the 'Issues' section.</p> <p>The SDCP 2012 requires a setback of 6m from the road reserve of this proposed future road. The proposed Stage 1 building and Stage 2 building envelope have been setback 6m from the future road reserve which complies.</p> <p>The SDCP2012 building setback alignment map identifies the site as requiring a 5m landscaped setback from Gardeners Road.</p> <p>The interim arrangement with the Stage 1 building works will include a 58m setback from the Gardeners Road boundary of the site, with this area to be extensively landscaped.</p> <p>The Stage 2 building envelope is setback 6m from the Gardeners Road boundary in accordance with the setback provisions of the SDCP 2012. The Design Advisory Panel advised that a greater setback is recommended to allow larger tree planting within the landscaped setback. The proposed setback is considered to be acceptable, as 6m is sufficient to retain the deep soil zone along the southern boundary of the site and retain the trees to be planted along this frontage as part of the Stage 1 works.</p> |

| 5. Specific Areas | Compliance | Comment |
|------------------------------------|-------------------|---|
| Southern Employment Lands | | |
| 5.8.2.3 Building height | Yes | <p>The maximum number of storeys applying to the portion of the site subject to the 18m height of building control is 3. The proposed Stage 1 building is 3 storeys in height and therefore complies.</p> <p>The proposed Stage 2 building envelope does not exceed the 25m maximum building height control. The maximum number of storeys permitted within the 25m height control is 4 storeys. The number of storeys will be assessed under the detailed DA for Stage 2.</p> |
| 5.8.2.3 Building layout and design | Yes | <p>The proposed Stage 1 building provides appropriate interfaces from Gardeners Road and the future road on the eastern boundary of the site. The proposed use of materials and finishes provides a suitable level of visual interest. In addition, the provision of public art will contribute to the public domain.</p> <p>The Stage 2 building envelope is located on a future corner site once the proposed north-south road is constructed. The massing and facade orientation of the Stage 2 building and its' response to both street frontages will be assessed within the detailed DA.</p> |
| 5.8.2.5.1 Landscaping | No | <p>A minimum of 15% of the site area is required for deep soil planting. The proposal provides approximately 13% of the site area towards deep soil planting.</p> <p>Refer to the 'Issues' section for discussion.</p> |

| 5. Specific Areas Southern Employment Lands | Compliance | Comment |
|--|-------------------|---|
| 5.8.2.5.2 Fences | Yes | <p>The SDCP 2012 stipulates that fences are not permitted between the building and the primary street frontage. Where front fencing is required for security purposes, it is to be screened by the landscaped setback. Fences are not permitted to be solid and must not exceed 1.8m in height.</p> <p>The proposed Palisade fences surrounding the buildings are 1.8m in height.</p> <p>A fence is proposed within the Gardeners Road landscaped setback as it is required for security purposes due to the nature of the use. The fence is setback 3m from the boundary and landscaping is proposed in front to screen the fence.</p> <p>The proposed fences are therefore considered acceptable.</p> |
| 5.8.2.5.3 Private communal open space | Yes | The proposal provides approximately 122sqm of communal open space for employees which complies with the minimum requirement of 100sqm. |
| 5.8.2.6 Parking, access, loading and servicing | Yes | <p>Car parking and loading areas are screened from the public domain. The proposal provides adequate loading areas to allow for all servicing, including garbage collection, to occur from the site.</p> <p>All vehicles can enter and leave the site in a forward direction. The proposal includes separated pedestrian pathways to the main building from both Bourke Street and within the site from parking areas including bicycle parking.</p> |
| 5.8.2.7 Storage areas | Yes | All storage areas are accommodated within the building. |

| 5. Specific Areas | Compliance | Comment |
|---|--------------------|---|
| Southern Employment Lands | | |
| 5.8.2.8 Ancillary uses in the IN1 General Industrial zone | No | <p>The SDCP 2012 stipulates that ancillary offices are required to be directly associated with the industrial use and must not comprise more than 15% of the gross floor area of the development.</p> <p>While the proposed office space within the Stage 1 building is directly related to the industrial use, it provides approximately 34% of office space.</p> <p>In addition to office space for employees, the office space incorporates workspaces for customers.</p> <p>Indicative figures provided for the amount of GFA proposed for high technology use for the Stage 2 building, shows that the final amount of office space provided will be approximately 17%.</p> <p>The non-compliance is considered acceptable in this instance.</p> |
| 5.8.3.2 Proposed streets and through-site links | Partial compliance | <p>There are two proposed roads identified on the subject site.</p> <p>Refer to the 'Issues' section for discussion.</p> |

| 5. Specific Areas Southern Employment Lands | Compliance | Comment |
|--|-------------------|--|
| 5.8.7.1 Storm water management and waterways | Yes | <p>A stormwater management plan has been submitted and reviewed by Council's Public Domain Unit who advised that the proposed management of stormwater is acceptable.</p> <p>There is a stormwater easement on the site benefiting the City for overland flow. The easement is situated in the location of the existing internal access road and extension of this road towards the eastern boundary.</p> <p>Council's Public Domain Unit has advised that the proposed extension of the road can be located over this easement and can be used as an overflow channel. However, a condition of consent is recommended to ensure that no part of the proposed building encroaches on to the easement with certification to be provided by a registered surveyor.</p> |

Issues

Height of Building - Clause 4.6 Variation

36. The SLEP 2012 specifies maximum building heights of 18m and 25m for the site, as shown in Figure 12 below:

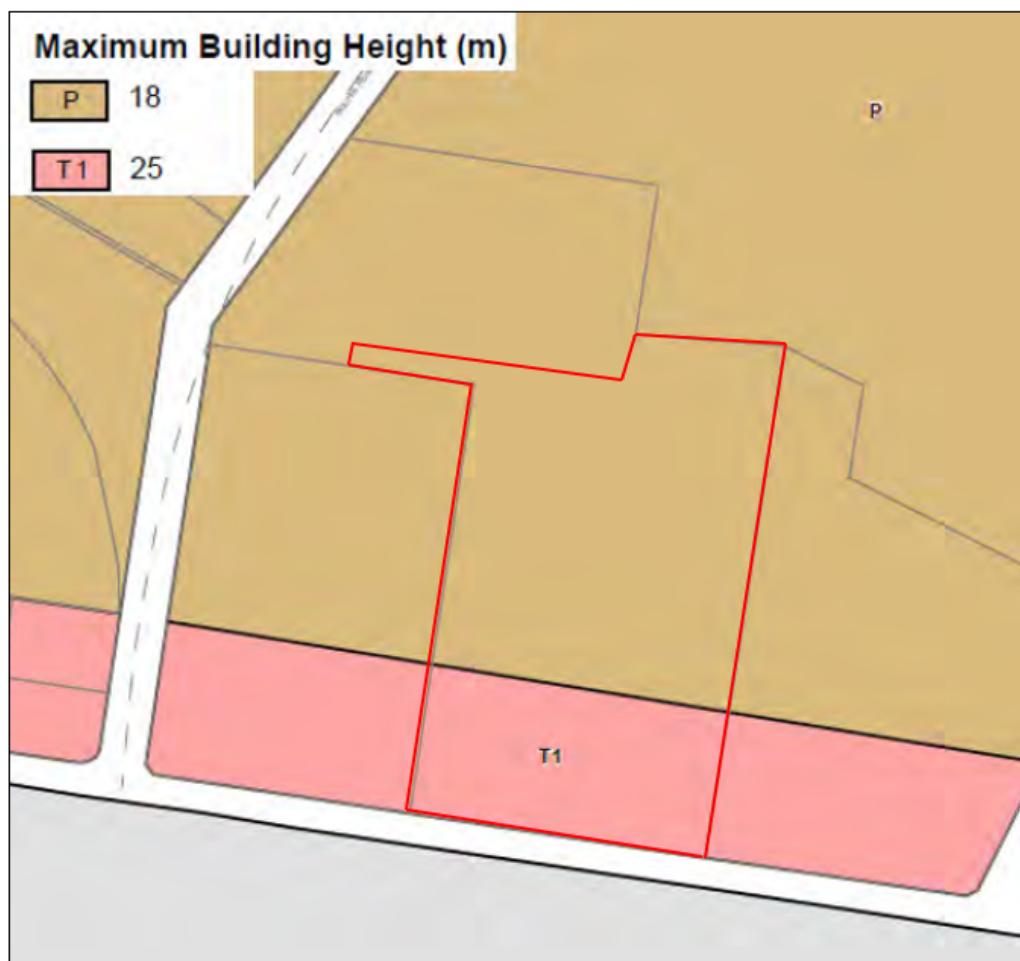


Figure 12: SLEP 2012 Height of Building Map

37. The Stage 2 building envelope has a compliant maximum height of 25m and is contained within the part of the site that is subject to the 25m building height development standard.
38. The proposed Stage 1 building is located within the area of the site that is subject to an 18m building height development standard. The proposed maximum height of the Stage 1 building is 19.75m and therefore exceeds the height of building standard by 1.75m or 9.72%.
39. It is noted that the existing data centre on the site, approved under D/2014/453, has a maximum building height of 19.8m, which was a variation of 10% to the 18 metre building height development standard applicable to that site.
40. The application has been accompanied by a written request seeking an exception to the development standard, in accordance with Clause 4.6(3) of SLEP 2012. Clause 4.6 allows the consent authority to vary the development standard in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.
41. In order to demonstrate whether strict numerical compliance is unreasonable and unnecessary in this instance, the proposed exception to the height of building standard has been considered against the relevant objectives and provisions of Clause 4.6.

42. The written request justifies the proposed contravention of the height of building development standard on the following basis:
- (a) The proposal has been designed to provide floor levels above the 1:500 year flood level. It is an insurance and customer requirement that as disaster recovery facility, all critical equipment is located above the 1:500 year flood level.
 - (b) The proposed floor to ceiling heights of the 'colocation halls', where the equipment is stored, are up to 6m in height. These floor to ceiling heights are engineered to provide the required functionality to the colocation halls and cannot be reduced without compromising efficiency, flexibility and usability.
 - (c) The various components have been engineered to a minimum and cannot be reduced without compromising the customer expectations of the data centre or the energy efficiency factors which would make the development unviable.
 - (d) The part of the building which is subject to the height exceedance has been set back from Gardeners Road by approximately 62m which mitigates that scale and impact of the facility from the public domain to the south. A setback of 6m has also been provided to the east, stepping the building away from the future road.
 - (e) The reason for the proposed building height is functional and does not relate to maximising yield from the development. The substantial gains in terms of efficiency, sustainability and environmental performance are considered to outweigh strict compliance with the height of building standard.
 - (f) The proposed development would be in the public interest as it balances environmental considerations with amenity considerations to present a proposal which integrates with the surrounding environment.
43. Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).
44. It is considered that the written statement provided by the applicant has sufficiently justified that strict numeric compliance with the development standard is unreasonable and unnecessary in this instance.
45. Clause 4.6(4)(ii) requires the consent authority to be satisfied that the proposed development is consistent with the objectives of Clause 4.3 of the SLEP2012 and the objectives of the IN1 General Industrial zone.
46. The objectives of Clause 4.3 are:
- (a) To ensure the height of development is appropriate to the condition of the site and its context.
 - (b) To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas.
 - (c) To promote the sharing of views.
 - (d) To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas.

- (e) In respect of Green Square:
 - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and
 - (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.
47. The proposed development is considered to be consistent with the objectives of Clause 4.3 for the following reasons:
- (a) the proposed height of the building matches that of the existing data centre and is consistent with other development in the area, particularly development located along the southern side of Gardeners Road;
 - (b) the proposed site is not located within the vicinity of a heritage conservation area or low scale development and therefore does not impact on the transitioning of heights; and
 - (c) the proposal will not compromise existing views of surrounding development.
48. The objectives of the IN1 General Industrial zone are:
- (a) To provide a wide range of industrial and warehouse land uses.
 - (b) To encourage employment opportunities.
 - (c) To minimise any adverse effect of industry on other land uses.
 - (d) To support and protect industrial land for industrial uses.
 - (e) To ensure uses support the viability of nearby centres.
49. The proposed development is considered to be consistent with the objectives of the IN1 General Industrial Zone for the following reasons:
- (a) the proposed high technology industrial use is desired within the zone;
 - (b) the proposal will generate employment opportunities;
 - (c) the proposal is compatible with and will not compromise the continued use of surrounding industrial uses; and
 - (d) the proposed use will not unreasonably impact on the nearby residential uses.
50. The proposed breach of the 18m height of building control is not considered to result in adverse impacts on the surrounding properties by way of view loss, overshadowing or privacy impacts.
51. The compliant setback distances from the public domain are considered to mitigate any perceived excessive height of the building. Once the Stage 2 building is constructed, the Stage 1 building will be largely screened from Gardeners Road.

52. In light of the above, despite the proposed variation to the height of building development standard, the proposal is consistent with the zone objectives and the objectives of the development standard has been achieved. Strict compliance with the height of building standard is considered unreasonable and unnecessary in the circumstance of the case, and there are sufficient environment planning grounds to vary the standard.
53. Accordingly, the proposed variation is supported and it is recommended that the Clause 4.6 exception be granted, pursuant to the Director-General's general concurrence of May 2008.

Concept Development Application

54. The Concept DA has been lodged in accordance with the provisions contained in Section 4.4 (Concept development applications) of the Environmental Planning and Assessment Act 1979 (the Act).
55. Consent is sought under Section 4.22 of the Act, which states:
 - (i) *For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
 - (ii) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
 - (iii) *A development application is not to be treated as a concept development unless the applicant requests it to be treated as a concept development application.*
 - (iv) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:
 - a. *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
 - b. *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of the development without the need further consent.**
56. The subject application is a concept proposal that includes both a building envelope for the site, but also seeks consent for the detailed proposal for the first stage of development on the site.
57. As detailed elsewhere in this report, the application seeks consent for a building envelope ranging in height from 19.75m to 25m. The application is proposing the following stages:

(a) *Stage 1:*

- (i) Construction and use of a 3-storey building to the northern portion of the site;
- (ii) Earthworks and shaping of the building pad, including the installation of drainage infrastructure;
- (iii) Extension of existing internal east-west road servicing the existing data centre;
- (iv) Construction of a new internal road along the western boundary of the site;
- (v) 33 at grade car parking spaces and bicycle storage for 40 bikes;
- (vi) Landscaping and fencing;
- (vii) Use of the building as a data centre with 24 hour operation, 7 days per week; and
- (viii) Public domain improvement works, including the temporary landscape embellishment works to the land to be dedicated to Council.

The requisite details have been provided for the Stage 1 works pursuant to Section 4.22(4)(b) of the Act to enable consent to be given for the detailed proposal for the Stage 1 works.

(b) *Stage 2:*

- (i) Concept envelope for a 25m high building envelope that would indicatively accommodate 4 storeys. The envelope proposes a 51 metre extension to the south of the Stage 1 component to be constructed under this development application. The use of the Stage 2 component would be an extension of the Stage 1 data centre.

58. The Stage 2 building will be subject to a further detailed DA in accordance with Section 4.22(4) (a) of the Act. A condition of consent is recommended stipulating that a DA is required to be lodged for the Stage 2 works.

In accordance with the requirements of Section 4.24 of the Act, the future development application for the Stage 2 works will be required to be consistent with the concept proposal for the site approved under this development application.

Proposed Roads

59. Section 5.8.3.2 of the SDCP 2012 identifies two proposed roads on the site, as shown in Figure 13, being:

- (a) half the width of the 21 metre wide north-south collector road proposed to connect Gardeners Road to Doody Street; and
- (b) a 20 metre wide east-west local street connecting Bourke Road to the future north-south collector road.

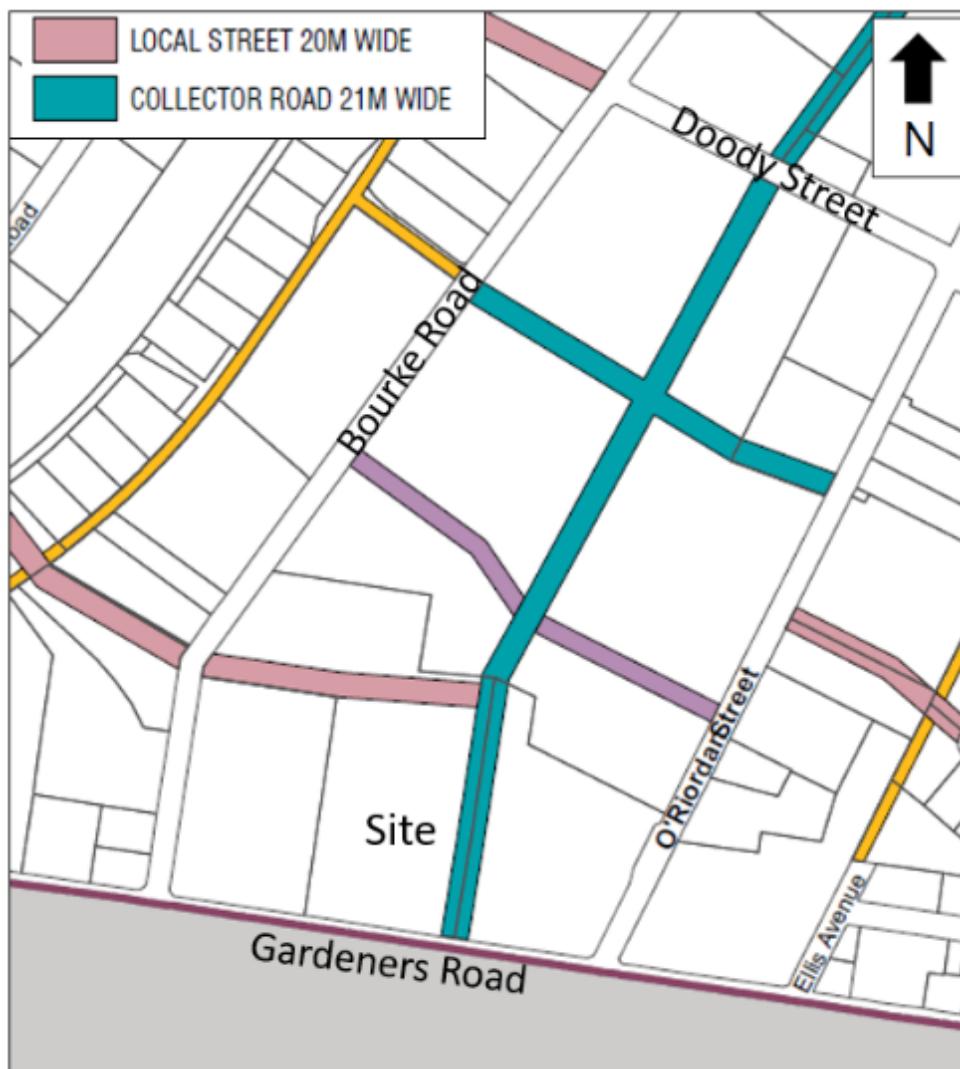


Figure 13: SDCP 2012 Proposed Roads Map

60. Half of the proposed north-south 21m wide collector road is located on the subject site, with the other half located on the adjoining property to the east, 494-504 Gardeners Road, Alexandria.
61. A Public Benefit Offer was made by the developer to enter into a Voluntary Planning Agreement for the dedication of land along the eastern boundary of the site (10.5m in width and 214m in length, which equates to 2,244.7sqm) towards the provision of the north-south collector road.
62. This proposed road will not be constructed until such time as the other half of the road is secured by the City, once the adjoining site is redevelopment. Therefore, the piece of land is proposed to be temporarily landscaped and this is discussed further under the heading 'Voluntary Planning Agreement'.
63. The proposed buildings have been setback 6m from the road reserve of the future road in accordance with Section 5.8.2.2 (Building setbacks) of the SDCP 2012. It is noted that the 10.5m wide land to be dedicated includes provision of the road itself, future footpath and verge.

64. The proposed 20m wide local street which runs through the site in an east to west direction is not being pursued on this site for the following reasons:
- (a) The SDCP 2012 was amended on 12 June 2015 to modify the provisions contained in Section 5.8 'Southern Employment Lands'. One of the amendments included the addition of the subject east-west 20m wide local street. Since this amendment to the SDCP 2012, the design of the WestConnex project has progressed. An interchange is now located directly opposite the existing Bourke Road vehicular access to the site and in the location of the proposed street, as shown in Figure 14, below. Given the close proximity to the WestConnex interchange, the location of this proposed local street is not considered appropriate. It is considered likely that the proposed local street could potentially be used as a 'rat run', with a local road not considered appropriate to carry such high volumes of traffic.

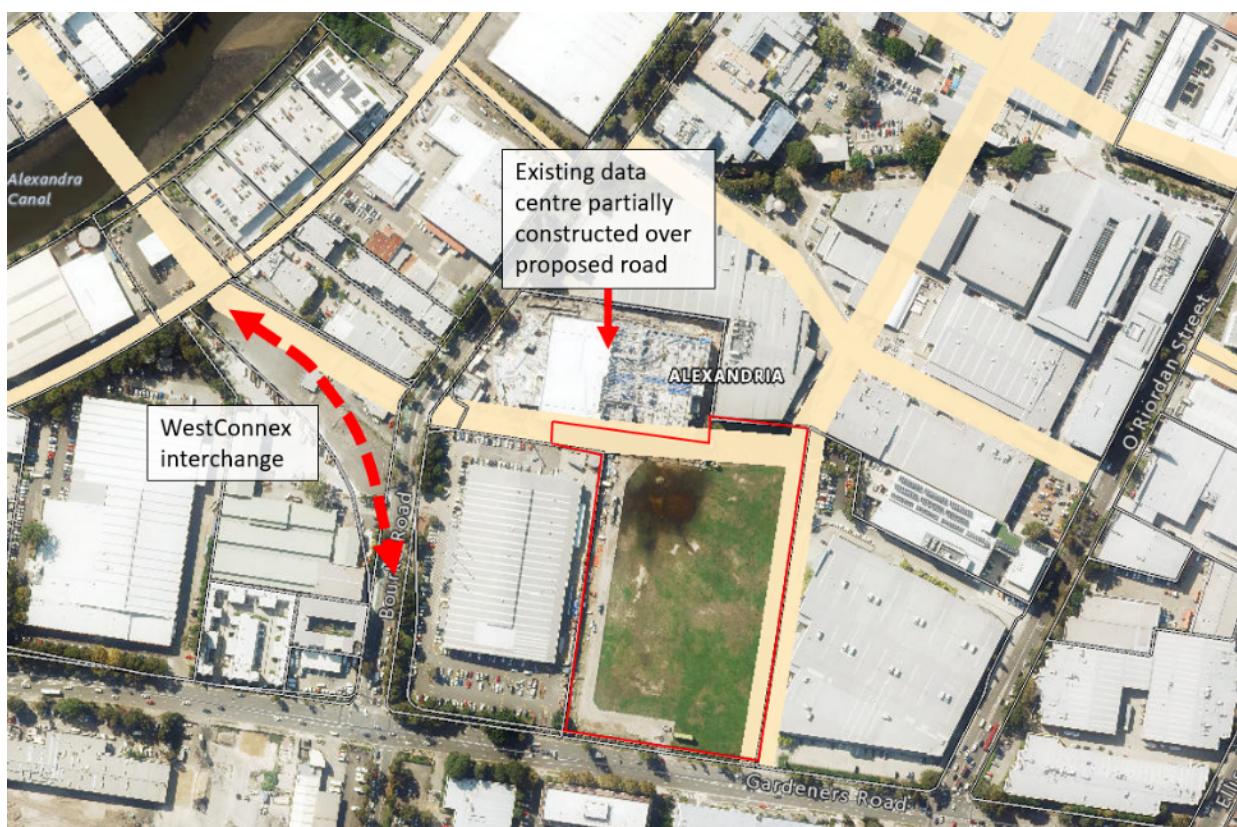


Figure 14: Aerial map showing location of proposed roads

- (b) As shown in Figure 13, above, the SDCP 2012 identifies two other proposed east-west connector streets, located north of the site. These streets will allow the large development block bound by Bourke Road, Gardeners Road, O'Riordan Street and Doody Street to be broken up from east to west thereby providing permeability.
- (c) The recently built data centre on the site, approved under D/2014/453, is partially constructed over the proposed street, as can be seen in Figure 14. It is noted that this DA was determined on 26 June 2014 prior to the SDCP 2012 amendment where this road was added. It is considered that this data centre, will remain in place for a significant period of time, and the siting of the building precludes the delivery of the road to the width and location identified in the DCP.

The City's Strategic Planning Unit and Transport Planners have advised from a strategic perspective it is considered acceptable to not pursue the proposed east-west street at this time, and that the proposed development will not compromise the function and legible street hierarchy envisaged in the Southern Employment Lands Strategy.

65. In light of the above, is considered that acquiring the land on the site identified for the future east-west street is not required at this time and a variation to Section 5.8.3.1 (Proposed streets and through site-links) of SDCP2012 has merit and is supported in this instance.

Voluntary Planning Agreement

66. A draft VPA has been prepared in relation to the proposal and includes the following public benefits:

- (a) Dedication of land along the eastern boundary of the site for the future north-south Collector road identified in the SDCP2012, as shown in Figure 15. The piece of land is 10.5m wide, 214m in length and has an area of 2244sqm.
- (b) Temporary landscaping works of the subject land as detailed below:
 - (i) a minimum 300mm depth of clean topsoil that is appropriate for native planting;
 - (ii) a minimum 75mm depth of mulch;
 - (iii) tube stock planted at a spacing of 8/sqm;
 - (iv) planting species to be a mixture of endemic shrubs and ground covers that provide habitat to local wildlife;
 - (v) installation of 1.8m high cyclone mesh fence with a lockable gate at the Gardeners Road frontage for maintenance access; and
 - (vi) landscaping is to be maintained for a 26 week establishment period.

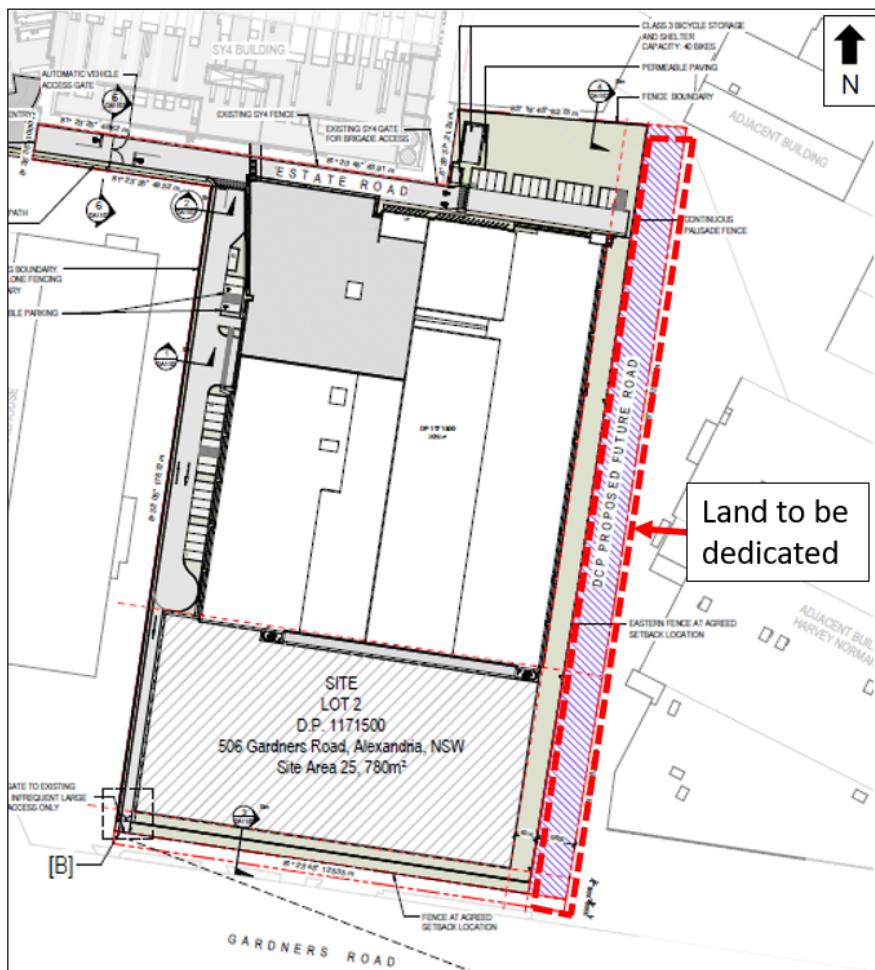


Figure 15: Land to be dedicated for future road

67. The total monetary value of the public benefit offer is \$617,324. The proposed road is identified within the City of Sydney Development Contributions Plan 2015 (Item 86). Accordingly, the applicable Section 7.11 contributions will be partially offset by the VPA.
 68. The draft VPA has been prepared and is on exhibition for a 28 day period between 29 May 2018 and 26 June 2018. No submissions had been received at the time of preparing this report.
 69. As the exhibition period of the draft planning agreement does not conclude until 26 June 2018, it is recommended that the application be delegated to the CEO to be determined following completion of the exhibition period.

Built Form, Material and Finishes

70. The bulk and scale of the building is commensurate with that of an industrial building and is compatible with the built form along Gardeners Road and within the area.

71. The external treatment of the building comprises a range of materials including precast concrete panelling, textured precast panelling, perforated metal screening, metal mesh fabric and clear glazing. The use and composition of the proposed materials are considered to provide visual interest to the facades and facilitate breaking up the perceived bulk of the building. Photomontages of the development are provided at Figures 16 to18:



Figure 16: Photomontage southern (Gardeners Road) facade (with temporary facade treatment of Stage 1 shown)



Figure 17: Photomontage western facade of Stage 1 works



Figure 18: Photomontage eastern facade of Stage 1 works (view from future road)

72. The application has been accompanied by a physical materials samples board and Council officers are satisfied that the materials and finishes are of a high quality.
73. The proposed treatment to the southern facade (fronting Gardeners Road) is a temporary solution until Stage 2 is built. This facade comprises masonry articulated by expressed slab edges and the installation of a steel cable on eyelet fixing system to provide visual interest. If, in the unlikely event, the Stage 2 does not proceed, the treatment of this facade is considered acceptable as a long term solution.
74. Overall the proposed design and use of materials and finishes is considered to result in a positive contribution to the streetscape and is consistent with the existing and desired character of the Southern Employment Lands.

Landscaping

75. Section 5.8.2.5.1 stipulates that where a site is located within the IN1 General Industrial zone, a minimum of 15% of the site area is to contain deep soil planting.
76. The original submitted proposal provided an area 10.3% for deep soil planting. Concern was raised by Council officers and the proposal was amended by deleting five car parking spaces and incorporating permeable paving. The amended proposal results in approximately 13% of deep soil planting.
77. This figure (13%) is based on the completion of the Stage 2 building envelope and does not include the land to be dedicated to Council for the future road. Given that the Stage 2 is a building envelope and will be subject of a future detailed DA, there may be scope to provide additional deep soil through massing and articulation of the building.

78. It is noted that the most recent consent on the subject site (D/2013/1698), approved on 12 June 2014, for a warehouse and distribution centre approved 9% deep soil planting on the site.
79. In consideration of the above, the minor non-compliance for the provision of 15% deep soil planting is considered acceptable in this instance.
80. Proposed landscaping of the site includes tree plantings within the front setback from Gardeners Road, along the eastern and western portion of the site, in the northern corner of the site and in between car parking spaces, as shown in the landscape plan provided in Figure 19:



Figure 19: Landscape Plan

81. Proposed landscaping of the site is considered generally acceptable. Conditions of consent are recommended requiring a detailed landscape plan to be submitted which includes species consistent with the expected mature heights and canopy growth within the Sydney area.

Hours of Operation

82. The proposed hours of operation are 24 hours a day, 7 days a week. Adjoining the sites to the north, east and west are industrial and commercial uses. Located on the opposite side of Gardeners Road are two residential flat buildings.
83. As the proposal is for a high technical industrial use, rather than general industrial, the proposed use is not expected to generate unreasonable noise levels.
84. The application was referred to the City's Health and Building Unit who advised that the proposed hours of operation are acceptable and the proposal is capable of complying with the City's standard noise conditions. These conditions have been incorporated in the recommended conditions of consent.

Other Impacts of the Development

85. The proposed development is capable of complying with the BCA.
86. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

87. The proposal is of a nature in keeping with the overall function of the site. The premises are in a mixed use surrounding and amongst similar uses to that proposed.

Internal Referrals

88. The application was referred to Council's Urban Design Specialists, Building Services Unit, Environmental Health, Public Domain, Surveyors, Transport and Access, Public Art Manager, Tree Management, and Strategic Planning unit, who advised that the proposal is acceptable subject to the recommended conditions.
89. Issues previously raised by internal units have been addressed through submission of satisfactory additional information and amended plans.

External Referrals

90. The application was referred to Ausgrid who raised no objections to the proposal.
91. The application was referred to the Roads and Maritime Services and Transport for NSW due the close proximity of the site to WestConnex. No objections were raised subject to conditions which are included in the recommended conditions of consent.

Notification, Advertising and Delegation (No Submissions Received)

92. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such, the development application was notified and advertised for a period of 28 days between 17 January 2018 and 15 February 2018. No submissions were received.

It is noted that landowners within the Bayside Council LGA and within 50m of the subject site were also notified. Public Interest

93. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

94. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
95. Pursuant to the Development Contributions Plan 2015, the proposed use is best defined as 'light industry', which includes high technology. Based on this land use classification and the proposed gross floor area of 18,434sqm, The following monetary contribution is required towards the cost of public amenities:
- | | |
|---------------------------|----------------|
| (a) Open Space | \$772,427.33 |
| (b) Community Facilities | \$120,087.52 |
| (c) Traffic and Transport | \$980,545.10 |
| (d) Stormwater Drainage | \$387,740.20 |
| Total | \$2,260,800.16 |

96. Notwithstanding the above, the Section 7.11 contributions payable as set out above may be partially offset in accordance the terms of the draft VPA. Including this offset of \$617,324, the Section 7.11 contribution would be reduced to \$1,643,476.16. The recommended condition of consent references the full amount of \$2,260,800.16 with a clause stating that this figure may be offset by the terms of the VPA.
97. The contributions relate to the Stage 1 building only and further contributions will apply under the detailed DA for Stage 2.

Relevant Legislation

98. The Environmental Planning and Assessment Act 1979.

Conclusion

99. The proposed development is considered to be appropriate within its setting and is generally compliant with the relevant planning controls contained in SLEP 2012 and SDCP 2012.
100. The site is located within the Southern Employment Lands and the proposal is consistent with the Southern Employment Lands Urban Strategy, character statement and relevant development controls.

101. The proposal has been amended and additional information provided which has satisfactorily addressed issues raised with the original proposal. Remaining proposed variations to the controls are generally considered to be acceptable based on their relative merits and have been discussed throughout the report.
102. The proposed design and external materials and finishes are generally of a high standard and consistent with the character of built form in the area. The proposed use is compatible with the predominant industrial nature of the area, however, will not unreasonably impact on the amenity of nearby residential use.
103. Subject to the recommendation within this report, the proposal demonstrates a use and building design that contributes to the existing and desired future character of the area.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Tahlia Alexander, Planner)