

# **STATEMENT OF** **ENVIRONMENTAL EFFECTS**

For  
Staged Development of Proposed Data Centre  
at  
13 Templar Road, Erskine Park  
(Lot 3 DP 1160603)  
for  
**DIGITAL REALTY**



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## 1.0 INTRODUCTION

This Statement of Environmental Effects ("SEE") has been prepared for submission with the development application (DA) as required by Schedule 1, Part 1, Section 2 (1)(c) of the Environmental Planning & Assessment Regulation 2000 ("Regulation") in accordance with the Environmental Planning and Assessment Act 1979 ("Act").

Schedule 1, Part 2(4) of the Regulation provides:

*"A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters:*

- a) the environmental impacts of the development,*
- b) how the environmental impacts of the development have been identified,*
- c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,*
- d) any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause."*

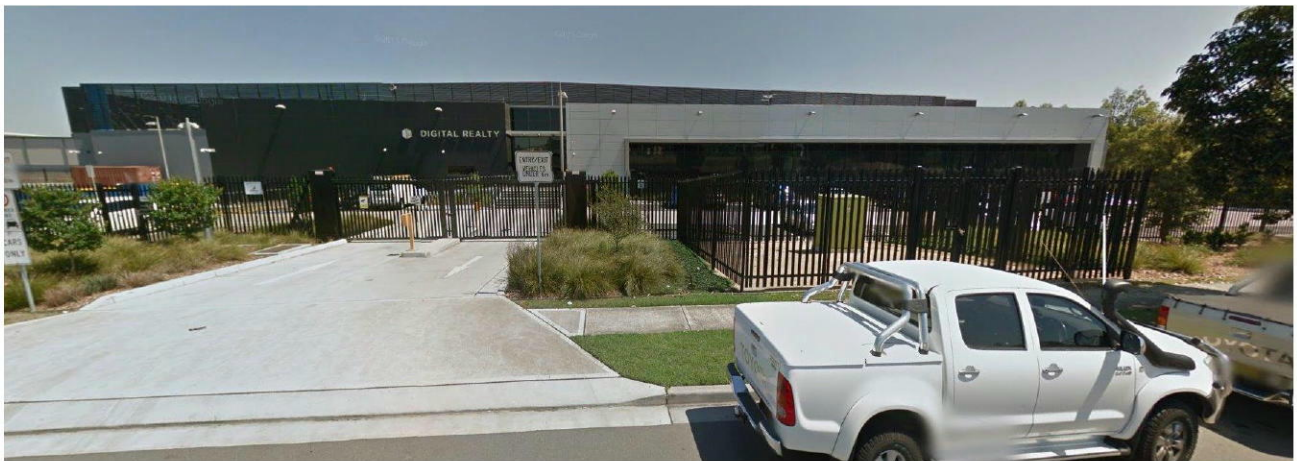
In the preparation of this Statement of Environmental Effects, consideration has been given to the following documents:

- (a) Plans of the proposed development prepared by Greenbox Architects;
- (b) State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP WSEA);
- (c) State Environmental Planning Policy (Infrastructure) 2007;
- (d) State Environmental Planning Policy No. 33- Hazardous and Offensive Development
- (e) State Environmental Planning Policy No.55 – Remediation of Land;
- (f) Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River; and
- (g) Penrith Development Control Plan 2006.

A pre-lodgement meeting was held with senior staff of Penrith City Council prior to the finalisation of final documentation to ensure that the proposal would be designed, constructed and operated in a manner that satisfied Councils objectives for the locality as expressed under the Western Sydney Employment Area SREP.

The proposal has incorporated the recommendations of Council officers following the pre-lodgement meeting. Important elements reflected in the proposal include a high standard of design and external finishes, quality landscaping, truck turning movements reflected on the plans and a description of the operational aspects in terms of staff numbers, hours of operation and vehicle movements.

The site to the north of the subject site contains a previously approved data centre operated by Digital Realty, the proponents for the subject proposal. The existing site to the north exhibits a high standard of architectural merit, provides for quality landscaping and operates in a manner that does not adversely impact on locality in terms of building bulk, noise, air and water pollution, traffic and parking. The proposal will also exhibit a high standard of architectural merit and operate in a manner that reflects the role of the applicant as a neighbour and corporate citizen.



#### **Adjacent site to the North of the Subject Site (Google Earth Image)**

The proposal is to be constructed in two stages, the first stage will comprise the construction of two data halls and office fitout, lobby, bathrooms, security room and loading dock, parking area and fencing (Stage 1) and a further data hall at the rear under Stage 2.

The remaining fitout works will be carried out under a further application.

Drawing DA 100 Issue 3 provides a staging plan.



## 2.0

## SITE AND LOCALITY



**SUBJECT SITE - LOT 3 DP 1160603 HIGHLIGHTED**

The Subject Site is located one allotment south of the corner of Lenore Drive and Templar Road, situated within the Erskine Business Park. Legally the site is known as Lot 3 DP 1160603 and has an area of 16,541 square metres with a front and rear boundary length of 128.07 metres and a depth of 129.16 metres.

The subject site was created under consent for subdivision DA 07/0710.03 issued by Penrith City Council on 24 July 2007. The current proposal is for the construction of a data centre upon Lot 3 under this approved subdivision. The subject site is regular (almost square) in shape and essentially flat due to extensive earthwork and drainage.

The site is zoned IN1 General Industrial under the provisions of SEPP WSEA. The proposal being a Data Centre is defined as a Warehouse or Distribution Centre and is a permissible use in the IN1 General Industrial Zone.

To the northern frontage of the subject site is the existing data centre operated by Digital Realty, whilst directly opposite the subject site in Lenore Drive is a site operated by Woolworths Limited which has development approval for a Data Centre.

Diagonally opposite the subject site is a recently approved Diesel truck refuelling depot currently nearing completion. The land bordering the south of the subject site contains an industrial development operated by Blue Scope Steel while further industrial uses by Darley Aluminium are located to the west.



**Subject Site viewed from Templar Road**



### 3.0 THE PROPOSAL



**Subject Site Highlighted Showing Surrounding Uses (Google Maps)**

Component	Description
Proposed Development	Proposed erection of an industrial building for the purposes of Data Centre in stages with associated Office, Car parking and landscaping. This construction will take place in two stages as indicated in the attached plans (Drawing DA010 Issue 3 dated 16/11/16). Fitout of the constructed shell will occur as a later stage of site development.
CIV	\$19.8 million
Consent Authority	Penrith City Council
Building	<p>Total Ground Footprint approx 6000m<sup>2</sup> with a maximum height of 12.2 metres.</p> <p>Constructed of full height pre-cast concrete panels with a metal roof supported with a steel structure.</p> <p>A maximum front setback of 21.1 metres to Lenore Drive which contains the carparking area and a 4 metre strip of landscaping. A side setback of 7.5 metres to the Northern boundary and approx. 9 metres to the Southern boundary from the proposed generators together with a setback to the</p>

	West (Rear) boundary allow a peripheral roadway to allow trucks to enter and exit the site in a forward direction and allow firefighting vehicles access to the entire site perimeter. A 3.0 metre high palisade fence will be provided behind the landscaped area addressing the Templar Road frontage. The proposed building will contain the following;
Office	Offices and meeting rooms for clients and staff will be constructed as part of the proposed works.
Car Parking	A total of 36 car spaces are proposed on-site, including 3 disabled spaces. Two access points are proposed with direct access to Templar Road. The northern access point will serve cars and light vehicles whilst the southern entry and exit point will allow heavier vehicles to access the loading dock.
Landscaping	Significant landscaping to be provided along the eastern frontage of the site in a manner similar to the adjacent data centre to the North.
Construction and Operation	Construction will be undertaken in two stages. The fitout will be subject to a separate application and it is anticipated that staff within the warehouse will operate and maintain equipment on a 24 hour, 7 day/week basis. Staff numbers will be a maximum of 42 however this will be spread over three eight hour shifts to provide adequate carparking for clients and other visitors such as contractors and couriers.



## **4.0 PLANNING ASSESSMENT**

### **4.1 State Environmental Planning Policy (Infrastructure) 2007**

#### *2 Aim of Policy*

*The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:*

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

#### **Comment**

The proposal is located in close proximity to Erskine Park Road, a critical piece of transport infrastructure to link the Erskine Park Business Park with the M4 and M7 Motorways.

### **4.2 State Environmental Planning Policy (Western Sydney Employment Area) 2009**

#### *3 Aims of Policy*

- 1. This Policy aims to protect and enhance the land to which this Policy applies (the Western Sydney Employment Area) for employment purposes.*
- 2. The particular aims of this Policy are as follows:*
  - (a) to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities,*

- (b) to provide for the co-ordinated planning and development of land in the Western Sydney Employment Area,*
- (c) to rezone land for employment or environmental conservation purposes,*
- (d) to improve certainty and regulatory efficiency by providing a consistent planning regime for future development and infrastructure provision in the Western Sydney Employment Area,*
- (e) to ensure that development occurs in a logical, environmentally sensitive and cost-effective manner and only after a development control plan (including specific development controls) has been prepared for the land concerned,*
- (f) to conserve and rehabilitate areas that have a high biodiversity or heritage or cultural value, in particular areas of remnant vegetation.*

### **Comment**

The proposal, being a Data Centre is defined as a Warehouse or Distribution Centre and is a permissible use in the IN1 General Industrial Zone.

The proposal satisfies the aims of the above SEPP in that it not only provides for development in a logical, environmentally sensitive and cost effect manner but will provide employment opportunities both short term during construction and long term during operation of the centre.

### **Zone IN1 General Industrial**

#### **1 Objectives of zone**

- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.*
- To encourage employment opportunities along motorway corridors, including the M7 and M4.*
- To minimise any adverse effect of industry on other land uses.*
- To facilitate road network links to the M7 and M4 Motorways.*
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.*

#### **2 Permitted without consent** *Nil.*

#### **3 Permitted with consent**

*Depots; Food and drink premises; Freight transport facilities; Industrial retail outlets; Industries (other than offensive or hazardous industries); Neighbourhood shops; Roads; Service stations; Transport depots; Truck depots; Warehouse or distribution centres.*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

#### **Comment**

The proposal is defined as a “Warehouse or distribution centre” as follows:-

*“Warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made”.*

The proposed development is of an employment generating nature, consists of a large building suitable for warehouse or distribution centres and the like and will have minimal adverse effect on other land uses. It is therefore considered to meet the objectives of the IN1 zone.

### **18 Requirement for development control plans**

*(1) Except in such cases as the Director-General may determine by notice in writing to the consent authority or as provided by clause 19, the consent authority must not grant consent to development on any land to which this Policy applies unless a development control plan has been prepared for that land.*

*(2) The requirements specified in Schedule 4 apply in relation to any such development control plan.*

*(3) For the purposes of section 74D (3) of the Act, a development control plan that is required by this clause may be prepared and submitted by 60% of the owners of the land to which the plan applies.*

*(4) The Minister is authorised, for the purposes of section 74D (5) (b) of the Act, to act in the place of the relevant planning authority in accordance with that section.*

*(5) Without limiting subclause (2), if a development control plan is required to be prepared for part of a precinct only, the development control plan must:*

*(a) demonstrate the manner in which it integrates with planning for the whole of the precinct, and*

*(b) take into account any other development control plans applying to the precinct.*

*(6) For the purposes of this clause, a development control plan is taken to have been prepared for so much of the land to which this Policy applies as is identified as the “Erskine Park Employment Area” under the Penrith*

*Development Control Plan 2006 (approved 21 August 2006 and as in force on 15 December 2006).*

**Comment**

The proposed development has been assessed against the provisions of the current Penrith Development Control Plan as the Penrith Development Control Plan 2006 has been superseded.

**20 Ecologically sustainable development**

*The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:*

- (a) the consumption of potable water, and*
- (b) greenhouse gas emissions.*

**Comment**

The proposed development will comply with this control and ensure that energy efficient and water saving devices are installed.

**21 Height of buildings**

*The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:*

- (a) building heights will not adversely impact on the amenity of adjacent residential areas, and*
- (b) site topography has been taken into consideration.*

**Comment**

The height of the proposed building on the subject site is in the order of 12 metres. This height is consistent and lower (in many cases) than building heights in the locality.

The building height as proposed will not adversely impact upon residential areas as there are no adjacent residential areas likely to be affected by overshadowing, view loss and the like.

**22 Rainwater harvesting**

*The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.*



### **Comment**

The proposal incorporates the provision of rainwater tanks to capture rainwater from the roof area of the building for the re-use on site.

### **23 Development adjoining residential land**

- (1) *This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.*
- (2) *The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:*
- (a) *wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and*
  - (b) *(b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and*
  - (c) *the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and*
  - (d) *noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and*
  - (e) *the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and*
  - (f) *the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and*
  - (g) *the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.*

### **Comment**

The subject site does not adjoin any residential land with the nearest residential buildings being located in the Erskine Park residential area over 250 metres to the north.

### **25 Public utility infrastructure**

- (1) *The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*
- (2) *In this clause, public utility infrastructure includes infrastructure for any of the following:*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the supply of natural gas,*
- (d) *the disposal and management of sewage.*
- (3) *This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.*

### **Comment**

The subject site is well served by existing public utility infrastructure and is considered sufficient with all services already available.

These services will be augmented and extended where required as part of the proposed construction works.

### **26 Development on or in vicinity of proposed transport infrastructure routes**

- (1) *This clause applies to any land to which this Policy applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map.*
- (2) *The consent authority must refer to the Director-General of the Department of Planning any application for consent to carry out development on land to which this clause applies.*
- (3) *The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.*

### **Comment**

The subject site is located in proximity to Erskine Park Road, a piece of major transport infrastructure.

### **29 Industrial Release Area—satisfactory arrangements for the provision of regional transport infrastructure and services**

- (1) *This clause applies to the land shown edged heavy black on the Industrial Release Area Map, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).*

*(2) The object of this clause is to require assistance to authorities of the State towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) to satisfy needs that arise from development on land to which this clause applies.*

*(3) Despite any other provision of this Policy, the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.*

*(4) Subclause (3) only applies if the land that is the subject of the application for development consent was not being used for industrial purposes immediately before the application was made.*

*(5) Subclause (3) does not apply in relation to:*

*(a) any land that is reserved exclusively for a public purpose, or*

*(b) any development that is, in the opinion of the consent authority, of a minor nature.*

### **Comment**

The proposal will not generate the need for any additional Section 94 contribution to be paid for the provision of regional transport infrastructure and services as the initial subdivision works were subject to approval and the imposition of a Section 94 Contribution being paid at that time.

### **31 Design principles**

*In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:*

*(a) the development is of a high quality design, and*

*(b) a variety of materials and external finishes for the external facades are incorporated, and*

*(c) high quality landscaping is provided, and*

*(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.*

### **Comment**

The proposed buildings on the site have been carefully crafted to ensure that a high standard of architectural presentation is made to the street frontages, particularly Templar Road.

This has been achieved by providing an active frontage along the Templar Road frontage of the site in the form of offices. This frontage is well articulated and has a variety of external finishes both in colour and texture to ensure that the

presentation of the building to its most highly visible frontage provides for a high quality presentation.

The proposal incorporates landscaping that nominates native species selected from the species list under Council's relevant Development Control Plan.

The building will offer a high quality presentation to the street and will offer a positive contribution to the visual environment in the locality.

## **32 Preservation of trees or vegetation**

*(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.*

*(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made under Division 6 of Part 3 of the Act.*

*Note. Any such development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.*

*(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:*

*(a) development consent, or*

*(b) a permit granted by the Director-General as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act.*

*(4) This clause does not apply to a tree or other vegetation that the relevant council or the Director-General (as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act) is satisfied:*

*(a) is dying or dead and is not required as the habitat of native fauna, or*

*(b) is a risk to human life or property.*

*(5) This clause does not apply to or in respect of:*

*(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or*

*(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or*

*(a) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or*

*(b) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or*

*(c) plants declared to be noxious weeds under the Noxious Weeds Act 1993.*



### **Comment**

The site was cleared of any trees or vegetation during the initial development of the site. The subject site is therefore level and devoid of vegetation after extensive earthworks.

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

The provisions of the above State Environmental Planning Policy apply to the subject site and any Development Application to Council must address the applicability of the above SEPP.

The proposal incorporates a Class C1 Dangerous Goods under the above SEPP, namely diesel fuel to power diesel generators on-site to provide emergency power in the event that there is a power failure for the proposed Data Centre.

The storage of diesel within an underground tank on the subject site requires compliance with the following Australian Standards -

- AS190 – Storage and Handling of flammable and combustible liquids; and
- AS4897 – the design, installation and operation of underground petroleum storage systems.

The proposal incorporates 2 diesel storage tanks with a total of 140,000 litres to provide on the subject site.

As the proposal will only store and/or handle diesel fuel the proposal is not considered to be potentially hazardous and therefore a Preliminary Hazard Analysis (PHA) is not required under the provisions of the above SEPP.

### **4.4 State Environmental Planning Policy No 55—Remediation of Land**

*(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*

*(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

*(a) by specifying when consent is required, and when it is not required, for a remediation work, and*

*(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*

*(c) by requiring that a remediation work meet certain standards and notification requirements.*

#### **Comment**

The surrounding area was previously used for agricultural purposes prior to its development while the subject site is known to have been used for extractive industry for a number of decades. Since then the subject site has undergone

extensive earthworks in order to clear and level the site. Investigations relating to contamination have previously been undertaken and addressed in past DA's.

#### **4.5 Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)**

##### *Aim of this plan*

*The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.*

##### **Comment**

The proposed development of the subject site is in keeping with the objectives of the Hawkesbury-Nepean River REP by ensuring that there will be no additional impact over that contemplated by the planning controls for the site.

## 4.6 Penrith Development Control Plan 2014

### D4 Industrial Development

#### *A. Background*

*This section provides controls and objectives for all industrial land in the City of Penrith.*

*This section provides specific controls for industrial development in addition to the general controls elsewhere in this DCP*

#### *B. General Objectives*

- a) To promote industrial development which can operate in a functional, safe and environmentally friendly manner;*
- b) To minimise conflict between industrial land uses and adjacent sensitive land uses;*
- c) To ensure that development of land to which this section applies will not significantly affect the function, efficiency and safety of all classified roads and other major roads;*
- d) To promote development of a visually attractive form, design and scale, where urban elements, streetscape and built forms are integrated with the existing environment;*
- e) To retain existing vegetation and promote the integration of significant landscaped areas into the site design to minimise the impacts of built form and hardstand areas;*
- f) To manage traffic impacts and access issues for larger vehicles and loading facilities;*
- g) To address visual impacts and safety requirements of large external storage areas; and*
- h) To promote employment generation that has considered access to public transport and supporting services for improved amenity.*

#### **COMMENT**

The proposal although unable to retain existing vegetation will result in a significant landscaped area to the front of the subject site which will minimise the impact of the built form and the hard stand area whilst at the same time ensuring that the ingress and egress to the site are well-managed and that visual impacts and safety requirements of external storage facilities do not adversely impact upon the locality.

## 4.2 Building Height

### A. Background

*Industrial development should achieve a scale and height in keeping with the existing and desired future character of the area.*

*Development may not be permitted up to the maximum height specified on the Height of Buildings Map, if it will have an adverse impact on views to or from areas of visual importance or on heritage significance. This section provides guidance to applicants regarding building heights for industrial development.*

### B. Objectives

- a) To encourage building forms that respond to the topography of the site and the relative position of the site to other allotments within, and to, the street; and*
- b) To ensure a scale of building which complements the existing environment in which the site is located addressing visibility from key public spaces and the scale and context of the existing and desired streetscape*

### COMMENT

The built form is entirely compatible with the topography and the streetscape in the Templar Road locality.

## 4.3 Building Setbacks and Landscape

### A. Objectives

- a) To enhance the visual quality of industrial development through appropriate setbacks, building and landscape design, particularly when viewed from public areas;*
- b) To ensure new development retains existing trees or significant stands of vegetation in the overall site layout;*
- c) To provide functional areas of planting that enhance the presentation of a building;*
- d) To screen undesirable views and minimise the visual impact of hard surface areas; and*
- e) To create industrial precincts with their own intrinsic and unique landscape characteristics, which enhance the existing and/or natural landscape and character of an area.*

## **B. Controls**

### **1) Setbacks**

a) *Setbacks for industrial development are to be in accordance with the standards specified in Table D4.1. These setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:*

i) *Is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide;*

ii) *Promotes the function and operation of the development;*

iii) *Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and*

iv) *Does not detract from the streetscape values of the locality. Figures D4.7 - D4.8 illustrate appropriate building setbacks.*

### **COMMENT**

The proposed setbacks accord with the above requirements by providing a landscaped area at least 4 m in width as part of an almost 20 m setback to the prime road frontage.

*Table D4.1: Building Setbacks for Industrial Development*

<b>Location</b>	<b>Minimum Building</b>
Lots fronting: <ul style="list-style-type: none"><li>• Castlereagh Road</li><li>• Mulgoa Road</li></ul>	20 metres
Lots fronting: <ul style="list-style-type: none"><li>• Andrews Road</li><li>• Old Bathurst Road</li></ul>	15 metres
Lots adjacent to: <ul style="list-style-type: none"><li>• Nepean River (Precinct 7 - Emu Plains)</li><li>• Western Railway (Precincts 7 and 8 –</li></ul>	10 metres
Lots within the vicinity of “Craithes” (within Precinct 4 - North Penrith, west of	See Figures D4.10 and



Lots adjoining "Combewood" (within Precinct 5 – North Penrith, east of Castlereagh Road)	See Figure D4.12
<b>All other locations</b>	<b>9 metres</b>
Secondary road frontages	5 metres

Figure D4.7: Illustration of Building Setbacks - Smaller Site (Plan View)

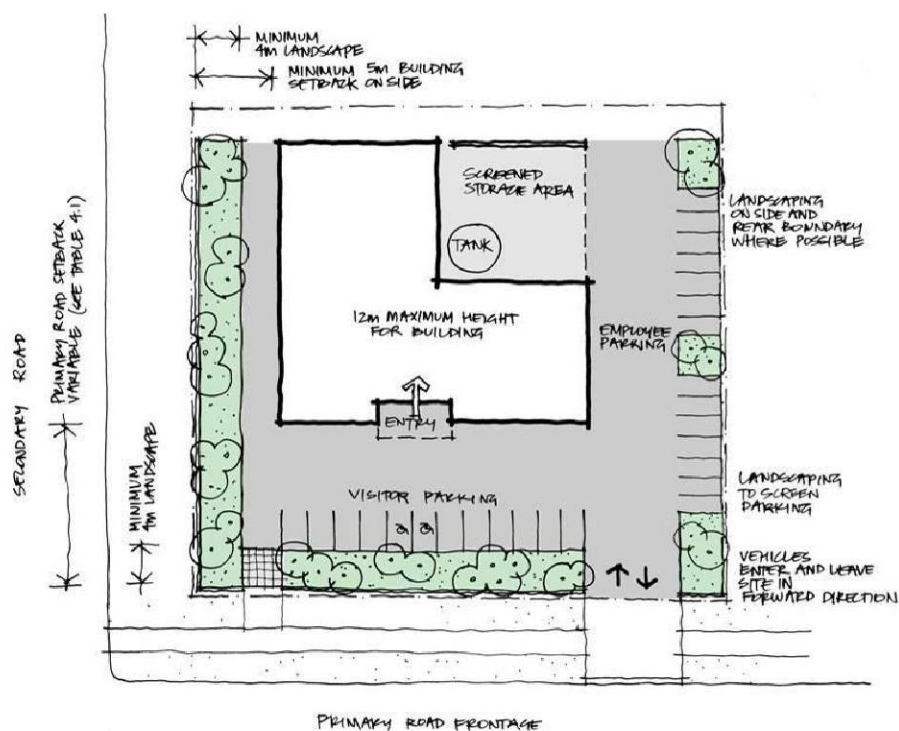
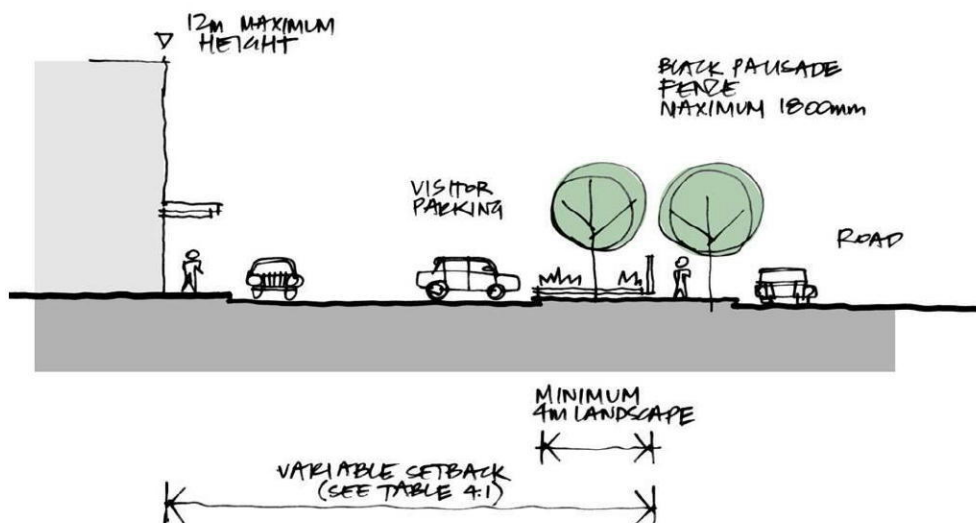


Figure D4.8: Illustration of Building Setbacks - Smaller Site (Cross Section)



### **COMMENT**

The setback to the prime street frontage, namely Templar Road is almost 20m in depth to facilitate the provision of staff and visitor car parking whilst dedicating the first 4m of this area for the purposes of landscaping along the street frontage to buffer the hard stand area from the public viewing areas.



2) *Visual Impact of Buildings and Hardstand Areas*

- a) *The landscape design within setbacks should consider the scale of the building and where appropriate, select and locate plants to help reduce the bulk and scale of the building.*
- b) *The visual impact of large expanses of wall should be reduced in scale by architectural treatment as well as by dense grove planting or other landscape design solutions.*
- c) *Where an industrial development contains large expanses of hardstand or paved areas, the applicant must demonstrate how the development application reduces the 'heat effect' and visual impact of these large expanses.*

3) *Vegetation and Landscape*

- a) *The siting and layout of a development should preserve all on-site trees, significant strands of vegetation, and remnant or native bushland in accordance with the requirements of the Vegetation Management and Landscape Design sections of this DCP. Where this is not practical, the development application must justify the loss of vegetation and outline what measures are to be taken to replace it.*
- b) *Development of land on the site of a heritage item or within the vicinity of a heritage item should occur in a manner that will not result in damage or destruction of vegetation associated with that item.*
- c) *Applicants should refer to the Landscape Design section of this DCP regarding the implementation and maintenance of landscaping for the site.*
- d) *Smaller scale and less visually prominent planting should be provided to add variety and interest in the appearance of the site.*
- e) *Landscape materials should cause minimal detrimental visual impact, and the use of subtle coloured materials and block or brick paving is encouraged.*
- f) *Paving and structures shall complement the architectural style of existing buildings.*
- g) *Outdoor staff break areas should be provided and integrated into landscape areas. These areas should be provided with shade and reasonable amenity.*
- h) *Shade trees should be provided in outdoor staff break areas and along*

*pedestrian paths and walkways.*

- i) Plant species should be carefully selected to meet service authority requirements in easement locations.*

## **COMMENT**

The landscape design allows for generous areas of landscaping along the Templar Road frontage to a depth of 4 m. This landscaped area will be provided with fencing, behind the vegetative components to ensure that the softening of the hard stand parking areas can be achieved by a generous planting regime.

### **4.4 Building Design**

#### **A. Objectives**

- a) To encourage a high standard of architectural design, utilising quality materials and finishes appropriate for the locality;*
- b) To ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings (now part of the National Australian Built Environment Rating System (NABERS) certification systems, where appropriate;*
- c) To ensure that new development can integrate into the existing urban fabric to contribute to the creation of a visually cohesive urban environment;*
- d) To encourage innovation in building design and the use of materials; and*
- e) To encourage articulated and varied frontages to minimise perceived bulk and scale.*

#### **B. Controls**

- 1) Non-residential developments including mixed use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS)).*
- a) NABERS can be used to rate commercial offices, shopping centres and hotels.*

- b) Green Star can be used for projects from apartment buildings to schools, university buildings, hospitals, offices, shopping centres and industrial facilities.*
- 2) All developments shall be designed to present a high standard of urban form incorporating innovative and attractive architectural design of all elevations and roof form; and appropriately reflect the important gateway entry roles of these precincts and the visually important access routes to the City.*
- 3) Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit. The construction of large, blank wall surfaces is not permitted.*
- 4) Large elevations should be articulated by structural variations and/or a blend of external finishes including brick, masonry, pre-coloured metal cladding, appropriately finished 'tilt- slab' concrete or a combination of these materials (see Figure D4.13).*
- 5) Large unrelieved expanses of wall or building mass will not be supported by Council. They should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.*
- 6) Particular care should be taken in regard to:*
  - a) Designing roof elements; and*
  - b) Locating plant and mechanical equipment including exhausts, so as screen them from a public place.*
- 7) Architectural features, consistent with the overall design of the building, may be used to:*
  - a) Highlight entrances to buildings; and*
  - b) Accentuate pedestrian areas and provide improved climatic amenity, particularly for buildings that will experience high volumes of pedestrian movements, using techniques such as verandahs and awnings (see Figure D4.13).*
- 8) The development must incorporate a variety of external finishes in terms of both colour and type of material used. The external finishes (walls, roof, awnings etc.) of the development are to be:*
  - a) Made from durable high quality, low maintenance, non reflective materials;*
  - b) Compatible with the overall design and form of the development;*



- c) Selected for all built forms to ensure the entire development presents a homogeneous form;*
- d) Considered in association with proposed plantings and landscape treatment;*
- e) Considered for their ability to provide visual relief in large wall surfaces and elevations; and*
- f) Selected to ensure the development complements the surrounding environment while reducing the temptation to vandalism and graffiti.*
- 9) Courtyard and screen walls should be in the same material as the building facades.*
- 10) Development within Precincts 4, 7, 8 and 9 identified as having high scenic or visual quality (see Section 4.2 of this Section under 'Controls') shall use primarily natural and earthy tones for external finishes.*
- 11) Development applications for new buildings or additions to existing buildings are to be accompanied by a Schedule of External Finishes and Colours, demonstrating compliance with the above requirements.*
- 12) Any office and administration component is to be located to the main frontage of the building and be designed as an integral part of the overall building, rather than a 'tack on' addition.*
- 13) The main office administration component is to have a designated entry point that is highly visible and directly accessible from visitor parking and the main street frontage.*
- 14) The entry, design and layout of the main office or administration component is to consider the principles of Universal Design and incorporate, if possible:*
  - a) A level or graded path from the car park area to the entrance;*
  - b) A level entry (no steps);*
  - c) An accessible toilet;*
  - d) Easy access doors and corridors; and*
  - e) Accessible placement of switches, power points and window controls.*
- 15) Where the nature of the industrial development will attract clients/visitors to the site, consideration should be given to incorporating the above accessibility features into that part of the building likely to be used by clients/visitors.*

- 16) All loading areas should be located towards the rear of allotments.  
Where possible, loading areas should be screened from the view of main

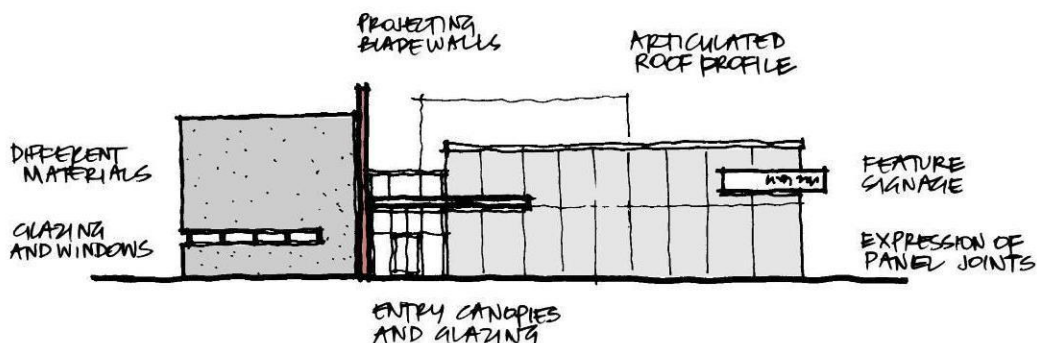
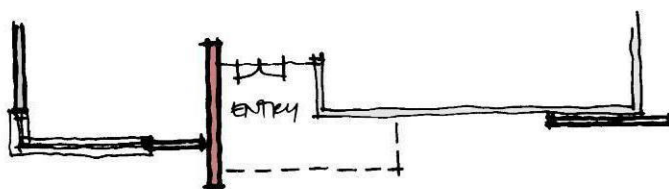


Figure D4.13 (b): Illustration of Possible Techniques to Articulate Large Buildings (Plan View)

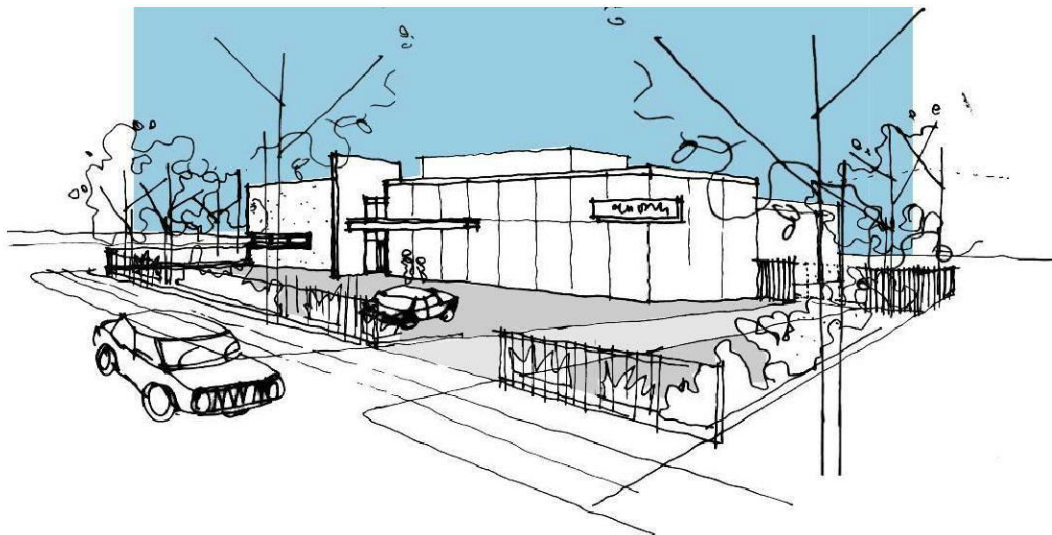


road frontages through physical and/or vegetation screening (see Figures D4.7 and D4.9). Figure D4.13 (a): Illustration of Possible Techniques to Articulate Large Buildings (Elevation)

### **COMMENT**

The most visible elevation of the proposal is the frontage to Templar Road. This elevation is well relieved in terms of vertical and horizontal members which provide generous relief and shadow lines and are a reflection of the building typology expressed in figure D.4.13(b) in the above extract from the Development Control Plan.

These elevations are to be found in the drawing number DA 150 prepared by Greenbox architecture accompanying this Statement of Environmental Effects.



#### **4.5 Storage of Materials and Chemicals**

##### **A. Objectives**

- a) *To ensure that external storage of goods does not detract from the visual amenity of industrial areas, streetscapes or adjoining residential areas;*
- b) *To ensure that the storage and use of chemicals that are potentially hazardous to humans occurs in a safe and responsible manner and minimises the risk of accidental injury or loss of life; and*
- c) *To ensure that the storage and use of potentially polluting substances occurs in an environmentally responsible manner, and will not have any detrimental impact on the environmental quality of the surrounding area.*

##### **B. Controls**

- 1) *External storage of goods must be avoided, wherever possible. Where the nature of the activity or the materials means that internal storage is impractical, all external storage areas must be located behind the front building setback. In addition, when assessing development applications involving external storage of goods, Council will take into consideration:*
  - a) *The proposed height and on-site arrangement of stored goods;*
  - b) *The visual impact of the storage area and how this is proposed to be minimized (orientation, screening with landscaping and/or solid fencing,*



*etc.);*

*c) Access arrangements; and*

*d) Safety issues.*

*2) For sites with multiple frontages, either to roads or to the main western railway line, the location and orientation of external storage areas shall minimise visual impact from all potential view points (see Figures D4.9 and D4.14).*

*3) Rain water tanks are not to be visually intrusive from the main street frontage or other public areas (see Figures D4.9 and D4.14).*

*4) If the development involves the storage of chemicals on the site, a Chemical Use and Storage Report may be required (see Appendix F3 'Submission Requirements' for further details). A chemical use and storage report will not be required when:*

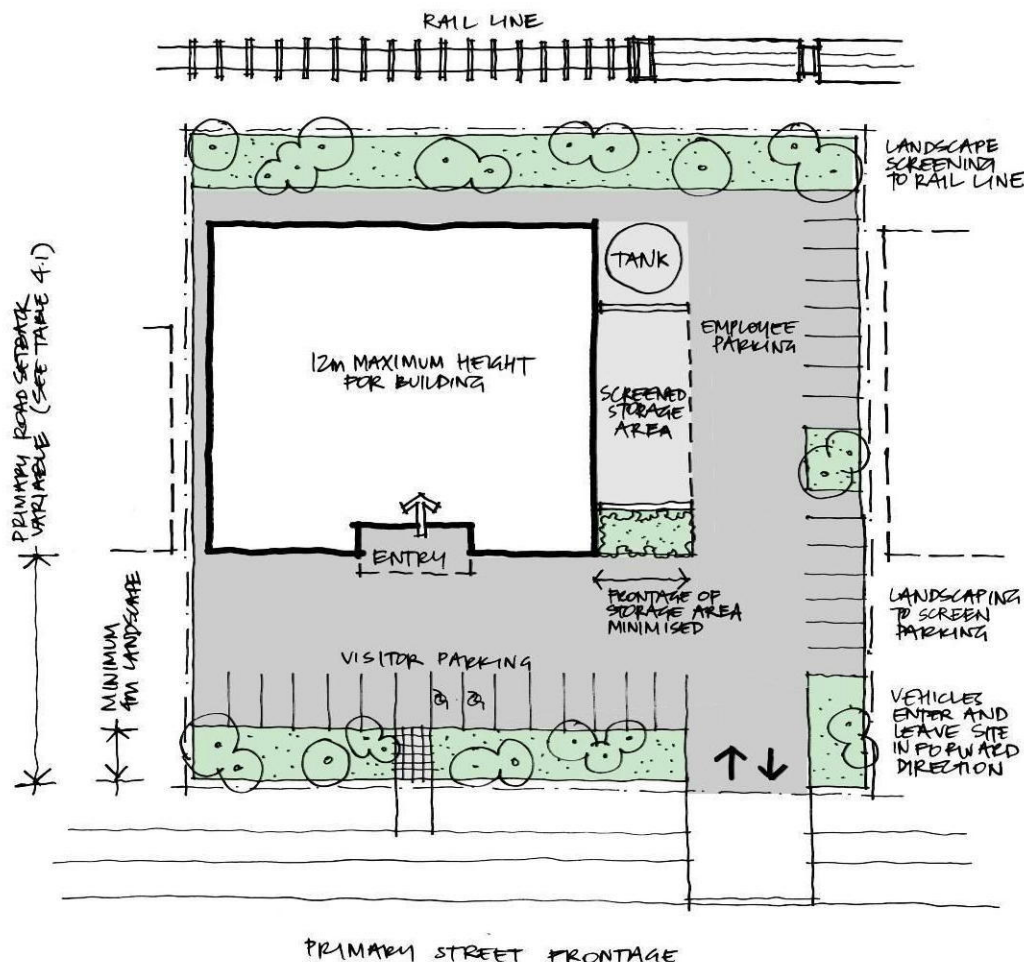
*a) The use of chemicals is for routine cleaning and the chemicals to be used are of household or hospital grade;*

*b) The total quantity of chemicals to be routinely used or stored on the site does not exceed 100 litres;*

*c) The chemicals to be used or stored are not of sufficient acidity, alkalinity or strength to cause significant harm on skin contact, or to the environment if a spill were to occur; and*

*d) The application outlines the methods proposed to be used to minimise the potential for spills.*

Figure D4.14: Illustration of Screening of Storage Areas (Front and Rear Visibility) (Plan View)



### **COMMENT**

The treatment of this primary street frontage is very similar to the above illustration contained within the Development Control Plan and as such achieves the objectives set out for this control.

## **4.6 Accessing and Servicing the Site**

### **A. Objectives**

- To ensure the safe and efficient movement into and out of an industrial development without adversely affecting the existing and future service and safety levels of the road;*
- To ensure industrial development provides sufficient parking on-site to accommodate all parking demands generated by the development while ensuring safe and efficient movement of vehicles within the site;*



- c) To encourage the development of a parking layout that enhances the function and appearance of the industrial development; and*
- d) To ensure that cyclist and pedestrian needs are adequately and safely accommodated in all industrial areas.*

## **B. Controls**

- 1) New industrial developments with direct access onto Castlereagh Road, the Great Western Highway or Parker Street will need to provide a deceleration lane in accordance with the Roads and Traffic Authority Guidelines.*
- 2) Development on newly created allotments that front Castlereagh Road, the Great Western Highway, Parker Street or a classified road shall ensure that:*
  - a) The allotment of land was created in accordance with a subdivision approved pursuant to this DCP; and*
  - b) Access to the allotment is in accordance with the access arrangements approved with the subdivision.*
- 3) Industrial development shall, where appropriate, be designed to:*
  - a) Allow all vehicles to enter and leave the site in a forward direction;*
  - b) Accommodate heavy vehicle parking and manoeuvring areas;*
  - c) Avoid conflict with staff, customer and visitor vehicular and cycle movements; and*
  - d) Ensure satisfactory and safe operation with the adjacent road system.*
- 4) In determining access and servicing requirements, Council will take the following into consideration:*
  - a) The location, type and scale of the proposed development;*
  - b) The compatibility of the location and design of the car park with adjoining properties;*
  - c) Traffic Authority Guidelines and comments of the Local or Regional Traffic Committee(s); and*
  - d) The potential for the development to generate heavy vehicle movements.*
- 5) Full details of the volume, frequency and type of vehicle movements shall be submitted with the development application.*
- 6) In general, turning circles will be required to be provided to*

*accommodate the largest type of truck which could reasonably be expected to service the site. All developments must be designed and operated so that a standard truck may complete a 3-point or semi-circular turn on the site without interfering with parked vehicles, buildings, landscaping or outdoor storage and work areas. Large scale developments shall be designed to accommodate semi-trailers. In the case of the conversion of an existing development, should it appear that a truck turning circle may prove difficult, a practical demonstration may be required.*

*7) Council will assess the suitability of manoeuvring areas provided for large vehicles by reference to the Standard Vehicle Turning Templates which appear in Figures A.5a (small rigid truck), A.7a (large rigid truck) and A.9a (large articulated truck) of the Roads and Maritime Services publication "Policies Guidelines and Procedures for Traffic Generating Developments".*

*8) Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas shall be screened from the road.*

*9) Car parks, aisles and manoeuvring areas shall be designed with function and safety in mind, and have minimum dimensions conforming with the Australian Standards 2890 Parking Facilities. The relevant parts of this standard are AS2890.1 Off-street parking, AS2890.2 Commercial vehicle facilities and AS2890.3 Bicycle parking facilities. In addition, the following elements should also be considered:*

*Where the nature of the industrial development will attract clients/visitors to the site, the following elements shall be included in the car park design:*

- a) The internal (vehicular) circulation network is to be free of disruption to circulating traffic and ensure pedestrian safety;*
- b) The car park should, where possible, be designed with wheel stop kerbs only, rather than a barrier kerb between parking areas and pedestrian pathways;*
- c) The movement of pedestrians throughout the car park is clearly delineated by all users of the car park and minimises conflict with vehicles;*
- d) Where parking spaces are to be provided for people with disabilities, these spaces are to be:*
  - i) Suitably located near entrances to the building, lifts and access ramps (if required);*
  - ii) Provided in accordance with AS1428.1 Design for Access and Mobility; and*



*iii) Supplemented by the installation of appropriate tactile pavement treatments where required;*

*Major developments such as multi unit industrial developments and other significant industrial developments shall make adequate provision for bicycle parking.*

### **COMMENT**

As can be clearly ascertained from the site plan, the site when completed will be readily accessible for all types of vehicles ranging inside from small staff and visitors vehicles to large articulated vehicles which, as can be demonstrated by the turning templates imposed on the site plan, will be able to be readily accommodated on the subject site in a manner that will facilitate the vehicles entering and exuding the premises in a forward direction.

## **4.7 Fencing**

### **A. Objectives**

*The objective for this section is to ensure that the design and location of fencing is integrated within the development, and is suitable for its purpose and setting.*

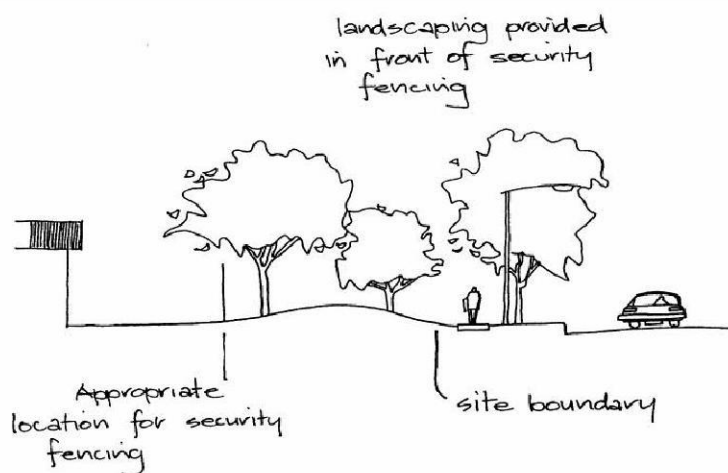
### **B. Controls**

#### **General**

- 1) The location and design of fences, including the materials used to construct the fencing, should:*
  - a) Be sympathetic to the natural setting and character in form, materials and colour;*
  - b) Maximise natural surveillance from the street to the building and from the building to the street;*
  - c) Minimise the opportunities for intruders to hide;*
  - d) Not impede the natural flow of stormwater drainage;*
  - e) Be located wholly on the property and not encroach on another property without the consent of the adjoining property owner(s). This includes land that may be owned by Penrith City Council or another public authority;*

- f) *Be constructed of non-combustible materials if located in an asset protection zone or in an area identified in a bushfire risk management plan; and*
- g) *Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences Act 1991.*
- 2) *Fencing proposals that require development consent shall be:*
  - a) *positioned behind the landscaping and not along the front property boundary (as illustrated in Figure D4.16);*
  - b) *in circumstances where on-site detention is required within the front setback then consideration can be given to locating fencing along the property boundary however, consideration must be given to the existing streetscape character; and*
  - c) *a maximum height of 2.1m and of an "open" nature, e.g. decorative metal and coloured dark grey or black, or complement the adjacent fencing type.*

Figure D4.16



- 3) *Fencing may be positioned along the front property boundary only if:*
  - a) *the site is not located on, facing or fronting:*
    - i) *Andrews Road, Castlereagh Road, Christie Street, Forrester Road, Great Western Highway, Mulgoa Road, Old Bathurst Road, Parker Street or any other classified road or major road; or*
    - ii) *The main road or collector road of the industrial precinct; and*
    - iii) *it is decorative fencing that has an open style appearance (metal, pool type fencing); and*

- iv) the fencing is complementary to the landscaping.*
- 4) Fencing shall be integrated with the overall design of the development and associated security structures, where possible.*
- 5) Where site security is required, fencing shall be constructed of black plastic coated 'Chain-link' fence or an approved alternative such as a metal palisade type fence. The overall height of fencing shall be no more than 2.4m. 'Chain-link' or similar fences are not suitable to the site frontage.*
- 6) Consideration shall be given to the site's front fence being a reduced height particularly around the visitor or employee parking. Alternatively, the front of the premises shall be open to the street to provide a sense of address and to contribute to the streetscape.*
- 7) Gates, security structures, letter boxes and signage must complement the fencing and be considered in the overall design of the development.*
- 8) Landscaping adjacent to front fencing shall not form a tall dense screen, except where required to screen outdoor storage areas or plant and equipment.*
- 9) For fencing behind the building setback line, Council will consider:*
  - a) Solid fencing up to a height of 2m;*
  - b) Fencing up to a maximum of 2.5m (measured from natural ground level), provided that any fencing above 2m is of an open style;*
  - c) Council may require such fencing to be screened with landscaping if viewed from the street or any public area, such as public open space. Appropriate landscaping can, for example, assist in minimising the occurrence of graffiti.*
- 10) Barbed, razor or electric wire can be considered behind the building setback line, but must be mounted on the inside of the fence, so as not to be significantly visible from the street. Electric fencing must display appropriate warning signs and otherwise comply with all relevant legislation and standards.*
- 11) On sites abutting non-industrial lots, these variations will not generally be supported because of their impact on the amenity of the adjoining property or non-industrial streetscape.*
- 12) Fencing along secondary streets, unless of an open style design, must be setback behind the required landscaping.*
- 13) Service yards visible from a street must be adequately screened.*



## **COMMENT**

The accompanying landscape plan clearly indicates the provision of security fencing behind the landscaped periphery of the subject site in order to provide a secure environment for workers and store data whilst at the same time ensuring that the street elevation is not dominated by unattractive fencing.

### **4.8 Lighting**

#### **A. Objectives**

- a) To encourage the installation of external lighting which does not detract from the appearance of the development or amenity of the locality;*
- b) To illuminate parts of the site for security reasons and to provide increased safety in accordance with the principles of Crime Prevention through Environmental Design (CPTED); and*
- c) To minimise energy waste by providing the correct lighting orientation and minimising overspill lighting.*

#### **B. Controls**

- 1) Lighting details shall be provided as part of any relevant development application.*
- 2) Lighting design should address the principles of CPTED (see the Site Planning and Design Principles section of this DCP) where there is significant pedestrian activity, late night work shifts or safety and security issues.*
- 3) Adequate lighting should be provided to meet security requirements without excessive energy consumption. Lighting powered by solar batteries or other renewable energy sources is encouraged. The use of sensor lighting both internally and externally should also be considered.*
- 4) External lighting shall be provided around doorways and windows, and in areas where goods and equipment are stored outside.*
- 5) Where premises are used outside daylight hours, car parks and entrances shall be adequately illuminated.*
- 6) Lighting is to be designed or directed so as to not cause light spill onto adjoining sites where there could be an impact on the adjoining site's operations, safety or amenity.*

- 7) *The use of lighting poles and fixtures in adjacent developments should be considered for improved precinct amenity.*
- 8) *All lighting shall comply with Australian Standard AS4282.*

### **COMMENT**

Lighting will be provided in a manner that will ensure a high degree of visibility for the periphery of the building as the subject site requires a high level of security 24 hours a day seven days a week.

### **C. Lifting the Bar**

*The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in this section will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.*

- a) *Improved sustainability outcomes including vegetation management and landscape, water management, land management and waste management in accordance with this DCP;*
- b) *Increased landscape setbacks, landscape areas, street tree planting, green roofs and improved streetscape outcomes;*
- c) *High quality building design that is visually attractive, innovative, integrated into the landscape design, takes into account the visual catchment, and is articulated to reduce building scale and bulk;*
- d) *No impacts on sensitive adjacent land uses through careful site planning, building design and landscape treatment; and*
- e) *Conservation and adaptive reuse of industrial buildings listed as heritage items such as the World War II ammunition factory buildings in Precincts 1 and 2 (Dunheved and St Marys).*

### **COMMENT**

As this is the second proposal submitted for a data centre in Templar Road for Digital Realty to operate, it is noteworthy that the existing installation to the north of the subject site exhibits a very high standard of building design,

landscaping and site planning to ensure that the proposal delivers what is claimed in the application documentation.

It is therefore of assistance when assessing the current proposal to note the high standard of design, construction and management of the adjacent site as it has many commonalities, particularly ownership, architecture, management regime and operations in order to satisfy any uncertainties over the likely outcome of the assessment process..



## 5 SECTION 79C ASSESSMENT

Assessment of the Development Application requires consideration under the Provisions of Section 79C of the Environmental Planning and Assessment Act in terms of the merits of the proposal.

Broadly speaking, Section 79C considerations can be categorized as — likely impacts on the natural environment, built environment, social and economic environment, and site suitability.

### Impact on the Natural Environment.

The proposal is unlikely to impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources.

### Impact on the Built Environment.

- **Scenic qualities –**

The proposal will enhance the scenic qualities of the locality by providing a high standard of urban design and effective landscaping.

- **Compatibility with adjacent land uses –**

The proposed use is entirely compatible with adjacent land uses.

- **Bulk and scale –**

The height of the proposed building at 12,2 metres is well below heights of nearby buildings.

- **Overshadowing –**

There will be no overshadowing to sensitive areas.

- **Views and vistas –**

There are no views across the site.

- **Site design –**

The crafting of the design ensures that the building is both functional and offers a design that will make a positive contribution to the locality.

- **Public domain –**

The presentation of the visible component of the building, together with the landscaping to the Templar Road frontage will be a positive contribution to the public domain.

*Impact on the Social and Economic Environment.*

The proposal is not likely to result in any adverse social impacts whilst the anticipated economic impacts will be significantly positive.

*Suitability of the Site.*

The subject site, by virtue of its topography and locality is suitable for the proposed development.

## **6 CONCLUSION**

The assessment process involved in considering the proposal is greatly enhanced by the fact that the adjacent property has been designed by the same team, owned by the same firm, operated by the same management regime all of which lead an assessor to conclude that the proposal will have a positive impact on the locality not only in terms of design but in terms of meaningful contribution to the area.

The subject site is level, does not require significant cutting or filling, is directly adjacent to a major transport route and is well removed from residential receptors to ensure the proposal is able to operate on a 24-hour day seven day week basis without any material impacts on the locality.

It is my view that the proposal is eminently reasonable and worthy of conditional consent.

**LANCE DOYLE**

**Consultant Town Planner**

**Dated: November 2016**