PRE-APPLICATION MEETING (PAM) MINUTES

Please note:

- A copy of these minutes must be submitted with any subsequent development application (DA).
- The information provided within these minutes are valid only at the time of issue.
- Please arrange a follow up PAM should you wish to discuss any changes to the proposed development.
- PAM advice is intended for those present at this pre-application meeting only. Those present should seek and rely on their own independent planning and/or legal advice on the development proposal.
- Any intended purchaser of the site is to seek and rely upon their own independent planning and/or legal advice, and attend a separate PAM with Council to discuss any proposed development of the site.

1. Executive Summary

Date of meeting: 7 February 2022

Site of proposal: LOT B DP 404669 H/N 57 Station Road, Seven Hills

Proposal: Data Storage Premises

Representing the applicant: Mason Stankovic, Margaret Rozali, Rudi Valla, Joe Bell

Council officers present: Pauline Daw (Coordinator Planning Assessment - Gateway), Vivian Long (Gateway Town Planner) Amelia Tabrett (Environmental Health Officer), Laith Almoil (Drainage Engineer), Jim Garland (Team Leader, Building) Aneesh Sigh (Team Leader Development Engineering), Shane Maloney (Biodiversity Officer Ecologist)

Development proposal Context

The applicant is proposing to develop a new two storey data storage premises to operate 24 hours. The proposal is towards the rear of the site. The proposal will include a power consumption which exceeds 10 megawatts, equipment, car parking and landscaping, with an ancillary office space.

It is noted the site has an existing approval for the removal of trees, bulk earthworks, stormwater drainage works and construction of a single storey data centre to operate 24 hours 7 days a week with ancillary offices, on-site parking and associated landscaping (under DA-21-01058). That existing approval provides for a development located at the front portion of the site. The notice of determination was issued 10 January 2022.

State significant Development (SSD)

The proposed new development the subject of this pre-application meeting (PAM) is to be sited mainly over the rear portion of the site. The development is State significant development in accordance with State Environmental Planning Policy (State and Regional development) 2011 due to the proposed total power consumption exceeding 10 Megawatts (MW). In this case the Department of Planning Industry and Environment will be the consent authority.

2. Key environmental planning instruments (EPIs) and development control plans (DCPs) relevant to the site of this development proposal:

Blacktown Local Environmental Plan 2015	✓
Blacktown Development Control Plan 2015 (BDCP 2015)	✓
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (1992 EPI 129)	✓
State Environmental Planning Policy No. 55 – Remediation of Land	✓
State Environmental Planning Policy (State and Regional Development) 2011	✓

3. Key controls and development standards of particular relevance to this development proposal:

Land Zoning

You are to confirm the zoning of the site by obtaining a Clause 10.7 Planning Certificate (formerly referred to as a Section 149 Planning Certificate).

Permissibility

Data storage is a permissible land use within the IN1 - General Industrial zone under Blacktown Local Environmental Plan 2015 with consent.

4. Will any NSW legislation cause the proposal to be integrated development (under Clause 4.46 of the *Environmental Planning & Assessment Act 1979*)?

	Likely	**Not likely**
Fisheries Management Act 1994 *(*Note: the development will become integrated development if any permit under the Fisheries Management Act 1994 is required)*	☐	☒*
Heritage Act 1977 *(*Note: the development will become integrated development if any works are proposed to an item on the State Heritage Register)*	☐	☒*
Mine Subsidence Compensation Act 1961 *(*Note: the development will become integrated development if approval is sought to alter or erect improvements within a mine subsidence district or to subdivide land therein)*	☐	☒*
Mining Act 1992 *(*Note: the development will become integrated development if the proposal relates to the granting of a mining lease)*	☐	☒*
National Parks and Wildlife Act 1974 *(*Note: the development will become integrated development if a grant of Aboriginal heritage impact permit is required)*	☐	☒*
Petroleum (Onshore) Act 1991 *(*Note: the development will become integrated development if a grant of production lease is required)*	☐	☒*

Protection of the Environment Operations Act 1997 *(*Note: the development will become integrated development if an environmental protection licence under POEO Act 1997 is required)*	☐	☐*
Roads Act 1993 *(*Note: the development will become integrated development if it is proposed to erect a structure or carry out a work in, on or over a public road; or dig up or disturb the surface of a public road; or remove or interfere with a structure, work or tree on a public road; or pump water into a public road from any land adjoining the road; or connect a road, whether public or private to a classified road)*	☐	☒*
Rural Fires Act 1997 *(*Note: the development will become integrated development if authorisation under section 100B of RF Act 1997 is required)*	☐	☒*
Water Management Act 2000 ***(*Note: the development will become integrated development if water use approval, water management work approval or a controlled activity approval under Part 3 of Chapter 3 of the Water Management Act 2000 is required). Please refer to NSW SixMaps for confirmation (https://maps.six.nsw.gov.au/)***	☒	☐*

Note: It is the applicant's responsibility to identify whether the proposed development is 'integrated' development. Detailed reports accompanying the development application may confirm the application is 'integrated' and requires approval from other approval bodies.

Integrated development

A creek is located to the rear of the property. If any of the development or proposes works occur within a distance of 40m from the top of the bank then this will trigger Integrated development and the need for the application to be referred to the Natural Resources Access Regulator (NRAR) for their terms of approval.

Should the development application (DA) trigger integrated development under Clause 4.46 of the Environmental Planning and Assessment Act 1979, the following fees in addition to ordinary development assessment fees will apply:

- $320.00 (payable directly through the NSW Planning Portal to each relevant authority)
- $140.00 (administration fee payable to Blacktown City Council for each integrated referral).

5. Key issues and submission requirements:

Should you proceed with a DA, key issues which should be addressed **in the first instance** include, though are not limited to:

Draft Environmental Planning Instruments /Explanation of Intended Effects	The Department of Planning, Industry and Environment has placed on exhibition the following draft Environmental Planning Instruments or Explanation of Intended Effects: • Design and Place SEPP; • Employment zones reform https://www.planningportal.nsw.gov.au/employment-zones-reform); • Proposed Housing SEPP https://www.planningportal.nsw.gov.au/housing-sepp • Review of Standard Instrument LEP in relation to Clause 4.6; • Proposed Environmental Planning and Assessment Regulation 2021 https://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/EPA-Regulation-review/2021-EPA-regulation ; • Repeal of Concurrence and Referral process.

	You must consider and document in your SEE how these policies will impact the proposed development and where possible how you will comply with them. You are to address these draft EIEs in your Statement of Environmental Effects. You are advised that they may become certain and imminent whilst you are still preparing your application. Also, it is unknown whether 'savings provisions' will apply at all to enable consideration of your application under provisions applying at the time your development application is accepted and registered with Council.
Car parking	Parking provision onsite is to be provided in accordance with the parking rates set out in Blacktown's DCP 2015. 1 space per 75sqm GFA for the data building plus 1 Space per 40sqm GFA for the office component. • The applicant is address how the development will accommodate parking for staff including those who are to work in the data centre and in the office. E.g. how many people will be on site at any one time. • The applicant will also need to provide an operational plan that indicates how parking is to be accessed by staff, and other uses. As the proposed development is to share the site with another approved development the plans submitted with the SSD are to include a site plan that shows the other approved development as well as the proposed new development and is to show any areas of intended shared use such as vehicular movement paths, any carparking etc. Where there is to be any shared use or interaction of the DA approved under DA-21-01058 and this proposed development then the EIS is to explain this and how the uses will operate in harmony together. If there is any shared use of carparking then this is to be explained in the traffic report, however there needs to be sufficient carparking provided to serve the needs of traffic generated by both the existing approved development at the front of the site and this proposed new data centre at the rear and to meet Council's onsite parking requirements. The traffic report needs to provide figures for both developments in terms of cars and trucks generated and staff numbers.

Should you proceed with a DA, and the above referred matters are resolved, the following key issues and information requirements must also be provided/addressed:

All State Significant development applications	The applicant is to carefully check all relevant planning policy including development controls to ensure all relevant matters and documentation are included in any application. All development applications must, where applicable: i) Address how the required 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 (this relates to the supply of water, electricity and the disposal and management of sewage). .
Site Planning	Configuration of industrial sites that do not compromise the amenity of the locality requires careful and skilful execution of site planning and building layout. Site planning should: – • Ensure the site layout and building location respond to the unique characteristics of the site and the surrounding context. • Ensure development achieves adequate levels of natural lighting and ventilation, privacy, visual amenity and spatial separation from the neighbouring properties.

Contextual Analysis	The SSD application must address the contextual aspects influencing urban form such as: - • Neighbourhood/locality context, street layout and hierarchy and prevailing development densities • Open space distribution and quality, topography, views and built form rhythm • Heights, alignments and massing of surrounding buildings • Prevailing character elements, such as roof forms, building articulation and modulation and the range and combinations of materials and details The SSD DA must be accompanied by a context analysis of the existing prevailing built and natural features of the site/in the streetscape and provide a suitable design response. You are therefore required to submit a context/site analysis in the form of a scaled plan addressing the specific details and format requirements identified in the DA Guide.
Flooding	The subject site is identified as flood prone land.
Bushfire	The subject site is not identified as bushfire prone land.
Contamination	*State Environmental Planning Policy No 55 – Remediation of Land* Clause 7 'Contamination and remediation to be considered in determining SSD applications' applies. A stage 2 site contamination report prepared by a suitably qualified accredited and EPA recognised geotechnical engineer must be submitted in accordance with SEPP 55 with the SSD. If the preliminary report recommends further testing **then further reports will be necessary** and a remediation action plan (RAP) prepared if it identifies any remediation work to National Environment Protection Measure (NEPM) 2013 Guidelines, necessary to make the site suitable for the end use. NOTE: Please refer to the Environmental Health Officer's comments in part 8 of the report.
Salinity	A salinity report prepared by a suitably qualified professional is required to be submitted with the SSD application.
Easements	It is the responsibility of the applicant to conduct a Property Title Search through NSW Land and Registry Services (LRS) for any easements affecting the property and annotate these on the site plans. Any proposed easements or encumbrances must be clearly indicated on plans submitted with the DA. Where permission is required for developments within easements, you are encouraged to seek TransGrid's permission prior to lodging any DA. This will allow any issues to be resolved early. This request is to be managed online via the *AMP UP portal found at the following link:* *www.transgrid.com.au/being-responsible/public-safety/living-and-working-with-powerlines*
Substations	Any application for a Residential flat building(s), shop top housing/mixed use buildings, industrial buildings., retail developments, commercial developments and any other development that has the potential to require an electricity substation to be onsite must provide on the plans submitted with the DA details of the proposed location of the proposed substation, the associated easements around the substation and, if a blast wall is needed, details of the location, height and materials of the wall. This is required to be annotated clearly on the plans so that an assessment can be made of the impact of substations on the streetscape, so we have assurance there is a suitable space for these to be accommodated on the site at the early design stage to meet the electricity authorities requirements and so the impacts of the substations, their easements and any blast walls can be considered in relation to surrounding proposed and existing development. Applicants should contact Endeavour Energy (or the relevant electricity authority) to find out what their requirements are for their proposed development and if a substation is necessary ascertain what the design requirements are and ensure these are shown on the plans at the DA stage. It is not acceptable to leave this matter to the Pre- CC or Pre -occupations stages.
Trees and vegetation	Trees located on site are to be retained where practicable in accordance with Council's resolution in May 2018.

Landscaping	A comprehensive landscape concept plan is required. Detailed landscape calculations as part of a comprehensive landscape plan indicating suitable communal outdoor space with a component of deep soil which is capable of accommodating the planting of more substantial trees. Relevant landscaping calculations (overall and permeable) must be provided to demonstrate compliance against numerical controls.
Traffic	• A comprehensive traffic and car parking impact assessment report prepared by a suitably qualified traffic engineer is to be submitted with the DA. • The proponent needs to demonstrate that there is sufficient parking on site and that there will be no traffic related issues resulting from the proposed development. • Uses proposed cannot create on street parking problems and must be able to cater for their own car parking demands within the subject site. • All vehicles must be able to enter and exit the site in a forward direction
National Construction Code (NCC)	All proposed works are to comply with the National Construction Code (NCC) **A NCC compliance report is to be submitted with the DA.**
Cut and fill and retaining walls	Details of any cut and fill are to be shown on a separate cut and fill plan. All retaining wall details (e.g. location, top-of-wall height, bottom-of-wall height, sections, elevations etc.) are to be clearly shown on plans and must be constructed of masonry material. **The cut and fill plan and details of retaining walls are to be submitted with the DA, and all relevant DCP controls for limiting cut and fill needs to be addressed by the applicant within the Statement of Environmental Effects.**
Street trees	Street tree planting is required. In the event of the necessity to remove street trees or to locate aspects of the development within the drip-line of any street trees, it is strongly advised that you make early contact with Council's Open Space Policy & Tree Management Coordinator.
Waste management	A **waste management plan** (WMP) is to be submitted with the DA. A template for a WMP can be found at: https://www.blacktown.nsw.gov.au/Plan-build/Stage-3-preparing-an-application/What-makes-an-application-complete
CPTED	A Crime Prevention Through Environmental Design (CPTED) report is to be submitted with the SSD application Council's CPTED checklist template (prepared by a NSW Police Force LAC) is to be completed and submitted with the DA.
Signage	Any signage proposed must be accompanied by a SEPP 64 Assessment and submitted with the SSD application where it does not meet criteria for exempt development under the State Environmental Planning Policy (SEPP) – Exempt and Complying Development Codes 2006 (as amended).
Acoustics	An acoustic report prepared by a suitably qualified acoustic consultant must be submitted as part of the SSD application. This report needs to demonstrate the potential noise impacts arising from the proposed development and how it complies with the Noise Policy for Industry. All sources for potential noise are to be described and outlined in the acoustic report, and are to form part of any recommendations made by the acoustic consultant. NOTE: Please refer to the Environmental Health Officer's comments in part 8 of the report.
Accessibility	An **Accessibility Report** from a suitably qualified accessibility consultant is required to confirm the design will be accessible from the boundary of the site to common areas of the site.
Compliance tables	Compliance tables are required to be included in the Environmental Impact Statement (EIS) that demonstrate compliance with all relevant environmental planning policies including environmental planning instruments, development control plans and guidelines.

Submission requirements	• All Development Application are now required to be submitted in the Department of Planning Infrastructure and Environment's Planning Portal which can be accessed at https://www.planningportal.nsw.gov.au/ • You are to refer to the Environmental Planning and Assessment Regulation 2000 in addition to these PAM minutes for submission requirements for a development application. • You will also need to refer to the following website for documentation required by Blacktown Council to be submitted in the planning portal: https://www.blacktown.nsw.gov.au/Plan-build/Stage-4-Apply-for-a-certificate-or-application/Lodging-a-development-application • You will need to submit a completed development application checklist relevant to the proposed development (e.g. Subdivision, or Commercial, Retail and Industrial Development including alterations and additions, or Multi-unit residential development, including mixed use development) with your supporting documents when lodging your development application into the Planning Portal.
Owners consent	• All land owners to which the proposed development application relates are to provide consent to the lodgement of the development application. This includes where ILP road patterns are proposed to be varied and easements over other property or properties. • Please note, where the land is in company or charity ownership, it may be necessary to provide an ASIC or confirmation of authority respectively to support the owner's consent. • A copy of any power of attorney will be required where owners consent relies upon it. • The owner's names must match those recorded on Council's rates system. If the names differ, then proof of change of ownership must be provided. If there is more than one owner on Council's rates system, then all owners must sign. Where the owner is a company, owner's consent must be provided in the form of a letter on the company letterhead or stamped by the company seal and be signed by a Director of the company. • Where the owner is a strata corporation, owner's consent must be on the strata corporation letterhead or stamped by the strata seal. • If the owner company does not have company letterhead or a company seal, the owner's consent must be executed in accordance with Corporations Act 2001 (Cth) Section 127 – Execution of Documents. This requires the signature of two directors of the company, or a director and a company secretary, or by the sole director. • If the owner's consent is signed on the owner's behalf by their legal representative, documentary evidence (eg Power of Attorney, Executor or Trustee) must be provided. • Applications lodged without complete owner's consent will be rejected.
Environmental Impact Statement	A comprehensive Environmental Impact Statement (EIS) outlining the proposal's compliance with relevant planning controls and the anticipated impacts of the proposal (including any means to mitigate such impacts) must be submitted with the SSD for the site, including a detailed table indicating compliance with the relevant standards
Plans, elevations and cross-sections	DA submission will require all plans, elevations and cross-sections. These are to be drawn to scale. **Note:** Any tanks proposed are to be shown on the plans and properly screened if they are visible from the road or a public place**.**
Survey Plan	A survey plan of the property indicating existing levels to Australian Height Datum (AHD). Location and roof ridge and eave levels of dwellings on adjoining properties must also be indicated on the plans. Existing trees on site must be identified on the survey plan.
External colours, materials and finishes	Details of proposed external colours, materials and finishes (for new buildings) are to be submitted including the fencing.

Existing and proposed finished levels	Proposed and existing ground level (including levels of adjoining properties), natural ground level and finished ground levels to AHD must be clearly indicated on the submitted plans (including all elevations and sections). DAs lodged without this information will be rejected.
Building in close proximity to setbacks	Should the elevation of a proposed building be within close proximity of the side setbacks, window treatment/operation (for BCA and fire safety considerations) must be shown in detail at DA stage as this may have an impact on ventilation and subsequent internal amenity.
Retaining walls	Retaining wall and boundary fencing details (if applicable) to be constructed on site as part of the development shall be submitted at DA stage, including proposed use of materials and RLs to AHD for the top of the walls. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) on property boundaries. Any retaining walls must comply with the requirements of Blacktown Development Control Plan 2015.
Stormwater plans	Detailed stormwater plans (to the standards required by Council's drainage engineers) prepared by a qualified hydraulic engineer. This may necessitate separate discussions with the engineers. Note: also the comments of Council's biodiversity officer on page 12 which states that: The proposal is not to release stormwater into the creek line at the rear of the property as there is a Biodiversity Mapped Area Within 100 meters of the site, if this cannot be avoided a BDAR (Biodiversity development assessment report) taking this into account (Section 8.2 of BAM 2020) would need to be submitted to the consent authority (and a copy submitted to Council) for approval.
Operational Plan of Management	An Operational Plan of Management is required that addressed how the above referred matters are addressed and managed. This includes, though is not limited to: – Waste management; – Construction management; – Hours and days of operation; – Noise management; – Lighting management; – Car parking management; – Emergency response; – Signage (directional and advertising); – Contact details for any complaints; – Incident register – Patrons/visitor management
Estimated cost of work	The application must nominate the estimated cost of development (which includes consultant fees and GST) as defined in Clause 255 of the *Environmental Planning and Assessment Regulation 2000.* Development cost must be calculated in accordance with the Department of Planning & Industry and Environment's PS10-008. Please note this must be accompanied by either a Cost Summary Report for development costs less than $3,000,000 or a Registered Quantity Surveyor's Detailed Cost Report for development costs more than $3,000,000. A Building Consultant must verify anything less than $3 million as per PS10-008.The report templates can be downloaded off Council's website.
Integrated development and concurrence	A payment of $320 is to be made to each integrated or concurrence referral agency once the DA is registered on the e-portal and the DA will be referred to other agencies if the application is an 'integrated' development. An administration cost of $140 will also be payable to Council for each integrated referral

6. Key issues identified by the applicant

- SSD Overview of the proposal

7. Key planning issues arising from the PAM

The following points are made for your consideration arising from the pre-application meeting:

General:

- The proponent is to address the key issue matters raised in these minutes in the EIS. This PAM meeting was held to gain a better understanding of the proposed development and facilitate discussion with key sections of Council however Council reserves the right to provide formal advice in accordance with the SEARS process at a later stage.

Planning:

Permissibility

- Refer to 'permissibility' in Part 3 of this report.

Compliance with relevant planning policy

- Any development application must address all relevant environmental planning instruments and the development control plans.

Compatibility of the proposal with the surrounding development

- Compatibility of all the uses proposed within the development is to be demonstrated.
- Compatibility of the proposed development with other adjoining and surrounding development is also to be demonstrated.
- You are to ensure the materials and finishes proposed are of a high quality and sympathetic to the character of surrounding properties and the locality. Council encourages the use of lighter coloured finishes for roofing materials to reduce the impacts of urban heat island effect.

Development Contributions

- Section 7.11 not applicable.
- There is not a possibility of a Voluntary Planning Agreement (VPA) required to be executed. *For details, contact Council's Manager Development Contributions, Dennis Bagnall by phone on 9839 6000.*
- There is not a possibility of a Special Infrastructure Contribution (SIC) levy applying to the site/development. You are to contact the Department of Planning Infrastructure and Environment to confirm amounts payable.

Information

You are encouraged to make a request for relevant Development Applications and associated modifications by completing an application under Government Information (Public Access) Act (GIPA) 2009 through the following link: https://www.blacktown.nsw.gov.au/About-Council/How-we-work/Access-to-our-information

Zone boundaries

For any required clarification of boundaries or mapping from Council (including, though not limited to zones, ILP, and lot boundaries), or for additional detail than that shown in maps within relevant planning legislation, GIS information can be requested from Council. That which can be requested, fees payable and the format of data is as follows:

- Council's GIS data content such as Cadastre, Land Zone, Proposed Subdivision Road Pattern, Bushfire and Flood can be provided in DWG format
- Fees and charges for 1 square KM tile = $114
- Data format = ESRI Shape or DWG
- Map Projection = MGA Zone 56 GDA 94
- Delivery time = 5 to 7 working days
- Prefer Payment method = Credit card

For any matters relating to Land Information, please contact Win Min SWE on 9839 6000. Should clarification be required for policies that have not been created by Council, you are encouraged to confirm zone boundary information with the author of the relevant policies.

Zone boundary variations

Any proposed zone boundary variations proposed in a DA must be clearly shown on the plans and supported with a Clause 5.3 variation request giving reasons for the variations. There is no guarantee that these zone boundary variations will be supported and unless they are in council's best interest they will not be supported. If they are supported then the applicant will have to lodge a Planning proposal with the Development application to enable the PP to progress concurrently at full cost to the applicant. Applicants must have the written approval of the section of Council whose zoned land they are changing i.e. Drainage Section if its SP2 zoned land or Recreation Planning and Development if its RE1 zoned land. Unless the written support of these section/s are given council can not progress a Clause 5.3 variation or a PP over this site.

Decision-making

- The Blacktown Local Planning Panel will determine matters identified in the following direction: https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/local-planning-panels-direction-development-applications-2018-02-23.pdf?la=en
- The State Planning Panel will determine matters referred in Schedule 7 (Regionally Significant Development) of the State Environmental Planning Policy (SEPP) for State and Regional Development 2011.
- The Department of Planning Infrastructure and Environment will determine matters for uses and projects with capital investment values of particular thresholds in accordance with State Environmental Planning Policy (SEPP) for State and Regional Development 2011.
- A quantity surveyor's report is required to detail the cost of the work and the Capital Investment Value as defined under the Environmental Planning and Assessment Regulation 2000.

8. Key matters raised by other sections of Council

The following comments are provided by other sections of Council. This advice does not necessarily consider the planning matters raised earlier in this report, and therefore need to be read with the above planning matters as context.

Engineering (Drainage):

The following comments have been provided by Council's Drainage Engineer:

- Water Conservation is required as per pert J of the DCP and is to be connected to the landscape and toilet areas. Submit the related MUSIC model.
- Water Quality is through a s7.11 contribution which should have been addressed as part of the parent approved DA.
- A Gross Pollutant Trap due to the s7.11 contribution has been catered for in the parent DA.
- OSD has been approved under the parent DA
- Access arrangement to the rear riparian/landscape area.
- A step-down area is to be created to the rear for person access and maintenance of the riparian area. Site restricted access is to be managed and should not remove the need for a maintenance access to this area. This is to be managed internally on lot. Note that a vehicle access or maintenance track is not required.
- A Vegetation Management Plan (VMP) is required for the restoration of the flood storage/landscape setback (formerly creating a riparian zone) area including removal of weeds and replanting. The VMP is to also address the swale and creek discharge.

For further advice on drainage engineering matters, please contact Council's Drainage Engineer Laith Almoil, on 9839 6000.

Environmental Health:

The following comments have been provided by Council's Environmental Health Officer:

- SEPP 33 assessment is required to be undertaken, encompassing the entire site including the Council approved DA-21-01058.
- Acoustic assessment is required by a suitably qualified acoustic consultant in accordance with the Noise Policy for Industry 2017, which also takes into the account DA-21-01058
- Confirmation statement is required verifying that the Contamination assessment submitted as part of DA-21-01058 was for the entire site and that it is satisfactory and no further assessment and/or remediation is required. If that is not the case then a new site contamination report is required that addresses the part of the site where this development is proposed.
- An air quality assessment is to be submitted.
- The plans demonstrate that the storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of;
- NSW Workcover;
- Australian Standard 1940:2004 The Storage and Handling of Flammable and Combustible Liquids; and
- Environment Protection Authority Guidelines - Technical BU Bunding and Spill Management.

For further advice on environmental health matters please contact Amelia Tabrett, Council's Environmental Health Officer on 9839 6000.

Traffic Engineering:

For advice on traffic engineering matters, please contact Council's Senior Traffic Management Officer, Abdun Noor, on 9839 6000.

Building:

The following comments have been provided by Council's Team Leader Building:

- Compliance with the National Construction Code (NCC) is required.

For building matters, please contact Council's Team Leader Building, Jim Garland, on 9839 6000.

Biodiversity:

The following comments have been provided by Council's Senior Biodiversity Officer (Ecologist):

The proposal is not to release stormwater into the creek line at the rear of the property as there is a Biodiversity Mapped Area Within 100 meters of the site, if this cannot be avoided a BDAR (Biodiversity development assessment report) taking this into account (Section 8.2 of BAM 2020) would need to be submitted to the consent authority (and a copy submitted to Council) for approval.

For additional matters relating to biodiversity, please contact Council's Natural Areas Shane Maloney on 9839 6000.

Waste:

For Council's waste storage and management requirements, please contact Council's Sustainable Resource Projects Officer, Peta Golla or Adam Hamawi on 9839 6000.

Development Engineering:

For advice on development engineering matters, please contact Council's Team Leader of Development Engineering, Aneesh Singh on 9839 6000.

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8. Further consultation recommended? **YES ☐** **NO ☒**

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9. Limitation on the information provided in PAM minutes:

(a) This report is not a zoning certificate. Such a certificate can be purchased from Council by completing the relevant application form and payment of the appropriate fee.

(b) To confirm all the relevant environmental planning instruments applicable for a particular development site, a Section 10.7 Certificate will need to be purchased from Council.

(c) It is the responsibility of the applicant to ensure that a DA adequately addresses all relevant environmental planning instruments and DCPs.

(d) Council has provided the information in this report in response to the material provided by the prospective applicant. An applicant who requires independent professional advice must engage a consultant who is qualified to provide such advice.

(e) Information in this report concerning the permissibility of a particular form of development is provided in good faith at the time these minutes were prepared. Should the permissibility of the proposal be in doubt or the interpretation of development controls be unclear, you must seek guidance from a legal or town planning consultant.

(f) You are advised that any proposal must fully comply with the applicable planning controls. Applicants must substantiate compliance with the objectives of all prevailing planning controls.

(g) Council cannot pre-determine its position in regard to the merits of a development. Council's final decision regarding a development can only be made upon the lodgement of a DA and following Council's full and proper evaluation and determination of that application under Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended. This report can in no way infer or imply that development consent may be granted.

(h) All local and State planning controls are constantly under review. While this report reflects the controls operating at the time of the meeting, the relevant policies and controls may alter between the time of this meeting and the lodgement of a DA. Assessment of any DA must be on the basis of the controls in force at the time the application is evaluated and determined.

(i) The information provided at the PAM and in this report is intended to assist in the preparation and lodgement of a DA. Although it is preliminary information, Council provides this service at no cost with the expectation that a prospective applicant will respond positively and take account of the information provided.

(j) Further investigation of the proposal and the site, as well as comments by statutory authorities and local residents as part of the assessment of the DA, may necessitate amendments to any proposed plans for development. Conditions will be applied to any development consent. Furthermore, Council may refuse to issue development consent for a DA which is considered unsatisfactory following an evaluation under Section 4.15 of the Environmental Planning and Assessment Act 1979.

(k) This meeting or the minutes provided do not guarantee that any variations sought to Council's controls will be granted. Such variations are proposed at the applicant's own risk and may result in a longer DA processing time.

(l) No guarantee can be given that this proposal will be approved until a full assessment of a DA has been made by the assessing town planner and development consent is granted, as other issues may be identified during the assessment process.

(m) Your DA will be delayed should inadequate information be lodged. It is in your interests to provide as much information as possible to assist in Council's assessment of the DA. Applications lodged without key documentation such as a statement of environmental effects, stormwater plans, owner's consent, plans drawn to scale and other specific information highlighted either in these minutes or within the relevant checklist will be rejected. There are no appeal rights under the EPA Act 1979 for rejected DAs.

(n) Please note that the information provided within these minutes are valid at the time of issue. Please arrange a follow up PAM should you wish to discuss any changes to the proposed development.

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10. Acknowledgement of minutes:

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Vivian Long
Gateway Town Planner

23 February 2022
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Date

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Pauline Daw
Coordinator Planning Assessment - Gateway

24 February 2022
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Date