

21 June 2018

At 6.00 pm

Volume 4 - Item 6



## Central Sydney Planning Committee

Sydney 2030 / Green Global Connected



## Agenda

1. **Disclosures of Interest**
2. **Confirmation of Minutes**
3. **Matters Arising from the Minutes**
4. **Development Application: 2-12 Carrington Street, Sydney**
5. **Development Application: 210-214 and 218-232 George Street, Sydney**
6. **Development Application: 506-518 Gardeners Road, Alexandria**
7. **Development Application: 5-15 Dunning Avenue, Rosebery**
8. **Determinations Delegated by the Central Sydney Planning Committee to the City of Sydney**
9. **Summary of Outstanding Applications to be Reported to the Central Sydney Planning Committee**
10. **Public Exhibition - Planning Proposal - 4-6 Blich Street, Sydney - Request Gateway Amendment**
11. **Public Exhibition - Planning Proposal - 55 Pitt Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments and Planning Agreement**



# Guidelines for Speakers at the Central Sydney Planning Committee



As part of our democratic process, the City invites members of the community to speak directly to Members of the Central Sydney Planning Committee (the CSPC) about items on a meeting agenda.

To enable the CSPC to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at meetings to:

1. Register to speak by calling Council's Secretariat on 9265 9190 before 12.00 noon on the day of the meeting.
2. Check the recommendation in the agenda report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the CSPC may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.
6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.
7. Be prepared to quickly return to the microphone and respond briefly to any questions from CSPC members, after all speakers on an item have made their presentations.

At the start of each CSPC meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

CSPC reports are on line at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au), with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

**Item 6.****Development Application: 506-518 Gardeners Road, Alexandria****File No.:** D/2017/1797**Summary**

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

**Proposal Summary  
(continued):**

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

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

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

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

**Summary Recommendation:**

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

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

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

## Recommendation

It is resolved that:

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

## Background

### The Site and Surrounding Development

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



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Gardeners Road, facing north



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



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



Figure 5: Looking west along Gardeners Road



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

## Proposal

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

### (a) Site works

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

### (b) Basement

- (i) Two tank rooms.

### (c) Ground level

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

### (d) Level 1

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

**(e) Level 2**

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

**(f) Roof**

- (i) Rooftop plant equipment.

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



Figure 7: Staging plan

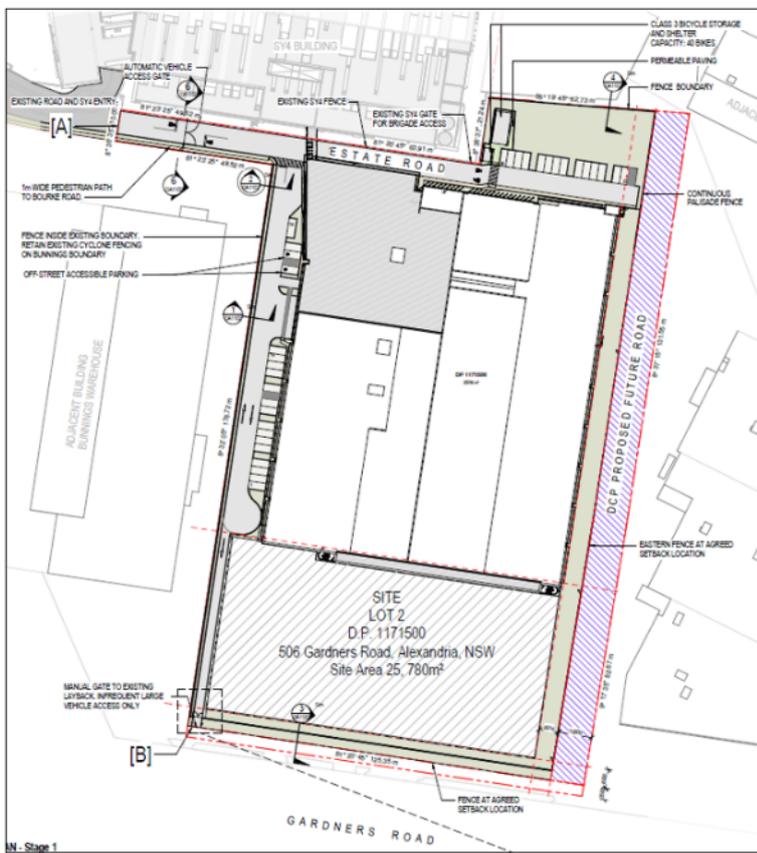


Figure 8: Stage 1 Site Plan



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



**Figure 10:** Photomontage western facade of Stage 1 works



**Figure 11:** Photomontage eastern facade of Stage 1 works

## History Relevant to the Development Application

18. The following development applications are relevant to the site:

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

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

### **Economic/Social/Environmental Impacts**

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

### **Sydney Airport Referral Act 1996**

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

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

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

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

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

## Clause 45

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

## Clause 101

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

**Sydney LEP 2012**

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

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

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

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

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

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

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

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

### Sydney DCP 2012

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

#### 2. Locality Statements – Alexandra Canal

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

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

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

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

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

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

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

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

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

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

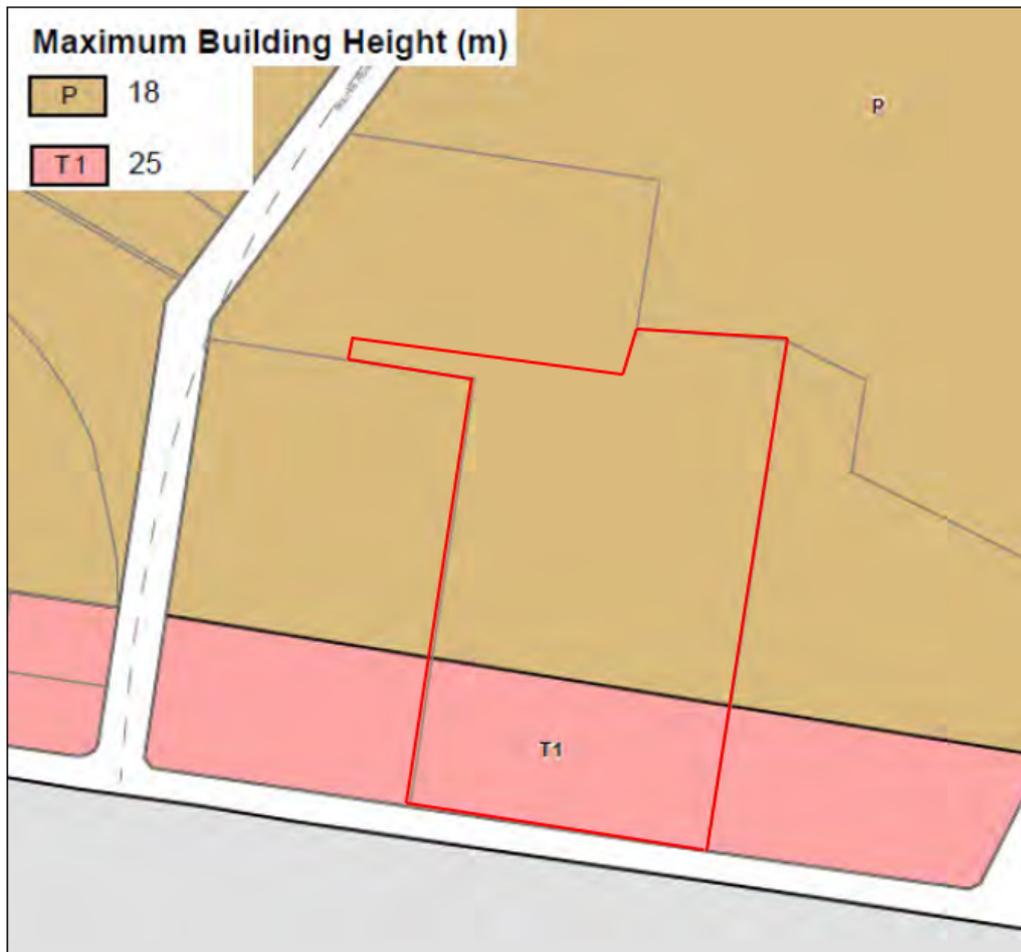
5. Specific Areas  Southern Employment Lands	Compliance	Comment
5.8.2.8 Ancillary uses in the IN1 General Industrial zone	No	<p>The SDCP 2012 stipulates that ancillary offices are required to be directly associated with the industrial use and must not comprise more than 15% of the gross floor area of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

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

## Issues

### Height of Building - Clause 4.6 Variation

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



**Figure 12:** SLEP 2012 Height of Building Map

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

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

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

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

### **Concept Development Application**

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

- (a) *Stage 1:*
- (i) Construction and use of a 3-storey building to the northern portion of the site;
  - (ii) Earthworks and shaping of the building pad, including the installation of drainage infrastructure;
  - (iii) Extension of existing internal east-west road servicing the existing data centre;
  - (iv) Construction of a new internal road along the western boundary of the site;
  - (v) 33 at grade car parking spaces and bicycle storage for 40 bikes;
  - (vi) Landscaping and fencing;
  - (vii) Use of the building as a data centre with 24 hour operation, 7 days per week; and
  - (viii) Public domain improvement works, including the temporary landscape embellishment works to the land to be dedicated to Council.

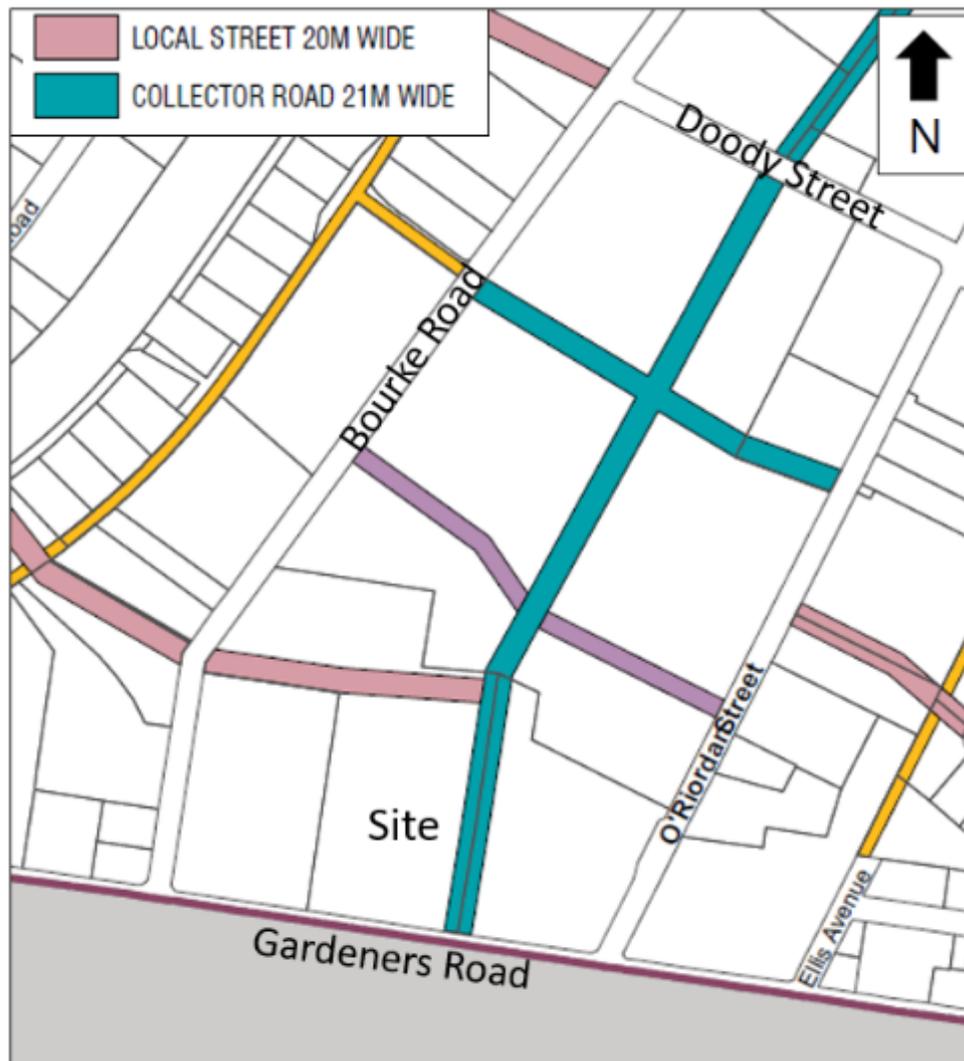
The requisite details have been provided for the Stage 1 works pursuant to Section 4.22(4)(b) of the Act to enable consent to be given for the detailed proposal for the Stage 1 works.

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

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

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

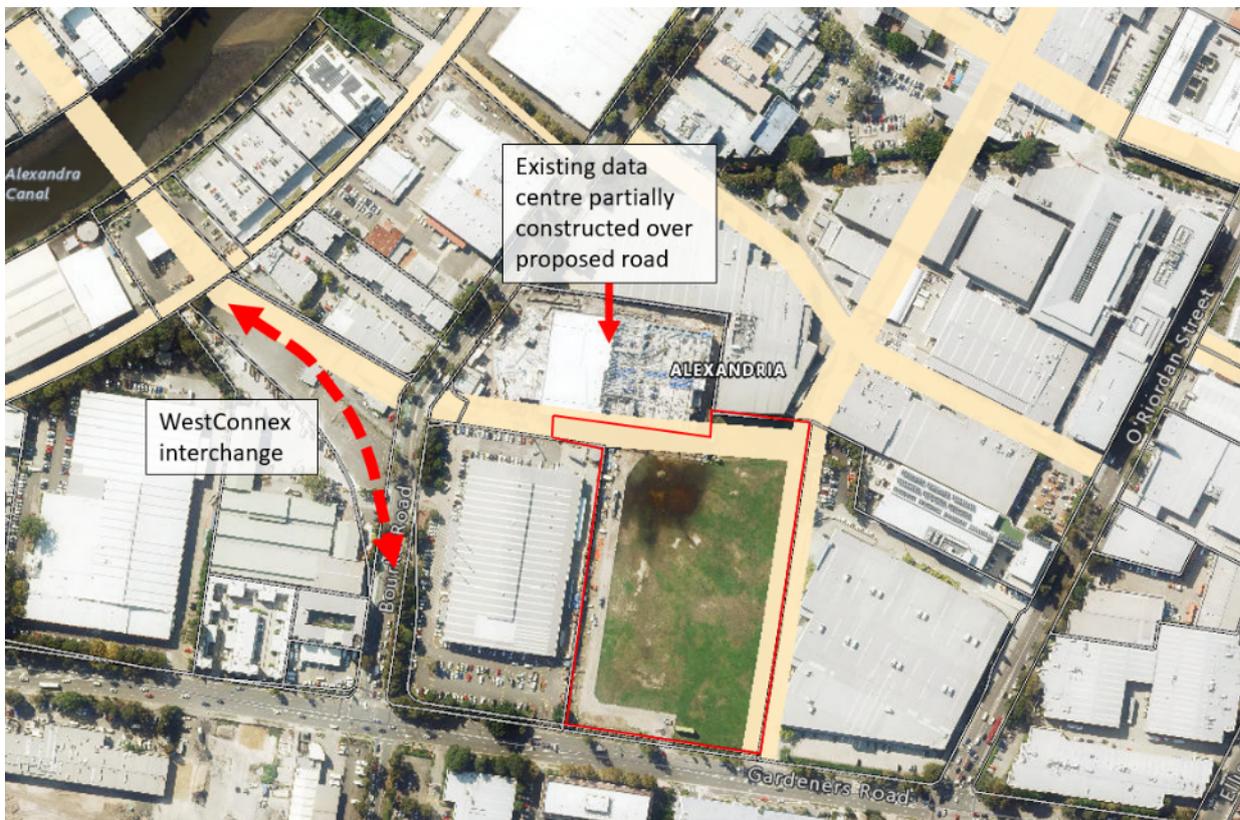
59. Section 5.8.3.2 of the SDCP 2012 identifies two proposed roads on the site, as shown in Figure 13, being:
- (a) half the width of the 21 metre wide north-south collector road proposed to connect Gardeners Road to Doody Street; and
  - (b) a 20 metre wide east-west local street connecting Bourke Road to the future north-south collector road.



**Figure 13:** SDCP 2012 Proposed Roads Map

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

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



**Figure 14:** Aerial map showing location of proposed roads

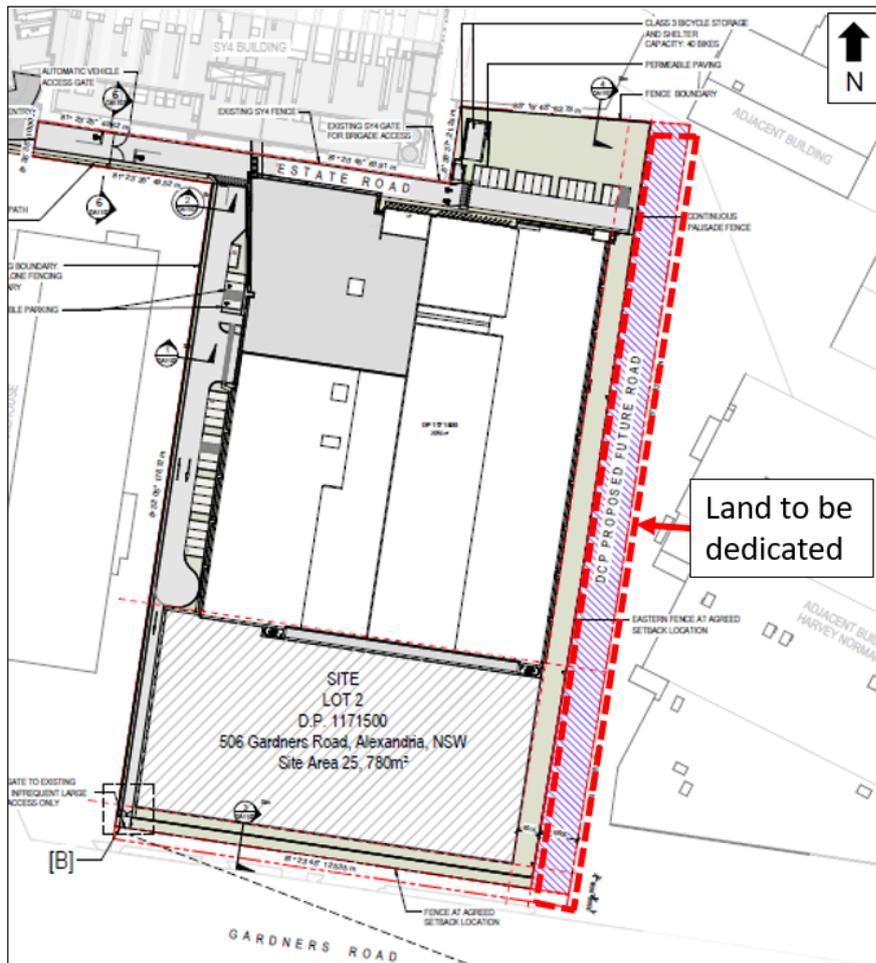
- As shown in Figure 13, above, the SDCP 2012 identifies two other proposed east-west connector streets, located north of the site. These streets will allow the large development block bound by Bourke Road, Gardeners Road, O'Riordan Street and Doody Street to be broken up from east to west thereby providing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

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

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

#### **Voluntary Planning Agreement**

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



**Figure 15:** Land to be dedicated for future road

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

### **Built Form, Material and Finishes**

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

71. The external treatment of the building comprises a range of materials including precast concrete panelling, textured precast panelling, perforated metal screening, metal mesh fabric and clear glazing. The use and composition of the proposed materials are considered to provide visual interest to the facades and facilitate breaking up the perceived bulk of the building. Photomontages of the development are provided at Figures 16 to 18:



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



**Figure 17:** Photomontage western facade of Stage 1 works



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

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

### **Landscaping**

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

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



**Figure 19:** Landscape Plan

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

**Hours of Operation**

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

**Other Impacts of the Development**

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

**Suitability of the site for the Development**

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

**Internal Referrals**

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

**External Referrals**

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

**Notification, Advertising and Delegation (No Submissions Received)**

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

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

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

**S7.11 Contribution**

94. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
95. Pursuant to the Development Contributions Plan 2015, the proposed use is best defined as 'light industry', which includes high technology. Based on this land use classification and the proposed gross floor area of 18,434sqm, The following monetary contribution is required towards the cost of public amenities:

(a) Open Space	\$772,427.33
(b) Community Facilities	\$120,087.52
(c) Traffic and Transport	\$980,545.10
(d) Stormwater Drainage	\$387,740.20
Total	\$2,260,800.16

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

**Relevant Legislation**

98. The Environmental Planning and Assessment Act 1979.

**Conclusion**

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

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

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

(Tahlia Alexander, Planner)

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

**(A) PART A - DEFERRED COMMENCEMENT CONDITIONS**

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

**(1) VOLUNTARY PLANNING AGREEMENT**

- (a) The draft Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and THE TRUST COMPANY LIMITED as custodian for the GOODMAN INDUSTRIAL EUROPE FINANCE TRUST and EQUINIX AUSTRALIA PTY LIMITED which was placed on public exhibition between 29 May 2018 and 25 June 2018 shall be executed and submitted to Council; and
  - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
  - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and
  - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- (2) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (3) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (4) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

## **PART B – CONDITIONS OF CONSENT**

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

### **SCHEDULE 1A – CONCEPT APPROVAL**

#### **(1) STAGED DEVELOPMENT APPLICATION**

- (a) Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Concept Development Application and approval of the detailed design of the **Stage 1 works** comprising of:

Earthworks and drainage works;

Construction and use of the Stage 1 building;

Construction of internal access roads;

Construction of car parking and bicycle parking; and

Landscaping.

- (b) A subsequent detailed Development Application is required for the **Stage 2 works**.

#### **(2) COMPLIANCE WITH CONCEPT ENVELOPE – STAGE 2**

Subject to other conditions of this consent, the Stage 2 building envelope is only approved on the basis that the building of the subsequent detailed design Development Application, including services are contained wholly within the approved building footprint and envelope, and comply with the relevant planning controls including Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

#### **(3) BUILDING HEIGHT**

The maximum height of the Stage 2 building must not exceed 25 metres, as defined in the Sydney Local Environmental Plan 2012.

#### **(4) FLOOR SPACE RATIO**

- (a) The combined Floor Space Ratio of the proposal (being Stages 1 and 2) must not exceed the maximum permissible, and shall be calculated in accordance with the provisions of Clause 4.4 of the Sydney Local Environmental Plan 2012 (as amended).
- (b) Precise details of the distribution of floor spaces shall be provided within the detailed Development Application for the Stage 2 works.

**(5) ACOUSTIC REPORT**

An Acoustic Impact Assessment must be undertaken by a suitably qualified consultant and submitted with the detailed Development Application for Stage 2 works.

## SCHEDULE 1B – STAGE 1 DETAILED DESIGN CONDITIONS

### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

**Note:** Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### (6) APPROVED STAGE 1 DEVELOPMENT – DETAILED DESIGN

Development must be in accordance with Development Application No. D/2017/1797 dated 21 December 2017 (as amended) and the following drawings prepared by Warren and Mahoney:

Drawing Number	Drawing Name	Date
DA1101 (Rev C)	Existing & Proposed Site Plan	4 May 2018
ARD1301 (Rev A)	Grid Setout Plan	15 December 2017
ARD1900 (Rev A)	Sub-Basement	15 December 2017
DA2000 (Rev C)	Level 0 – Office / Colocation / BOH	18 May 2018
DA2100 (Rev C)	Level 1 – Office / Colocation / BOH	18 May 2018
DA2200 (Rev C)	Level 2 – Office	18 May 2018
DA2300 (Rev C)	Level 2 – Colocation / BOH	18 May 2018
DA2400 (Rev C)	Level 3 - Office	18 May 2018
DA2600 (Rev C)	Roof	18 May 2018
DA7101 (Rev C)	General Arrangement Elevations – Sheet 01	29 January 2018
DA7102 (Rev C)	General Arrangement Elevations – Sheet 02	29 January 2018
DA7601 (Rev C)	General Arrangement Sections – Sheet 01	29 January 2018
DA7602 (Rev C)	General Arrangement Sections – Sheet 02	29 January 2018
DA1102 (Rev A)	Proposed Site Plan – Fence Sections	2 May 2018
DA7610 (Rev A)	Facade Section – Front of House	2 May 2018
ARD5901 (Rev A)	Material Legend	15 December 2017

and as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

#### (7) HOURS OF OPERATION

The hours of operation for use of the Stage 1 building are approved for 24 hours a day, 7 days a week.

## **(8) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The location of the building shall be modified to ensure that the northern wall and foundations shall be clear of the easement for overland flow 10.5m wide and variable, the right of carriageway 10m wide shown on Deposited Plan 1171500.
- (b) Certification shall be provided from a surveyor registered under the *Surveying & Spatial Information Act 2002* confirming that the proposed building, as modified, will be clear of the easements referred to in clause (a) above. The certification must show the name, signature, and surveyor's ID number of the registered surveyor.

The modified plans and registered surveyor's certification are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

## **(9) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule, specifications (Ref: ARD5901), dated 15 December 2017 and the physical sample board submitted to Council, prepared by Warren and Mahoney.

## **(10) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition 1 are to be complied with.

## **(11) BUILDING HEIGHT**

- (a) The height of the Stage 1 building must not exceed RL26.95 (AHD).
- (b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

## **(12) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio (FSR) for the Stage 1 building must not exceed 0.72:1 calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**(13) PUBLIC ART**

The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim guidelines: public art in private developments.

Final details of the proposed public art work must be submitted to and approved by the City's Area Planning Manager prior to issue of any Construction Certificate for above ground works.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

**(14) CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Section 94 Contributions Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$772,427.33
Community Facilities	\$120,087.52
Traffic and Transport	\$980,545.10
Stormwater Drainage	\$387,740.20
Total	\$2,260,800.16

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

where:

$C_{\text{payment}}$  is the contribution at time of payment;

$C_{\text{consent}}$  is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 113.6 for the March 2018 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

The Section 7.11 contributions payable as set out above may be offset in accordance with the terms of the Planning Agreement required to satisfy Deferred Commencement Condition 1.

#### **(15) REFLECTIVITY**

The Principal Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of any Construction Certificate.

#### **(16) EXTERNAL LIGHTING**

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

#### **(17) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of any Construction Certificate and prior to the issue of any Occupation Certificate the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

#### **(18) ALLOCATION OF CAR PARKING**

The number and location of car parking spaces is to comply with proposed site plan DA1101, Rev C. Details confirming the quantity and placement of

car parking shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Car Parking Type	Number
Business car parking	31
Accessible business car parking as shown on plan DA1101, Revision C	2

## (19) CAR PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of off-street car parking and loading facilities must comply with the following:

- (i) *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking, and*
- (ii) *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities, and*
- (iii) *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.*

Details must be submitted to and approved by the Certifying Authority prior to any Construction Certificate being issued.

## (20) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Quantity of bicycles to be accommodated	Requirements
Staff and site visitors	40	Class C bicycle parking in accordance with AS2890.3 with weather protection
End of Trip Facility Type	Quantity to be provided	Requirements
Lockers	40	Located in communal area for unisex access
Ladies shower room	3 shower and change cubicles	
Men's shower room	3 shower and change cubicles	

- (b) The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Certifying Authority or Council confirming prior to any Construction Certificate being issued.

**(21) ON-SITE LOADING OPERATION**

All loading and unloading associated with the site must be carried out within the site at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**(22) CHANGES TO KERB SIDE CAR PARKING RESTRICTIONS**

A separate submission must be made for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.

All costs associated with any parking changes would be borne by the developer.

Note: The applicant is to contact the Area Traffic Engineer to discuss the proposal before making a submission.

**(23) COST OF SIGNPOSTING**

All costs associated with signposting of any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**(24) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

**(25) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to "Give way to pedestrians and bicycles" before crossing the footpath

The sign/s are to be erected prior to the issue of any Occupation Certificate and must be maintained in good order at all times by the owners of the building.

**(26) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian,

Cycling and Traffic Calming Committee prior to any work commencing on site.

**(27) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA *Noise Policy for Industry 2017* (NPfI) unless agreed to by the City's Area Planning Manager. Further:

- (i) Background noise monitoring must be carried out in accordance with the long-term methodology in *Fact Sheet B* of the NPfI unless otherwise agreed by the City's Area Planning Manager.
- (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

*For internal residential and commercial amenity only:*

- (b) An  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
  - (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

**(28) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) A site specific noise management plan shall be submitted to the Council for comment and approval prior to issue of any Construction Certificate.
- (b) The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney*

*Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

The approved noise management plan must be complied with during construction of the development.

### **(29) USE OF INTRUSIVE APPLIANCES – NOT APPROVED**

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992".

A separate Section 4.55 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992*.

### **(30) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the

development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to any Construction Certificate being issued or the commencement of the use, whichever is earlier.

**(31) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of any Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

## **SCHEDULE 1C – STAGE 1 DETAILED DESIGN CONDITIONS**

### **PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

#### **(32) LANDSCAPING OF THE SITE**

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Stage 1 Construction Certificate for above ground building works. The plan must include:
  - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
  - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
  - (iii) The design must provide a minimum 15% canopy cover across the site. This must be provided by 30% of the species having a mature height of 6-8 metres, 30% mature heights of 10-15 metres and 40% mature heights of 20-30 metres;
  - (iv) Final tree selection shall include a diverse range of endemic species consistent with the expected mature heights and canopy growth within the Sydney area (mature heights must not solely rely on plant literature).
  - (v) All native tree species must be consistent with the Street Tree Masterplan Precinct Plan 30 for Southern Industrial lands;
  - (vi) Location, numbers, type and supply of plant species, with reference to Australian Standards;
  - (vii) Construction details for all elements including raingardens, permeable paving, planting types, edges, fencing types, lighting, fixtures,
  - (viii) Details of planting procedure and maintenance;
  - (ix) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of any Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifier. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.

### **(33) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to any Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to any Construction Certificate being issued for public domain work.

### **(34) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

### **(35) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

### **(36) PRESERVATION OF SURVEY MARKS**

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of any Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

### **(37) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying and Spatial Information Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act and Spatial Information Act 2002*.

**(38) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to any Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to any Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(39) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to any Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

**(40) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, a detailed engineering design for drainage including calculations and design for the stormwater overland flow path for the development must be:
  - (i) Prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) Prepared in accordance with the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies, as amended from time to time; and
  - (iii) Submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.
  - (i) The application must be approved by the City of Sydney prior to an approval or any Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
  - (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive

Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

#### On-site Detention

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
  - (i) Evidence of the approval by Sydney Water of the detailed design for on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to any Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
  - (ii) Prior to the issue of any Occupation Certificate, including any Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

#### Stormwater Quality Assessment

- (d) Prior to any Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

- (i) Be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) Use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) Demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

- (iv) Include certification from a suitably qualified practicing professional that the requirements of parts (d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

#### Completion / Works-as-Executed Documentation

- (e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
  - (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
  - (ii) Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.
  - (iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the Public Domain Manual, the Stormwater Drainage Manual, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
- (f) Prior to the issue of any Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
  - (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;
  - (ii) A Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
  - (iii) A Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum

NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;

- (iv) Evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;
- (v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

#### **(41) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

#### **(42) DRAINAGE AND SERVICE PIT LIDS**

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to any Construction Certificate being issued for the relevant stage of work.

#### **(43) PUBLIC DOMAIN DAMAGE DEPOSIT**

A Public Domain Damage Deposit calculated on the basis of 125 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

#### **(44) PUBLIC DOMAIN LIGHTING**

- (a) Prior to any Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public

domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:

- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
  - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
  - (iii) Footing locations and structural details;
  - (iv) Location and details of underground electrical reticulation, connections and conduits;
  - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
  - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

#### **(45) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued. The approved Construction Traffic Management Plan must be complied with at all times during construction of the development.

Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website: <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

#### **(46) TRANSPORT FOR NSW CONDITION**

The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within Transport for NSW. A final copy of the plan shall be submitted to the Coordinator General, Transport Coordination within the Transport for NSW for endorsement, prior to the commencement of any work.

The CTMP needs to specify, but not to be limited to, the following:

- (a) Location of the proposed work zone;
- (b) Haulage routes;
- (c) Construction vehicle access arrangements;
- (d) Proposed construction hours;
- (e) Estimated number of construction vehicle movements;
- (f) Construction program;
- (g) Consultation strategy for liaison with surrounding stakeholders;
- (h) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (i) Cumulative construction impacts of projects including the Westconnex New M5. Existing CPTMPs for development within or around the development site should be reference in the CTMP to ensure that coordination of work activities are managed to minimise on the road network; and
- (j) Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified in the CPTMP.

The endorsed CPTMP must be complied with at all times during construction of the development.

#### **(47) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:

- (i) existing site contours;
- (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater; and
- (iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

The approved SWMP must be complied with at all times during construction of the development.

**(48) WORKS REQUIRING USE OF A PUBLIC PLACE**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(49) WASTE AND RECYCLING MANAGEMENT**

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

**(50) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

A Waste Management Plan is to be approved by the Principal Certifier prior to any Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

**UPON COMPLETION OF THE DEVELOPMENT**

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

**(51) LAND REMEDIATION (Where Site Auditor engaged)**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Aurecon dated 23 May 2018 reference number 253793.007\_Equinix\_RAP\_Rev 2. (Council ref: 2018/281963) and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Tom Onus of Ramboll Australia PTY LTD dated 23 May 2018 and reference No 1 (Council ref: 2018/281963). All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

**(52) SITE AUDIT STATEMENT**

- (a) Prior to the issue of any construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a

NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-  
hbapplications@cityofsydney.nsw.gov.au

- (b) The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.
- (c) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building department in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (d) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (e) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

### **(53) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN**

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and the City's Area Planning Manager prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to the City's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

### **(54) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may

be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**(55) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN**

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by Aurecon, Reference: 253793.700, Revision: 0 (Council ref: 2018/248174) and dated 4 May 2018 must be implemented, including all Acid Sulfate Soils management recommendations provided within Section 6.

**(56) DISCHARGE OF CONTAMINATED GROUNDWATER**

Contaminated groundwater shall not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**(57) IMPORTED FILL MATERIALS**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

**(58) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

#### **(59) MICROBIAL CONTROL IN WATER SYSTEMS**

- (a) Prior to the issue of any Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the *Public Health Act 2010* must be prepared by a suitably qualified person and certified in accordance with *AS3666: 1: 2011 Air Handling and Water Systems of Buildings – Microbial Control – Design, installation and commissioning* and must be submitted to and approved in writing by the Council's Area Planning Manager at email [hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au).
- (b) Water cooling system operation and maintenance manuals and maintenance service records must be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to *AS/NZS 3666:2:2011 Air Handling and Water Systems of Buildings – Microbial control, operation and maintenance*.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the following:
  - (i) *Public Health Act 2010, Public Health Regulation 2012* and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of *AS3666:2011 Air Handling and Water Systems of Buildings – Microbial Control* and the *NSW Health Code of Practice for the Control of Legionnaires Disease*.
  - (ii) Prior to the issue of any Occupation Certificate or if non-applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Health and Building Unit, written notification by way of the prescribed form under Clause 12 to the *Public Health Regulation 2012*. Any changes to these particulars must be notified to the Council's Health and Building Unit in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney Council's website.

#### **(60) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to any Construction Certificate being issued.

**(61) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE FITOUTS**

In accordance with the *Building Code of Australia* the proposed office layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

**(62) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

**(63) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);

- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

**Note:** 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

**(64) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.
- (b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

**(65) INTERNAL LIGHTING SYSTEM**

The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Principal Certifier prior to any Construction Certificate being issued.

**(66) INSTALLATION OF DUAL-FLUSH TOILETS**

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Principal Certifier, prior to any Construction Certificate being issued.

**(67) INSTALLATION OF WATER EFFICIENT TAPS**

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The

details are to be submitted for the approval of the Principal Certifier, prior to an Occupation Certificate being issued.

**(68) INSTALLATION OF WATER EFFICIENT URINALS**

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Principal Certifier, prior to any Construction Certificate being issued.

## **SCHEDULE 1D- STAGE 1 DETAILED DESIGN CONDITIONS**

### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

#### **(69) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **(70) PUBLIC ART WORK**

Public art work, as approved under Condition 13, must be installed to the satisfaction of the City's Director of City Planning, Development and Transport prior to the issue of any Occupation Certificate.

#### **(71) CONSTRUCTION ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

#### **(72) VEHICLE FOOTWAY CROSSINGS**

The existing vehicle footway crossing on Gardeners Road located closest to the subject site's eastern boundary is to be removed and the footpath, kerb

and gutter is to be reinstated. Any other disused or redundant vehicle crossings and laybacks must also be removed.

Separate application/s are to be made to and approved by Council for the removal of the subject Gardeners Road crossing and any other redundant crossings.

Where vehicle crossings are to be removed, the footway, kerb, gutter and road are to be reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance prior to the issue of an Occupation Certificate.

Note: To reinforce the priority of pedestrian movement on the footpath, the footpath paving surface is to be continued over the vehicle crossing.

### **(73) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

### **(74) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(75) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**(76) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

**(77) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to an Occupation Certificate or subdivision/strata certificate being issued.

**(78) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

## **(79) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of onsite tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

## **(80) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **(81) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

## **(82) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

## **(83) SURVEY**

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment.

## **(84) SURVEY CERTIFICATE AT COMPLETION**

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

## **(85) PHYSICAL MODELS**

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

### Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

## **(86) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**(87) TRANSPORT ACCESS GUIDE**

A Transport Access Guide (TAG) must be implemented and maintained by the operator/s of the premises to inform patrons about accessing the site by sustainable transport options including public transport, taxis, cycling and walking or a combination of these modes. A Transport Access Guide (TAG) Implementation Plan including the following shall be submitted to and approved by Council prior to the issue of any Occupation Certificate for the site/use:

- (a) An outline of all components and communication methods of the Transport Access Guide including but not limited to website/digital information, promotion by staff such as with phone bookings, printed material such as media or letterbox advertising, etc. Copies of any relevant printed material should be submitted with the Implementation Plan, and
- (b) Methods by which the various components of the Transport Access Guide will be communicated to staff and made available to customers.

**(88) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

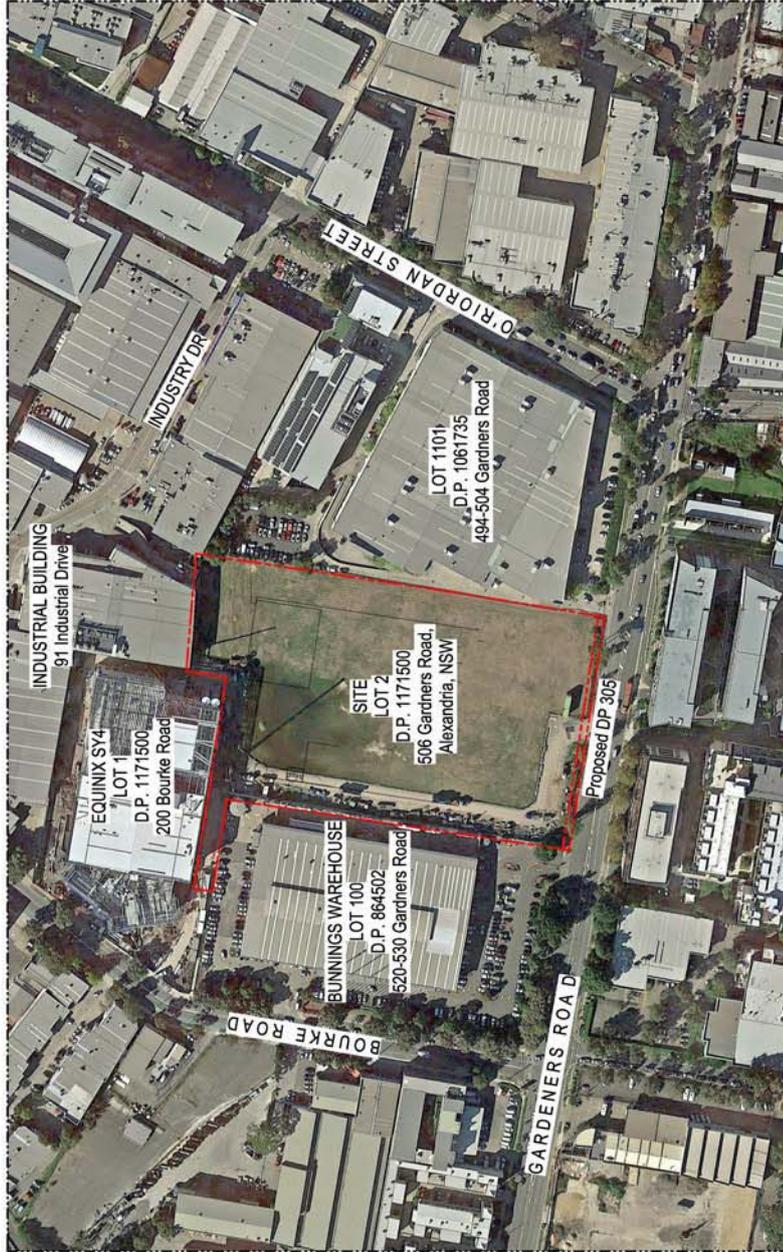
- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

# **Attachment B**

## **Architectural Drawings**





**CLIENT** EQUINIX

**ARCHITECT** WARREN AND MAHONEY

**ENGINEERING** aurecon  
www.aurecongroup.com

**APPROVAL** COUNCIL

**REVISION DETAILS**

REV	DATE	REVISION
A	15/03/17	DEVELOPMENT APPLICATION

**TRUE NORTH**

**PROJECT NORTH**

**SCALE** 1:1000  
SCALE BAR IN METERS

**DA SUBMISSION** NOT FOR CONSTRUCTION  
**APPROVED** VSH/KUMJUR  
DATE OF APPROVAL

**DRAWN** MP  
**DESIGNED** WJM  
**CHECKED** NOL

**PROJECT** EQUINIX SY6 DATA CENTRE  
 506-518 GARDENERS ROAD, ALEXANDRIA, NSW, 2015  
**CONTEXT PLAN**

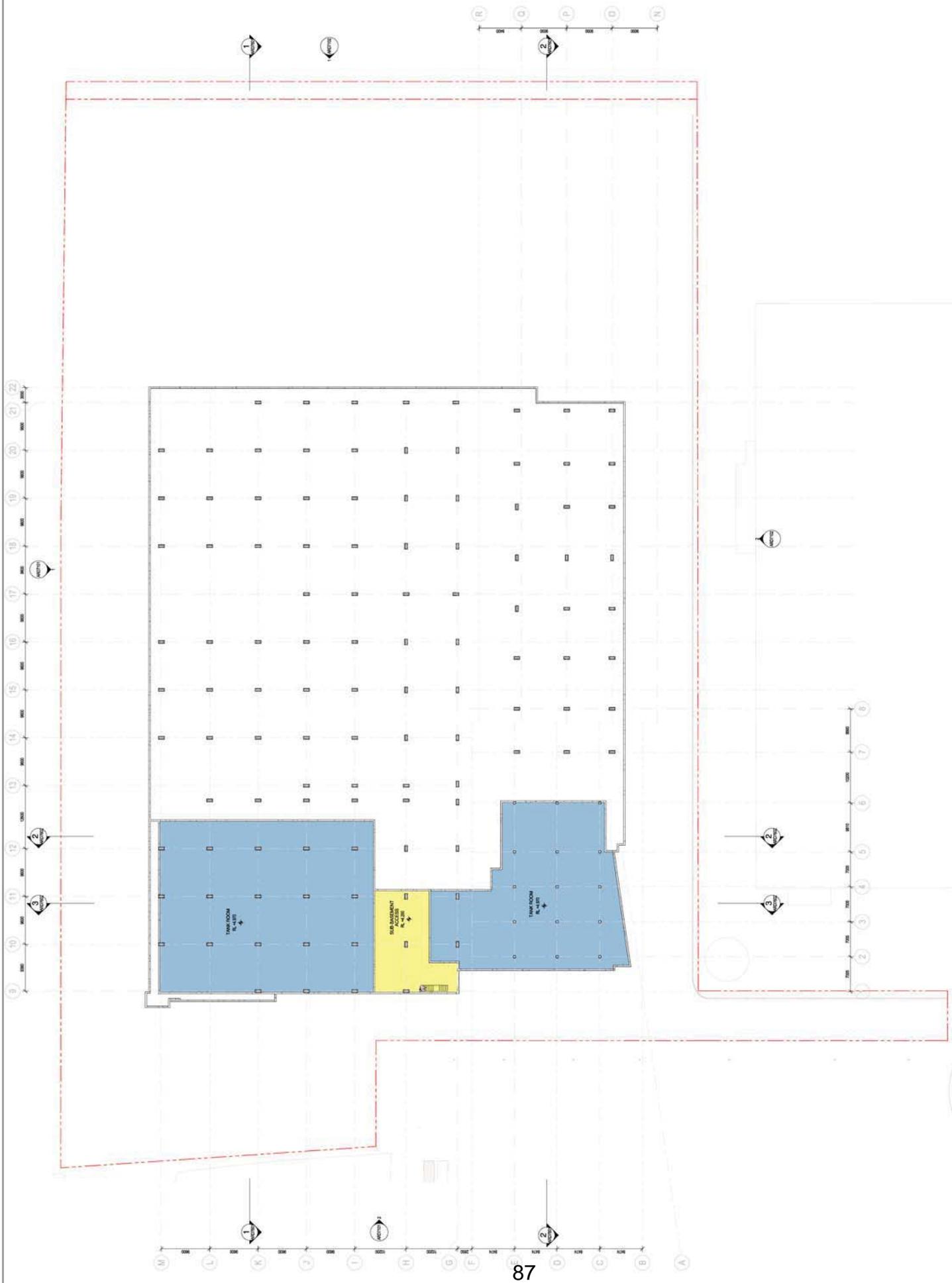
**DRAWING No.** 8254 - SY6 - DRG - APD1001







- ROOM LEGEND**
- OFFICE SPACES / CIRCULATION
  - ENTRANCE
  - WAREHOUSE
  - PLANT ROOM
  - ROOF PLANT
  - SPRINK CORRIDOR
  - FIRE ESCALES
  - TANK ROOM



**CLIENT** EQUINIX

**ARCHITECT** WARREN AND MAHONEY  
www.aurecongroup.com

**ENGINEERING** aurecon  
www.aurecongroup.com

**APPROVAL COUNCIL**

REV	DATE	REVISION DETAILS
A	15/01/17	DEVELOPMENT APPLICATION

**TRUE NORTH** PROJECT NORTH KEY PLAN

**SCALE** AS SHOWN  
1:1000  
1:5000  
1:10000

**DA SUBMISSION** NOT FOR CONSTRUCTION  
**APPROVED** VSH KUMJUR  
**DESIGNED** WJM  
**CHECKED** NDL

**PROJECT** EQUINIX S16 DATA CENTRE SUB-BASEMENT  
**TITLE** SUB-BASEMENT  
**DRAWING No.** 8254 - S16 - DRG - APD1800 - A

**ROOM LEGEND**

Blue	OFFICE SPACES / CIRCULATION
Light Blue	OFFICE
Yellow	WAREHOUSE
Orange	PLANT ROOM
Light Green	ROOF PLANT
Light Purple	SERVICE CORRIDOR
Light Blue-Gray	FIRE EGRESS
Light Green-Gray	TRAVEL ROOM



**CLIENT** EQUINIX

**ARCHITECT** WARREN AND MAHONEY

**ENGINEERING** aurecon [www.aurecongroup.com](http://www.aurecongroup.com)

**PROJECT** EQUINIX S16 DATA CENTRE  
506-518 GARDENERS ROAD, ALEXANDRIA, NSW, 2015  
LEVEL 0 - OFFICE / COLOCATION BOH

**DA SUBMISSION** NOT FOR CONSTRUCTION  
**APPROVED** VSH KUMJUR  
**DESIGNED** WAM  
**CHECKED** NOL

**SCALE** AS SHOWN  
1:1000  
1:500  
1:200  
1:100  
1:50  
1:20  
1:10

**TRUE NORTH** PROJECT NORTH

**APPROVAL**  
COUNCIL  
COUNCIL

**REVISION DETAILS**

REV	DATE	REVISION DETAILS
C	15.05.18	ISSUE FOR ALLOCATION
B	15.05.17	DEVELOPMENT APPLICATION
A	15.05.17	DEVELOPMENT APPLICATION

**ESTIMATED COST**  
March 2018  
\$1,800,000  
Phone: +61 2 8337 0000

**PROJECT NO.** 8254 - S16 - DRG - DA2000 - C

**ROOM LEGEND**

Office Space / Circulation	Office Space / Circulation
Warehouse	Warehouse
Plant Room	Plant Room
Roof Plant	Roof Plant
Space Corridor	Space Corridor
Fire Escape	Fire Escape
Wash Room	Wash Room



**REVISIONS**

REV	DATE	REVISION DETAILS
C	15/03/18	ISSUE FOR DEVELOPMENT APPLICATION
B	15/03/17	DEVELOPMENT APPLICATION
A		

Equinox Sydney  
 506-518 Gardiners Road, Alexandria NSW, 2015  
 March 2018  
 Project # 13 837 000

ARCHITECT  
**WARREN AND MAHONEY**

CLIENT  
**EQUINIX**

APPROVAL  
 COUNCIL  
 COUNCIL

TRUE NORTH  
 PROJECT NORTH  
 KEY PLAN

SCALE  
 As shown  
 1:1000  
 1:500  
 1:200  
 1:100

DATE  
 15/03/18  
 DRAWN  
 MP  
 CHECKED  
 NOL  
 DESIGNED  
 WAM  
 APPROVED  
 VSK/KUMJUR  
 NOT FOR CONSTRUCTION

PROJECT  
 506-518 GARDINERS ROAD, ALEXANDRIA, NSW, 2015  
 TITLE  
 LEVEL 1 - OFFICE / COLOCATION BOH

DRAWING No.  
 8254 - S15 - DRG - DA2100 - C

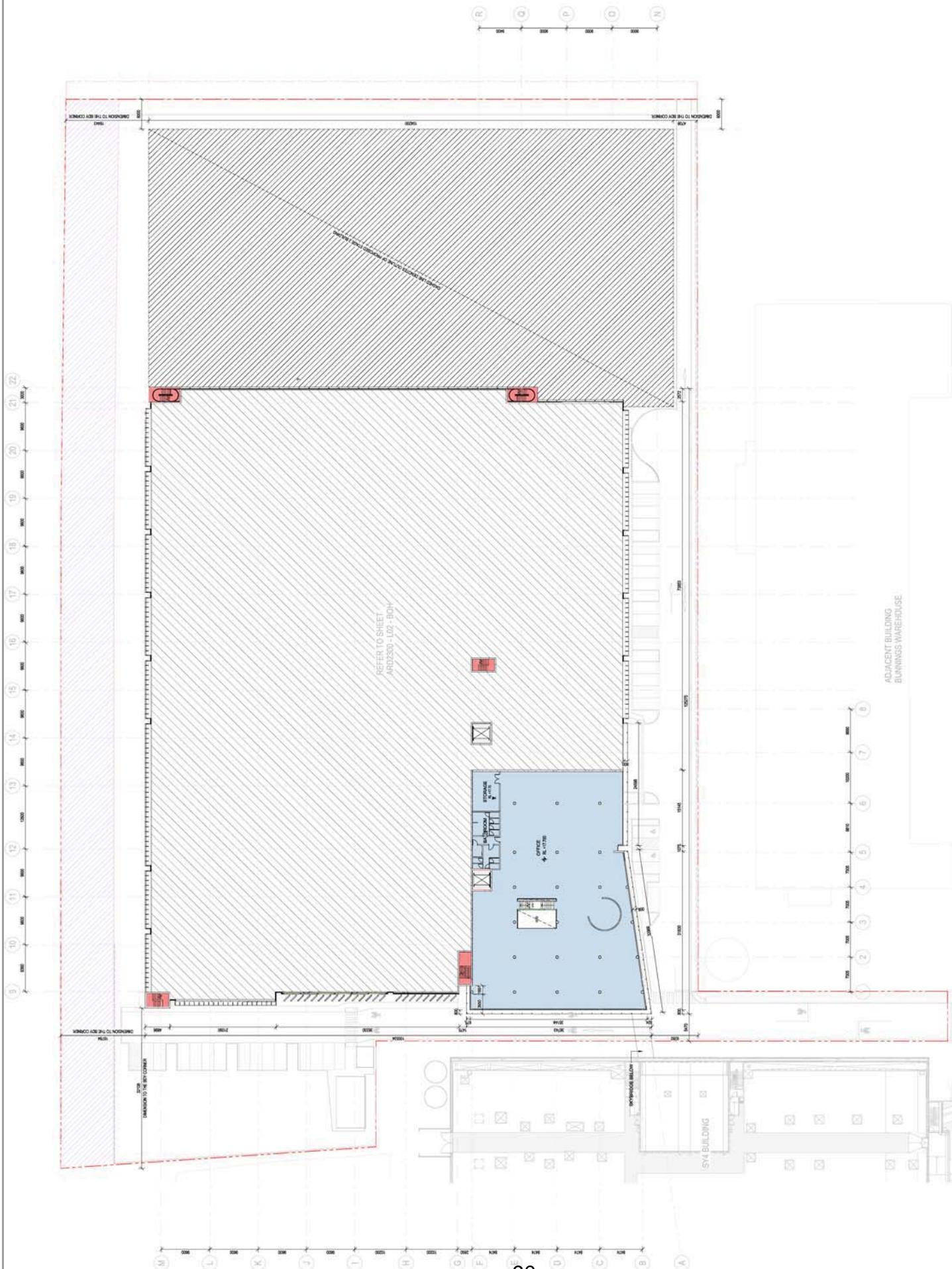
DA SUBMISSION  
 NOT FOR CONSTRUCTION

89

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**ROOM LEGEND**

[Blue Hatched]	OFFICE SPACE / CIRCULATION
[Light Blue]	OFFICE
[Yellow]	WAREHOUSE
[Orange]	PLANT ROOM
[Red]	ROOF PLANT
[Green]	SPACE CORRIDOR
[Purple]	FIRE ESCALES
[Pink]	TANK ROOM



**CLIENT** EQUINIX

**ARCHITECT** WARREN AND MAHONEY

**ENGINEERING** **aurecon** www.aurecongroup.com

**APPROVAL**

COUNCIL	APPROVAL
COUNCIL	COUNCIL
COUNCIL	COUNCIL

**REVISION DETAILS**

REV	DATE	DESCRIPTION
C	15.03.18	ISSUE RESPONSE FOR ALLOCATION
A	15.03.17	DEVELOPMENT APPLICATION

**DA SUBMISSION**  
NOT FOR CONSTRUCTION

**APPROVED** VSH KUMJUR

**DESIGNED** WM

**CHECKED** NOL

**SCALE** AS SHOWN

**TRUE NORTH** PROJECT NORTH

**PROJECT NORTH** KEY PLAN

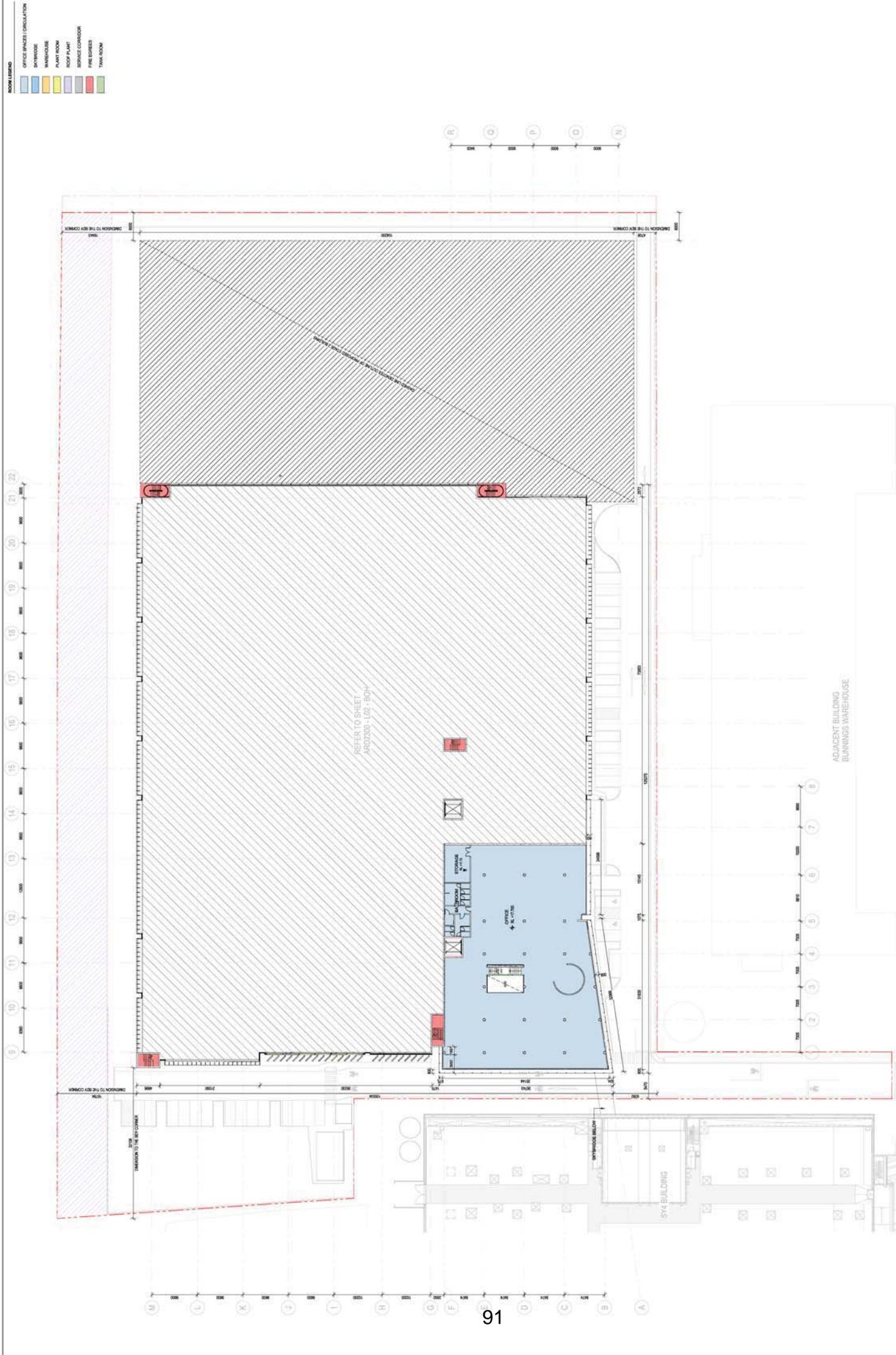
**PROJECT NAME** EQUINIX

**PROJECT NO.** 8254 - S15 - DRG - DA2200

**PROJECT TITLE** LEVEL 2 - OFFICE

**PROJECT ADDRESS** 506-518 GARDENERS ROAD, ALEXANDRIA NSW, 2015

**PROJECT NO.** 8254 - S15 - DRG - DA2200



**ROOM LEGEND**

[Blue]	OFFICE SPACE / CIRCULATION
[Light Blue]	OFFICE
[Yellow]	WAREHOUSE
[Orange]	PLANT ROOM
[Red]	ROOF PLANT
[Green]	SPACE CORRIDOR
[Purple]	FIRE EGRESS
[Pink]	TRAVEL ROOM

**CLIENT** EQUINIX

**ARCHITECT** WARREN AND MAHONEY

**ENGINEERING** **aurecon** www.aurecongroup.com

**APPROVAL**

COUNCIL	APPROVAL
COUNCIL	COUNCIL
COUNCIL	COUNCIL

**REVISION DETAILS**

REV	DATE	DESCRIPTION
C	15.03.18	ISSUE FOR DEVELOPMENT APPLICATION
A	15.03.17	DEVELOPMENT APPLICATION

**SCALE** As shown

**TRUE NORTH** [North Arrow]

**PROJECT NORTH** [North Arrow]

**PROJECT NORTH** [North Arrow]

**DA SUBMISSION** NOT FOR CONSTRUCTION

**APPROVED** VSH KUMJUR

**DATE** 15/03/2018

**PROJECT** EQUINIX S16 DATA CENTRE

**PROJECT TITLE** LEVEL 2 - OFFICE

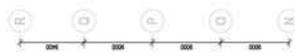
**PROJECT ADDRESS** 506-518 GARDENERS ROAD, ALEXANDRIA NSW, 2015

**DRAWING No.** 8254 - S16 - DRG - DA2200 - C



**ROOM LEGEND**

Office Spaces / Circulation	Blue
Warehouse	Light Blue
Plant Room	Yellow
Roof Plant	Orange
Service Corridor	Light Green
Fire Egress	Red
Tank Room	Dark Green



ADJACENT BUILDING  
BUNNINGS WAREHOUSE

**CLIENT** EQUINIX

**ARCHITECT** WARREN AND MAHONEY

**ENGINEERING** aurecon  
www.aurecongroup.com

**REVISIONS**

REV	DATE	REVISION DETAILS
C	15/08/18	R2 - RESPONSE FOR ALLOCATION
B	15/08/18	R1 - DEVELOPMENT APPLICATION
A	15/08/17	DEVELOPMENT APPLICATION

**APPROVAL**

COUNCIL	
COUNCIL	

**TRUE NORTH**

**PROJECT NORTH**

**SCALE** 1:500  
As shown  
Scale 1:1000 - 1:10000  
Scale 1:10000 - 1:100000

**DATE** 15/08/2018

**PROJECT** EQUINIX S76 DATA CENTRE  
506-518 GARDENERS ROAD, ALEXANDRIA NSW, 2015  
LEVEL 3 - OFFICE

**DA SUBMISSION** NOT FOR CONSTRUCTION

**DRAWN** MP  
**DESIGNED** WM  
**CHECKED** NDL

**APPROVED** VSH KUMJUR  
**DATE** 15/08/2018

**PROJECT No.** 8254 - S76 - DRG - DA2400

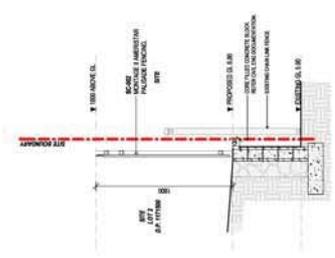




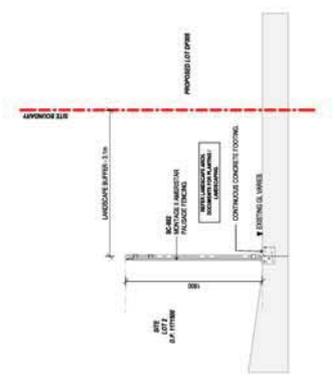




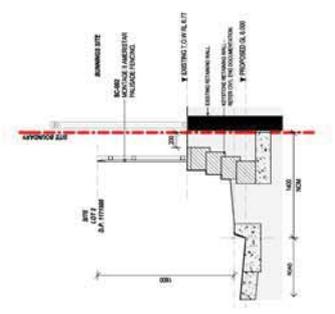




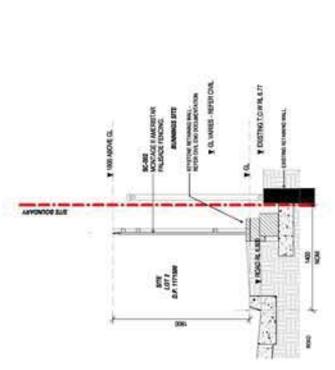
SECTION 1  
1:25  
DATE



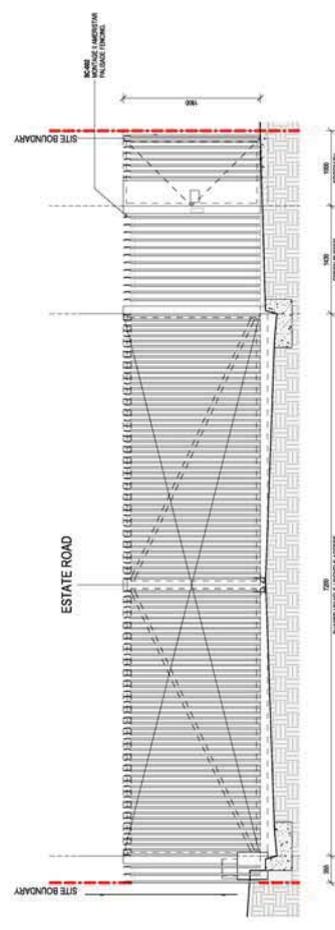
SECTION 2  
1:25  
DATE



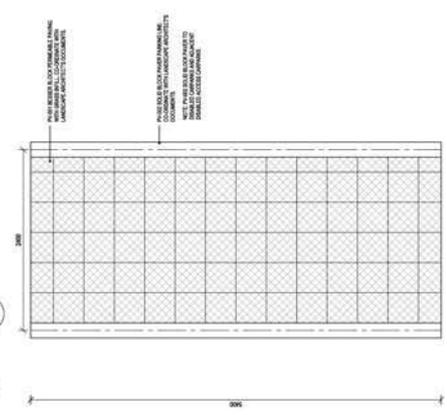
SECTION 3  
1:25  
DATE



SECTION 4  
1:25  
DATE



ELEVATION 6  
1:25  
DATE



DETAIL 5  
1:25  
DATE





ARCHITECT: WARREN AND MAHONEY  
 CLIENT: EQUINIX  
 ENGINEERING: aurecon

Project Name: EQUINIX S15 DATA CENTRE  
 Address: 506-518 GARDENERS ROAD, ALEXANDRIA, NSW, 2015  
 Drawing Title: PROPOSED SITE PLAN - FENCE SECTIONS  
 Drawing No: 8254 - S15 - DRG - DA1102

DATE	REVISION	DESCRIPTION
10/05/18	A	ISSUED FOR CONSTRUCTION

APPROVAL: [Signature] COUNCIL: [Signature]  
 APPROVAL: [Signature] COUNCIL: [Signature]

DRAWN: AC  
 DESIGNED: WJM  
 CHECKED: NDL  
 DA SUBMISSION: NOT FOR CONSTRUCTION  
 APPROVED: VSH KUMAR  
 DATE: 10/05/18

SCALE: 1:25  
 NORTH: [North Arrow]











 www.aurecongroup.com	 WARREN AND MAHONEY	 EQUINIX	Revision History Issued: 10/01/2010 Project # 112 8227 2000	REV	DATE	REVISION DETAILS	APPROVAL	PROJECT NORTH	KEY PLAN	SCALE	SIZE	DRAWN	DA SUBMISSION	PROJECT	EQUINIX SVS DATA CENTRE 505-515 GARDENERS ROAD, ALEXANDRIA, NSW, 2015 RENDERED PERSPECTIVE SHEET 3
				A	10/01/2010	DEVELOPMENT APPLICATION	COUNCIL	TRUE NORTH	KEY PLAN	1:100	A3	NCL	NOT FOR CONSTRUCTION	PROJECT	
												DESIGNED	APPROVED	TITLE	DRAWING No. 8224 - SVS - DRG - A PROJECT No. AR09003
												WAM	DATE		
												NCL	CHK		
												CHECKED			

# **Attachment C**

<h2><b>Clause 4.6 Variation</b></h2>
--------------------------------------

**Table - Clause 4.6 Exception to Development Standards**

Criteria	Consideration
<b>Clause 4.6 – Exception to Development Standards Criteria</b>	
<p>(1) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</p>	<p>The maximum building height specified for this part of the site is 18m. The proposed development reaches a maximum building height of RL 26.95 m which is 1.75 m, or 9.72% above the prescribed development standard.</p> <p>In the case of the proposed development, the final maximum building height is a result of a number of key influences, being:</p> <ul style="list-style-type: none"> <li>■ The building height is determined by the following factors</li> <li>■ The flood level on the site which sets the ground slab level</li> <li>■ The colocation hall make up which sets the floor to floor height</li> <li>■ Selected mechanical plant which sets the roof plantroom height</li> <li>■ Provision of a roof over the mechanical plantroom.</li> </ul> <p>The data centre operates by selling functional space to external customers. In order for this to be viable the data centre must respond to industry recognised standards and protocols. Failure to respond to these requirements would result in Equinix being unable to sell their product, namely data centre space.</p> <p>It is a building insurers and customer requirement that as a disaster recovery facility, all critical equipment is located above the 1:500yr flood level. Due to the geography of the site and the comparatively high 1:100 year level, it has been decided to include 500 mm freeboard on the 1:500 year flood level. This is the minimum level that would be acceptable for a data centre.</p> <p>The floor to ceiling dimensions shown on the associated architectural plans are engineered to provide the required functionality to the colocation halls and cannot be reduced without compromising efficiency, flexibility and usability of the data halls.</p> <p>A roof parapet has been provided in response to a safety in design assessment to provide maximum passive protection to personnel inspecting the roof and any associated gutter installations, whilst also working to provide a visual screening this this section of the facility.</p> <p>The height of the building is therefore driven by functional factors and not aesthetics or yield. The various components have been engineered to a minimum and cannot be reduced without compromising the customer expectations of the data centre or the energy efficiency factors which would make the development unviable.</p> <p>The part of the facility which is subject the height exceedance has been set back from Gardeners Road approximately 62 m which will help to reduce the scale and minimise the impact of the facility on the public domain to the south. A setback of 6m has also been provided to the east, stepping the building away from the future through site link. Upon delivery of this road by council, which is not anticipated prior to the 2020, the proposed landscaping in this area will be established to a degree that it will act to reduce the impact of the facility on those using this north/south connection.</p>

Criteria	Consideration
<p>(2) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>The objectives of the Maximum Building Height standard in SLEP 2012 are:</p> <ul style="list-style-type: none"> <li>■ to ensure the height of development is appropriate to the condition of the site and its context</li> <li>■ to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas</li> <li>■ to promote the sharing of views</li> <li>■ to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas</li> <li>■ in respect of Green Square: <ul style="list-style-type: none"> <li>– (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site</li> <li>– (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.</li> </ul> </li> </ul> <p>The proposed development lies east of a Bunnings Warehouse on the corner of Gardeners Road and Bourke Street, west of a Harvey Norman outlet on the corner of Gardeners and O’Riordan Street and the Sydney Corporate Park to the north which accommodates a wide range of older industrial and contemporary commercial buildings. The scale of these buildings is substantial and with the 25 m maximum building height zoning along Gardeners Road intersecting the site, the scale of new development on surrounding land is both expected to, and appears be, increasing over time.</p> <p>The data centre under this Concept Development Application would not be out of scale with the surrounding built form and has been designed to minimise the visual impact of this element. The proposal responds the Equinix SY4 facility immediately to the north by establishing a similar height RL.</p> <p>The potential impacts of the building and in particular its proposed height on the surrounding area have been assessed, including the potential for overshadowing, loss of views, privacy and general visual amenity.</p> <p>Shadow diagrams have been produced and included with the Architectural Package at <b>Appendix C</b>. These diagrams demonstrate that the potential overshadowing impacts of the development are acceptable in relation to Council’s specified criteria at both the Stage 1 and Stage 2 development milestones. Further, the proposed development would not obstruct or impede significant views or view corridors as ultimately the 25 m portion of the development will sit higher than the northern element of the facility, the subject of this request for variation. Furthermore the views to the city from those residents located on the southern side of Gardeners Road are not considered to be iconic views when the quality of the view is assessed according to the Tenacity Planning Principle.</p> <p>Due to the industrial character of adjacent development and the nature of the floor space provided at higher levels of the building (largely occupied by plant with minimal GFA for access to service plant), there would be no adverse impacts in terms of privacy or overlooking. Any overlooking would be directed back towards the Equinix SY4 facility or in the car parking space of the Bunnings Warehouse.</p> <p>In terms of general visual amenity, the primary purpose of the roof form which represents the highest element of the building is to screen rooftop plant from view and as such, improves the aesthetics of the development when viewed</p>

Criteria	Consideration
	<p>from the public domain. The building as designed would not be out of character or scale with that of surrounding development.</p> <p>For the reasons described above, the proposed development is considered to be appropriate to the condition of the site in its context, as prescribed under the objectives of the clause. The proposal as designed is considered to remain consistent with the underlying objectives of the height standard, despite the minor non-compliance with the maximum building height for the site.</p> <p>As described above, the reason for the proposed building height is purely functional and does not relate to maximising yield from the development. The proposed facility incorporates state of the art plant and equipment, designed to minimise energy and water consumption in the operation of the data centre. A large part of this is due to the location of the plant on the roof, rather than at basement level where mechanical ventilation and cooling would be required. The exceedance of the height limit is in larger part due to the housing of this plant, without which the environmental performance and sustainability of the proposed facility would be significantly affected. The substantial gains in terms of efficiency, sustainability and environmental performance are considered to far outweigh the potential negative impacts of the proposed built form on the site.</p> <p>For these reasons the proposed exception to the height standard is considered to be justified on environmental planning grounds and is considered to be generally in the public interest.</p> <p>It is therefore requested that Council grant consent to the minor variation to the development standard specified in Clause 4.3 of SLEP 2012.</p>

Overall, the proposed variation is considered to be justified as:

- The development in the form proposed still meets the objectives of Clause 4.3
- The design of the development and its subsequent height is a response to the drive to make the facility a 'best practice' facility, utilising the latest technology and configuration to achieve new benchmarks for sustainability in data centre operations
- compliance with the height limit would mean reverting to the use of older technology which would not achieve the same levels of performance and which would result in significant increases in energy and water consumption in the operation of the facility
- The proposed development as designed would not impact adversely upon adjoining landowners or the character of the area by way of overshadowing, privacy, access to views or general visual amenity
- The proposed development as designed would be in the public interest as it balances environmental considerations with amenity considerations to present a proposal which will integrate with the surrounding environment.