

Attachment C

Clause 4.6 Variation

Table - Clause 4.6 Exception to Development Standards

Criteria	Consideration
Clause 4.6 – Exception to Development Standards Criteria	
<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"> ■ The building height is determined by the following factors ■ The flood level on the site which sets the ground slab level ■ The colocation hall make up which sets the floor to floor height ■ Selected mechanical plant which sets the roof plantroom height ■ Provision of a roof over the mechanical plantroom. <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>

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<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"> ■ to ensure the height of development is appropriate to the condition of the site and its context ■ to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas ■ to promote the sharing of views ■ to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas ■ in respect of Green Square: <ul style="list-style-type: none"> – (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site – (ii) to ensure the built form contributes to the physical definition of the street network and public spaces. <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 Appendix C. 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>

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	<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.