

ADDENDUM

TO THE
STATEMENT OF ENVIRONMENTAL EFFECTS
FOR THE
ERECTION
OF AN
INTERNET EXCHANGE CENTRE
KNOWN AS
SYD3
AT

639 GARDENERS ROAD MASCOT

DA 10/ 92

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INTRODUCTION

Following submission of a development application for the erection of a commercial building, known as SYD3 for its use as an Internet Exchange Centre, a meeting was held at the Council on 2 November 2009 to discuss a number of Issues and as well a number of letters have been sent from the Council requiring additional information. Some of these matters are outlined below with relevant comments and additional information

In summary, it is inevitable any new development proposal would have impacts. The design has considered the requirements of both the LEP and DCP as well as the surrounding environment and we have attempted to minimise the impacts accordingly. The development has been designed to comply with the Botany DCP and is well within the requirements of the maximum floor space ratio and building height permitted by this DCP

A/. OBJECTIONS

1. Loss of Views/ Outlook

Comment –

Objections have been received from 2 dwellings within two mixed use developments concerning the –

- Loss of city views
- Loss of clear aspect
- Feeling of being ‘boxed in’

With this in mind, and considering the issue of potential view impacts from a number of dwellings within adjoining existing developments in the immediate locality, detailed consideration has been undertaken using the planning principle, developed by the Land and Environment Court, for the purpose of establishing the potential impact on the dwellings and the occupiers of these two dwellings. This is a four part test as follows:-

Views to be affected?

Unit 118 Level 4, 1-5 Bourke Road

The current views that may be affected are to the north and north west and include the city skyline and a foreground outlook between the city and the site of the proposal; current views of the city skyline, although from a considerable distance, as seen from the south are valued by the occupant

Unit 255 Levels 6/ 7, Blg E, 635 Gardeners Road

The current views that may be affected are of an outlook from the north west to the west, including at some considerable distance from the viewer, both a part of a pylon of the Anzac Bridge and chimney stacks at Sydney Park; being a milieu of built forms interspersed with landscaping and are considered pleasant

Where are the views obtained?

Unit 118, 1-5 Bourke Road

The views are available from –

- Living/ dining/ kitchen areas and adjacent balcony
- Bedrooms and adjacent balcony

Views can be seen from both a sitting and standing position

Unit 255, 635 Gardeners Road

The views are available from –

- Lower level living and dining areas and adjacent balcony
- Lower level west facing balcony
- Upper level bedroom 2 (utility room)

Views can be seen from both a sitting and standing position

Extent of the impact?

Unit 118, 1-5 Bourke Road

The view loss is considered negligible from any room within the dwelling as there is no loss of the highly valued view of the city skyline although there will be a loss of foreground outlook

Unit 255, 635 Gardeners Road

The view loss is considered minor to negligible as the views lost are of a pleasant outlook only, the views of part of the Anzac Bridge are at a very considerable distance from the property and are in the background; the views of the chimneys at Sydney Park are in the middle ground

Reasonableness of the Proposal?

The proposed development complies with both –

- the height control (in storeys) and
- the floor space ratio control

within the DCP; it being noted that the objective of the height control relates to scale as well as impacts such as views/ outlook and the objective of floor space ratio which governs bulk, scale and density

Any design of a building in this location as part of a redevelopment of No 639 Gardeners Road to a similar height as recent mixed use developments in the immediate locality and as permitted under the current controls, would have the potential to impact on the view/ outlook from adjacent dwellings to a much greater extent

The outlook affected from the dwelling at 1-5 Bourke Road will be of the foreground of built form with landscaping but there will be no loss of the view of the city skyline

The outlook affected from the dwelling at 635 Gardeners Road is within a built form which is four buildings from the streetfront and requires the observer to turn the eye toward the view/ outlook,

that is to the north west and west due to the scale of other buildings within the existing development at 635 Gardeners Road

It is also of note that the height of the proposed building will be below that of the streetfront building within 635 Gardeners Road and further, any redevelopment of the site at 639 Gardeners Road could potentially create even greater adverse view/ outlook issues due to the floor space and scale of development permitted under the Council's controls (see plan of a proposed residential redevelopment and likely view loss prepared by Drew Dickson Architects at Appendix A1)

It is therefore considered that the view sharing principles are reasonable in this instance; there is no loss of high value views but there is a loss of outlook of the foreground

See also photomontages developed by Drew Dickson Architects to support the above conclusions at Appendix A1

2. Building height

Comment –

The overall height of the proposed building is compliant with the DCP and is 21.995 metres and proposes a part two/ part four storey scale of development. Should a seven or eight storey building be constructed, a maximum height of approximately 25 metres (8 x 3.1 metres) would eventuate

The Council's Mascot Station Precinct DCP permits seven storeys over all of the land with eight storeys permitted at Gardeners Road to accentuate and enhance the entrance into the precinct; the proposal more than complies with this control

The scale of the proposed building is similar to the scale of a seven storey residential building

Moreover and importantly, the proposal satisfies the objectives of the control in that –

- The proposed scale and design of development highlights and helps to designate a key focus point of the DCP
- The scale of the proposed building relates well in terms of numbers of storeys to existing and proposed adjacent developments on the south side of Gardeners Road, within the area of the DCP, particularly in relation to existing developments to the east and south and the hotel proposed to the west
- The floor space ratio of the proposal is considerably below the DCP requirement and the building height is also below the maximum permitted
- The Bourke Street pedestrian area is not part of this locality and neither is the O'Riordan Street transitional area

The height of the proposed building is reasonable in this instance and does not create any unreasonable adverse environmental or amenity impacts externally

3. Quality of life

Comment –

It is assumed the 'quality of life' issue relates to a potential loss of this quality due to the erection of this built form adjacent to an existing mixed use commercial/ residential development to the east at 635 Gardeners Road

This locality is undergoing change and there will always be potential conflicts between differing land uses, and in particular residential use adjacent to other existing or proposed permitted land uses

It is worth noting that the past uses on this site at the location of the Proposed SY3 and existing SY2 were industrial with the potential for greater adverse impacts such as noise, traffic and odours

The use is permitted within the zone (see legal advice from Pikes Lawyers dated 19 November 2009 which concludes '....As the use on the site can clearly be seen to be for commercial purposes and thus falls within the definition of commercial premises but does not fall within any relevant prohibited use of purpose, the proposal is permissible on the site as commercial premises within the 10(a) zone under the LEP') and the bulk and scale comply with the Council's controls

The impact of a large general office/ commercial premises or residential use would have a greater impact on the quality of life with the potential for a loss of privacy. The proposed internet exchange facility has a nil impact on the privacy of the existing apartments occupants adjoining

It is therefore considered that there will be no material diminution of the existing quality of life to any dwelling or occupant of the existing mixed use development at No 635 Gardeners Road

4. Loss of property value

Comment –

The loss of property value is assumed to relate to the adjoining mixed use development to the east

The land to the east has the same zone and land uses permitted as the site at No 639 Gardeners Road which is Zone 10(a) Mixed Uses Commercial/ Residential and allows for commercial premises, convenience shops, residential flat buildings and serviced apartments amongst other uses

The proposed development proposes commercial premises, as an internet exchange centre, which is similar to the uses within the other two existing buildings on site

The use is permitted in this mixed use zone

The proposed development as part of the overall buildings on the site complies with both the floor space ratio and building height requirements of the relevant DCP

As well, the proposed development satisfies the objectives of the zone in that –

- The proposed development, being commercial premises is a permitted non-residential activity in a well designed building to help revitalise the locality
- The proposed use is quiet and is not a traffic generator
- The proposed design of the building creates an interesting backdrop to Gardeners Road thereby providing a positive contribution to the streetscape

It is therefore not reasonable that the proposal will create a loss of property values

5. Loss of sunlight

Comment –

The Architect has provided additional shadow diagrams of shading of the existing development to the east between 9 am to 3 pm midwinter and also imposed the proposal to see the potential impact in the afternoon

The proposed development does not create any overshadowing of the adjoining mixed use development to the east until after 12 noon mid winter

The shading that will occur to the north west corner of part of the proposed development could affect potentially between two and six apartments between 1pm and 3pm midwinter, realising that existing dense landscaping along this common boundary will currently create shading of a number of apartments

The Council's Energy Efficient DCP requires that all commercial developments do not materially increase the overshadowing of adjoining buildings and reduce the level of solar access to these buildings

It is considered that the shading of part or whole of a small number of dwellings facing north west within a complex containing 319 dwellings are not material and will not significantly reduce the level of solar access

As well, it is worth considering the rule of thumb requirements contained within the Residential Flat design Code which suggests that living rooms and private open spaces for at least 70% of dwellings should receive a minimum 3 hours of sunlight between 9 am and 3 pm midwinter as is the situation here

See shadow diagram prepared by Drew Dickson Architects at Appendix A2

6. Traffic

Comment –

The applicant's traffic consultant considers that the proposal will not create any adverse traffic and parking problems in the locality, realising that all traffic will enter and leave the site via Church Avenue; there is no access proposed for clients/ workers off Gardeners and Bourke Roads

Also and importantly Mascot Railway Station and public bus services are available with a short walk

An equivalent sized residential building would require a considerable increase in parking required and additional traffic generation on the surrounding road system

The internet exchange facility proposed will have far less traffic movements than a typical general office or mixed use type development. There will be minimal permanent users than such a typical office type use

It is not considered that there are any adverse traffic impacts within the local area due to the proposal

7. Noise

Comment –

It is noted that the proposal does not create or is affected by an uncontrolled noise source that however could be the case with residential accommodation on the site, similar to No 635 Gardeners Road adjoining to the east

Recycling – usually between 6-7 am but has an impact (see Plan of Management)

This situation is no different than normal waste and recycling services throughout any residential area which usually occurs in the early morning between 6.00am and 8.00am

Leaf blower – (see Plan of Management)

Roller door – (see Plan of Management)

Deliveries – sometimes at 2.45 am – (see Plan of Management)

See Plan of Management at Appendix A3

8. Construction Noise

Comment –

Construction hours are usually conditioned and can be policed by the Council's officers, rangers and/or police

Construction activities at night are not permitted unless there is a special approval granted by the Council for some specific works

Construction activities are permitted on Saturdays but no works are permitted on Sundays or public holidays usually

9. Steam

The existing stem is in fact water vapour from the airconditioning condenser units at SY2 which dissipates quickly and before it reaches the boundary. It is proposed that there will be no issues of water vapour created by the proposed development

B/. URBAN FORM

Comment –

The Botany Design Review Panel considered a draft of the proposed development at a meeting held on 21 May 2009 and raised issues in respect of –

- Contextual opportunities – relationship to the building domain/ significant trees/ ground level activation
- Built form – internal access road and removal of vehicular access to Gardeners Road are supported / pedestrian access; activation at street level; visual permeability; after hours security/ possible public art display

- Massing – space between proposed built form and building to the south; solar access to units in the adjoining residential property to the east
- Facade design – (near to street corner) appear to adequately respond to the context by the expression of a conventional storey height and scaled down modulation; further sensitive is required to the other facades; building appears too dark in tone
- Height – equivalent to 5-6 storeys which is appropriate
- FSR – complies
- Resource, energy and water efficiency – incorporate full environmental sustainability; incorporate solar protection and natural ventilation to facades
- Landscape – comprehensive landscape design required; site and street trees should be retained; integrate lighting and landscape
- Amenity – an awning could be provided with the design of the street facades
- Aesthetics – signage should be fully integrated with the facade design; external materials should not be as dark as shown on photomontage
- Conclusion – preliminary scheme supported in general with further consideration of issues raised

The final design as incorporated into the Development Application has considered the following in response to the Panel's discussion and the following comments have been provided by the Architect –

'....The building is appropriate in terms of height, bulk and scale and compatible with recent surrounding developments....The building is heavily articulated with strong and deep vertical elements in the Gardeners Road and Bourke Street facades. The wall colours have been lightened in response to the DRP comments....The corner of the building at the Gardeners Road/ Bourke Street intersection has been designed to respond to the significance of this corner as a Gateway to Botany Bay LGA, with strong vertical and horizontal fins contrasting with a weathered-metal facade to create an exciting architectural statement. The static facade will be supplemented with subtle lighting effects to ensure the corner feature is promoted 24 hours a day....The DRP requested activation of this corner and in response we have incorporated a public art feature comprising colourful structural steel sections around the site perimeter which vary in height to create a wave effect from Gardeners Road to Bourke Street. These steel sections also have a practical purpose as they act as a physical barrier to vehicles....Due to the setbacks required to Gardeners Road and Bourke Street, it is impractical to provide a street awning and there are no other developments in this vicinity that provide an awning. The setback areas are used to create screen landscaping to the street facades, and the extent of the proposed new landscaping will be greater and of better quality than currently exists....There will be no signage on the building.'

C/. BUILDING SEPARATION

Comment –

A plan has been provided showing the distance between the proposed building and the western edges of adjoining buildings to the east at No 635 Gardeners Road

The proposed building is separated from the existing development to the east, at No 635 Gardeners Road, by between 19.65-31.77 metres as shown on the Drawing titled BUILDING SEPARATION PLAN 27 NOV 09 prepared by Drew Dickson Architects at Appendix A4

This is considered a more than reasonable separation between developments for the purpose of landscaping, solar access and privacy impacts

D/. COMMUNAL OPEN SPACE/ DEEP SOIL PLANTING

Comment –

Minimum amount of communal open space Required: 20.00%

Existing: 15.22%

Proposed: 14.83%

The existing and proposed developments do not comply with the communal open space and deep soil planted area; it being noted that the difference between the existing situation and that proposed additional loss represents 64 sq. metres which represents only 0.39% of the site area

All of the area allocated as communal open space is available for deep soil planting

The Gardeners Road carriageway setback is 13.0 metres and can provide both public and private landscaping

The Bourke Road carriageway setback is 6.0 metres and can provide both public and private landscaping

The proposed building is located more than 3.0 metres from the common boundary of the existing mixed use development to the east No 635 Gardeners Road and there is an additional 6.0 metres to an outside parking/ driveway area within the adjoining development

The proposal in any event satisfies the objectives of the control in that –

- The open space setbacks and deep soil planting areas will soften the visual impact of the proposed built environment from both the public and private domain
- The proposed landscaped open spaces will enhance the existing streetscapes for both Gardeners and Bourke Roads as well as the general amenity and appearance of the locality
- An existing open car park at the corner of Gardeners and Bourke Roads is to be removed to create the new built form and this will on further benefit to the landscaped and built form quality of the locality

The communal open space has been designed to encourage –

- Outlook
- Solar access
- Ventilation
- Building-to-building separation
- Visual and acoustic privacy

particularly from the part residential development to the east

The communal open space has been designed –

- To provide balance between open space and built form
- To enhance the overall appearance of the development
- No residential development is proposed and therefore there is no passive recreation

Due to the high security requirements of the owner of the business, staff and visitors to the site will not be permitted to wander around the external areas of the site for recreational purposes – this purpose is to occur internally within the buildings. There is therefore no requirement for communal open space. For the minimal number of staff and visitors to the complex, extensive indoor work and lounge areas have been provided. However the street setback areas will appear as communal open spaces and will be heavily landscaped

Finally, in relation to this matter, the control relating to communal open space as described in the DCP appears to relate the requirement for ‘residential accommodation’ whereas the intention of this open space is to predominantly enhance the appearance of the proposed commercial development and reduce any potential negative impacts

E/. SIDE SETBACK

Comment –

The setback of the proposed development to the Bourke Road boundary is 3.0 metres as per the Site Plan prepared by Drew Dickson Architects

There is a further 3.2 metre wide setback between the property boundary and the actual road carriageway

This setback is similar and in line with the adjoining Bourke Road setback of SY1

It is considered that the proposed Bourke Road setback is reasonable in this instance and in any event satisfies the relevant objectives by allowing the planting of appropriate landscaping to soften the impact of the built environment; it being noted that there is no footpath on the eastern side of Bourke Road

F/. SOCIAL AND ECONOMIC IMPACT

Comment –

This proposal is the third and final building form on the site for the purpose of an internet exchange centre dealing with computer generated information within Australia and internationally for a number of companies that need and rely on worldwide internet data information as soon as possible

The existing and proposed facilities are required to operate 24 hours per day, seven days a week in an airconditioned controlled environment and with access to electrical power

The site provides all of the above requirements and therefore provides social and economic benefits for the Sydney region in particular

G/. SITE SUITABILITY

Comment –

The land is suitable for the existing and proposed uses as it is zoned Mixed Uses Commercial/ Residential and commercial premises are permitted with consent and this is the proposed use (see legal advice re permissibility)

The site is also important as it is close to the location of major international communication cables from overseas which arrive on shore at Botany Bay

As well, the site is located in close proximity to a railway station, linking the city, public bus transport is available and direct road access is available to the city and beyond

The site has been assessed in relation to a large number of issues and considered acceptable on this site as follows –

- Environmental issues
- Contaminants
- Soil erosion
- Soil quality
- Hazardous and offensive development
- Air quality
- Water quality
- Heritage
- Vibration
- Odours
- Bushfire prone land
- Biodiversity
- Traffic and parking
- Crime prevention
- Rail corridors and busy roads
- Subsidence
- Flooding
- Vegetation
- Watercourses

The site is ideally suited for the proposed use

H/. PUBLIC INTEREST

Comment –

The Council has received four submissions concerning the proposal out of the 438 number of letters sent to adjoining properties and residents which represents 0.9%; this is minor

As well, the use is one of a very few such important operations located within Australia and is of considerable benefit to companies and large organisations

It is not considered that the proposal has generated a large interest from the public

J/. LETTER DATED 3 NOVEMBER 2009

FUEL PUMP ROOM – information provided to Council

RAIL CORP LETTER – awaiting Railcorp approval

OBJECTIONS – see above under point A

BOURKE ROAD ACCESS – information provided to Council

OVERSHADOWING – drawing provided by Architect and see above under point A5

ENERGY EFFICIENCY STUDY – information provided to Council

WIND STUDY – information provided to Council

FLOOR SPACE RATIO – information provided to Council by the Architect and see following

Comment –

Site area Existing: 16610.00 sq. metres

Maximum overall floor space ratio Existing: 0.64:1

Maximum overall floor space ratio Proposed: 0.65:1

Maximum SY3 floor space ratio Proposed: 0.17:1

(figures prepared by Drew Dickson Architects)

The floor space ratio proposed on this site is very much within the required ratio within the DCP and more importantly satisfies the objectives in that –

- The proposed building complies with the zone and land use requirements and provides commercial space in a well designed and properly mannered way
- The proposed development complies with both the floor space and building height retirements of the DCP
- The existing site area has been used for the purpose of determining the floor space proposed notwithstanding the Council's proposed widening of Church Avenue

The difference between the above figures and the figure within the Statement of Environmental effects is that old and incorrect figures were used for the amount of existing floor space within SY1 and SY2 as well as Building A

SITE COVERAGE – see drawing titled SITE COVERAGE CALCULATION dated 27 Nov 09 prepared by Drew Dickson Architects

Site Area Existing: 16610 sq. metres

Site coverage of SY1 & SY2 Existing: 7204 sq. metres

Site coverage of SY3 Proposed: 3613 sq. metres

Total Site Coverage Proposed: 65.12%

(figures prepared by Drew Dickson Architects)

The proposed development satisfies the objective of the control in that –

- The proposed development complies with both the floor space ratio and building height controls, both of which are concerned with bulk and scale and consequently overdevelopment
- The proposed development provides for effective landscaping to both street frontages and also along the eastern side boundary
- There is also a very large separation between the proposed development and nearest adjoining built form
- There are no material adverse amenity impacts in terms of –
 - Solar access
 - Privacy
 - Views
 - Daylight and ventilation

The proposed development provides for a large area surrounding the proposed built form, to Gardeners Road, along the eastern boundary and Bourke Road for the purpose of landscaping for visual purposes to help to break down the impact of the built form

See Site Coverage Plan at Appendix A5

PERMISSIBILITY – information provided to Council

STORMWATER MANAGEMENT – information provided to Council

TRAFFIC AND ACCESS – information provided to Council

URBAN FORM – see above under point B

BUILDING SEPARATION – see above under point C

COMMUNAL OPEN SPACE/ DEEP SOIL PLANTING – see above under point D

SIDE SETBACK – see above under point E

ACID SULPHATE SOILS – Management Plan provided to Council

SOCIAL AND ECONOMIC IMPACTS – see above under point F

SITE SUITABILITY – see above under point G

PUBLIC INTEREST – see above under point H

LANDSCAPE ASSESSMENT – being dealt with separately

CONCLUSION

The applicant and Equinix Pty Ltd have considered the issues raised by the Council in letters and as per meetings with officers and the above represents a detailed response to those identified issues

APPENDIX

A1 PHOTOMONTAGES

A2 SHADOW DIAGRAM

A3 PLAN OF MANAGEMENT

A4 BUILDING SEPARATION

A5 SITE COVERAGE PLAN